



CONSTITUTION

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(This replaces all versions numbered 8.5 or less)

NOTE

The officer titles used in this Constitution reflect the Organisational Structure as at the date of publication. This may change from time to time please refer to the Monitoring Officer if in doubt.

| | |
|--|-----|
| EXECUTIVE SUMMARY | 4 |
| THE COUNCIL'S CONSTITUTION..... | 4 |
| ARTICLE 1 - THE CONSTITUTION..... | 6 |
| ARTICLE 2 - MEMBERS OF THE COUNCIL..... | 7 |
| ARTICLE 3 - CITIZENS AND THE COUNCIL..... | 16 |
| ARTICLE 4 - THE FULL COUNCIL..... | 17 |
| ARTICLE 5 - THE CABINET | 20 |
| ARTICLE 6 - SCRUTINY COMMITTEE'S..... | 23 |
| ARTICLE 7 - PLANNING COMMITTEE, LICENSING COMMITTEE AND APPEALS COMMITTEE (THE REGULATORY COMMITTEES)..... | 31 |
| ARTICLE 8 – APPOINTMENT COMMITTEE..... | 36 |
| ARTICLE 9 - AUDIT COMMITTEE..... | 38 |
| ARTICLE 10 - ISLE OF WIGHT PENSION FUND COMMITTEE | 41 |
| ARTICLE 11 - ISLE OF WIGHT LOCAL PENSION BOARD..... | 45 |
| ARTICLE 12 – ISLE OF WIGHT FIREFIGHTERS’ PENSION BOARD..... | 52 |
| ARTICLE 13 – ISLE OF WIGHT HEALTH AND WELLBEING BOARD..... | 59 |
| ARTICLE 14 – NEWPORT HARBOUR BOARD: TERMS OF REFERENCE..... | 64 |
| ARTICLE 15 – OFFICERS..... | 67 |
| ARTICLE 16 - DECISION MAKING..... | 71 |
| ARTICLE 17 - FINANCE, CONTRACTS AND LEGAL MATTERS | 72 |
| ARTICLE 18 - REVIEW AND REVISION OF THE CONSTITUTION..... | 73 |
| ARTICLE 19 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION..... | 74 |
| SCHEDULE: DESCRIPTION OF EXECUTIVE ARRANGEMENTS | 75 |
| RESPONSIBILITY FOR FUNCTIONS | 76 |
| DELEGATION OF FUNCTIONS | 77 |
| PROCEDURE RULES FOR THE REGULATION OF PROCEEDINGS - FULL COUNCIL, CABINET, COMMITTEES AND SUB COMMITTEES..... | 89 |
| ACCESS TO INFORMATION RULES..... | 115 |
| PLANNING, LICENSING AND APPEALS COMMITTEES’ RULES..... | 122 |
| FINANCIAL PROCEDURE RULES..... | 126 |
| ISLE OF WIGHT COUNCIL CONTRACT STANDING ORDERS..... | 131 |
| OFFICER EMPLOYMENT RULES..... | 147 |
| THE CODE OF CONDUCT..... | 154 |
| THE COUNCIL'S DECISION MAKING PROCESS | 165 |
| PROTOCOL FOR COUNCILLORS ON RIGHTS TO INFORMATION | 172 |

| | |
|--|-----|
| DOCUMENTS NOT FORMALLY PART OF THE CONSTITUTION..... | 176 |
| TERMS OF REFERENCE OF THE ISLE OF WIGHT YOUTH COUNCIL | 177 |
| A PROTOCOL FOR MEMBER/OFFICER RELATIONS | 180 |
| MONITORING OFFICER PROTOCOL..... | 183 |
| CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH LICENSING MATTERS..... | 187 |
| CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS..... | 194 |
| PROTOCOL - PLANNING COMMITTEE SITE INSPECTIONS..... | 209 |
| CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PROPERTY TRANSACTIONS..... | 211 |
| CONSULTATION PROTOCOL BETWEEN ISLE OF WIGHT TOWN AND PARISH COUNCILS AND ISLE OF WIGHT COUNCIL..... | 215 |
| PROTOCOL ON PUBLICITY AND THE MEDIA..... | 219 |
| MEMBERS' ALLOWANCES SCHEME | 224 |
| TERMS OF REFERENCE OF OTHER INTERNAL STRUCTURES..... | 229 |
| ISLE OF WIGHT COUNCIL PETITION SCHEME | 230 |

EXECUTIVE SUMMARY

THE COUNCIL'S CONSTITUTION

1. Summary

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

1.2 The constitution is divided into three parts:

- (i) Articles which set out the rules governing the council's business.
- (ii) More detailed procedures and codes of practice which form part of the constitution.
- (iii) Other protocols and documents which, whilst they need to be followed, are not formally part of the constitution.

2. What's in the constitution?

2.1 Article 1 of the constitution commits the council to improving Island life.

2.2 Articles 2 to 19 explain the rights of citizens and how the key parts of the council operate.

3. How the council operates

3.1 The council is composed of 40 councillors (also referred to as “members”) elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole Island community, but they have a special duty to their constituents, including those who did not vote for them.

3.2 Councillors must agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

3.3 All councillors meet together as the Full Council. Meetings of the council are open to the public except where personal or confidential matters are discussed. Here councillors decide the council's overall policies and set the revenue budget and capital programme each year. The Full Council appoints the leader of the council. Full Council is the main policy arena for the authority. Whilst the budget and many plans and strategies will be proposed by the Cabinet, Full Council has complete freedom in deciding whether to accept or amend these proposals, or indeed replace them completely. The Full Council meeting is also the main setting for holding the Cabinet to account, providing an opportunity for Cabinet members to be questioned by councillors or, indeed, members of the public.

4. **How decisions are made**

The Cabinet is the part of the council which is responsible for most day-to-day decisions. The Cabinet is made up of the leader and up to 9 other councillors appointed by the leader. When decisions are to be discussed or made, these are published in the forward plan which is available on the internet (link: <https://www.iwight.com/Council/how-it-works/Delegated-Decisions/Forward-Plan>) in so far as they can be anticipated. Meetings of the Cabinet will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet must make decisions which are in line with the council's overall policies and budget. If it wishes to make a decision which is outside the approved budget or existing policy, this must be referred to the Full Council to decide.

5. **Staff**

5.1 The council has people working for it (sometimes called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationships between staff and members of the council.

6. **Citizens' Rights**

6.1 Citizens have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

6.2 Where members of the public use specific council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this constitution.

6.3 The council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the democratic services section of the council on 821000.

ARTICLE 1 - THE CONSTITUTION

1. Powers of the Council

1.1 The council will exercise all its powers and duties in accordance with the law and this constitution.

2. The Constitution

2.1 Articles 1 to 19 of this document and the attached procedure rules and standing orders are the constitution of the Isle of Wight Council. Some other particularly relevant codes of practice and protocols are also held with the constitution to detail how the business of the council is to be undertaken in a number of discrete areas.

3. Purpose of the Constitution is to:

3.1 enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

3.2 support the active involvement of citizens in the process of local authority decision-making;

3.3 help councillors represent their constituents more effectively;

3.4 enable decisions to be taken efficiently and effectively;

3.5 create a powerful and effective means of holding decision-makers to public account;

3.6 ensure that no one will review or scrutinise a decision in which they were directly involved;

3.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

3.8 provide a means of improving the quality and efficiency of delivery of services to the community.

4. Interpretation and Review of the Constitution

4.1 Where the constitution permits the council to choose between different courses of action, the council will always choose that option which it thinks best achieves the purposes stated above.

4.2 The council will monitor and evaluate the operation of the constitution as set out in Article 18.

ARTICLE 2 - MEMBERS OF THE COUNCIL

1. Composition and eligibility

- 1.1 **Composition.** The council is made up of 40 councillors, otherwise called members. Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- 1.2 **Eligibility.** Only registered voters on the Isle of Wight or those living or working or those who own land here will be eligible to hold the office of councillor. There are some restrictions to this and therefore if you are interested in standing as a councillor please consult the information available from iwight.com.

2. Election and terms of councillors

- 2.1 The regular election of councillors will be held on the first Thursday in May every four years with the next ordinary elections due to be held in May 2022. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

3. Transitional arrangements

- 3.1 The chairman of the council is in that post until their successor is appointed at the annual meeting of the council, even if, in an election year, they are not re-elected at that election.
- 3.2 Where an elected member holds one of the other posts described in this constitution and they are re-elected at an ordinary election they will continue in that post until the annual meeting of the council immediately following that ordinary election. If they are not re-elected then the post is vacant until a replacement is appointed.

4. Roles and functions of all councillors

4.1 Key roles. All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions as detailed in Article 4 of this constitution;
- (ii) contribute to the good governance of the Isle of Wight and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their electoral division and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) be available to represent the council on other bodies; and

- (vi) maintain the highest standards of conduct and ethics, in accordance with the code of conduct

4.2 **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public, information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. Advice on this is available from the monitoring officer.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the access to information rules in this constitution ([click here](#)).

5. **Members job profiles**

- 5.1 A detailed list of various member job profiles are set out in the following pages ([click here](#)).

6. **Conduct**

- 6.1 Councillors will observe the members' code of conduct, declare interests in accordance with the code of conduct and observe the protocol on member/officer relations set out later in this Constitution ([click here](#)).

7. **Allowances**

- 7.1 Councillors are entitled to receive allowances in accordance with the members' allowances scheme as attached to the constitution ([see iwight.com](#)).

MEMBERS JOB PROFILES

1. All Elected Members – Generic Responsibilities

1.1 Elected members have several distinct roles and responsibilities, as detailed below.

2. Roles

2.1 To act with the best interest of the entire Island Community, whilst also representing the views of their constituents.

2.2 Collectively, to determine the budget and policy framework of the council and to effectively discharge the functions which are the responsibility of the Full Council under this constitution.

2.3 To hold the Cabinet to account as either a member of the Full Council or as a member sitting on any of the Scrutiny Committees/Sub Committees.

2.4 To be an advocate of and for the interests of the constituency, individual electors, community groups and other stakeholders. To represent the interests of those individuals and groups to the council, and deal with enquiries and representations from constituents.

3. Duties

3.1 To promote good community relations, ensure greater public/stakeholder participation and take and encourage steps to eliminate unlawful discriminatory practices and attitudes within and outside the council.

3.2 To promote the economic, social and environmental well-being of the island and to have regard to any island wide strategies when doing so.

3.3 To act in accordance with the members' code of conduct and the protocol for member/officer relations and all other procedures and protocols set out in the constitution.

3.4 To participate in the setting of, following proposals from the Cabinet, the budget and policy framework of the council, and particularly, the corporate plan.

3.5 To participate effectively as a member of the Cabinet or any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the Cabinet's, committee's (or panel's) terms of reference, and liaison with other public bodies to promote better understanding and partnership working.

3.6 To take into account when taking decisions and in leading the community relevant information and advice including where appropriate, the member's own political perspective.

3.7 To effectively represent, individually, and with other representatives of other electoral divisions, the interests of the electoral division, individual and groups of constituents in the policy formulation and decision making processes of the council and to other local and national bodies.

- 3.8 To assist in driving efforts of the council in reducing crime and eliminate inequality of opportunity and unlawful discrimination.
- 3.9 To undertake individual and collective responsibility for looked after children, as corporate parents.
- 3.10 To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints.
- 3.11 To focus on service improvement and efficiency at a strategic and political level and not to become involved in the detail of operational or managerial issue
- 3.12 To lead and actively encourage community involvement and engagement in consultation in policy formulation and decision making by the council.
- 3.13 To respond to constituents enquiries and representations fairly and impartially.
- 3.14 To be available to be appointed to outside bodies; and
- (i) Where appointed as the council's representative, to act as directed by, or in the interests of the council other than when appointed as a director or trustee, where there is a legal duty to act in the interests of the outside body.
 - (ii) Where appointed as a director, trustee or other capacity bearing personal liability, to act in accordance with the law and in accordance with the interests of the outside body.
 - (iii) Where appointed as an observer or in another non decision making capacity, to represent the council without becoming involved in decision making by the outside body.
- 3.15 To engage with the media in accordance with agreed protocols.
- 3.16 To complete a 300 word annual report for publishing on the Council's website for the annual council meeting each year other than election years.

4. Entitlements

- 4.1 Mandatory and further specialised training is provided for members who are encouraged to ensure that they are well informed and able to develop the skills to undertake their responsibilities and perform their duties.
- 4.2 Members have a right to access all information which they need to know in order to take decisions and carry out their other functions (subject to the protocol for councillors on rights to information – [click here](#)). The extensive legal and constitutional provisions on members rights to attend meetings and access information are set out in the access to information rules in the constitution - [click here](#).

- 4.3 Members receive assistance with travel and conference booking in accordance with the members' allowances scheme from the corporate leadership support team. Members have the facility to develop and maintain their own web pages on the Isle of Wight Council's web site.
- 4.4 All members receive a basic allowance as set out under the scheme of members allowances which is, in part, remuneration for time and expense spent on these duties. These duties will not normally give rise to recoverable subsistence or travel expenses. The allowances scheme also provides for additional allowances for certain post holders and some co-opted and independent members.
- 4.5 Members are entitled to information technology and software as determined by the council and to training in its use.
- 4.6 All co-opted and independent members of the council are formally members of the council for their respective function and are expected to meet the duties as set out above (as appropriate) and are entitled to the first four entitlements as set out above.

5. Chairman of the Council

- 5.1 It is the duty of the annual meeting of the Full Council to elect one of its members to be chairman of the council. No member can hold the post of chairman or vice chairman of the council for more than one year unless the council, by resolution, decides to appoint a member for a second year.

6. Role

- 6.1 The chairman of the council's only formal responsibility is to chair meetings of the Full Council. Throughout his/her term of office the role is non-party political. The chairman is also the council's civic head and represents the council in this capacity on civic/ceremonial occasions and at island, national and international events.

7. Duties

- 7.1 The chairman and in his/her absence the vice chairman, will have the following responsibilities:
- (i) To uphold and promote the purposes of the constitution, and after receiving advice, to interpret the constitution when necessary.
 - (ii) To preside over meetings of the Full Council so that its business can be carried out efficiently and regarding the rights of councillors and the interests of the community.
 - (iii) To ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account.
 - (iv) To promote public involvement in the council's activities.

- (v) To be responsible for the council's civic affairs and attend such civic and ceremonial functions as the council and he/she determines appropriate.
- (vi) In the absence of both the chairman and vice chairman members will elect a chairman for the meeting concerned by a simple majority vote.

8. Entitlement

- 8.1 The chairman of the council receives support in managing civic and ceremonial duties from the corporate leadership support team

9. The Leader and Cabinet members

- 9.1 The council shall appoint a leader at its annual meeting. The leader holds office for a term of 4 years. The leader is entitled to decide the size of the Cabinet (between 2 and 9), appoint Cabinet members and appoint one of those Cabinet member's as the deputy leader and allocate portfolios of responsibility.

10. Role

- 10.1 The leader is the chairman of the Cabinet.
- 10.2 The Cabinet have to discharge or arrange for the discharge of those functions which are the responsibility of the Cabinet under legislation and this constitution.
- 10.3 Cabinet members have a personal responsibility for decisions taken in relation to, and discharging those executive functions within their remit as determined by the leader. The Cabinet members remit is known as their portfolio.

11. Duties

- 11.1 To propose collectively and individually the budget and policy framework, following consultation as appropriate.
- 11.2 To take collective decisions which are appropriately taken by the Cabinet as a whole or within their individual capacity as Cabinet Member under delegated powers.
- 11.3 To represent the council locally, nationally and internationally.
- 11.4 To attend meetings of the scrutiny committees and any sub committee and any task and finish groups as required and when invited to do so.
- 11.5 Some members will have specific statutory duties, such as the duty to safeguard and promote the well-being of children, which the relevant legislation gives to the lead member for children.

12. Entitlements

- 12.1 The leader of the council and Cabinet members receive secretarial and administrative support from the corporate leadership support team.

13. Chairman and members of the scrutiny committees

14. Main Role

14.1 To lead and co-ordinate the council's scrutiny activities in the scrutiny committees to ensure effective scrutiny of budget and policy matters and effective and efficient use of resources and positive outcomes.

15. Duties of the Chairman of scrutiny committees

15.1 To work with the vice chairman of the committee and relevant heads of service to recommend the activities and the work programmes of the committee.

15.2 The chairman of corporate scrutiny is to be responsible for commenting upon the abridging or dis-application of the call in process ([click here](#) for more details) where decisions are urgent or not on the forward plan and ensuring that these instances are reported to the committee.

15.3 To present reports to meetings of Full Council and the Cabinet as necessary.

15.4 To foster and maintain a disciplined approach and encourage effective engagement by all members in the scrutiny process.

15.5 To promote and participate in member training on the scrutiny function.

15.6 To ensure that the Scrutiny Committee's contributes to the effective decision making process of the council.

15.7 To encourage the involvement of interested parties, stakeholders and partners.

15.8 To work in conjunction with council officers.

15.9 To provide leadership ensuring that scrutiny is member led.

15.10 To attend Cabinet meetings

16. Role of the members of the scrutiny committees

16.1 To participate fully in meetings of the scrutiny committees and through this to scrutinize decisions of the Cabinet, the budget and existing policies, procedures and processes of the council, as well as partner organisations, such as IWNHS or the Clinical Commissioning Group (CCG), in accordance with the committee's work programme.

16.2 To participate, when required, in the call in procedure ([click here](#) for more details).

16.3 To apply, when undertaking these duties, the constitution of the council, the committee procedure rules, the access to information rules and the budget and policy framework procedure rules.

16.4 To undertake scrutiny functions in a constructive, positive and non-partisan way and exclusively at a strategic level.

17. Entitlements

17.1 Scrutiny Committee's members have additional rights to access information of relevance to their areas of responsibility.

17.2 Further specialised training in scrutiny is provided for members who are encouraged to ensure that they are well informed and able to develop the skills to undertake these responsibilities.

18. Audit Committee Members

19. Main Role

19.1 To participate in the meetings of the Audit Committee to: ensure delivery of value for money; oversee the council's financial reporting processes and to provide assurance of the adequacy of risk management structures within the council.

20. Duties

20.1 To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

20.2 To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

21. Entitlements

21.1 Access to the external auditor, at least annually in a public meeting, and at other times by request.

21.2 Access to other member bodies, including the Cabinet.

21.3 Specialised training in Audit is provided for members of the committee.

22. Regulatory Committee Members (Planning, Licensing and Appeals Committees)

23. Role

23.1 To effectively discharge the council's regulatory functions in the administrative and quasi judicial areas as detailed in the terms of reference of the committees.

24. Duties

24.1 To determine all matters that come before the meetings in accordance with the relevant policies (local and national) and legislation and principles of natural justice in a consistent and impartial manner.

24.2 To attend training as provided by the council on these matters prior to participating in any of the work of these committees.

24.3 To follow, in undertaking these matters, the procedures as set out in the council's constitution and the adopted code of practice.

25. **Entitlements**

25.1 Mandatory and further specialised training is provided for members of these committees.

26. **Leaders of Political Groups**

26.1 It is open to members to form political groups under the Local Government (Committees and Political Groups) Regulations 1990, if they do so then the group has to appoint a leader of that group.

27. **Role**

27.1 The leader of a political group has one formal role under the Local Government (Committees and Political Groups) Regulations 1990 and that is to be the person nominated by those members on the council wishing to form a group as their leader and the wishes of the group are taken to be those expressed by the leader.

27.2 The group leaders have an important local role in ensuring that the constitution operates effectively. The leaders meet regularly to ensure that administrative machinery (including appointments) is up to date. They also ensure an excellent flow of information about policy and performance in order to enable political debate and challenge to drive up the delivery of service improvement and efficiency.

27.3 There is a national role, within the Local Government Association (and other local government bodies) to ensure productive engagement between Island politicians and regional/national political structures.

27.4 Other duties are a matter for each group to determine.

28. **Entitlement**

28.1 The leaders of the political groups with ten or more members (in addition to their basic allowance) receive a special responsibility allowance as set out under the scheme of members allowances.

ARTICLE 3 - CITIZENS AND THE COUNCIL

1. This is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

1.1 **Voting and petitions.** Registered voters have the right to vote in elections, according to their legal entitlement.

1.2 **Information.** Citizens have the right to:

(i) attend meetings of the Full Council, the Cabinet, the scrutiny committees and regulatory committees except where confidential or exempt information is likely to be disclosed;

(ii) find out from the forward plan what decisions will be taken by the Full Council and Cabinet and when;

(iii) see agendas, reports and background papers, and any records of decisions made by the Full Council, the Cabinet, scrutiny committees, and regulatory committees, except where confidential or exempt information is likely to be disclosed

(iv) inspect the council's accounts as part of the annual audit and make their views known to the external auditor; and

(v) access to other information as explained in the access to information rules as set out in this constitution.

(Dates and times of meetings and all agendas, reports, background papers and minutes (unless confidential or exempt) are available on the council's internet pages)

1.3 **Participation.** Citizens have the right to ask questions during the council's question time at most meetings and contribute to discussions by the scrutiny committees at the discretion of the chairman of the meeting.

1.4 **Complaints.** Citizens have the right to make complaints about services to:

(i) the council itself under its customer complaint scheme;

(ii) the Ombudsman after using the council's own complaints scheme;

(iii) the monitoring officer about a breach of the councillor's code of conduct.

1.5 **Publicity and the media.** Information regarding services provided by the council to local residents will be disseminated to the media in accordance with the protocol on publicity and the media.

2. Citizens' Responsibilities

2.1 Citizens must not harass or be violent, abusive or threatening to councillors or officers and must comply with the procedures for public engagement at meetings.

ARTICLE 4 - THE FULL COUNCIL

1. Meanings

1.1 **Policy framework.** The Full Council will be responsible for adopting or approving the following plans and strategies:

- (i) The Council's Corporate Plan;
- (ii) The Children's and Young People's Plan;
- (iii) The Fire and Rescue Authority Integrated Risk Management Plan;
- (iv) Gambling Act: Statement of Licensing Policy and Licensing Act Statement of Licensing Policy;
- (v) The Local Plan;
- (vi) Local Transport Plan;
- (vii) Sustainable Community Strategy;
- (viii) Any other plan or strategy that is required by law or which the Council determines should be designated as a Policy Framework Document and adopted or approved by Full Council

1.2 Any plan or strategy for which the council does not have sole responsibility for preparation, and involves action and targets to which other bodies will be contributing, shall not be amended at the final approval stage by the council unless the approval of all such appropriate parties to such an amendment has been obtained in writing.

1.3 A plan or strategy referred to above can be the subject of an amendment by the relevant chief officer which is considered, in the opinion of the monitoring officer and the chief executive (after consultation with the leader and appropriate Cabinet member), not to be contrary to the principles of the plan or strategy and can be contained within the approved budget. Such an amendment does not require the approval of Full Council.

1.4 **Budget.** The budget is defined as:

- (i) The identification and allocation of financial resources by the Full Council, including:
 - Revenue expenditure
 - Contingency and reserve funds
 - Council tax base
 - Council tax level
 - Borrowing requirements and limits
 - Capital expenditure
 - Medium term financial plan
- (ii) Any resolution of Full Council identified by the Chief executive as a budgetary decision;
- (iii) Any limitations to, conditions on or rules governing the management of budgets, virement between budgets, treatment of under spends, windfall income or reserves contained within the financial procedure rules.

2. **Functions of the Full Council**

2.1 Only the Full Council will exercise the following functions:

- (i) adopting and changing the constitution (other than minor amendments) as set out in Article 18;
- (ii) approving or adopting the budget and policy framework;
- (iii) amending the policy framework or budget following recommendation from the Cabinet, other than minor amendments to policies which can be amended as set out in paragraph 1.3 above;
- (iv) Subject to the urgency procedure, making decisions about any matter where the Cabinet is proposing to make a decision which would be contrary to the policy framework or contrary to, or not wholly in accordance with the budget;
- (v) appointing and removing the leader of the council;
- (vi) appointing the chairmen of the scrutiny committees, regulatory committees and other committees;
- (vii) appointing representatives to joint authorities, joint committees and other outside bodies unless the appointment is an executive function or has been delegated by the council;
- (viii) agreeing and/or amending the terms of reference for committees and deciding on their composition;
- (ix) adopting an allowances scheme for elected members;
- (x) confirming the appointment of the head of paid services, the monitoring officer and the chief financial officer;
- (xi) adopting the code of conduct for members
- (xii) taking decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by Full Council to committees, sub-committees or officers;
- (xiii) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills;
- (xiv) any other matters which, by law, must be reserved to the Full Council;
- (xv) to bring forward motions for debate around policy and budget;
- (xvi) to receive reports and (if necessary) recommendations from the leader, other Cabinet members, the Cabinet, or any other committee of the council;

- (xvii) to consider reports on lawfulness and maladministration unless otherwise considered by the Cabinet or relevant committee;
- (xviii) to set the council tax;
- (xix) to consider any recommendations in relation to electoral matters affecting the Isle of Wight; and
- (xx) arrangements for the appointment of members of the Police and Crime Panel.

3. Council meetings

3.1 There are four types of Full Council meeting:

- (i) the annual meeting;
- (ii) the budget meeting;
- (iii) ordinary meetings;
- (iv) extraordinary meetings.

and they shall be conducted in accordance with the council procedure rules in this constitution.

4. Responsibility for Functions

4.1 The council will maintain a list, set out in this constitution, comprising the responsibilities for the council's functions which are not the responsibility of the Cabinet.

5. Petitions

5.1 In accordance with the petition scheme public petitions can be presented to meetings of Full Council and those containing 2,500 or more signatures will be debated by Full Council.

ARTICLE 5 - THE CABINET

1. Role

1.1 The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Many decisions will therefore be made by the Cabinet or Cabinet member, rather than the Full Council.

2. Terms of Reference

2.1 The Cabinet is responsible for all functions which the law determines to be an executive function or local choice function.

3. Membership

3.1 The Cabinet will consist of the leader of the council (who will be the chairman of the Cabinet) together with such other councillors as are appointed by the leader (between the statutory limits of 2 and 9).

3.2 The leader of the council, or when absent, the deputy leader of the council, will chair the Cabinet. Otherwise members present will elect a chairman for that meeting.

3.3 Leader

(i) The leader will be a councillor elected at the first annual meeting of the Full Council after election and he/she will hold office for four years until the day of the annual Full Council after the next election unless, at an earlier date:

- he/she resigns from the office; or
- he/she is no longer a councillor; or
- he/she is removed from office by resolution of the Full Council. Such a resolution to be a motion of "No confidence in the leader" submitted in accordance with Procedure Rule 9 of Procedure Rules for the Regulation of Procedures.
- That where, in accordance with the paragraph above, a leader has been removed by resolution then a new Leader shall be elected either at the meeting at which the leader is removed from office, or at a subsequent meeting of Full Council.

3.4 Other Cabinet members

(i) Other Cabinet members shall be appointed by the leader. They shall hold office for 4 years unless:

- they resign from office; or

they are no longer councillors; or they are removed from office, either individually or collectively, by the leader of the council.

3.5 Deputy Leader

- (i) The leader may appoint one of the members of the Cabinet as a deputy leader. The deputy leader may exercise all the functions of the leader where that position is vacant or where the leader is absent or is otherwise unable to act.

3.6 Portfolios of responsibility

- (i) The leader may agree that individual members of the Cabinet shall take a specific remit for different aspects of the council's work. The details of the allocated remit shall be known as the portfolio of responsibilities.
- (ii) The proper officer will maintain and publish a list, from time to time, of the Cabinet members, their titles and portfolios of responsibility.

4. **Proceedings of the Cabinet**

- 4.1 Proceedings of the Cabinet shall take place in accordance with the Procedure Rules as set out in this constitution.

5. **Quorum**

- 5.1 Quorum of the Cabinet will be Four

6. **Meeting frequency**

- 6.1 Meetings of the Cabinet will be held at a time and place determined by the Cabinet.

7. **Access to Information**

- 7.1 Meetings of the Cabinet will be held in public unless the law requires or where allowed Cabinet decides it is expedient to do so, the press and public to be excluded.
- 7.2 If the press and public are excluded from any meeting the chairman of the Scrutiny Committee, if in attendance, will be regarded as a member of the Cabinet with equal rights to information as members of the Cabinet.

8. **Agenda**

- 8.1 The leader of the council will determine, in consultation with the proper officer, the agenda for each Cabinet meeting. Usually items will only be placed on the agenda for the Cabinet if they have appeared on the Forward Plan – though special urgency provisions may apply in exceptional circumstances (see the Council's Decision Making Process).

9. **Speaking at Cabinet**

- 9.1 Members of the public have the right to ask questions at each Cabinet meeting.
- 9.2 Members of the council may ask questions about budget and policy, at a strategic level, at each Cabinet meeting.
- 9.3 Any other members of the council in attendance will be provided with an opportunity to speak on each item before the vote is taken.

10. **Voting**

- 10.1 Voting will be by a show of hands. A simple majority prevails and in the event of a tied vote the chairman will have a casting vote.

11. **Isle of Wight Youth MP and Youth Council**

- 11.1 The Isle of Wight Youth MP will be able to attend (unless the press and public have been excluded), and speak at, any meeting of the Cabinet in a non-voting consultative capacity.
- 11.2 The Isle of Wight Youth Council will be entitled to appoint two of their members (in a non voting capacity) to the Cabinet to be a point of consultation between the Cabinet and the Youth Council. These two shall be able to attend (unless the press and public have been excluded) and speak at any meeting of the Cabinet in a non-voting consultative capacity.

12. **Officer contact**

- 12.1 Democratic Services – 01983 821000 email: Democratic.Services@iow.gov.uk

ARTICLE 6 - SCRUTINY COMMITTEE'S

1. Role

- 1.1 The council is required by law to discharge certain scrutiny functions in relation to Executive decision making, namely health, flooding and crime. These functions are an essential component of local democracy and are undertaken by the scrutiny committee or committees that the Full Council may establish. The scrutiny function also contributes to the development of council budget and policies and holds the Cabinet to account for its decisions.
- 1.2 Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants, visitors and businesses. The scrutiny committees should not shy away from the need to challenge and question decisions and make constructive criticism.
- 1.3 The scrutiny committees may also with the agreement of the chief executive on scope, timing and resources establish task and finish groups (provided resources are available) to undertake specific work as necessary.
- 1.4 Full Council has currently established the following Scrutiny Committees

POLICY AND SCRUTINY COMMITTEES – TERMS OF REFERENCE

Policy and Scrutiny Committee for Children's Services, Education and Skills

1. Scope

- 1.1 To be responsible for the Policy and Scrutiny functions in respect of the remit of the Cabinet member for Children's Services.

2. Policy Development and Review

- 2.1 To assist the Cabinet in the development of future policy for the council to enable the outcomes set out in the corporate plan to be delivered.
- 2.2 To assist the Cabinet in the development and implementation of the key activities set out in the corporate plan in relation to the delivery of children's services.
- 2.3 To identify and recommend to Cabinet existing policies to be reviewed or new policies to be developed in order to ensure continued and improved, effective and efficient service delivery.
- 2.4 To undertake such policy reviews, or the development of new policies, in agreement with the Cabinet, to ensure continued effective service delivery.
- 2.5 To assist the Cabinet in the development of the Council's budget and policy framework by in depth analysis of policy issues.

- 2.6 To engage with relevant partners and stakeholders on the development and review of policies required in connection with the delivery of the key activities in the corporate plan related to children's services
- 2.7 To consider mechanisms to encourage and enhance community participation in the development of policy options and service delivery.
- 2.8 To have a view on budget and performance management specifically related to children's services.
- 2.9 To monitor progress with relevant action plans.
- 2.10 To allow the relevant Cabinet member to report on key issues and items on the forward plan.

3. **Scrutiny**

- 3.1 To review and scrutinise the decisions made by, and performance of, the Cabinet and council officers in relation to the delivery of the outcomes, activities and performance areas described in the corporate plan.
- 3.2 To review and scrutinise the performance of the Cabinet in relation to its policy objectives, key activities and performance targets as set out in its corporate plan.
- 3.3 To question members of the Cabinet and chief officers, about their decisions and performance, in comparison with service plans and targets, or in relation to particular decisions, initiatives or projects.
- 3.4 To make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- 3.5 To review and scrutinise the performance of other public bodies and invite them to report to or address the committee.
- 3.6 To question (with consent) and/or invite local people and organisations to provide evidence to the committee in support of its scrutiny activities.

4. **Membership**

- 4.1 The Committee shall comprise seven members of the council appointed on a politically proportionate basis.
- 4.2 No Cabinet member will be a member of the Committee.
- 4.3 The statutory education co-optees (these are the representatives appointed by the two dioceses and two parent governor representatives, who are elected for a four year term, from the parent governors on the Island) who will also have a vote on any education matters.
- 4.4 The chairman of the Committee shall be appointed by the Full Council.

4.5 The quorum for the Committee will be four elected members.

5. **Other**

5.1 Meetings – Will be scheduled, quarterly and no other meetings arranged unless with the approval of the Leader, relevant Cabinet member and the Chairman of Corporate Scrutiny Committee.

5.2 Task and Finish Groups – no more than one shall be permitted at any time without the approval of the Leader, relevant Cabinet member and Chief executive

Policy and Scrutiny Committee for Health and Social Care

1. **Scope**

1.1 To perform the Council's statutory health scrutiny function under the legislation including the power of referral to the Secretary of State. To perform the Policy and Scrutiny functions relating to the remit of the Cabinet portfolio of Adult Social Care, Public Health and Public Protection.

2. **Policy Development and Review**

2.1 To assist the Cabinet in the development of future policy for the council to enable the outcomes set out in the corporate plan to be delivered.

2.2 To assist the Cabinet in the development and implementation of the key activities set out in the corporate plan in relation to the delivery of adult social care, public health and public protection.

2.3 To identify and recommend to Cabinet existing policies to be reviewed or new policies to be developed in order to ensure continued and improved, effective and efficient service delivery.

2.4 To undertake such policy reviews, or the development of new policies, in agreement with the Cabinet, to ensure continued effective service delivery.

2.5 To assist the Cabinet in the development of the Council's budget and policy framework by in depth analysis of policy issues.

2.6 To engage with relevant partners and stakeholders on the development and review of policies required in connection with the delivery of the key activities in the corporate plan related to children's services.

2.7 To consider mechanisms to encourage and enhance community participation in the development of policy options and service delivery.

2.8 To have a view on budget and performance management specifically related to adult social care, public health and public protection.

- 2.9 To monitor progress with relevant action plans.
- 2.10 To enable the relevant Cabinet member to report on key issues and items on the forward plan.
- 3. Scrutiny**
- 3.1 To review and scrutinise the decisions made by and performance of the Cabinet and council officers in relation to the delivery of the outcomes, activities and performance areas described in the corporate plan.
- 3.2 To review and scrutinise the performance of the Cabinet in relation to its policy objectives, key activities and performance targets as set out in its corporate plan.
- 3.3 To question members of the Cabinet and chief officers, about their decisions and performance, in comparison with service plans and targets, or in relation to particular decisions, initiatives or projects.
- 3.4 To make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- 3.5 To review and scrutinise the performance of other public bodies and invite them to report to or address the committee.
- 3.6 To question (with consent) and/or invite local people and organisations to provide evidence to the committee in support of its scrutiny activities.
- 4. Membership**
- 4.1 The Committee shall comprise seven members of the council appointed on a politically proportionate basis.
- 4.2 No Cabinet member will be a member of the Committee.
- 4.3 The chairman of the Committee shall be appointed by the Full Council.
- 4.4 The quorum for the Committee will be four elected members.
- 5. Other**
- 5.1 Meetings – Will be scheduled, quarterly and no other meetings arranged unless with the approval of the Leader, relevant Cabinet member and the Chairman of Corporate Scrutiny Committee.
- 5.2 Task and Finish Groups – no more than one shall be permitted at any time without the approval of the Leader, relevant Cabinet member and Chief executive

Policy and Scrutiny Committee for Neighbourhoods and Regeneration

1. Scope

- 1.1 To be responsible for the Policy and Scrutiny functions in respect of the remit of the Cabinet member for Regeneration; Cabinet member for Planning and Housing and Cabinet member for the Environment.

2. Policy Development and Review

- 2.1 To assist the Cabinet in the development of future policy for the council to enable the outcomes set out in the corporate plan to be delivered.
 - 2.2 To assist the Cabinet in the development and implementation of the key activities set out in the Corporate Plan in related to the delivery of regeneration, planning, housing and the environment.
 - 2.3 To identify and recommend to Cabinet existing policies to be reviewed or new policies to be developed in order to ensure continued and improved, effective and efficient service delivery.
 - 2.4 To undertake such policy reviews, or the development of new policies, in agreement with the Cabinet, to ensure continued effective service delivery.
 - 2.5 To assist the Cabinet in the development of the Council's budget and policy framework by in depth analysis of policy issues.
 - 2.6 To engage with relevant partners and stakeholders on the development and review of policies required in connection with the delivery of the key activities in the corporate plan related to regeneration, planning, housing and the environment.
 - 2.7 To consider mechanisms to encourage and enhance community participation in the development of policy options and service delivery.
 - 2.8 To have a view on budget and performance management specifically related to regeneration, planning, housing and the environment.
 - 2.9 To monitor progress with relevant action plans.
 - 2.10 To enable the relevant Cabinet member to report on key issues and items on the forward plan.
- ### **3. Scrutiny**
- 3.1 To review and scrutinise the decisions made by and performance of the Cabinet and council officers in relation to the delivery of the outcomes, activities and performance areas described in the corporate plan.

- 3.2 To review and scrutinise the performance of the Cabinet in relation to its policy objectives, key activities and performance targets as set out in its corporate plan.
- 3.3 To question members of the Cabinet and chief officers, about their decisions and performance, in comparison with service plans and targets, or in relation to particular decisions, initiatives or projects.
- 3.4 To make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- 3.5 To review and scrutinise the performance of other public bodies and invite them to report to or address the committee.
- 3.6 To question (with consent) and/or invite local people and organisations to provide evidence to the committee in support of its scrutiny activities.

4. Membership

- 4.1 The Committee shall comprise seven members of the council appointed on a politically proportionate basis.
- 4.2 No Cabinet member will be a member of the Committee.
- 4.3 The chairman of the Committee shall be appointed by the Full Council.
- 4.4 The quorum for the Committee will be four elected members.

5. Other

- 5.1 Meetings – Will be scheduled quarterly and no other meetings arranged unless with the approval of the Leader, relevant Cabinet member and the Chairman of Corporate Scrutiny Committee.
- 5.2 Task and Finish Groups – no more than one shall be permitted at any time without the approval of the Leader, relevant Cabinet member and Chief executive

Corporate Scrutiny Committee

1. Scope

- 1.1 To be responsible for the scrutiny functions in respect of decisions and activities within the remit of the Council, the Cabinet, Leader and Deputy Leader of the Council, and any functions not otherwise expressly delegated to another committee including those relating to crime and flooding.

2. Scrutiny

- 2.1 To review and scrutinise the performance of the Council, as a whole, in relation to its outcomes, policy objectives, performance targets and key activities as described in the corporate plan

- 2.2 To recommend to the Policy and Scrutiny Committees subjects, within the scope of each committee, for scrutiny by the committee and consider any implications for the council as a whole arising from any completed review.
- 2.3 To manage and co-ordinate the work undertaken by the committee and any task and finish groups.
- 2.4 To be responsible for, and operate, the system of call in to review cabinet decisions as set out in the council's decision making process.
- 2.5 To consider any councillor call for actions on general local government matters.
- 2.6 To have an overall view on budget and performance management across the council.
- 2.7 To have an overall view on policy development, implementation and consistency across the council.
- 2.8 To scrutinise any policies of the Council as requested by the relevant Cabinet member or any that the Scrutiny Committee consider to be of particular importance and within its scope.
- 2.9 To monitor progress with relevant action plans.
- 2.10 To enable the relevant Cabinet members to report on key issues and items on the forward plan.
- 2.11 To be responsible for dealing with petitions as outlined in the Council's Petition Scheme as set out in the constitution.

3. Membership

- 3.1 The Committee shall comprise eight members of the council appointed on an inversely politically proportionate basis.
- 3.2 No Cabinet member will be a member of the Committee.
- 3.3 The Committee will also include a voting co-opted member, appointed by the Isle of Wight Association of Local Councils, for a period to coincide with the scheduled council elections.
- 3.4 The Isle of Wight Youth MP will be entitled to attend, and speak at, any meeting of the Scrutiny Committee in a non-voting consultative capacity.
- 3.5 The Isle of Wight Youth Council will be entitled to appoint two of their members (in a non-voting capacity) to be a point of consultation between the committee and the Youth Council these can attend and speak at any meeting of the Scrutiny Committee
- 3.6 The chairman of the Committee shall be appointed by the Full Council.
- 3.7 The quorum for the Committee will be four elected members.

4. **Other**

- 4.1 Meetings – Will take be scheduled on a minimum nine occasions per year to take place prior to Cabinet meeting.
- 4.2 Task and Finish Groups – no more than two shall be permitted at any time without the approval of the Leader, relevant Cabinet member and Chief executive.

ARTICLE 7 - PLANNING COMMITTEE, LICENSING COMMITTEE AND APPEALS COMMITTEE (THE REGULATORY COMMITTEES)

1. Role

1.1 Full Council will appoint a Planning Committee, a Licensing Committee and Appeals Committee (collectively referred to as the Regulatory Committees) to consider a range of various requests for approvals required by the Isle of Wight Council, the detailed terms of reference are set out below.

2. Terms of Reference

2.1 Planning Committee (12 members)

- (i) To exercise the powers and duties of the council, within the corporate policies and strategies of the council, in relation to:
- Its role as planning authority in its development control and planning functions, and
 - The extraction of minerals, the clearance and reclamation of derelict land, subsequent after use of sites for waste disposal and restoration of site
- (ii) The committee will take decisions only where:
- the law or council policy requires the decision to be taken by elected members, or
 - an officer with delegated powers declines to exercise those powers, having considered representations, or for any other reason.

2.2 Licensing Committee (10 members)

- (i) The council will appoint a Licensing Committee to deal with any application or appeal in relation to the licensing or grant of consent or permission where the law requires the decision to be taken by elected members, under the Licensing Act 2003 and Gambling Act 2005, and therefore is not a council committee convened under s101 Local Government Act 1972
- (ii) The council will also appoint a Licensing Committee under section 101 of the Local Government Act 1972 to consider and determine any application or appeal in relation to the licensing or grant of consent or permission where
- the law or council policy requires the decision to be taken by elected members.
 - an officer with delegated powers declines to exercise those powers, having considered representations, or for any other reason.

- the licence, consent or permission is contained within the list set out below

OR is not otherwise specifically delegated to another part of the council.

- (iii) The council will appoint the same elected members (and chairman) on both the Licensing Committees. For the purposes of day to day business the council shall refer to both committees as: Licensing Committee.
- (iv) To adopt policy in relation to the licensing or grant of consent or permission where the law allows the Licensing Committee to determine that policy.
- (v) To determine licensing functions include the grant, renewal, refusal, revocation, variation, cancellation, imposition of conditions, (and appeals against any such action) and determination of reviews in relation to the following regulated activities:

Acupuncture, Tattooing, Ear piercing and Electrolysis.

Activities within the remit of the Gambling Act 2005.

Caravan Site.

Activities within the Remit of the Licensing Act 2003.

Dangerous Wild Animals.

Breeding of Dogs.

Rag Flock and other Filling Materials.

Game Licenses.

Guard Dogs.

House to House Collections.

Pet Shops.

Pleasure boats and boatmen.

Regulation of Street Collections. Street Trading.

Zoos.

Animal Boarding Establishments.

Sunday Trading.

Riding Establishments.

Scrap Metal Dealers.

Sex Establishments.

Poisons, Explosives.

Sports Grounds.

Performing Animals.

Open Air Events under the Isle of Wight Act.

Hackney Carriages and Private Hire Vehicles.

Movement of Animals.

and any other registration or licensing function not specifically delegated elsewhere in this constitution, or by the law.

- (vi) To undertake the functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Order 2000 (generally, those functions which are not to be carried out by the authority's Cabinet save where these functions are carried out by council or have been delegated to officers).

- (vii) The above functions shall be delegated to a sub committee of three members (drawn from the membership of the committee) unless the following criteria apply:
- large events where the expected number of attendees, staff and performers will exceed 5,000 persons at any one time;
 - applications or reviews where the sub committee decide that the matter requires consideration by the full committee;
 - applications or reviews which in the opinion of the Director of Neighbourhoods, in consultation with the chairman of the committee, should be considered by the full committee.

(viii) Sub Committees

- The Licensing Committee may also appoint a Determinations and Appeals Panel. Each panel will have a membership of three and the quorum shall be three.
- The panels will carry out all the functions of the committee which require a decision on a grant, renewal, refusal, revocation, review, variation, cancellation, or imposition of conditions, (and appeals against any such action) and any other appeals within the remit of the committee.

2.3 Appeals Committee (10 members)

- (i) The Appeals Committee is established under section 101 of the Local Government Act 1972.
- (ii) To determine appeals against decisions of the authority where the law, or council policy, requires the appeal to be determined by elected members in relation to the following functions:

Awards

School Transport Curriculum Complaints Adoption and Fostering Registration of Homes

Housing Benefit and Council Tax Appeals

Business Rate Hardship

Rights of Way Orders and Highway Orders

Tree Preservation Orders

Approval of premises for marriage and civil partnership ceremonies

When, not dealt with by the monitoring officer under their delegated powers, to consider dispensations from the restrictions to participate in a matter where a member has a disclosable pecuniary interest.

Consideration of an investigating officer's report where a member is found to have breached the code of conduct.

Appeals by employees of the council against a decision to designate their posts as a politically restricted post.

Any other function involving an appeal process not specifically delegated elsewhere in this constitution, or by the law, where no other delegation exists.

- (iii) To oversee arrangements, including the appointment of the pool of members from which independent appeal panels are selected by the clerk to the Education Appeals Committee, for school exclusions, admissions and special education needs appeals.
- (iv) The above functions shall be delegated to a sub committee of any three of the 10 members.

3. Membership

- 3.1 The appeals and licensing regulatory committees will have a membership of 10 whereas the planning committee will have a membership 12 with all members being appointed in accordance with the rules on political proportionality
- 3.2 Where the appeals committee is determining a member code of conduct investigation into the conduct of a town and parish councillor then the committee shall also comprise a co-opted Town and Parish Councillor who is not a serving Isle of Wight Council Councillor from another council.
- 3.3 Every member of the regulatory committees shall attend the training provided prior to participating in the work of the committees or their sub committees.
- 3.4 The chairman and vice chairman will be appointed by the Full Council (unless Full Council decides not to). If the chairman is present he will preside and in his absence the vice chairman shall preside. If both the chairman and vice chairman are absent the committee will elect a chairman for the meeting.

4. Proceedings

- 4.1 The procedure rules for the regulation of proceedings shall apply to meetings of the regulatory committees.
- 4.2 Additionally there is a detailed Planning, Licensing and Appeals Committees Rules ([click here](#)), Code of Practice for Members and Officers Dealing with Licensing Matters (see [iwight.com](#)) and a similar Code of Practice for Members and Officers Dealing with Planning Matters (see [iwight.com](#)), these set out some detailed procedures that the relevant Committee must follow.

5. Quorum

- 5.1 The quorum of Planning Committee, the Licensing Committee and Appeals Committee will be 4.

6. Meeting Frequency

- 6.1 Meetings will commence at a time that in the opinion of the Chairman meets the needs of applicants, objectors or other interested parties.

7. **Access to information**

7.1 All meetings of the regulatory committees shall be held in public unless there are grounds for excluding the press and public, as set out in the access to information procedure rules or in accordance with legislation.

8. **Agenda**

8.1 The agenda for all Regulatory Committees will be determined by the matters that arise as determined by the relevant Strategic Manager.

9. **Voting**

9.1 Any vote shall be by show of hands. A simple majority prevails and in the event of a tied vote the chairman has a casting vote.

10. **Officer contact**

10.1 Democratic Services – 01983 821000 email: Democratic.Services@iow.gov.uk

ARTICLE 8 – APPOINTMENT COMMITTEE

Terms of Reference

1. Purpose of the Appointments Committee Terms of Reference

- 1.1 The Appointments Committee comprises six Councillors to include the Cabinet member relevant to the post. The head of paid service and/or director of Corporate Services will attend in an advisory capacity (the head of paid service will not attend when it is his/her role being discussed).
- 1.2 The Committee shall discharge the following functions.

2. Chairman of the Committee

- 2.1 The Chairman of the Committee will be the Leader.

3. Appointment of Named and Senior Officers

- 3.1 Named Officers are defined as; the chief executive (head of the paid service), the monitoring officer and the section 151 officer.
- 3.2 Senior officers are defined as the council's directors.
- 3.3 The Committee shall be responsible for the appointment of any named or senior officer.
- 3.4 All appointments will be in accordance with:
 - (i) An agreed job summary
 - (ii) Agreed arrangements for recruitment to the post; and
- 3.5 No offer of appointment of a Named or Senior Officer shall be made until the proposed appointment has been notified to the Cabinet and that either:
 - (i) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet; or
 - (ii) The Committee is satisfied that any objection made is not material or well-founded
- 3.6 Where the Appointments Committee is arranging the appointment of the chief executive, the monitoring officer and s.151 officer, a recommendation will be made to Full Council for approval prior to an offer of appointment being made.

4. Dismissal of a Named or Senior Officer

- 4.1 The Committee shall be responsible for the dismissal of any named or senior officer.
- 4.2 No dismissal shall be made (including dismissal by reason of redundancy) until the proposed dismissal has been notified to the Cabinet and that either:

- (i) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet; or
 - (ii) The Committee is satisfied that any objection made is not material or well-founded.
- 4.3 Any appeal against dismissal will be considered by an Appeals Committee established by the Committee and comprised of three members who have not had any prior involvement in consideration of the case. Where necessary members can be drawn from the wider membership.
- 5. Dismissal of a Named Officer**
- 5.1 Where the Appointments Committee is proposing to dismiss a Named Officer – chief executive (head of the paid service), monitoring officer and section 151 officer - then Full Council will be asked to approve the dismissal prior to it being made.
- 6. Disciplinary Action**
- 6.1 The Committee shall be responsible for taking disciplinary action against any named or senior officer.
- 7. Sub Committee**
- 7.1 The Committee may establish a subcommittee of three members to consider matters relating to grievance and disciplinary appeals. The membership may be drawn from the committee or the wider membership.
- 8. Named Officers**
- 8.1 Disciplinary action in respect of named officers may only be taken in accordance with Schedule E to the disciplinary procedure which must include the appointment of two relevant independent persons to the sub-committee.
- 8.2 A decision to suspend a named officer may be reviewed by the Committee.
- 9. Capability Procedures**
- 9.1 The Committee shall be responsible for any issue regarding the capability of a named officer.
- 9.2 Any issue which is not appropriately dealt with under the disciplinary or capability procedures, but which may result in the dismissal of a named officer, will be the responsibility of the Committee.
- 10. Appointment, Dismissal and Disciplinary Action of other JNC Officers**
- 10.1 The appointment, dismissal and taking of disciplinary action against any officer (other than named officers) will be discharged by the chief executive or by an officer(s) of the Council nominated by him or her.

ARTICLE 9 - AUDIT COMMITTEE

1. Role

- 1.1 To provide independent assurance of the adequacy of the risk management framework and the associated control environment including independent scrutiny of the council's financial and non-financial performance to the extent that it affects the council's exposure to risk and weakens the control environment.
- 1.2 To oversee the financial reporting process, including the external audit of the council's accounts and any matters arising from that audit.

2. Terms of Reference

2.1 Internal and External Audit Activities

- (i) Contribute to the development of the annual internal audit plan, ensuring that it appropriately reflects the council's risk profile.
- (ii) Approve the annual Internal audit plan.
- (iii) Consider periodic reports on the performance of internal audit.
- (iv) Review summary internal audit and external audit reports and the main issues arising from them including seeking assurance that action has been taken where necessary and to recommend further audit enquiries are added to the audit plan where appropriate.
- (v) Consider the head of internal audit's annual report and opinion and the level of assurance given against the annual governance statement published with the annual accounts.
- (vi) Monitor the effectiveness of relationships between the council's internal and external auditors
- (vii) Commission or require further enquiries into appropriate issues referred to it by the head of paid service, chief financial officer, internal audit or external audit
- (viii) Consider the reports of external audit including the annual audit letter, value for money assessment, the annual report to those charged with governance and other specific reports as agreed with the external auditor.

2.2 Regulatory Framework

- (i) Consider the effectiveness of the council's arrangements for risk management and corporate governance.
- (ii) Consider the effectiveness of the council's anti-fraud and corruption strategies and 'whistle-blowing' policy.
- (iii) Monitor through periodic reports progress towards addressing the issues identified within the annual governance statement.
- (iv) Consider and approve changes to the council's financial regulations and contract standing orders
- (v) Review the annual treasury management strategy and consider half yearly and annual reports on the activities of the treasury management function
- (vi) Consider the council's annual governance statement and ensure that it properly reflects the council's risk environment.

- (vii) To consider a report on a six monthly basis on the progress of the property investment fund to monitor progress against the commercial property acquisition strategy including the total income that has or will be accrued by the council.

2.3 Accounts

- (i) Review and approve the council's annual accounts, including those of the council's pension fund, and in particular that appropriate accounting policies have been followed, and where there are concerns arising from the accounts that these are appropriately addressed and/or brought to the attention of the Cabinet or Full Council
- (ii) Review and monitor actions arising from the committee's review of the accounts or the external auditor's annual governance report

2.4 General

- (i) The committee can commission and submit reports directly to Cabinet and/or Full Council as necessary.

3. **Membership**

- 3.1 Audit Committee will comprise of seven elected members, on a politically proportionate basis but selected for their interest in and knowledge of audit committee business. Additionally, two independent non voting co-opted members may be appointed. Any such appointment should be made on the basis of skill, knowledge, qualification and experience relevant to the role of the committee.
- 3.2 Members nominated by group leaders should have a background in accounting or financial control or be able to demonstrate a commitment to and interest in the finances of the council. Audit Committee members should not be Cabinet members and ideally also not be members of the Scrutiny Committee.
- 3.3 The chairman shall be appointed on an annual basis by the Full Council. In the absence of the chairman at the meeting a chairman for the day shall be elected from the committee membership (excluding any co-opted member).

4. **Proceedings**

- 4.1 The procedure rules for the regulation of proceedings shall apply to meetings of the Audit Committee.

5. **Quorum**

- 5.1 The quorum of the Audit Committee will be three members.

6. **Meeting Frequency**

- 6.1 The committee will meet on a timetable to be agreed by the committee.

7. **Access to information**

7.1 All meetings of the audit committee shall be held in public unless there are grounds for excluding the press and public, as set out in the access to information procedure rules or in accordance with legislation.

8. **Agenda**

8.1 The agenda for the Audit Committee will be determined by the Proper Officer in consultation with the chair of the committee.

9. **Voting**

9.1 Any vote shall be by show of hands. A simple majority prevails and in the event of a tied vote the chairman has a casting vote.

10. **Officer contact**

10.1 Democratic Services – 01983 821000 email: Democratic.Services@iow.gov.uk

ARTICLE 10 - ISLE OF WIGHT PENSION FUND COMMITTEE

1. Terms of Reference

1.1 To carry out the council's statutory functions as administering authority of the Isle of Wight Pension Fund under the Local Government Pension Scheme (LGPS) Regulations and associated legislation under sections 7, 12 and 24 of the Superannuation Act 1972. This includes dealing with all matters arising that relate to the Isle of Wight Pension Fund, including the management and investment of the fund.

(i) Specifically, this will include, but is not restricted to:

- Maintaining appropriate accounting records:
 - collecting and accounting for employer/employee contributions and transfer values
 - paying and accounting for pension benefits and transfer values
 - investing monies not required for payment benefits, transfers and administration costs
 - monitoring budgets for the fund ensuring there is adequate budgetary control
- Maintaining member records:
 - setting up, administering and managing individual member records
 - regularly evaluating the completeness and accuracy of these records
- Managing the fund valuation process:
 - reviewing and acting on actuarial valuations
 - ensuring cash is available to meet the fund's future liabilities
- Managing the investment strategy of the fund:
 - agreeing asset allocation strategies following asset liability modelling and a policy for investment in different assets with the investment managers
 - agreeing a rebalancing strategy between different portfolios when asset allocations change due to different market movements of different sectors
 - regularly reviewing investment managers' performance and expertise against agreed benchmarks and determining any action required
 - ensuring that the fund investments are sufficiently diversified and that the fund is investing in suitable investments
 - ensuring all investment activity complies with the requirements of current regulations and best practice

- Preparing and maintaining the statutory statements, including:
 - investment strategy statement
 - funding strategy statement
 - communications strategy
 - governance policy
- Managing communications with employers, members and pensioners:
 - ensuring communications are accurate, clear and accessible
 - ensuring employers understand the information they are required to provide
 - providing accurate and timely information to members to inform options for retirement planning
 - providing annual benefit statements within the statutory timetable
 - providing assistance to employers on the pension implications of outsourcing services and on dealing with bulk transfers of pension rights
- Monitoring and managing all aspects of the fund’s performance:
 - appointing and regularly monitoring the performance of investment managers, a fund actuary, custodian and professional advisors
 - appointing an additional voluntary contribution provider
 - agreeing and monitoring key performance indicators for all areas of fund administration, management and governance.

(ii) The above list may be changed at any time should the underlying Regulations be amended.

1.2 To ensure the proper governance and administration of the fund in accordance with the Pensions Regulator’s *Code of Practice on Governance and Administration of Public Service Pension Schemes*.

(i) In addition to the functions listed in paragraph 1.1(i) above, this will include:

- Providing the Pensions Regulator with an annual return of the fund’s “registerable information” and keeping that information up to date
- Establishing and operating adequate internal controls to allow risks to be identified, evaluated and managed
- Publishing up to date information about the pensions board
- Ensuring that pension board members do not have a conflict of interest
- Operating arrangements which comply with legal requirements resolving internal disputes with members and others
- Establishing adequate procedures that enable breaches to be considered and reported

1.3 To exercise all discretionary functions as scheme manager for the firefighters’ pension schemes.

- 1.4 To undertake the training necessary to acquire and maintain the appropriate level of expertise, knowledge and skills as set out in the *CIPFA Pensions Finance Knowledge and Skills Framework*, including but not limited to:
- pensions legislative and governance framework
 - pensions accounting and auditing standards
 - financial services procurement and relationship management#
 - investment performance and risk management
 - financial markets and product knowledge
 - actuarial methods, standards and practices

- 1.5 To develop, in conjunction with the Isle of Wight Pension Board, a work programme for both pension fund committee and pension board, to ensure the appropriate standards of governance and administration of the scheme are maintained.

2. **Membership**

Seven elected members appointed on a political proportionality basis.
One non-voting employee representative nominated by UNISON.
One non-voting representative nominated by external employers of the fund.

2.1 In Attendance

Chief executive (or his nominated representative)
Leader of the council can attend as necessary
One representative from investment consultants
One administrative support officer
One representative from actuaries (as required e.g. to consider annual report and after triennial fund valuations)
Representatives from pension fund investment managers (as required)
Chairman of LGPS Pension Board, or nominated representative, as observer unless invited to speak by the chairman of the committee
Chairman of Fire Pension Board, or nominated representative, as observer unless invited to speak by the chairman of the committee

3. **Proceedings**

- 3.1 The procedure rules for the regulation of proceedings shall apply to meetings of the Isle of Wight Pension Fund Committee.

4. **Quorum**

- 4.1 The quorum for the Committee is three elected members.

5. **Meeting Frequency**

- 5.1 The committee will meet quarterly, but additional meetings will be arranged with the approval of the chairman of the committee, if required.

5.2 Informal meetings may be held for training and development purposes, to which members of the Local Pension Board and the Fire Pension Board will be invited.

6. **Access to information**

6.1 All meetings of the committee shall be held in public unless there are grounds for excluding the press and public, as set out in the access to information procedure rules or in accordance with legislation.

7. **Agenda**

7.1 The agenda for the committee will be determined by the proper Officer in consultation with the chair of the committee.

8. **Voting**

8.1 Any vote shall be by show of hands. A simple majority prevails and in the event of a tied vote the chairman has a casting vote.

9. **Officer contact**

9.1 Democratic Services – 01983 821000 email: Democratic.Services@iow.gov.uk

ARTICLE 11 - ISLE OF WIGHT LOCAL PENSION BOARD

1. Terms of Reference and Delegated Authorities

1.1 Introduction

- (i) The purpose of this document is to set out the terms of reference for the Local Pension Board of the Isle of Wight Council Pension Fund.

1.2 Role of the Local Pension Board

- (i) The role of the Local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –
 - Assist Isle of Wight Council Administering Authority as Scheme Manager; –
 - to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS.
 - to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator.
 - in such other matters as the LGPS regulations may specify.
 - to secure the effective and efficient governance and administration of the LGPS for the Isle of Wight Council Pension Fund.
 - Provide the Scheme Manager with such information as it requires to ensure that any member of the pension board or person to be appointed to the board does not have a conflict of interest.
- (ii) The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- (iii) The Pension Board will also help ensure that the LGPS is managed and administered effectively and efficiently and the administering authority complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- (iv) The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

1.3 Appointment of members of the Pension Board

- (i) The process for selecting members of the Pension Board is set out below.
- (ii) The Board shall consist of a minimum of 4 members, with a maximum total membership of 8, and be constituted with an equal number of employer and scheme member representatives as follows:

- Minimum of two, maximum of four, employer representatives;
 - Minimum of two, maximum of four, scheme member representatives.
- (iii) For the minimum membership size of four, one of the employer representatives shall be an elected member of the Isle of Wight Council. The other will be selected by the other employers of the fund, following nominations. Should the total number of members increase, then one of the additional employer representatives should be sought from the external employers of the fund.
- (iv) The scheme member representatives shall be appointed from suitable candidates nominated by UNISON, who will be responsible for arranging their own election of suitable candidates, representing both active and retired members, and advise the Isle of Wight Council of this so that it can be assured that it is open and transparent.
- (v) Should UNISON fail to nominate suitable representatives, the council will undertake a selection process by requesting expressions of interest from all active, deferred and retired members, followed by a ballot.
- (vi) Pension Board representatives must not also participate in or act as members of the Isle of Wight Council Pension Fund Committee.
- (vii) The Chair of the local Pension Board will be determined by the Board on an annual basis from amongst its own number.
- (viii) It will be the role of the Chair to ensure that:
- all members of the Board show due respect for process;
 - all meetings are productive and effective;
 - all views are fully heard and considered; and
 - where possible consensus has been met (or where not met that decisions are put to a vote).
- (ix) Each employer representative and scheme member representative so appointed shall serve for a fixed four year period or until qualification for membership ceases.
- (x) Each Board member is expected to attend all Board meetings during the year. In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the other Board members in liaison with the Scheme Manager.
- (xi) Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all of the other members.
- (xii) The Board may, with the approval of the Scheme Manager, co-opt persons who are not members of the Board to serve in a non-voting capacity on the board itself, or on any sub committees it may deem necessary, particularly where this would add skills and experience.

- (xiii) Notwithstanding the appointment of co-opted members, the majority of the Board shall be comprised of employer and scheme member representatives, represented in equal number.
- (xiv) There will be no provision to allow for substitute members to be appointed to the Board.

1.4 **Quorum**

- (i) The Board shall have a quorum of three, requiring at least one employer representative and at least one scheme member representative to be present. Co-opted members will not count towards the quorum.

1.5 **Conflicts of Interest**

- (i) The policy for identifying conflicts of interest will be based upon the Council's Code of Conduct and relevant guidance issued by the Pensions Regulator.
- (ii) No one may be appointed to the Board who has a conflict of interest that is considered to be prejudicial to the exercise of their functions as a member of the Pension Board. It is the responsibility of the board member to provide any information required by the Scheme Manager in order to determine whether such a conflict exists.
- (iii) All members of the Board must declare at any such time as their circumstances change any potential conflict of interest that might arise as a result of their membership of the Pension Board.
- (iv) Where any such conflict is identified the Board and the Scheme Manager shall ensure it is effectively managed in line with the Council's Code of Conduct. Where it is deemed impossible to manage any such conflict the Pension Board member may be required to stand aside in relation to any specific issue being considered or, if necessary, resign their position on the Board.

1.6 **Board Review Process**

- (i) The Board will undertake each year a formal review process to assess how well it and its sub-committees, if any, and the members are performing with a view to seeking continuous improvement in the Board's performance.

1.7 **Advisers to the Board**

- (i) The Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties. Any cost associated with the use of advisers to the Board must first be agreed with the Administering Authority.
- (ii) The Board shall ensure that the performances of the advisers so appointed are reviewed on a regular basis.

1.8 Knowledge and Skills

- (i) A member of the Pension Board must be conversant with –
 - The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
 - Any document recording policy about the administration of the LGPS which is for the time being adopted by the Isle of Wight Council Pension Fund.
- (ii) A member of the Pension Board must have knowledge and understanding of –
 - The law relating to pensions, in particular the Local Government Pension Scheme
 - The Pension Regulator's code of practice 14 and any other codes of practice that may at any time apply to public sector schemes, and
 - Any other matters which are prescribed in regulations.
- (iii) It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board and to be able to demonstrate this to the Scheme Manager.
- (iv) In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development, in a format consistent with the Scheme Manager's training policy.
- (v) Pension Board members will undertake a personal training needs analysis facilitated by the Scheme Manager and continually review their skills, competencies and knowledge to identify gaps or weaknesses.
- (vi) Pension Board members will comply with the Scheme Manager's training policy. Members of the Pension Board will be expected to attend training sessions held before each Pension Fund Committee meeting, to support the development of their knowledge and skills, as well as any other training sessions held specifically for Board members. The Scheme Manager will ensure training materials for each session are provided to all Board members.

1.9 Board Meetings – Notice and Minutes

- (i) The Scheme Manager shall give notice to all Pension Board members of every meeting of the Pension Board. The Scheme Manager shall ensure that a formal record of Pension Board proceedings is maintained. The minutes shall be circulated to all board members who will be given 21 days to make comment after which the final minutes will be published.

- (ii) There will be at least four Pension Board meetings a year. Other meetings may be convened with due notice as the Board determines.

1.10 Remit of the Board

- (i) The Pension Board must assist the Scheme Manager with such other matters as the scheme regulations may specify. It is for scheme regulations and the Scheme Manager to determine precisely what the Pension Board's role entails.

1.11 Standards of Conduct

- (i) The role of Pension Board members requires the highest standards of conduct and therefore the "seven principles of public life" will be applied to all Pension Board members together with the code of conduct as contained within the constitution of the Isle of Wight Council.

1.12 Decision making

- (i) Each member of the Pension Board will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus. If there are equal numbers of votes for and against the Chair of the Pension Board will have a second or casting vote which will be reported to the Scheme Manager.

1.13 Publication of Pension Board information

- (i) Up to date information will be posted on the section relating to the Isle of Wight Council Pension Fund on the Isle of Wight Council website showing:
- The names and information of the Pension Board members.
 - How the scheme members are represented on the Pension Board.
 - The responsibilities of the Pension Board as a whole.
 - The full terms of reference and policies of the Pension Board and how they operate.
 - The Pension Board appointment process.
 - Who each individual Pension Board member represents.
 - Any specific roles and responsibilities of individual Pension Board members.
 - The Pension Board's training and attendance log.
- (ii) Pension Board papers, agendas and minutes of meetings will be published on the Isle of Wight Council Pension Fund website. These may at the discretion of the Scheme Manager be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by Data Protection legislation.
- (iii) The Pension Board will also publish an Annual Report of its activities carried out over the previous scheme year, which may be included within the Pension Fund Annual Report.

- (iv) The Scheme Manager will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

1.14 **Accountability**

- (i) The Pension Board will be collectively and individually accountable to the Scheme Manager and the Pensions Regulator.

1.15 **Expense Reimbursement**

- (i) Only expenses incurred by a Board member in attending an activity approved by the Board will be paid by the Council.

1.16 **Reporting Breaches**

- (i) Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the Scheme Manager’s published Reporting Breaches of the Law to the Pensions Regulator Policy.

1.17 **Definitions**

- (i) The undernoted terms shall have the following meaning when used in this document:

| Term | Definition |
|--|--|
| <i>“Chair”</i> | Reference to duties to be performed, or authorities exercised, by the Chair |
| <i>“Elected member”</i> | A councillor of the Isle of Wight Council, elected by due democratic process. |
| <i>“Employer”</i> | Organizations’ external to the Council whose employees are eligible to be members of the Isle of Wight Council Pension Fund, either under Schedule 2, part 1 of Local Government Pension Scheme (Administration) Regulations 2008, or by virtue of an admission agreement with the administering authority. |
| <i>“LGPS”</i> | The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme Transitional Provisions, Savings and Amendment) Regulations 2014 and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 |
| <i>“Pension Board”</i> or <i>“Board”</i> | Means the local Pension Board for the Isle of Wight Council administering authority for the Isle of Wight Council Pension Fund as required under the Public |

| Term | Definition |
|---------------------------------------|---|
| | Service Pensions Act 2013 |
| <i>“Qualification for membership”</i> | Requires: <ul style="list-style-type: none"> • each member representative being appointed on the basis of their membership of the Fund or of a Union that represents the interests of the Fund’s membership; • each employer representative to hold office or employment with a scheme employer that participates in the Fund; • each Pension Board member to be able to demonstrate their capacity to attend and prepare for meetings or to participate in required training. • Each Pension Board member not having a conflict of interest which cannot be managed in accordance with the Scheme Manager’s conflict of Interest policy. • any Pension Board member who is an elected member not being a member of the Pension Committee; and • any Pension Board member who is an officer of the Scheme Manager not being responsible for the discharge of any function of the Scheme Manager under the Scheme. |
| <i>“Scheme”</i> | Means the Local Government Pension Scheme as defined under “LGPS” |
| <i>“Scheme Manager”</i> | Means Isle of Wight Council as administering authority of the Isle of Wight Council Pension Fund. |
| <i>“Scheme member”</i> | A person who has been admitted to membership of a pension scheme and is entitled to benefit under the scheme. Such a person may be “Active” (paying contributions), “Deferred” (no longer paying contributions, but entitled to future benefit), or “Retired” (in receipt of benefit) |

1.18 Interpretation

- (i) Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Scheme Manager.

ARTICLE 12 – ISLE OF WIGHT FIREFIGHTERS’ PENSION BOARD

1. Terms of Reference and Delegated Authorities

1.1 Introduction

- (i) The purpose of this document is to set out the terms of reference for the Firefighters’ Pension Board of the Isle of Wight Council, as Fire Authority.

1.2 Role of the Firefighters’ Pension Board

- (i) The role of the Firefighters’ Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –
 - Assist Isle of Wight Council as Scheme Manager; –
 - to secure compliance with the Firefighters Pension Scheme (FPS) regulations and any other legislation relating to the governance and administration of the FPS.
 - to secure compliance with requirements imposed in relation to the FPS by the Pensions Regulator.
 - in such other matters as the FPS regulations may specify.
 - to secure the effective and efficient governance and administration of the FPS for the Isle of Wight Council.
 - Provide the Council with such information as it requires to ensure that any member of the firefighters’ pension board or person to be appointed to the board does not have a conflict of interest.
- (ii) The Firefighters’ Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- (iii) The Firefighters’ Pension Board will also help ensure that the FPS is managed and administered effectively and efficiently, and the Scheme Manager complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- (iv) The Firefighters’ Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

1.3 Appointment of members of the Firefighters’ Pension Board

- (i) The process for selecting members of the Firefighters’ Pension Board is set out below.
- (ii) The Board shall consist of four members and be constituted as follows:
 - two employer representatives;

- two scheme member representatives.
- (iii) The employer representatives shall be elected members of the Isle of Wight Council as Fire Authority. One of the employer representatives shall be the Cabinet member with responsibility for Public Protection; the other shall be nominated by full council. Elected members of Isle of Wight Council with delegated responsibility for discharging the scheme manager function of Isle of Wight Council may not serve as employer representatives.
- (iv) The scheme member representatives shall be selected by requesting expressions of interest from all active, deferred and retired firefighters, followed by a ballot.
- (v) The Chair of the local Board will be determined by the Board on an annual basis from among its own number.
- (vi) It will be the role of the Chair to ensure that:
- all members of the Board show due respect for process;
 - all meetings are productive and effective;
 - all views are fully heard and considered; and
 - where possible consensus has been met (or where not met that decisions are put to a vote).
- (vii) Each employer representative and scheme member representative so appointed shall serve for a fixed four year period or until qualification for membership ceases. Where required, a shorter term of office may be decided upon, if it is necessary to prevent all members of the Board terminating their involvement at the same time.
- (viii) Each Board member is expected to attend all Board meetings during the year. In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the other Board members in liaison with the council.
- (ix) Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all of the other members.
- (x) The Board may, with the approval of the council, co-opt persons who are not members of the Board to serve in a non-voting capacity on the Board itself, or on any sub committees it may deem necessary, particularly where this would add skills and experience.
- (xi) Notwithstanding the appointment of co-opted members, the majority of the Board shall be comprised of employer and scheme member representatives, represented in equal number.
- (xii) There will be no provision to allow for substitute members to be appointed to the Board.

1.4 **Quorum**

- (i) The Board shall have a quorum of three, requiring at least one employer representative and at least one scheme member representative to be present.
- (ii) Advisers and co-opted persons do not count towards the quorum.

1.5 **Conflicts of Interest**

- (i) The policy for identifying conflicts of interest will be based upon the Code of Conduct as contained in the Constitution of the Isle of Wight Council and relevant guidance issued by the Pensions Regulator.
- (ii) No one may be appointed to the Board who has a conflict of interest that is considered to be prejudicial to the exercise of their functions as a member of the Pension Board. It is the responsibility of the board member to provide any information required by the council in order to determine whether such a conflict exists.
- (iii) All members of the Board must declare at any such time as their circumstances change any potential conflict of interest that might arise as a result of their membership of the Pension Board.
- (iv) Where any such conflict is identified the Board and the Scheme Manager shall ensure it is effectively managed in line with the Council's Code of Conduct. Where it is deemed impossible to manage any such conflict the Pension Board member may be required to stand aside in relation to any specific issue being considered or, if necessary, resign their position on the Board.

1.6 **Board Review Process**

- (i) The Board will undertake each year a formal review process to assess how well it and its sub-committees, if any, and the members are performing with a view to seeking continuous improvement in the Board's performance.

1.7 **Advisers to the Board**

- (i) The Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties. Any cost associated with the use of advisers to the Board must first be agreed with the Council.
- (ii) The Board shall ensure that the performances of the advisers so appointed are reviewed on a regular basis.

1.8 **Knowledge and Skills**

- (i) A member of the Pension Board must be conversant with –

- The legislation and associated guidance of the FPS.
 - Any document recording policy about the administration of the FPS which is for the time being adopted by the Council, as Fire Authority.
- (ii) A member of the Pension Board must have knowledge and understanding of –
- The law relating to pensions;
 - The Pension Regulator’s code of practice 14 and any other codes of practice that may at any time apply to public sector schemes; and
 - Any other matters which are prescribed in regulations.
- (iii) It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board and to be able to demonstrate this to the Scheme Manager.
- (iv) In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development, in a format consistent with the council’s pensions training policy.
- (v) Pension Board members will undertake a personal training needs analysis facilitated by the Scheme Manager and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.
- (vi) Pension Board members will comply with the council’s pensions training policy.
- (vii) Members of the Pension Board will be expected to attend training sessions held to support the development of their knowledge and skills, as well as any other training sessions held specifically for Board members.

1.9 Board Meetings – Notice and Minutes

- (i) The council shall give notice to all Pension Board members of every meeting of the Pension Board. The council shall ensure that a formal record of Pension Board proceedings is maintained. Following the approval of the minutes by the Chair of the Board or Board committee, they shall be circulated to all members and posted on the Isle of Wight Council’s website.
- (ii) There will be at least four Pension Board meetings a year. Other meetings may be convened with due notice as the Board determines.

1.10 Remit of the Board

- (i) The Pension Board must assist the council, as fire authority, with such other matters as the scheme regulations may specify. It is for scheme regulations and the council to determine precisely what the Pension Board’s role entails.

1.11 Standards of Conduct

- (i) The role of Pension Board members requires the highest standards of conduct and therefore the “seven principles of public life¹” will be applied to all Pension Board members together with the code of conduct as contained within the constitution of the Isle of Wight Council.

1.12 Decision making

- (i) Each member of the Pension Board will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus. If there are equal numbers of votes for and against the Chair of the Pension Board will have a second or casting vote which will be reported to the council.

1.13 Publication of Pension Board information

- (i) Up to date information will be posted on the section relating to the Isle of Wight Fire Authority on the Isle of Wight Council’s website showing:
 - The names and information of the Firefighters Pension Board members
 - How the scheme members are represented on the Pension Board
 - The responsibilities of the Pension Board as a whole
 - The full terms of reference and policies of the Pension Board and how they operate
 - The Pension Board appointment process
 - Who each individual Pension Board member represents
 - Any specific roles and responsibilities of individual Pension Board members
 - The Pension Board’s training and attendance log.
- (ii) Pension Board papers, agendas and minutes of meetings will be published on the Isle of Wight Council website. These may at the discretion of the council be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection legislation.
- (iii) The Pension Board will also publish an Annual Report of its activities carried out over the previous scheme year, which will be published on the council’s website.
- (iv) The council will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

1.14 Accountability

- (i) The Pension Board will be collectively and individually accountable to the Scheme Manager and to the Pensions Regulator.

¹ Standards Matter: a review of best practice in promoting good behaviour in public life”, Committee on Standards in Public Life, January 2013

1.15 Expense Reimbursement

- (i) Only expenses incurred by a Board member in attending an activity approved by the Board will be paid by the Council.

1.16 Reporting Breaches

- (i) Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the Scheme Manager's published Reporting Breaches of the Law to the Pensions Regulator Policy.

1.17 Definitions

- (i) The undernoted terms shall have the following meaning when used in this document:

| | |
|---------------------------------------|---|
| <i>"Chair"</i> | Reference to duties to be performed, or authorities exercised, by the Chair |
| <i>"Elected member"</i> | A councillor of the Isle of Wight Council as the Fire Authority, elected by due democratic process. |
| <i>"FPS"</i> | The Firefighters Pension Scheme as constituted by the Firefighters Pension Scheme (England) Regulations 2014 |
| <i>"Pension Board" or "Board"</i> | Means the local Firefighters Pension Board for the Isle of Wight Council, as Fire Authority as required under the Public Service Pensions Act 2013 |
| <i>"Qualification for membership"</i> | Requires: <ul style="list-style-type: none">• each member representative being appointed on the basis of their membership of the FPS;• each employer representative to hold office the scheme employer;• each Pension Board member to be able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.• each Pension Board member not having a conflict of interest which cannot be managed in accordance with the Scheme Manager's conflict of Interest policy.• any Pension Board member who is an elected member not being a member of the Pension Committee; and• any Pension Board member who is an officer of the Scheme Manager not being responsible for the discharge of any function of the Scheme Manager under the Scheme. |

| | |
|-------------------------|--|
| <i>“Scheme”</i> | Means the Firefighters Pension Scheme as defined under “FPS” |
| <i>“Scheme Manager”</i> | Means the Isle of Wight Council, as Fire Authority |
| <i>“Scheme member”</i> | A person who has been admitted to membership of the FPS and is entitled to benefit under the scheme. |

1.18 Interpretation

- (i) Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the council.

ARTICLE 13 – ISLE OF WIGHT HEALTH AND WELLBEING BOARD

1. Constitution and Terms of Reference

1.1 What is health and wellbeing?

- (i) The World Health Organisation defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Health and wellbeing therefore encompasses health services, adult social care, children’s services, and the wider consideration of the impact of issues such as housing, community safety, economic development and the environment”.
- (ii) In seeking to optimise the health and wellbeing of Island residents within the resources available it is necessary to bring partner organisations together around this common aim, addressing inequalities and responding to the needs of the most vulnerable.

1.2 Purpose of the Health and Wellbeing Board – The Local Aspiration

- (i) On the Isle of Wight, the Council, NHS organisations, Police and Crime Commissioner, Hampshire Police, the Department of Work and Pensions, HM Prison IW, IW Voluntary Sector Forum, People Matter and Healthwatch have all committed to taking a broad definition of health and wellbeing to bring into scope all of the factors that impact on how people experience good health and wellbeing in their daily lives.
- (ii) The Health and Wellbeing Board is the key forum which takes an overview of the island population’s health and wellbeing, make plans to improve it and ensures delivery of its priorities.
- (iii) The Health and Wellbeing Board provides the platform from which commissioning and provider organisations can demonstrate that they have considered both the empirical evidence provided through the Joint Strategic Needs Assessment (JSNA) and the views of both individuals and the wider community.
- (iv) Through this approach the strategic priorities of the Health and Wellbeing Board and those of its member organisations will be shaped and partners will be able to hold each other to account.
- (v) The Health and Wellbeing Board is constituted as a formal committee of the Isle of Wight Council and answerable to its scrutiny functions. This ensures that there is a formal local democratic accountability for its actions and performance.

1.3 The legislative underpinning of the Health and Wellbeing Board

- (i) The Health and Social Care Act 2012 establishes Health and Wellbeing Boards. It defines a Health and Wellbeing Board as:

.... a committee of the local authority which established it and, for the purposes of any enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.

- (ii) The Act also sets out a duty to encourage integrated working stating:

A Health and Wellbeing Board must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.

- (iii) The Act also describes a minimum membership of the Health and Wellbeing Board as being:

- One local elected representative
- A representative of the local Healthwatch organisation
- A representative of the local Clinical Commissioning Group
- The local authority Director for Adult Social Services
- The local authority Director for Children's Services
- The local authority Director of Public Health

- (iv) Statutory guidance issued in March 2013 describes the Health and Wellbeing Board's responsibilities in relation to undertaking Joint Strategic Needs Assessments (JSNA's) and producing Joint Health and Wellbeing Strategies (JHWS's)

- (v) The Guidance describes JSNA's as:

....assessments of the current and future health and social care needs of the local community. – these are needs that could be met by the local authority, CCGs, or the NHS. JSNAs are produced by health and wellbeing boards and are unique to each local area. The policy intention is for health and wellbeing boards to also consider wider factors that impact on their communities' health and wellbeing, and local assets that can help to improve outcomes and reduce inequalities

- (vi) JSNA's will need to give specific consideration to:

- *demographics of the area, and needs of people of all ages of the life course including how needs vary for people at different ages;*
- *how needs may be harder to meet for those in disadvantaged areas or vulnerable groups who experience inequalities, such as people who find it difficult to access services and those with complex and multiple needs.*
- *wider social, environmental and economic factors that impact on health and wellbeing – such as access to green space, the impact of climate change, air quality, housing, community safety, transport, economic circumstances, employment; and*
- *what health and social care information the local community needs, including how they access it and what support they may need to understand it.*

- (vii) JHWS's are defined as the strategies for meeting needs identified in JSNA's:
- *JHWSs should translate JSNA findings into clear outcomes the board wants to achieve.*
- (viii) In addition, it is expected that the local authority, Clinical Commissioning Group (CCG) and NHS Commissioning Board plans will be informed by the JSNA and JHWS and critically:
- *Where plans are not in line with JSNAs and JHWS, CCGs, the NHS CB and local authorities must be able to explain why.*
 - *CCGs must involve the health and wellbeing board in preparing (or making significant changes to) their commissioning plans. This includes consulting health and wellbeing boards on whether the plans take proper account of the JSNAs and JHWS. When consulted, boards must give a view, and their final opinion must be included in the published plan. It would also be good practice for local authorities and the NHS CB to involve boards when developing their commissioning plans, to ensure that they are properly informed by the relevant JSNAs and JHWSs.*
- (ix) Finally, the Government may from time to time issue guidance which requires certain issues to be considered by the Health and Wellbeing Board.

1.4 Membership of the Isle of Wight Health and Wellbeing Board

- (i) The membership of the Health and Wellbeing Board will be as follows:
- Leader of the Isle of Wight Council and the relevant Isle of Wight Council Cabinet members with responsibility for Children, Adult Services and Public Protection
 - Chief executive of the Isle of Wight Council
 - Isle of Wight Council Statutory Directors of Children's Services, Adult Services and Public Health.
 - Isle of Wight Council Director of Neighbourhoods
 - The Chairman of the Isle of Wight Clinical Commissioning Group.
 - Chief Officer Isle of Wight of Clinical Commissioning Group
 - Representative of the Area Director of the Wessex Area Team of NHS England
 - Chief executive of Isle of Wight NHS Trust
 - Representative of the Chief Constable of Hampshire of Police
 - Police and Crime Commissioner for Hampshire and the Isle of Wight or his representative
 - Representative of Healthwatch Isle of Wight.
 - Representative of Isle of Wight Association of Local Councils (IWALC)
 - Chairman of the Isle of Wight Voluntary Sector Forum
- (ii) The Board will be quorate if there are at least two Cabinet members of the Council, one statutory officer of the Council, a representative of the CCG and four other members of the Board or their representatives present.

- (iii) The chairman of the Board shall be the Isle of Wight Council Leader and the vice chairman shall be the chairman of the Isle of Wight Clinical Commissioning Group.

1.5 Voting arrangements

- (i) The Board seeks to make decisions based on consensus, but should a vote be required then the following will all have one vote:
- Isle of Wight Council
 - The IW Clinical Commissioning Group, NHS England and IW NHS Trust combined
 - Hampshire and Isle of Wight Police and Crime Commissioner and Hampshire Police
 - Healthwatch, IW Voluntary Sector Forum and IWALC combined

1.6 Meeting arrangements

- (i) The Board will meet four times a year with additional meetings being arranged in agreement with the Chairman.
- (ii) Meetings of the Board will be open to the public and press. The agenda and papers for meetings of the Board will be published in line with the appropriate statutory timescales and there will be an opportunity for members of the public to submit written questions. Such questions must be received at least 48 hours prior to the meeting and must relate to the business of the Board as set out in these terms of reference. The total time set aside for public questions and answers will be limited to 15 minutes.

1.7 Executive Group

- (i) An executive group comprising officer/executive representatives from all the organisations represented on the Board, with the exception of Healthwatch will be established. This executive group will have the responsibility for ensuring that the Health and Wellbeing Board is appropriately advised and administered and its decisions implemented.
- (ii) The executive group will be chaired by the Isle of Wight Council's Director of Adult Social Services.
- (iii) Additional organisations such as the Department of Work and Pensions may be invited to join the Executive Group to assist its work

1.8 Sub Groups

- (i) The Board will be supported by four standing sub groups. These are Strategic Partnerships and are described as follows:
- **Healthy Lifestyles** – seeking to influence individuals' behaviour away from those aspects that are damaging to their health and provide opportunities for

those who experience the poorest health outcomes to achieve improvements that narrow the gap between them and those who enjoy the best health outcomes

- **Community Safety** – focussing on those factors that reduce crime and the fear of crime within the community
 - **“My Life a Full Life”** – focusing on people who are the most affected by preventable and/or long term health conditions and supporting them to achieve a better quality of life
 - **Children and Young People** – ensuring all children on the Island have the best opportunities to reach their potential while those who are most vulnerable are protected and supported.
 - **Strategic Housing Partnership**
- (ii) The sub groups will agree their programmes of work, monitor progress and review performance in their respective areas.
- (iii) Members of the sub groups will comprise an appropriate mix of commissioners, providers and community representatives to be determined as appropriate.
- (iv) The Board may also establish specific working groups. The groups will be set up from time to time as agreed by the board. These groups will be time limited, have clear terms of reference, and may include those who are not members of the board.
- (v) These working groups will not hold their meetings in public.

1.9 **IW Local Safeguarding Children’s Board (LSCB) and IW Local Safeguarding Adults Board (LSAB)**

- (i) The LSCB is a statutory body established under the Children Act 2004. Its purpose may be summarised as to co-ordinate and quality assure the safeguarding children activities of member agencies. The LSAB, while not yet on a statutory footing, performs a similar function in relation to vulnerable adults.
- (ii) Both the LSCB and LSAB need to be able to bring issues and concerns to the attention of the Health and Wellbeing Board and in turn, the Health and Wellbeing Board needs to be confident that these fora are operating effectively to discharge their responsibilities. The Health and Wellbeing Board will therefore, as a minimum, consider the Annual Reports of both the LSCB and LSAB

1.10 **Review of Terms of Reference**

- (i) These Terms of Reference will be reviewed annually from the date of adoption.
- (ii) Administrative adjustments may be made in year by the Chairman as appropriate.

ARTICLE 14 – NEWPORT HARBOUR BOARD: TERMS OF REFERENCE

1. Terms of Reference

1.1 Role

(i) General Function

- To act as the Duty Holder in accordance with the Port Marine Safety Code.
- To improve, maintain and manage Newport Harbour for the benefit of users who include residents, visitors and businesses to balance the commercial outlook by conserving and protecting the estuarine environment.
- In accordance with the respective responsibilities of the Council and Harbour Board, to develop and maintain Newport Harbour (as defined in the Newport Harbour Revision Order 1988) whilst protecting the interests of the community of Newport and the environment.

1.2 Respective Positions and Responsibilities

- (i) The Council determines the policy and budget framework for all Council bodies.
- (ii) The Board, as a Committee of the Council, is established to advise the Council, Cabinet, and Senior Harbour Master about issues relating to the Harbour in accordance with the requirements of the Port Marine Safety Code (the Code) and Health & Safety at Work legislation.
- (iii) Key Objectives:
 - The objectives of the Board are summarised as follows:
 - To manage the Harbour in accordance with the PMSC.
 - Financial self-sufficiency as far as reasonably practicable
 - Maintenance and development of the harbour infrastructure
 - Support for the local economy
 - Contribution to the character and attraction of the area
 - Compliance with legal and regulatory requirements
 - Achievement of environmental considerations
 - Open and transparent governance
 - Development of staff; and
 - Considering issues of risk management.

1.3 Extent of Powers

- (i) The Harbour Board will conduct operations in accordance with the powers granted to the Council as a Harbour Authority. Inter alia it must:

- develop strategic business plans for the Harbour for approval by Council;
- make operational decisions based on advice from the Senior Harbour Master, the Designated Person, Newport Harbour User Group and other officers with specialist knowledge of the Harbour;
- monitor and analyse performance against the budget and other performance indicators
- maintain separate accounts to demonstrate the Harbour's commercial viability. This includes recommending charges and subsidies for approval by the Council on a yearly basis;
- monitor and review all matters relating to the Harbour land and property in accordance with policies laid down by the Council. This includes overseeing contracts for harbour related services

1.4 Reserved competencies

(i) The following functions are outside of the Harbour Boards powers and are reserved to full Council, however the Harbour Board may make recommendations to Council concerning these matters:

- amendments to governance arrangements (e.g. changes to the Harbour Board's constitution, terms of reference and membership);
- approving and adopting budgets;
- adopting or amending policies, plans and strategies (e.g. the Harbour Revision Order, General Directions or the Harbours strategic business plan);
- to borrow money;
- to make, amend, revoke or adopt byelaws

1.5 Membership

(i) The Harbour Board shall comprise of seven elected members and shall include:

- Cabinet member for Resources
- Cabinet member for Infrastructure and Transport
- Cabinet member for Environment and Heritage

(ii) Officers will be requested to attend as required; typically:

- Assistant director of Neighbourhoods
- Strategic Manager of Commercial Services
- Senior Harbour Master

(iii) In addition to officers the Designated Person may be invited to attend and advise on marine related issues.

(iv) Meetings will be chaired by the Cabinet member for Infrastructure and Transport and they will be assisted by the Head of Commercial Services or in their absence the Commercial Services Manager.

1.6 Proceedings

- (i) The procedure rules for the regulation of proceedings shall apply to meetings of the Newport Harbour Board.

1.7 Quorum

- (i) The quorum of the Newport Harbour Board will be three members.

1.8 Meeting Frequency and Length

- (i) The Harbour Board will, as a minimum, meet every three months.

1.9 Access to information

- (i) All meetings of the Newport Harbour Board shall be held in public unless there are grounds for excluding the press and public, as set out in the access to information procedure rules or in accordance with legislation.

1.10 Agenda

- (i) The agenda will include as a minimum:
 - Review of actions from previous meeting
 - Update on operational issues
 - Update on health and safety works
 - Senior Harbour Master's report on activities
 - Update on progress towards full compliance with the PMSC (Get-well programme)
 - Finance report
 - Feedback from the Newport Harbour User Group
- (ii) The agenda will be issued a minimum of five working days before the meeting.

1.11 Voting

- (i) Any vote shall be by a show of hands. A simple majority prevails and in the event of a tied vote the chairman has a casting vote.

1.12 Officer contact

- (i) Democratic Services – 01983 821000 email: Democratic.Services@iow.gov.uk

ARTICLE 15 – OFFICERS

1. Chief Officer Appointments

1.1 Chief officer appointments will be made in accordance with the Terms of Reference of the Appointments Committee (see [Article 9](#)) and the Officer Employment Rules set out later in the constitution ([click here](#))

2. Management Structure

2.1 General. The head of paid service has the responsibility of determining the management and officer structure for delivering council functions and policies within available resources.

2.2 Chief executive (Head of paid service) and Chief Officers.

(i) The current structure is shown below.

Chief executive (who shall also be the head of paid service)

Assistant Chief Executive

Director of children's services

Director of public health

Director of adult social services

Director of regeneration

Chief fire officer

Director of corporate services

Director of neighbourhoods

Assistant director of corporate services and monitoring officer (*Not a chief officer but sits on CMT*)

2.3 Head of paid service, monitoring officer, chief financial officer, proper officer (an officer appointed for that specific purpose by the Isle of Wight Council), director of children's services, director of public health and director of adult social services.

(i) The council is required to appoint six statutory officers, and has designated the following posts as shown:

| Post | Designation |
|---|--|
| Chief executive | Head of paid service |
| Assistant director of corporate services and monitoring officer | Monitoring officer |
| Director of finance and section 151 Officer | S151 and chief financial officer |
| Director of children's services | Director of children's services (section 18 Children Act 2004) |
| Director of adult social services | Director of adult social services (section 6 Local Authority Social Services Act |

| | |
|---------------------------|---------------------------|
| | 1970) |
| Director of public health | Director of public health |

- (ii) The above designations can be changed (on a temporary or permanent basis) but only on the decision of Full Council.

2.4 **Proper Officer.** The proper officer is an officer appointed for that specific purpose by the Isle of Wight Council.

2.5 **Structure.** The chief executive will publish from time to time a description of the overall departmental structure of the council showing the management structure and deployment of officers.

(i) **Functions of the head of paid service**

- Discharge of functions by the council. To determine:
 - The co-ordination and manner of discharge of all functions of the council.
 - The number and grades of staff required
 - The organisation, appointment and proper management of staff.

Where necessary the chief executive will report to Full Council or the Cabinet or Appointment Committee (as appropriate) on these matters.

- **Policy and priorities.** The chief executive will ensure that a sound strategic framework exists so that council policy is informed, helped and clarified, giving such policies a clear strategic direction, supported by realistic action plans and will oversee the implementation of the council's policies and also develop mechanisms to enable priorities to be set and choices to be exercised by elected members in the allocation of finance and other resources.
- **Communications.** The chief executive will ensure that the council communicates with those who receive its services its partners in service delivery and the various communities of which it is a part, explaining, interpreting, listening and consulting in a wide ranging and effective way.
- **Powers.** The chief executive or his nominee shall have all the powers of any other officer in the event of their absence or inability to act, except insofar as the exercise of such powers is by law limited to a specific post holder.
- **Restrictions on functions.** The chief executive may not be the monitoring officer but may hold the post of chief financial officer if a qualified accountant.

(ii) **Functions of the monitoring officer**

- **Maintaining the constitution.** The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by members, staff and the public.
- **Ensuring lawfulness and fairness of decision making.** After consulting with the chief executive, and chief financial officer, the monitoring officer will report to the Full Council (or to the Cabinet in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- **Ensuring that all reports that are submitted to members** for consideration meet the required quality of accuracy and assessment of the issues to be considered.
- **Considering complaints against members and determining what action to take.** The monitoring officer will consider complaints that allege members have breached the code of conduct and may seek the advice of a designated independent person and will seek such advice before referring a complaint to an investigation.
- **Conducting investigations.** The monitoring officer will arrange for an investigating officer to conduct investigations into alleged breaches of the members' code of conduct and will arrange for such reports to be considered by the Appeals Committee where an investigating officer determines that there has been a breach of the code of conduct.
- **Granting dispensations.** In consultation with a designated independent person, to deal with requests for dispensation without the need for a meeting of the Appeals Committee where that is deemed to be appropriate.
- **Advising whether Cabinet decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- **Restrictions on posts.** The monitoring officer cannot be the chief financial officer or the head of paid service.
- The monitoring officer protocol attached to this constitution sets out the statutory base of this position.

(iii) **Functions of the chief financial officer**

- **Ensuring lawfulness and financial prudence of decision making.** After consulting with the chief executive and the monitoring officer, the chief financial officer will report to the Full Council or to the Cabinet in relation to an executive function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.
- **Ensuring that all reports that are submitted to members** for consideration meet the required quality of accuracy and assessment of the issues to be considered.
- **Administration of financial affairs.** The chief financial officer will have responsibility for the administration of the financial affairs of the council including the provision of an internal audit function.
- **Contributing to corporate management.** The chief financial officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- **Providing advice.** The chief financial officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- **Give financial information.** The chief financial officer will provide financial information to the media, members of the public and the community.
- **Financial Management.** The chief financial officer will monitor the council's financial performance on a continuous basis and will advise the council of the robustness of its budgets and the adequacy of its reserves.

2.6 **Duty to provide sufficient resources to the monitoring officer and chief financial officer**

- (i) The Council will provide the monitoring officer and chief financial officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

ARTICLE 16 - DECISION MAKING

1. Responsibility for decision making

1.1 Most decisions of the council are made by the Cabinet, Cabinet members, by the regulatory committees or by officers exercising delegated powers. The Full Council itself has some specific powers which only it can exercise, and, in addition, it is responsible for approving the council's budget and policy framework. The council has agreed a protocol on decision making which identifies the different types of decisions made by the council.

2. Principles of decision making

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

- (i) that relevant matters are taken into account;
- (ii) that nothing irrelevant is taken into account;
- (iii) that procedural rules and financial and contract procedure rules are complied with;
- (iv) that proper advice is taken and considered before the decision is reached;
- (v) that any interests are properly declared;
- (vi) that the decision is properly recorded and published;
- (vii) proportionality (i.e. the action must be proportionate to the desired outcome);
- (viii) due consultation and the taking of professional advice from officers;
- (ix) respect for human rights and equality impacts;
- (x) a presumption in favour of openness;
- (xi) clarity of aims and desired outcomes;
- (xii) due consideration of all available options; and
- (xiii) the protocols and procedures contained in this constitution.

2.2 All decisions must be taken in accordance with the protocol on the decision-making process as detailed within this constitution.

ARTICLE 17 - FINANCE, CONTRACTS AND LEGAL MATTERS

1. Financial Management

1.1 The management of the council's financial affairs will be conducted in accordance with the financial procedure rules set out in this constitution.

2. Contracts

2.1 Every contract made by the council will comply with the contracts procedure rules as set out in this constitution.

3. Legal Proceedings

3.1 The Assistant director of corporate services and monitoring officer is authorised to institute, settle, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where he or she considers that such action is necessary to protect the council's interests.

3.2 The Assistant director of corporate services and monitoring officer authorises officers of the council to institute proceedings in the magistrates court or the county court on behalf of the council for the recovery of sums due to the council and sundry debts including recovery of council tax, non domestic rates, community charge, domestic rates and to authorise any person to act on the council's behalf in taking any court proceedings or other enforcement measures appropriate to the task of recovery, and to authorise the common seal of the council to be affixed to documents of the council in this connection.

4. Authentication of documents

4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the Assistant director of corporate services and monitoring officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

5. Common seal of the council

5.1 The common seal of the council will be kept in a safe place in the custody of the Assistant director of corporate services and monitoring officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the Assistant director of corporate services and monitoring officer should be sealed. The affixing of the common seal will be attested by the Assistant director of corporate services and monitoring officer or some other person authorised by him/her.

ARTICLE 18 - REVIEW AND REVISION OF THE CONSTITUTION

1. Duty to monitor and review the constitution

- 1.1 The monitoring officer will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
- 1.2 In undertaking this task, the monitoring officer may:
- (i) observe meetings of different parts of the member and officer structure;
 - (ii) undertake an audit trail of a sample of decisions;
 - (iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
 - (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

2. Changes to the Constitution

- 2.1 Approval. Changes to the constitution by Full Council will only be approved by the Full Council after consideration of the proposal by the monitoring officer.
- 2.2 Delegation. The monitoring officer has the delegated authority to amend the constitution to reflect decisions taken at Full Council, changes in the law, to correct errors or clarify ambiguities where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the constitution.

ARTICLE 19 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1. **Suspension of the Constitution**

- 1.1 Limit to suspension. The articles of this constitution may not be suspended. The council procedure rules set out in this constitution may be suspended by the Full Council to the extent permitted within those rules and the law.
- 1.2 Procedure to suspend. A motion to suspend any rules will not be moved at Full Council without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

2. **Interpretation**

- 2.1 The ruling of the chairman of council, after taking advice, as to the construction or application of this constitution or as to any proceedings of the Full Council shall not be challenged at any meeting of the Full Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

3. **Publication**

- 3.1 The Assistant director of corporate services and monitoring officer will ensure that a copy of this constitution is available to each member of the authority either via the council's web site, or in hard copy if requested, upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the council.
- 3.2 The Assistant director of corporate services and monitoring officer will ensure that copies are accessible for inspection at council offices, libraries and other appropriate locations.
- 3.3 Access by electronic means shall be sufficient for the purposes of this rule.

SCHEDULE: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

1. The following parts of this Constitution constitute the Executive arrangements:
 - 1.1 Article 5 - (The Cabinet) and the Cabinet procedure rules
 - 1.2 Article 6 - Scrutiny functions
 - 1.3 Article 8 - Appointment committee
 - 1.4 Article 9 - Audit committee
 - 1.5 Access to information and procedure rules

RESPONSIBILITY FOR FUNCTIONS

1. The Cabinet exercises the following functions, vested in it by the various Local Authorities Functions and Responsibilities Regulations made by parliament and particularly:

1.1 *To Recommend to the Council*

- (i) The budget and policy framework.
- (ii) Changes to this constitution and for the arrangements for the good governance of Council.

1.2 *To Determine*

All matters not otherwise reserved to Full Council, delegated to a committee, or a Scrutiny Committee, and in particular –

- (i) To agree the acquisition and disposal of property and the management of the council's land holdings;
- (ii) To exercise all the powers and duties of the council in respect of leisure, libraries, museums, consumer protection and environmental health;
- (iii) To exercise all the powers of and duties of the council as the local education authority;
- (iv) To act as the social services committee and exercise all the powers and duties of the council's role as social services authority;
- (v) To act as the highways, transportation and waste disposal authority;
- (vi) To act as the fire authority;
- (vii) To agree protocols for consultation and relations with outside bodies.

DELEGATION OF FUNCTIONS

The decision making arenas for Council business are:

1. Full Council, which decides the council's policies as set out in Article 4, sets the level of council tax, the revenue budget and capital budget each year.
2. Cabinet, which is responsible for most decisions which are within the budget and policy framework agreed by Full Council. Executive functions are carried out by the Cabinet, Cabinet members or officers acting under delegated powers.
 - 2.1 Cabinet meetings should only take decisions that are significant, controversial or which are of strategic importance. The vast majority of decisions will be taken by officers under delegated powers, these may be taken in consultation with the relevant Cabinet member where it is appropriate to do so.
 - 2.2 Officers should consider using their delegated powers for decisions that fall outside the definition above, however they must refer to the relevant Cabinet member any decision that is controversial or which would benefit from higher visibility by being taken by the Cabinet for them to make recommendations as they consider appropriate.
 - 2.3 Any decision that is likely to be contentious should be discussed with the Cabinet member before the decision is made so that the appropriate decision making process can be agreed.
 - 2.4 An officer may take an officer decision (see officers' scheme of delegation), subject to the limitations referred to in the scheme.
 - 2.5 All decisions must be taken in accordance with the "Decision Making Rules" as set out on page 167 of the constitution.
3. The Council will also establish committees to deal with the regulatory side of non-executive functions such as matters relating to planning, licensing and appeals. Many of the decisions that relate to planning, licensing and appeals can be dealt with by officers under the officer delegation scheme.
4. The functions described in paragraphs one and three above are described as "non executive functions" and those in paragraph two are "executive functions". Only the Cabinet can determine executive functions.
5. **Delegated Functions**
 - 5.1 The leader of the council will determine the size (up to a maximum of nine), membership and individual portfolios of the Cabinet as well as the delegated authority of the portfolio holders
 - 5.2 The Full Council will agree the scheme of delegation (in as far as they relate to non executive functions) whilst the regulatory committees will agree any delegation of their functions to the officers.

6. Delegation of Executive Functions – Cabinet

6.1 Cabinet

6.2 To collectively take decisions (within the budget and policy framework set by Full Council) which relate to executive functions and which:

- (i) Have a genuine strategic island or council-wide effect, or
- (ii) Are controversial, or
- (iii) Form greater public exposure than an officer delegated decision is likely to receive, or
- (iv) Where there is no individual officer available (or willing) to exercise delegated authority.

6.3 Leader

The leader of the council has the delegated authority to determine:

- (i) The size of the Cabinet
- (ii) The appointment of Cabinet members (up to a maximum of 9 not including the Leader)
- (iii) The allocation of portfolios and responsibility to Cabinet members and deputies
- (iv) A scheme of delegations of executive functions to Cabinet members
- (v) A scheme of delegations of executive functions to officers

6.4 Cabinet member Responsibilities

- (i) The leader shall, from time to time, amend the various portfolios of Cabinet members and deputies and shall maintain a list of all the functions that are contained within those portfolios. This list is available from this web site :-

<http://www.iwight.com/Council/how-it-works/Councillors/Isle-of-Wight-Council-Members>

- (ii) By their nature, the portfolios of responsibility cut across the various functions of the council and therefore in cases of uncertainty as to which Cabinet member is responsible, the leader of the council shall determine the appropriate Cabinet member.

6.5 Delegation to Cabinet members

- (i) Cabinet members have delegated power to take decisions which are either:
 - Strategically significant for a service area relevant to their responsibility, or

- Likely to be particularly controversial, or
- Would otherwise benefit from the public exposure which a member decision receives.

7. Delegated Decision Making

7.1 If the relevant Cabinet member considers that any decision that officers are consulting them about is likely to be sensitive or controversial, then they have the discretion to refer the decision to the Cabinet or to take the decision under their own delegated authority.

7.2 When the Cabinet or Cabinet member is making a decision the principles of decision making as set out on page 167 must be followed.

(i) Cabinet members - The Leader will maintain and publish a list of Cabinet members, titles, portfolios and responsibility and delegation.

(ii) Cabinet members can make any decision within their remit which is within the Budget and Policy Framework.

(iii) Cabinet members cannot make a decision which is

- A Key Decision unless advance notice of the proposed decision has been included in the Forward Plan or the urgency provisions have been invoked.

or

- A decision that has been specifically reserved to the Council, the Cabinet, Regulatory Committee

(iv) If the Cabinet member wishes to make a decision contrary to the advice of the relevant Director or Chief Officer then the Cabinet member must refer the issue to the Cabinet for a decision.

(v) If the Cabinet members consider that any decision they are being asked to take is likely to be particularly sensitive or controversial, then they have the discretion to refer the decision to the Cabinet for consideration.

8. Officer Scheme of Delegation

8.1 Introduction

8.2 What is the officer scheme of delegation?

(i) Certain types of decision must by law be delegated to an officer rather than being determined by members. These include the appointment and dismissal of officers below deputy chief officer level, discharge of the duties of the returning officer in elections and the proper officer functions. Other council functions must by law be determined by members, for example, setting the council tax and adopting the plans or strategies constituting the council's policy framework. For the great

majority of local authority functions, it is a matter of local choice for the council whether they are exercised by members or delegated to officers.

- (ii) The council's constitution sets out how the council operates, how decisions are made and the procedures that are followed to ensure that the council operates in an efficient, transparent and accountable manner.
- (iii) The constitution describes the overall areas of responsibility for members of the Cabinet and for committees and sub-committees. However, to ensure that the council runs efficiently, it is necessary for decisions to be taken by officers. The officer delegation sets out which officers are empowered to undertake which decisions or actions on behalf of the council.
- (iv) The exclusions from the delegations to officers (i.e. the matters that are reserved for members' decision) are set out in below and must be referred to Full Council or Cabinet.

8.3 General Limitations

- (i) This Scheme does not delegate to officers the following:
 - Any matter reserved to Full Council unless explicitly delegated by Full Council
 - Appointment of the head of paid service, Monitoring Officer and Section 151 Officer. The appointment (on a recommendation from the appointments Committee) of the head of paid service is a matter for the Full Council, as is the appointment of the Monitoring Officer and Section 151 Officer, all other Director appointments are delegated to the Appointments Committee
 - Any matter which by law may not be delegated to an officer.
 - Any matter expressly reserved to the Cabinet within its terms of reference or otherwise, by standing orders or financial regulations or withdrawn from delegation by this scheme or by the Cabinet or individual Cabinet member or Full Council
 - The making of an order for the compulsory acquisition of land
 - The acquisition of land in advance of requirements
 - The adoption, amendment (other than minor amendments) or delegation of any strategic plan or policy as set out in the terms of reference of the Full Council, the Cabinet or any committee, sub-committee or panel of the council.

- (ii) Officers shall not be authorised by virtue of these provisions
 - To incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with financial regulations
 - To take a decision in contravention of any existing council policy.

8.4 General principles/common officer delegations

- (i) The officer delegation scheme confers on chief officers extensive powers to carry out the council's functions, both executive and non-executive. The designation "chief officer" throughout this scheme will include the chief executive.
- (ii) The chief executive will maintain and publish a list of services for which each chief officer is responsible for, and in relation to which they have delegated powers under this scheme. The chief executive has authority to amend that list and this scheme, to reflect operational necessity and in order to deliver continually improving services.
- (iii) Powers shall be exercised in accordance with the law, the council's procedure rules, financial procedure rules, contract procedure rules and any policies relevant to the functions delegated.
- (iv) The fact that a function is delegated to a chief officer under this scheme does not restrict an officer referring any decision to the Cabinet, Cabinet member or relevant committee should he/she consider that the decision is controversial or of strategic importance. "Function" is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
- (v) A chief officer is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers, either generally or specifically, on his/her behalf. A chief officer must maintain a list of all such authorisations, as part of a comprehensive service scheme of delegation.
- (vi) The leader or the relevant Cabinet member (i.e. the Cabinet portfolio holder for that function) may direct that a delegated executive power should not be exercised by the chief officer but should be referred to Cabinet, Cabinet member or the appropriate committee unless otherwise agreed. Such direction should be exercised in consultation with the relevant chief officer.
- (vii) A chief officer may refer any matter to Full Council, the Cabinet, Cabinet member or the appropriate committee of the council for decision at their discretion.
- (viii) Chief officers have responsibility to report to Full Council, Cabinet, Cabinet member, the appropriate committee or committee chair or appropriate ward members (and following this the relevant Parish/Town Council) matters that are of a political or

strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.

- (ix) Chief officers and officers authorised to exercise delegated powers are required to keep members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to members and the public in accordance with the legislation.
- (x) If the post holder or office of any employee of the council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing (which includes email) by the chief officer with responsibility for the post or officer, or in the event of a chief officer, another chief officer.

8.5 Specific officer delegations

Chief executive

- (i) Where necessary in consultation with the monitoring officer, chief finance officer, political groups, leader of the council and/or relevant Cabinet member(s) to authorise urgent action between Cabinet meetings and ensure that the chairman of the Scrutiny Committee is (where practicable) notified before the decision is made and then notified once the decision has been made. As and when required the Chief executive can appoint a deputy with full powers to act in his absence.
- (ii) To ensure strategically led improvements in the quality and efficiency of service delivery and to devise and maintain systems to deliver good governance, including performance management, risk management and ethics/probity structures.
- (iii) In consultation with the s151 officer and the Cabinet member for resources to authorise the acquisition of properties in accordance with the approved commercial property investment strategy.
- (iv) To determine the management structure and the deployment of staff.
- (v) Responsibility for ensuring:
 - that human resource management complies with current council policy and standards
 - propriety and observance of codes of conduct for all council staff
 - compliance with and observance of all established council policies
- (vi) To make arrangements for the council to be represented on partnership and external bodies as required by statute or the council.

- (vii) To have all the powers of any other officer of the council in the event of their absence or inability to act, except in so far as the exercise of such powers is by law limited to a specific post holder.
- (viii) Chief officer and their direct reports are authorised within their areas of responsibility and subject to the following conditions:
- Chief officers are empowered to make such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility set out in the table below, which is revised from time to time to reflect the latest position.
 - To make amendments to the structure of their department subject to consultation with the relevant Cabinet member.
 - To make appointments to a post within their approved budget and take such decisions in relation to human resources as are appropriate for the proper management of the service within the approved structure.
 - To implement the council's human resources policies as shall apply at any time.
 - To authorise officers to carry out the councils functions under all legislation, regulations, orders and statutory codes of practice, to include entry of premises, inspections and signing and service of notices in relation to the council's enforcement functions.
 - In an emergency, to take such action as is necessary within the law to protect life, health, and safety, the economic social or environmental well-being of the Island, and to preserve property belonging to the council or others.
 - To enter into contracts, review their operation, establish and maintain approved lists of contractors of suppliers and the appointment of consultants, subject to the financial regulations, the procurement rules, contract standing orders and budgetary provision.
 - To authorise legal proceedings in respect of offences under acts, regulations, byelaws or orders within the remit of the service area, and with the approval of the Assistant director of corporate services and monitoring officer.
 - When taking, or considering taking, delegated decisions all officers must have regard to the following:
 - Does the decision involve significant expenditure to the service budget, or wider council budget?
 - Does the decision affect the reputation of the service and/or council?

- Is the decision significant with regard to one or more wards?
 - Does the decision carry a significant risk to the service or wider council?
 - Does the decision impact reputationally or financially on service users, partner organisations or committees outside the council?
- (ix) Officers must consider the above and, depending upon the level of significance, prepare an officer decision using the pro forma, which may be presented to the relevant Cabinet member for their agreement to the decision (this can be done via email). If the matter is considered to be of high significance, then the officer should consider whether to consult ward member(s) (and following this the relevant Parish/Town Council) or whether in fact a Cabinet or Cabinet member report should be prepared instead, and the matter entered on the forward plan.
- (x) Day to day routine management decisions do not need to be subject to formally recorded decision procedures.

Scheme of Delegation

| Statutory Roles | Chief Officer Post | Areas of Responsibility |
|----------------------|---------------------------|--|
| Head of paid service | Chief executive | <p>To undertake the responsibilities of the Head of Paid Service as defined in law and the council's constitution and to be the council's principal advisor directing the management process and officers of the Council to deliver the objectives of the administration.</p> <p>To hold overall accountability for the management of staff and propose a culture that demonstrates a positive outlook and continuous improvement to meeting the challenges despite financial constraints. To review as necessary the staffing structure, capacity, skills and performance of the council to ensure that they match the needs of the community, financial constraints, strategic priorities and statutory obligations.</p> <p>To manage the interface between elected members and officers to ensure effective delivery of the Vision and Corporate Plan.</p> <p>To work with elected Members to build and develop strong relationships with existing and potential key partners (local, regional and national) across all sectors to develop effective partnership working and collaboration for the benefit of the Island community.</p> <p>To lead the medium-term budget strategy, change management and overall council performance. To lead and manage Emergency Management.</p> |
| | Assistant Chief Executive | <p>To act in the capacity of deputy to the Chief Executive and assist with the efficient and effective delivery of all council business activity.</p> <p>To take strategic leadership and management of a service portfolio that includes strategic planning, corporate communications, strategic partnerships and organisational intelligence.</p> <p>To take the lead in the development and approval of corporate strategies necessary to deliver the council's strategic priorities, in particular the one public service initiative, commerciality and income generation, housing and a refreshed Island Plan.</p> <p>To lead and manage the implementation of a revised Core Strategy.</p> |

| Statutory Roles | Chief Officer Post | Areas of Responsibility |
|---------------------------------|---------------------------------|--|
| | Director of Neighborhoods | <p>To lead and manage Commercial Services including Recreation, Leisure, Public Spaces, Public Realm, Libraries, Registrars, and Rights of Way.</p> <p>To lead and manage Environmental Health, Trading Standards, Licensing, Community Safety and Housing Renewals.</p> <p>To lead and manage Highways and Transport, including the Highways PFI contract and Waste and Recycling.</p> |
| | Director of Regeneration | <p>To be the Council's lead on economy and tourism to develop and promote economic growth for the Island including the attraction of inward Investment and development of commercial services.</p> <p>To lead and manage Planning Services, Planning Policy (with the exception of the adoption of a revised Core Strategy), AONB, Conservation, Ecology, Local Sustainable Transport Fund, Building Control and Lead Local Flood Authority.</p> <p>To lead and manage economic development, tourism and asset management.</p> |
| Director of Children's Services | Director of Children's Services | <p>To provide strategic leadership and development of the local education and children's services sector. Working with head teachers, school governors and academy sponsors and principals to support the drive for high educational standards for all children and young people, paying particular attention to the most disadvantaged groups.</p> <p>To ensure that there are clear and effective arrangements to protect children and young people from harm, in accordance with primary legislation, particularly the Children Acts 1989 and 2004. Ensure that children's services are integrated across the council, and that statutory partners, the local voluntary and community sector, parents and children and young people themselves are included in the scope of the council's planning, commissioning and delivery of children's services where appropriate.</p> <p>Responsibility for undertaking a strategic needs assessment for children and their families with actual or potential needs across the local authority area in conjunction with the nominated director of social services and director of public health.</p> <p>To lead and manage services for children and young people including education, social care, safeguarding, youth service and learning and development. Act as the professional advisor to members of the Council.</p> |
| Director of Public Health | Director of Public Health | <p>To provide strategic leadership for the delivery of the Council's duties to improve public health together with those delegated functions by the Secretary of State for health protection or health improvement. Take the lead in exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.</p> <p>Take the lead in the production of the Joint Strategic Needs assessment, Joint Strategy on Health and Wellbeing and deliver the annual public health report. Commission, or ensure the provision of service that underpin public and health improvement.</p> |

| Statutory Roles | Chief Officer Post | Areas of Responsibility |
|--|--------------------------------|---|
| Director of Adult Social Services | Director of Adult Social Care | <p>To act as the statutory director of adult social services including operational housing.</p> <p>To provide professional leadership for all council staff and those across local partnerships in the provision of adult social care services. Take accountability for ensuring that relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by or commissioned by the Council. Responsibility for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area in conjunction with the Director of Children’s Services and Director of Public Health.</p> <p>To ensure that there are clear and effective arrangements to assess and where necessary meet the care needs of eligible service users and to protect vulnerable adults from harm, in accordance with primary legislation, particularly the Care Act 2014 and Health and Social Care 2012. Ensure that adult services are integrated across the council, and that statutory partners, the local voluntary and community sector and service users themselves are included in the scope of the council’s planning, commissioning and delivery of Adult Services where appropriate.</p> |
| Chief Fire Officer | Chief Fire Officer | <p>To Ensure that the Council meets its legal responsibilities that an effective fire and rescue service is provided across the Island together with the provision, training and equipping of the Isle of Wight Fire and Rescue Service to undertake; firefighting, protection of people and property from fire, fire safety promotion, road traffic collision rescues and other emergency responses to civil emergencies.</p> <p>To lead and manage the Island’s Fire and Rescue Services and to maintain them to meet statutory duties. Take the lead on community safety and pay a major role in civil protection and ensuring that there is an integrated approach to handling civil emergencies.</p> |
| Returning Officer and Electoral Registration Officer | Director of Corporate Services | <p>To act as chief professional advisor to the Chief Executive, senior management team and elected members on matters affecting the organisation within the corporate services portfolio of services.</p> <p>To lead and manage legal and democratic services; elections and land charges; human resources; health and safety; equality and diversity; information governance; procurement; ICT and digital services; workforce and organisational development and business centre (including council tax and business rate administration); housing benefit; facilities management; payroll pensions and income and payments.</p> <p>To be the returning officer for local elections, acting returning officer for parliamentary elections (including the ability to appoint deputies for these roles). Also to be the electoral registration officer for the Isle of Wight.</p> |

| Statutory Roles | Chief Officer Post | Areas of Responsibility |
|---------------------|--|--|
| Monitoring Officer | Assistant Director of Corporate Services | <p>To undertake the responsibilities of the Monitoring Officer as defined in law and the Council's Constitution. To act as the Council's chief legal advisor to ensure that the Council operates lawfully and within the agreed constitution and to report any unlawful acts or maladministration to the council. To act as Data Protection Officer, SIRO (Senior identified risk officer) and Senior Responsible Officer (RIPA).</p> <p>To lead and manage Legal Services (including information management), Democratic Services and Corporate Leadership Support, Procurement, Elections and Land charges, Human Resources, Health and Safety and Insurance. To ensure that the Council's information management responsibilities are met effectively and within available resources.</p> |
| Section 151 Officer | Chief Finance Officer and S151 Officer | <p>To undertake the responsibilities of the Section 151 officer as defined in law and the council's constitution. To act as the council's chief financial officer to ensure the proper administration of the council's financial affairs and that there are appropriate financial practices and procedures in place to meet these requirements.</p> <p>To lead and manage financial services and Audit; deliver a balanced budget and sustainable Medium Term Financial Strategy for the council within the context of the reducing resources available each year. To promote the development of improved financial practices and procedures, and improved financial control and business processes, to ensure services enabled and delivered by the council continue to be affordable.</p> |

PROCEDURE RULES FOR THE REGULATION OF PROCEEDINGS - FULL COUNCIL, CABINET, COMMITTEES AND SUB COMMITTEES

PROCEDURE RULE No. 1 MEETINGS OF FULL COUNCIL

1. Full Council

1.1 Annual meeting

1.2 In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

1.3 The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the chairman of Council;
- (iii) elect the vice chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the chairman and/or head of the paid service;
- (vii) receive Leaders annual update report to the Council
- (viii) elect the leader;
- (ix) appoint at least one Scrutiny Committee and such other committees as the Council considers appropriate;
- (x) decide the size and terms of reference for those committees;
- (xi) appoint the chairman of the Scrutiny Committee and the chairman and vice chairman of any other committees or sub committees appointed by Council;
- (xii) receive nominations of councillors to serve on outside bodies that are required to be appointed by the Council (if any);
- (xiii) re-affirm the scheme of delegation;
- (xiv) approve a programme of ordinary meetings of the Full Council for the year; and
- (xv) consider any business set out in the notice convening the meeting.
- (xvi) Consider motions
- (xvii) Hold members question time of the leader

1.4 No member of the Council shall serve as chairman or vice chairman of the Council for more than one year unless the Council chooses, by resolution, to appoint a member for a second year to that same position.

1.5 In the period after ordinary council elections and before the annual council any member who holds office within the council immediately prior to the election AND is re-elected, shall continue in that office until the date of the annual meeting.

1.6 Ordinary meetings

1.7 Ordinary meetings of the Council will take place in accordance with a programme determined at the annual meeting of the Council and notified in the summons for the meeting by the proper officer.

1.8 Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (v) consider any petitions submitted in accordance with the procedure in Article 4 (paragraph 5) of the constitution.
- (vi) receive any announcements from the chairman, or the head of paid service (total period for announcements shall not exceed 15 minutes);
- (vii) receive the Leaders update report to the Council
- (viii) deal with any business from the last Council meeting;
- (ix) receive recommendations from the Cabinet and the Council's Committees or Panels;
- (x) receive reports about and receive questions and answers on the business of external organisations.
- (xi) consider motions*;
- (xii) consider any other business specified in the summons to the meeting*;
- (xiii) hold Members question time of the leader

* items (xi) and (xii) can be considered alongside each other when appropriate.

1.9 Budget Meetings will consider the items as listed in 1.8 above. But the process for moving, debating, amending and voting on the budget options will be:

- (i) The Leader will be asked to move (with no debate at this stage) ALL approved budget proposals that have been submitted and this will be seconded.
- (ii) In order to be approved, all alternative budgets/proposals that any group/member wishes to be considered by budget council must be provided in final form, following prior consultation and written approval of the S.151 Officer five clear working days in advance of the Council Budget meeting to ensure that any amendment is capable of being adopted by the Council.
- (iii) Any submissions not prepared in a form acceptable to the S.151 Officer as being capable of being adopted by the Council as a lawful budget will not be allowed.
- (iv) Any submissions not received within five clear working days of the budget council meeting may not be allowed.
- (v) Full Council will then debate all the budget options as one debate with the Leader of the council speaking first and then the Leaders (or their nominees) of each group

will be invited to speak for 15 minutes. The order for speeches will be the order in which alternative budgets were submitted to the s151 officer and then at the discretion of the chairman.

- (vi) Once each leader has had the opportunity to speak then any other member will be invited to speak for up to three minutes each.
- (vii) At the end of the debate, before the votes are taken, each Leader will be invited in reverse order to sum up for up to five minutes each.
- (viii) Then the Leader of the Council will be invited to formally move their recommended budget, and this will be seconded, then those members who had submitted alternative budget proposals will be invited (in the order in which the proposals were submitted) to move their proposals as an amendment, and without further debate those amendments will be voted on in turn, if an amendment is agreed then this becomes part of the original motion.
- (ix) The process detailed in para (v) above will continue until all budget proposals have been considered.
- (x) Then the Council will vote on the substantive budget recommendation (ie that moved by the Leader of the Council including any amendments that the Council might have agreed).

1.10 Extraordinary Meetings of Full Council

- (i) A request may be made to the proper officer to call an extraordinary Full Council meeting by:
 - the Full Council by resolution;
 - the chairman of the council;
 - the monitoring officer; or
 - any five members of the council if they have signed a requisition presented to the chairman of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (ii) The business to be transacted at an extraordinary meeting shall be restricted to the matter(s) for which the meeting was called as set out in the agenda and no other business shall be considered at the meeting.

1.11 The chairman can amend the order of business on the agenda and at the meeting as he/she sees fit.

PROCEDURE RULE No. 2
MEETINGS OF THE CABINET, COMMITTEES AND SUB COMMITTEES

1. Meetings of the Cabinet, Committees and Sub Committees

1.1 Meetings of Cabinet, committees and sub committees will take place in accordance with a programme circulated by the proper officer.

1.2 Meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) approve the minutes or records of decision of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, except that the Planning Committee and Licensing and Appeals Committee may not receive questions which are about matters for determination on their agenda;
- (v) the Scrutiny Committee will consider evidence from chief officers or their nominated representative in respect of petitions containing 2,500 or more signatures as described in the petition scheme (see iwight.com);
- (vi) consider any other business specified in the summons to the meeting;
- (vii) the Scrutiny Committees may receive reports about and receive questions and answers on the business of external organisations;

1.3 Extraordinary meetings of the Cabinet, Committees and sub committees

- (i) A request may be made to the proper officer to call an extraordinary meeting by:
 - the chairman of the Cabinet, committee or sub committee in question;
 - the monitoring officer; or
 - the Cabinet, committee or sub committee by resolution
- (ii) The business to be transacted at an extraordinary meeting shall be restricted to the matter(s) for which the meeting was called as set out in the agenda and no other business shall be considered at the meeting.

1.4 The chairmen of the relevant meeting can amend the order of business on the agenda or at the meeting as he/she sees fit.

PROCEDURE RULE No. 3
TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by Annual Council (for Full Council meetings), Cabinet, Committees and sub committees (for their own meetings) and notified in the summons for the meeting as issued by the proper officer.

PROCEDURE RULE No. 4
NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the proper officer will send a summons for that meeting to every member of the council, Cabinet, Committee or sub committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

PROCEDURE RULE No. 5
CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the chairman for that meeting.

PROCEDURE RULE No. 6
QUORUM

1. **Full Council**

1.1 The quorum of a meeting of Full Council will be 10 members.

2. **Cabinet, committees and sub committees**

2.1 The quorum for each of the Cabinet, Committees, Sub Committees is set out in their relevant article. In the absence of any number being specified then the quorum will be one quarter of the voting membership of the committee or sub committee, but will not be less than three.

3. **For all meetings:**

3.1 During any meeting, if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

PROCEDURE RULE No. 7
QUESTIONS BY MEMBERS OF THE PUBLIC

1. **General – Full Council**

1.1 Members of the public may ask a question at ordinary meetings of the council. The total time set aside for such questions and answers will be up to 15 minutes for previously submitted written questions, and a further period of up to 15 minutes for any oral questions submitted at the meeting. **No question exceeding 150 words will be allowed.** Questions will usually be answered by either the leader, or relevant Cabinet member, or another member as determined by the chairman.

2. General – Cabinet, Committees and sub committees

2.1 Members of the public may ask a question at ordinary meetings of the Cabinet, committees or sub committees. Such a question must be within the remit of the meeting, except that questions may not be asked at meetings of the Planning Committee, Appeals Committee, Licensing Committee or Appointment Committee which relate to items on the agenda for that meeting. At Cabinet meetings the total time set aside for such questions and answers will be up to 15 minutes for written questions and up to 15 minutes for oral questions. For all other committees and sub committees etc the maximum time for public questions (written and oral) will be up to 15 minutes. At meetings of the Cabinet, questions will usually be answered by either the leader, or relevant Cabinet member, or another member as determined by the chairman.

3. Order of questions

3.1 Questions will be asked in the order that notice was received, except that the chairman may group together similar questions.

4. Notice of questions

4.1 To guarantee a reply at the meeting, members of the public must submit their question, by delivering it in writing or by electronic mail, to the proper officer no later than 48 hours (not including weekends or bank holidays) prior to the start of the meeting. Each question must give the name and address of the questioner. A question may be asked at the meeting without prior notice but in these circumstances there is no guarantee that a full reply will be given at the meeting. Any written question received by the deadline will receive a written response.

5. Number of questions

5.1 No person may submit more than one question at any one meeting, and no more than three questions may be asked on behalf of one organisation.

6. Scope of questions

6.1 The proper officer must reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility, or which affects the Isle of Wight;
- (ii) is defamatory, frivolous or offensive;
- (iii) is not a question but a statement;
- (iv) relates to an individual or the questioner's own particular circumstances;
- (v) is substantially the same as a question which has been put at a meeting of the Full Council, Cabinet, Committee or sub committee in the past six months;
- (vi) requires the disclosure of confidential or exempt information; or
- (vii) names or identifies individual service users, members of staff or members/staff of partner agencies.
- (viii) No question exceeding 150 words will be allowed.

6.2 Democratic services will provide assistance and an advocacy service for members of the public wishing to submit written questions to council meetings. This service will provide objective advice on the structure and wording of questions and submit/ask the question on behalf of the member of the public should they wish it.

7. **Record of written questions**

7.1 The proper officer will give a unique reference number to each written question received at least 48 hours (not including weekends or bank holidays) prior to the start of the meeting and enter this number and the question in an electronic file open to public inspection. Rejected written questions will include reasons for rejection. Copies of all written questions will be circulated to members at the meeting. Following the meeting the answer will be recorded adjacent to the question in the electronic file maintained by the proper officer. Minutes of the meeting will record who asked a question, the subject matter and the reference number of both the question and answer.

7.2 For the avoidance of doubt this rule does not apply to oral questions asked at the meeting.

8. **Asking a written question at the meeting**

8.1 The chairman will invite the questioner to put the written question to the member named in the notice, in the order in which the written questions were received. If a questioner who wishes to ask a question prefers, their local member can ask the question on their behalf.

8.2 If the questioner is not present, then the chairman will decide whether the question should be read out and answered at the meeting.

8.3 The chairman shall prevent any question which in his/her opinion would be inappropriate for the meeting.

9. **Oral questions**

9.1 Full Council

9.2 Members of the public wishing to ask an oral question should register their intention in accordance with the procedure set out below.

9.3 A period of up to 15 minutes is set aside for members of the public asking oral questions. People asking an oral question must state their name and place of residence. **No question exceeding 150 words will be allowed.** If time permits, and at the chairman's discretion, oral questions that have not been registered in accordance with procedure rule 4.1 will be taken after all other questions have been considered.

9.4 Minutes of the meeting will record who asked a question, the subject matter and the Cabinet member who responded. If the Cabinet member is unable to provide a response at the meeting they may provide a written response at a later date.

9.5 The chairman may ask for any oral question to be submitted in writing.

9.6 Cabinet, committees and sub committees

- 9.7 At meetings of the Cabinet, members of the public wishing to ask an oral question should register their intention in accordance with the procedure set out in paragraph 13 below.
- 9.8 For all other meetings, and if time allows, the chairman will ask if there are any oral questions. People asking an oral question must state their name and place of residence.
- 9.9 Minutes of the meeting will record who asked a question, the subject matter and the Member who responded. If the Member is unable to provide a response at the meeting they may provide a written response at a later date.
- 9.10 The chairman may ask for any oral question to be submitted in writing.

10. Supplemental question

- 10.1 A questioner who has put a question (either written or oral) in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in procedure rule 7 (6) above.

11. Written answers

- 11.1 Any written question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.
- 11.2 Where a reply cannot be provided at the meeting and a written response is promised then such a written response will usually be provided within 3 weeks, or an explanation will be given at that time as to why it is taking longer to get the response and when a final response may be ready.

12. Reference of question to the Cabinet, or any other committee or sub committee

- 12.1 Unless the chairman decides otherwise, no discussion will take place on any written question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

13. Submission of oral questions to meetings of council and Cabinet

- 13.1 The reception desk “opens” for public wishing to attend the meeting half an hour before the meeting.
- 13.2 When arriving at the reception desk as attending a Full Council or Cabinet meeting each member of the public is asked whether they wish to ask an oral question at the meeting AND / OR if the member of the public indicates themselves that they wish to ask an oral question.

- 13.3 In the circumstances that a member of the public wishes to ask an oral question, they be given a form to complete which details their name, town / village of residence, email (or home) address and the topic of the question (not the question in full, unless they wish to provide this).
- 13.4 These forms will be consecutively numbered in the order handed back.
- 13.5 The time for registering will be from 30 minutes prior to the start of the meeting up until 10 minutes prior to the start of the meeting.
- 13.6 At the expiry of the 10 minutes prior to the start of the meeting these sheets will be collected and given to the chairman of that meeting, in numbered order.
- 13.7 When the meeting gets to the agenda item for public questions, up to 15 minutes will be spent dealing with written questions, and then up to a further 15 minutes will be allowed for questions submitted on the day (oral questions). For oral questions, the chairman will ask those who have registered an oral question (in the numbered order that they were registered) to put their question and as the subject matter is known at that stage the chairman should be able to indicate which member will reply. Once the registered oral questions have been dealt with if time permits and at the discretion of the chairman any further oral questions will be put to the meeting by members of the public indicating that they have a question to ask.
- 13.8 The option of supplementary questions for both written questions and these registered oral questions will be available, at the Chairman's discretion.
- 13.9 A person who has submitted a written question will not also be able to submit an oral question at the same meeting.
- 13.10 Once the defined period of time allowed for questions has passed (and assuming the chairman has not extended this) then all unanswered oral questions are left at that (unless chairman exercises his / her discretion to extend).
- 13.11 No oral question will receive a guaranteed written response, unless the member responding indicates as such.

The procedure set out above, along with guidance information, will be made available from a web link to the agenda and to those individuals who register to ask written or oral questions.

PROCEDURE RULE No. 8
QUESTIONS BY MEMBERS

1. General – Cabinet, Committees and sub committees

1.1 A member may ask members of the Cabinet, committee or sub committee a question at a meeting. Such a question must be within the remit of the meeting, except that questions may not be asked at meetings of the Planning Committee, Appeals Committee, Licensing Committee or Appointments Committee which relate to items on the agenda for that meeting.

2. At full council following the update report to the council from the leader a member may ask a question of the leader. Such questions will be restricted to matters arising from that leaders report, and the chairman shall have the discretion to rule a question out of order if it falls outside this scope. Members question of the Leaders report, and any answers shall be limited to 15 minutes in total.

3. At full council a member may ask questions of the leader during the agenda item question time of the leader.

4. Copies of Questions

4.1 Where the question meets the requirements of paragraph 6 below, the proper officer will give a copy of each question to every Member attending the Meeting.

5. Notice of Questions.

To guarantee a reply at the Cabinet, Committees and sub committees members must submit their question, by delivering it in writing or by electronic mail, to the proper officer no later than 48 hours for cabinet or 24 hours for other committee or sub committee (not including weekends or bank holidays) prior to the start of the meeting. A question may be asked at the meeting without prior notice but in these circumstances there is no guarantee that a full reply will be given at the meeting. Any written question received by the deadline will receive a written response.

5.1 To receive a reply at full council during members question time of the leader, members must submit their question, by delivering it by electronic mail, to the proper officer no later than 4 working days prior to the start of the meeting. Any written question received by the deadline will receive a written response and be published.

5.2 To receive a reply to questions arising from the leaders update report, no notice is required to be given. However, each member shall be restricted to one question and no supplemental. If all members that have indicated a wish to ask a question have done so and sufficient time remains within the allocated 15 minutes members may put a second question.

6. Scope of questions

6.1 The proper officer must reject a question if it:

- (i) is not related to policy and budget issues;
- (ii) is not about a matter for which the local authority has a responsibility, or which affects the Isle of Wight;
- (iii) is defamatory, frivolous or offensive;
- (iv) is not a question but a statement;
- (v) relates to an individual or the questioner's own particular circumstances;
- (vi) is substantially the same as a question which has been put at a meeting of the, Cabinet, committee or sub committee, in the past six months;
- (vii) requires the disclosure of confidential or exempt information; or
- (viii) names or identifies individual service users, members of staff or members/staff of partner agencies.

Record of written questions

6.2 The proper officer will give a unique reference number to each written question received by the required notice period and enter this number and the question in an electronic file open to public inspection. Rejected written questions will include reasons for rejection. Copies of all written questions will be circulated to members at the meeting. Following the meeting the answer will be recorded adjacent to the question in the electronic file maintained by the proper officer. Minutes of the meeting will record who asked a question, the subject matter and the reference number of the question and answer.

6.3 For the avoidance of doubt this rule does not apply to oral questions asked at the meeting.

7. Asking written questions at the meeting

7.1 Cabinet, Committees and sub Committees

7.2 The question shall be put and answered by the relevant member of the Cabinet, Committee, or sub committee without discussion.

7.3 The answer to a member's question may be given orally or in writing.

8. Oral questions

8.1 In addition to the above, members may ask questions of the Cabinet, committee or sub committee without any notice except that the period allowed for these questions and answers shall be ten minutes.

8.2 In the case of oral questions, the minutes of the meeting will record who asked a question, the subject matter and the member who responded.

8.3 The chairman may ask for any oral question to be submitted in writing.

9. Supplemental question

9.1 The member shall be allowed one further supplementary question provided that it is relevant to the original question and does not introduce a new subject matter.

10. **Written answers**

- 10.1 Any written question which cannot be dealt with during member questions, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.
- 10.2 Except in relation to questions during question time of the leader at full council, where a reply cannot be provided at the meeting and a written response is promised then such a written response will usually be provided within three weeks, or an explanation will be given at that time as to why it is taking longer to get the response and when a final response may be ready. Where a reply cannot be provided to a question submitted for question time of the leader, these shall be provided within five working days.
- 10.3 For the avoidance of doubt this rule does not apply to oral questions or questions of the leaders report asked at a meeting.
- 10.4 Unless the chairman decides otherwise, no discussion will take place on any written question, but any member may move that a matter raised by a question be referred to the cabinet or the appropriate committee, or sub-committee. Once seconded, such a motion will be voted on without discussion.

11. **Declined Questions**

- 11.1 With the exception of questions asked during question time of the leader, if in the view of the chairman the question asked (either in writing or orally) does not relate to policy or budget the chairman will decline to accept the question at the meeting and instruct that either a written reply be given after the meeting (and that this be recorded in the record maintained); or that the question be directed to the relevant Cabinet member or other committee outside the meeting. Where the chairman so directs for oral questions the questioner shall submit the question in writing.

PROCEDURE RULE No. 9 MOTIONS ON NOTICE AT FULL COUNCIL

1. **Notice**

- 1.1 Except for motions which can be moved without notice under procedure rule 12, written notice of every motion, signed by the member submitting the notice to Full Council, must be delivered to the proper officer not later than seven clear working days before the date of the meeting. Delivery can be by electronic means provided that the proper officer is satisfied that it has been sent by the member concerned. These will be maintained as an electronic list that can be made available for public inspection.
- 1.2 Each motion must be clear, succinct, with no lengthy preamble and must clearly identify the matter to be debated and have a clear question to be put.
- 1.3 No more than one motion may be put by a member at each meeting.

2. **Motion set out in agenda**

2.1 Motions for which notice has been given will be listed on the agenda in the order in which notice was received. The time allowed for motions will be limited to one hour.

3. **Scope**

3.1 Motions must be about matters directly controlled by or that directly affect the council and not matters outside the council's control.

3.2 Any motion the subject matter of which comes within the province of the Cabinet or any another Committee may, after it has been moved and on the decision of the chairman:

- (i) be referred without discussion to the Cabinet or relevant committee; or
- (ii) be referred without discussion to such other meeting as the chairman may decide:
or
- (iii) be dealt with at the meeting at which it is moved.

PROCEDURE RULE No. 10 MOTIONS AT FULL COUNCIL ON EXPENDITURE

Any motion which is moved at a Full Council meeting which would have the effect of materially increasing the expenditure upon any service or would involve capital expenditure shall, unless that motion has been previously considered by the Cabinet, stand adjourned without discussion to the next ordinary meeting of the Council, and the Cabinet shall consider whether it desires to report thereon back to the Full Council.

PROCEDURE RULE No. 11 MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any council employee, the meeting must not discuss it until it has considered whether to exclude the public under section 100A(4) of the Local Government Act 1972.

PROCEDURE RULE No. 12 MOTIONS WITHOUT NOTICE

1. **The following motions may be moved without notice at Full Council, Cabinet, committees or sub committees:**

- (i) to appoint a chairman of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the summons for the meeting;

- (vi) to receive reports or adoption of recommendations of committees or recommendations contained in reports or from officers and any resolutions following from them;
 - (vii) to withdraw a motion;
 - (viii) to amend a motion;
 - (ix) to proceed to the next business;
 - (x) that the question be now put;
 - (xi) to adjourn a debate;
 - (xii) to adjourn a meeting;
 - (xiii) to suspend a particular council procedure rule (except council procedure rules 11, 16 (6), 23(2) and 26);
 - (xiv) to exclude the public and press in accordance with the access to information rules;
 - (xv) to not hear further a member named under rule 21.4 or to exclude them from the meeting under rule 21.5; and
 - (xvi) to give the consent of the council where it's consent is required by this constitution.
2. The chairman, with or without notice, may propose a resolution on any subject he may deem a matter of urgency and which is within the functions or powers of the meeting.

PROCEDURE RULE No. 13 RULES OF DEBATE

1. **General**

- 1.1 Debates at Full Council are expected to follow this procedure rule. The procedure for the Full Council meeting that sets the budget differs as set out in procedure rule 1 (9) above.
- 1.2 However, debates at meetings of the Cabinet, Committees or sub committees may be less formal than debates at Full Council. The chairman of these meetings has the discretion to allow this informality, but in the event of dispute the process set out in this procedure rule will be followed.

2. **No speeches until motion seconded**

- 2.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

3. **Right to require motion in writing**

- 3.1 Unless notice of the motion has already been given in writing, and is not a procedural motion, the chairman will require it to be written down and handed to him/her before it is discussed.

4. **Seconders' speech**

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

5. Content and length of speeches

5.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes without the consent of the Chairman except that the mover of an original motion can speak for up to five minutes in moving the motion and then a further period of five minutes in replying at the end of the debate.

6. When a member may speak again

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

- (i) to speak once on an amendment moved by another member;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) to speak on the main issue when their first speech was on a moved amendment;
- (iv) in exercise of a right of reply;
- (v) on a point of order; and
- (vi) by way of personal explanation.

7. Amendments to motions

7.1 An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion nor have the effect of introducing a new subject into the motion.

7.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

7.3 If an amendment is not carried, other amendments to the original motion may be moved.

7.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

7.5 After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

8. Alteration of motion

8.1 A member may alter a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

8.2 Only alterations which could be made as an amendment may be made.

9. **Withdrawal of motion**

9.1 A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

10. **Right of reply**

10.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

10.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.

10.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

11. **Motions which may be moved during debate**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) to exclude the public and press in accordance with the access to information rules; and
- (viii) to not hear further a member named under rule 21 (4) or to exclude them from the meeting under rule 21 (5).

12. **Closure motions**

12.1 A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

12.2 If a motion to proceed to next business is seconded then the chairman shall immediately put this motion to the vote and if the majority of those voting are in favour the meeting will move immediately to the next item of business and there will be no further discussion (or decision) on the matter being considered.

- 12.3 If a motion that the question now be put is seconded and the chairman thinks the item has been sufficiently discussed, then the chairman will put the procedural motion immediately to the vote. If carried the chairman will give the mover of the original motion a right of reply and then immediately put the substantive motion to the vote. If the Chairmen is not satisfied that the item has been sufficiently discussed, then they will reject the procedural motion and the item will be further debated.
- 12.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
13. **Point of order**
- 13.1 A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these council rules of procedure or the law. The member must indicate the rule or point of law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.
14. **Personal explanation**
- 14.1 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.
15. **Non-members Invited to Speak**
- 15.1 That where non-members are invited to make presentations on matters being considered by the meeting they will also, at the Chairman's discretion, be invited to participate in any debate following the presentation other than the ability to move or second motions or vote thereon.
- 15.2 At Cabinet meetings any non-Cabinet member attending will be invited by the chairman to speak on the matter under discussion before the vote is taken.

PROCEDURE RULE No. 14
STATE OF THE ISLAND DEBATE AT FULL COUNCIL

1. **Calling of debate**
- 1.1 The leader of the council or the leader of another political group on the council may call a state of the island debate on a date and in a form to be agreed with the chairman.
2. **Chairing of debate**
- 2.1 The debate will be chaired by the chairman.

3. **Results of debate**

3.1 The outcome of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Cabinet in proposing the budget and policy framework to the Full Council for the coming year.

PROCEDURE RULE No. 15 PREVIOUS DECISIONS AND MOTIONS

1. **Motion to rescind a previous decision**

1.1 Full Council

1.2 A motion or amendment to rescind a decision made at a meeting of Full Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members. Such notices can be submitted electronically provided that the proper officer is satisfied that it has been sent by the members concerned.

1.3 Cabinet

1.4 A motion or amendment to rescind a decision made at a meeting of the Cabinet within the past six months cannot be moved unless the notice of motion is signed by at least one third of the membership of that meeting, and not less than three.

2. **Motion similar to one previously rejected**

2.1 Full Council

2.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Full Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Such notices can be submitted electronically provided that the proper officer is satisfied that it has been sent by the members concerned. Once the motion or amendment has been dealt with, no one can propose a similar motion or amendment for a further period of six months.

2.3 Cabinet

2.4 A motion or amendment in similar terms to one that has been rejected at a meeting of the Cabinet in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the membership of that meeting, and not less than three. Once the motion or amendment has been dealt with, no one can propose a similar motion or amendment for a further period of six months.

PROCEDURE RULE No. 16
VOTING

1. **Majority**

1.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

2. **Chairman's casting vote**

2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

3. **Method of voting**

3.1 Full Council

3.2 Voting on Budget and Council Tax Resolutions

3.3 Any vote (including procedural and on amendments) relating to the budget setting and council tax decisions made by the Full Council will be undertaken by a named vote (by virtue of the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2014). The process for this is as set out below.

3.4 Voting on other matters

3.5 Votes on all matters, other than budget setting and council tax decisions will be by show of hands unless 4 members demand. A demand for a named vote shall not be made on procedural decisions.

3.6 Named voting procedure

3.7 The procedure to be followed for named votes is that the chairman will ask all members to indicate, by raising their hand, if they are in favour of the motion, the proper officer will then call out the names of those indicating so that they can be counted and recorded. Then members who are against the motion will be asked to raise their hand and the proper officer will call out their names and these will be counted and recorded, and then members wishing to abstain will be asked to raise their hands and they will again be counted and recorded in the same way. At the conclusion of the voting the chairman shall announce the numbers of votes cast for, against and abstentions and announce whether the motion has been passed or lost.

3.8 Cabinet, committees and sub committees

3.9 Votes on all matters at the Cabinet will be taken by a show of hands, or if there is no dissent, by the affirmation of the meeting.

4. Recorded vote

4.1 Full Council

4.2 Where votes are about to be undertaken by a show of hands if four members present at the meeting demand it before the vote is taken, then the voting will be via a named vote under the same procedure as set out for council tax and budget setting.

4.3 Cabinet, committee and sub committee

4.4 If three committee members present at the meeting demand it before the vote is taken the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. The chairman will individually ask every member present to announce in a clear voice whether they are for or against the motion or amendment or wish to abstain.

5. Right to require individual vote to be recorded

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

6. Voting procedure for appointments

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

PROCEDURE RULE No. 17 MINUTES AND RECORDS OF DECISION

1. Signing the minutes and records of decision

1.1 The Chairman will sign the minutes or record of decision of the proceedings at the next suitable meeting. The Chairman will move that the minutes or record of decision of the previous meeting be signed as a correct record. The only part of the minutes or record of decision that can be discussed is their accuracy.

2. Minutes and record of decision of previous meeting at extraordinary meeting.

2.1 There is no requirement to sign the minutes or record of decision of a previous meeting at an extraordinary meeting.

3. Form of minutes

3.1 The minutes will contain all motions and amendments in the exact form and order the chairman put them. Unless a motion is approved without amendment in which case it will only appear as the resolution.

PROCEDURE RULE No. 18
RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance book/sheet before the conclusion of every meeting to assist with the record of attendance.

PROCEDURE RULE No. 19
EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the access to information rules or procedure rule 22 (disturbance by public).

PROCEDURE RULE No. 20
RECORDING OF COUNCIL MEETINGS

In addition to the meeting being recorded by the Council any person or organisation can film or record (by any photographic or electronic means) the proceedings provided that:

1. The person so recording or filming does not disrupt the meeting in any way; and
2. Should any person present object to themselves being filmed then they shall not be so filmed.

PROCEDURE RULE No. 21
MEMBERS' CONDUCT

1. **Speaking at meetings of Full Council**

- 1.1 When a member speaks at Full Council, they may remain seated and address the meeting through the chairman. If more than one member wishes to speak, the chairman will ask one to speak and the others must remain silent.

2. **Chairman standing**

- 2.1 When the chairman stands during a debate, any member speaking at the time must stop.

3. **Members' Interests**

- 3.1 Members must declare their interests if they arise during a meeting that they are attending. If the interest affects a matter in their register of disclosable interests or their register of interests they must leave the room during its consideration. Members can only stay to speak as a member of the public (where a member of the public is permitted to speak) if the monitoring officer has granted the member a dispensation to do so but must leave the room as soon as they have finished speaking as a member of the public.

4. Member not to be heard further

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

5. Member to leave the meeting

- 5.1 If the member continues to behave improperly after such a motion is carried, the chairman may either adjourn the meeting for a specified time or move that the member leaves the meeting. If, the motion that a member leaves the meeting is seconded, the motion will be voted on without discussion.

6. General disturbance

- 6.1 If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

PROCEDURE RULE No. 22 DISTURBANCE BY PUBLIC

1. Removal of member of the public

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

2. Clearance of part of meeting room

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

PROCEDURE RULE No.23 SUSPENSION AND AMENDMENT OF PROCEDURE RULES

1. Suspension

- 1.1 All these council procedure rules except 11 16(6), 23(2), 26 and 27 may be suspended by motion on notice or without notice if at least one half of those in attendance are in agreement. Suspension can only be for the duration of the meeting.

2. Amendment at Full Council only

- 2.1 At the discretion of the chairman any motion to add to, vary or revoke these council procedure rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council. Unless such motion (or amendment) is submitted as part of the consideration of a written report circulated with the agenda that recommends such a change.

PROCEDURE RULE No. 24
INTERPRETATION OF PROCEDURE RULE

Subject to receiving appropriate advice from the proper officer the ruling of the chairman as to the construction or application of any of these procedure rules, or as to any proceedings of the meeting, shall not be challenged at any meeting of the Full Council.

PROCEDURE RULE No. 25
DURATION OF MEETINGS

Any meeting of Full council will end after 4 hours with no ability to extend. Meetings of cabinet or other committees will end after 3 hours of the advertised start time unless half of the members in attendance vote to extend the meeting by up to one hour.

Any remaining items of business, at the chairman's discretion, will either be: referred to an extraordinary meeting, or the next ordinary meeting or, with exception of full council, will simply fall for not being considered,

PROCEDURE RULE No. 26 (Mandatory)
POLITICAL ASSISTANT

When the council is divided into different political groups the following will apply:

1. There shall be no appointment of any post allocated to a political group unless the Full Council has allocated such a post to each of the political groups which qualify for one;
2. No post to a political group will be allocated to groups that do not qualify for one; and
3. No more than one post will be allocated to any one political group.

PROCEDURE RULE No. 27 (Mandatory)
DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER
AND CHIEF FINANCE OFFICER

1. **In the following paragraphs -**
 - 1.1 "*the 2011 Act*" means the Localism Act 2011(b);
 - 1.2 "*chief finance officer*", "*disciplinary action*", "*head of the authority's paid service*" and "*monitoring officer*" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - 1.3 "*independent person*" means a person appointed under section 28(7) of the 2011 Act;
 - 1.4 "*local government elector*" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

- 1.5 *“the Panel”* means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- 1.6 *“relevant meeting”* means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- 1.7 *“relevant officer”* means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 *“relevant independent person”* means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order -
 - (i) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (ii) any other relevant independent person who has been appointed by the authority;
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The authority must appoint any Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular -
 - (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees

payable to that independent person in respect of that person's role as independent person under the 2011 Act.”

PROCEDURE RULE No. 28
SUBSTITUTE MEMBERS AT PLANNING COMMITTEE

1. Subject to the following provisions, any Member may be nominated to act as a standing deputy for a member of the same Political Group to allow them to attend a meeting of a planning Committee if an existing member, of the same political group, of the planning committee is genuinely unable to attend.
2. Subject to the express wishes of the planning Committee, a substitute must be selected in consultation with the monitoring officer, or her deputies, to act as standing deputy by:
 - (i) the Leader of the relevant Political Group, or
 - (ii) other person or persons nominated by the Leader to act in this capacity.
3. Once a deputy member is nominated then they shall remain as the nominated standing deputy for their political party until the end of their term of office, the planning committee or Full Council indicate to the contrary or the leader (or their deputy) notifies the monitoring officer to the contrary.
4. No more than three deputy members may be appointed for each political group.
5. Members will not act as a deputy on the planning committee unless they have received the necessary mandatory planning training.
6. Attendance of a deputy at a forthcoming meeting must be notified in writing to the Monitoring officer or her representative no later than two working days before the scheduled planning committee site visits.
7. A declaration will be made by the monitoring officer or clerk to the meeting at the start of the meeting to the effect that Member “X” is deputising for Member “Y”.
8. Deputy Members will have all the powers and duties of any ordinary member of the planning Committee.
9. Deputy Members may attend meetings in that capacity only;
 - (i) to take the place of the ordinary Member for whom they are deputising; and
 - (ii) after notifying the monitoring officer
10. Once a deputy has been appointed, the ordinary Member cannot act as a member of the committee which includes being prohibited from voting, speaking or debating at the meeting even if he/she is able to attend at a later stage of the meeting.

11. A deputy member who acts in the absence of the Chair or Vice-Chair may not undertake the role of Chair or Vice-Chair as the case may be, unless appointed in that capacity by the planning committee.

ACCESS TO INFORMATION RULES

1. Scope

- 1.1 These rules apply to all meetings of the Full Council, the Cabinet, the Scrutiny Committee, regulatory committees and any sub committees thereof (together called meetings).

2. Additional rights to information

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

3. Rights to attend meetings

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

4. Notices of meeting

- 4.1 The council will give at least five clear working days' notice of any meeting by posting details of the meeting at County Hall, Newport, or if a meeting is convened at less than five working days' notice as soon as it is convened.

5. Access to agenda and reports before the meeting

- 5.1 The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting, or if a meeting is convened at less than five working days' notice as soon as it is convened. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. Supply of copies

- 6.1 The council will supply copies of any agenda and reports and background papers which are open to public inspection to any person, electronically (wherever possible) or, on payment of a charge for copying and postage, in hard copy.

7. Access to minutes/decision record after the meeting

- 7.1 The council will make available copies of the following for six years after a meeting:
- (i) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

8. Background papers

8.1 List of background papers

8.2 The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in rule 10).

8.3 Public inspection of background papers

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

9. Summary of public's rights

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at County Hall, Newport.

10. Exclusion of access of press and public to meetings

10.1 Confidential information - requirement to exclude press and public

10.2 The press and 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. This includes exclusion of any means by which a person may report using methods which can be carried out without that person's presence.

10.3 Exempt information - discretion to exclude press and public

10.4 The press and public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. This includes exclusion of any means by which a person may report using methods which can be carried out without that person's presence.

10.5 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless it is necessary for one of the reasons specified below for the meeting to go into private session.

10.6 Meaning of confidential information

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

10.8 Meaning of exempt information

10.9 Exempt information means information falling within the following categories (subject to any condition):

| Category | Condition |
|--|--|
| 1. Information relating to any individual. | See para (i) and (ii) below table. |
| 2. Information which is likely to reveal the identity of an individual. | See para (i) and (ii) below table. |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Information is not exempt information if it is required to be registered under – (a) The Companies Acts; (b) The Friendly Societies Act 1974; (c) The Friendly Societies Act 1992; (d) Co-operative and Community Benefit Societies Act 2014; (e) The Building Societies Act 1986; or (f) The Charities Act 2011. See also para (i) and (ii) below table. |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. | See para (i) and (ii) below table. |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. | See para (i) and (ii) below table. |
| 6. Information which reveals that the authority proposes – (a) To give under any | See para (i) and (ii) below table. |

| Category | Condition |
|--|---|
| <p>enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment.</p> | |
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | See para (i) and (ii) below table. |
| 8. Information which is subject to any obligation of confidentiality | See also para (i) and (ii) below table. |
| 9. Information which relates in any way to matters concerning national security | |

- (i) Information which falls into the table above that is not prevented from being exempt by virtue of the conditions shown is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (ii) Information is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

11. Exclusion of access by the press and public to reports

- 11.1 If the proper officer thinks fit, the council may exclude access by the press and public to reports which in his or her opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

BUDGET AND POLICY FRAMEWORK RULES

1. Framework

- 1.1 The Full Council is responsible for the adoption of its budget and policy framework as set out in Article four. Once or to the extent that a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

- 2.1 The Cabinet will publicise by including in the forward plan and any other appropriate means depending upon the circumstances a timetable for making proposals to the Full Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- 2.2 Following consultation (including policy debates by Full Council where relevant) the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from the Scrutiny Committee into account in drawing up proposals for submission to the Full Council, and its report to the Full Council will reflect the comments made by consultees and the Cabinet response.
- 2.3 Once the Cabinet has considered the proposals these will then be referred to the Full Council, at the earliest opportunity, for decision.
- 2.4 In reaching a decision, the Full Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or indicate that it wishes to substitute its own proposals in their place.
- 2.5 If it accepts the recommendation of the Cabinet without amendment or is formally setting the Budget or Council Tax levels for a financial year, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision.
- 2.6 The decision will be published and a copy shall be given to the leader and members of the Cabinet.
- 2.7 An in-principle decision in relation to the budget, plan or strategy will automatically become effective five working days from the date of the Full Council's decision, unless the leader informs the proper officer in writing, within five working days that he/she objects to the decision becoming effective and provides reasons why. The leader may also decide to call a special meeting of the Cabinet to discuss the issue.
- 2.8 Upon receiving written notification from the leader, the proper officer will make arrangements to call a Full Council meeting within a further seven working days. The council will be required to re-consider its decision and the leader's written submission within 14 working days. The Full Council may:

- (i) Approve the Cabinet recommendation; or
- (ii) Approve a different decision which does not accord with the recommendation of the Cabinet.

2.9 The decision shall then be made public, and shall be implemented immediately.

3. Decisions outside the budget or policy framework

3.1 Subject to the provisions of paragraph five (virement) the Cabinet may only take decisions which are in line with the budget and policy framework. If Cabinet wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Full Council, subject to 4 below.

3.2 If the Cabinet want to make such a decision, it shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred to the Full Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph four (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

4.1 The Cabinet may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the Full Council; and
- (ii) if the chairman of Corporate Scrutiny Committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the chairman of Corporate Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of Corporate Scrutiny Committee, the consent of the chairman of the council or in his or her absence of the vice chairman will be sufficient.

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

5. Virement

5.1 There are detailed provisions concerning virement across budget heads and these are set out in the council's financial regulations.

6. In-year changes to policy framework

6.1 The responsibility for agreeing the budget and policy framework lies with the Full Council, and decisions by the Cabinet must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (i) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (ii) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (iii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration. Although as set out in article 4 minor amendments can be made in certain circumstances by the relevant chief officer.

PLANNING, LICENSING AND APPEALS COMMITTEES' RULES

1. Business

- 1.1 At each meeting of the committees the following business will be conducted:
- (i) Approval of the minutes from the last meeting;
 - (ii) Declarations of interest;
 - (iii) An opportunity for the public to ask questions of the chairman in accordance with the procedure rules;
 - (iv) Matters set out in the agenda for the meeting;
 - (v) Any urgent item of business which is not included on an agenda but the chairman, after consultation with the appropriate Strategic Manager, agrees should be raised;
 - (vi) An opportunity for members of the committee to ask questions of the chairman in accordance with the procedure rules.

2. Decisions

- 2.1 Decisions will be taken in accordance with the procedure rules and access to information procedure rules.
- 2.2 Voting will be by the show of hands; a simple majority prevails and in the event of a tied vote the chairman will have a casting vote.
- 2.3 All business shall be conducted in accordance with the members' code of conduct, the protocol on member/officer relations and, particularly,
- (i) the code of practice for councillors and officers dealing with planning matters;
 - (ii) the code of practice for councillors and officers dealing with licensing matters.

3. Written representations

- 3.1 Written representations received within the published timetable will be summarised in written reports placed before the regulatory committees or their sub committees.
- 3.2 Late representations will be summarised and circulated to the regulatory committees or their sub committees at the time of the meeting. Where appropriate and necessary the meeting will adjourn at the discretion of the chairman to consider whether it is fair and lawful to accept the late representation, and if accepted to read through such representations.

4. Delegation

- 4.1 Terms of reference of the regulatory committees are determined by Full Council.
- 4.2 The regulatory committees can delegate any of their functions to sub committees or officers unless prohibited by law.
- 4.3 Regulatory committees or their sub committees may at any time make recommendations about changes either to the terms of reference or the scheme of delegations.

5. Adoption of policy

- 5.1 Policy development and adoption is principally the responsibility of the Cabinet. Occasionally Cabinet may seek the views of the regulatory committees or their sub committees prior to adopting, or if necessary recommending to Full Council the adoption of any policies relating to either licensing or planning matters.

6. Site visits

- 6.1 Site visits for licensing matters will be organised when deemed necessary by the Strategic Manager of Regulatory Services or at the request of the chairman. All members of the relevant regulatory committee or sub committee will be notified.
- 6.2 Planning site visits will normally take place on the Friday prior to the Planning Committee meeting (except where an alternative date is agreed between the chairman and the head of planning and housing services). The need for visits will be agreed by the head of planning and housing services in consultation with the chairman.
- 6.3 No debate or decision regarding the application should be taken at the site visit.
- 6.4 The purpose of a site visit is for members of the regulatory committees to gain knowledge of the site/premise involved in the application. A site visit should only be made where an objective decision cannot be made without a site visit
- 6.5 The applicant (or their agent) shall be formally notified in writing of the site visit. The applicant (or their agent) will be asked to notify the committee administrator at the earliest possible date if they have any objections to the proposed visit.
- 6.6 Authorised attendance at a site visit shall be limited to members of the regulatory committees or their relevant sub committee, the local member (if not a member of the committee/sub committee), relevant council officers and where practicable other relevant parties who have made a relevant representation and the applicant/agent.
- 6.7 Only those members attending the site visit will be able to consider and vote on the matter when the regulatory committees or one of their sub committees formally meets to consider the matter.
- 6.8 Site visits are open to the public and press but access to any site is subject to permission being granted by the landowner or their agent.

- 6.9 The appropriate Strategic Manager (or his representative) will summarise the issues which have led to the site visit and draw attention to any salient points but there will be no discussion on the merits of any application during the site visit although, of course, members may ask questions and request clarification on individual points.
- 6.10 Members will follow the chairman of the regulatory committee or their sub committee, accompanied by the relevant officer(s), on the site. Members should form and continue to form a single group. The applicants (or their agents) and members of the public shall not be permitted to make representations to members during a site visit. As an exception to the rule, however, the applicant/agent may, with the permission of the chairman, give any purely factual information which is required by members and which cannot be ascertained by viewing alone. Such information shall be relayed through the appropriate Strategic Manager (or his representative).
- 6.11 The application will be determined at a meeting which will take place at the earliest opportunity following the site visit.

7. Hearing of licensing applications/issues

- 7.1 All applicants, agents, supporters (where known) and objectors shall be sent copies of the agenda and relevant papers.
- 7.2 Anyone wishing to address the Licensing Committee or its sub committee in respect of an application or other licensing matter can be legally represented.
- 7.3 Consideration of applications or licensing matters shall be in accordance with statutory procedures or common law rules of natural justice as recommended by the Assistant director of corporate services and monitoring officer.
- 7.4 The Licensing Committee or its sub committee (when acting as the statutory licensing committee or subcommittee) may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or part of the hearing, taking place in public. A party and any person assisting or representing a party may be treated as a member of the public. For all other determinations members of the public and press may be excluded in accordance with the council's access to information rules.
- 7.5 All persons, except for the Licensing Committee or sub committee members, clerk to the committee or sub committee and legal services officer may be asked to withdraw from the room whilst the committee or sub committee decides the matter in private. Upon reconvening in public, the chairman will announce the Licensing Committee's or sub committee's decision and the reasons for this.

8. Complex/sensitive licensing act 2003 applications

- 8.1 The Licensing Committee will convene to consider complex/sensitive applications made under the Licensing Act 2003 in accordance with the scheme of delegation.
- 8.2 The decision to refer applications to the Licensing Committee and not to the Licensing (Determinations) Sub Committee will be at the discretion of the Strategic Manager for

Regulatory and Community Safety Services in consultation with the chairman of Licensing Committee. Applications could include those:

- (i) Large events where the expected number of attendees, staff and performers will exceed 5,000 persons at any one time;
- (ii) Applications or reviews where the sub committee decide require consideration of the full committee;
- (iii) Applications or reviews which in the opinion of the Strategic Manager for Regulatory and Community Safety Services, in consultation with the chairman of the committee, should be considered by the full committee.

FINANCIAL PROCEDURE RULES

1. Purpose of financial regulations

- 1.1 Financial regulations are part of the range of internal control systems which the council has put in place to ensure that risks to the delivery of its objectives are minimised.
- 1.2 They set out the roles and responsibilities of the Full Council, the Cabinet and senior officers in respect of financial management and are supported by more specific financial procedures providing guidance to all those involved in financial transactions.
- 1.3 Schools with delegated budgets are subject to a separate framework of regulation.
- 1.4 These financial procedure rules are approved by the Full Council and will be subject to annual review as part of the overall review of the constitution.

2. Budget Setting

- 2.1 The approved revenue and capital budgets are the financial expression of the council's service delivery plans. The budgets and associated financing implications are approved each year by Full Council, on the basis of recommendations from the Cabinet, and after having regard to the results of stakeholder consultation.
- 2.2 Full Council may approve overall capital service allocations but leave the selection of individual schemes to the Cabinet.
- 2.3 Approval of revenue and capital budgets as above confers authority on the Cabinet, and/or chief officers to spend up to the net sums specified for each of the services within their remit, as set out within the financial information system.
- 2.4 Changes to the budget may be agreed by chief officers in consultation with Cabinet members and the chief financial officer, provided that there is:
 - (i) No resulting reduction in the general reserve
 - (ii) No material reduction in service levels
 - (iii) No resulting un-financed increase in commitments in future years

Full Council approval is required for other budget changes.

- 2.5 Unspent budgets may be carried forward into the next financial year with the approval of the chief financial officer. Overspendings will be a first call against the following year's budget.

3. Duties and Responsibilities of Elected Members

- 3.1 The Cabinet is responsible for proposing a budget and for the strategic delivery of services within approved budgets and the approved policy framework. Full Council sets the budget and also the policy framework. The Cabinet shall receive in-year budget monitoring information and ensures that any remedial action is taken.
- 3.2 The Scrutiny Committee's has a responsibility to review and assist with resolving the financial issues it regards as most benefiting from its input.
- 3.3 The Scrutiny Committee's will pursue work programmes developing specific policy and strategic solutions to longer term issues, including those with a financial context.

4. Duties and responsibilities of the Chief Financial Officer

- 4.1 The chief financial officer has particular statutory and common law responsibilities which are incorporated in the following:
 - (i) Proper administration of the council's financial affairs
 - (ii) setting and monitoring compliance with accounting and financial management procedures and standards
 - (iii) implementing the council's duty to maintain an effective and adequate internal audit
 - (iv) advising on the corporate financial position, including the robustness of the budget and the adequacy of reserves
 - (v) giving financial advice on all reports considered by the Cabinet
 - (vi) determining financing of capital and revenue budget items in the best financial interests of the council
 - (vii) prescribing key financial controls and where necessary, the format of the council's financial records
 - (viii) providing financial information
 - (ix) co-ordinating forward revenue and capital plans and monitoring delivery
 - (x) treasury management and all banking arrangements
 - (xi) arrangements for the disbursement of the council's payments in respect of creditors, staff and partners
 - (xii) arrangements for the collection of income due to the council as identified by chief officers and their staff
 - (xiii) advising the Pension Fund Committee

5. Duties and responsibilities of Chief Officers

- 5.1 This section sets out the financial management responsibilities of chief officers. Most or all tasks will be delegated to Strategic Managers who may in turn further delegate to more junior staff. The general presumption is that decisions should be taken at the lowest appropriate level, but it should be kept in mind that whilst tasks can be delegated, chief officers remain jointly and severally responsible for compliance. Responsibilities include the following:
- 5.2 Deploying budget resources to deliver the council's objectives in the most economically advantageous way and reporting on performance as required.
- 5.3 Ensuring that expenditure and income are monitored on at least a monthly basis and that:
- (i) service cash limits are not exceeded
 - (ii) future expenditure commitments are constrained to matching resources
 - (iii) an 'exit strategy' is in place for projects funded from non-recurring or declining income streams
 - (iv) potential overspends are reported to the chief financial officer, corporate management team, and the Cabinet if appropriate, together with proposals for remedial action.
- 5.4 Producing and implementing medium term service plans which incorporate:
- (i) Revenue and capital bids prioritised in terms of corporate objectives
 - (ii) Least harmful responses to corporate savings requirements
 - (iii) Analysis of risks to service delivery and business continuity planning
 - (iv) Forthcoming procurements and other significant projects. Application of the council's risk assessment and 'gateway' process where appropriate
 - (v) Maximisation of income through charging and trading, as well as any other sources of additional funding
 - (vi) Business cases in support of spend to save and prudential code projects
 - (vii) Contributions to the council's medium term financial plan
- 5.5 Ensuring value for money through delivery of the council's efficiency savings targets, and by benchmarking unit costs and performance against other organisations on an annual basis.

- 5.6 Developing partnerships where these provide clear advantages to service quality or efficiency, subject to:
- (i) Clear definition of the benefits expected
 - (ii) Robust monitoring arrangements
 - (iii) Clarity in the way risk is to be minimised and shared
 - (iv) A viable exit strategy
 - (v) Corporate approval where size or degree of risk warrants
- 5.7 Maintaining accounting records and audit trails in a form acceptable to the chief financial officer, together with a documented scheme of delegation and authorised signatories. Each account and budget head to have a named responsible officer.
- 5.8 Ensuring that financial systems in operation, and any changes thereto, are approved by the chief financial officer, and that statutory taxation requirements are adhered to.
- 5.9 Minimising the possibility of loss through error, theft or fraud, or misuse of council assets, and the risk of litigation, damage to the council's reputation and its interests. This includes:
- 5.10 Applying risk management techniques in order to reduce risk to optimal levels
- 5.11 Keeping the chief financial officer informed about existing, new or changing risks, both insurable and uninsurable
- 5.12 Providing assurance that the system of internal control is operating effectively within their service areas and if not what remedial action they propose. Such assurance will form the basis of the council's statement of internal control.
- 5.13 Applying the principles of segregation of duties, such that wherever possible, more than one individual is involved in managing the council's financial transactions

6. Other Policies and Guidance

- 6.1 There are a number of policies and guidance notes which chief officers are responsible for drawing to the attention of staff where necessary. The table below lists many of the documents and provides guidance on who needs to be aware of them in each case.

| Document | Required reading by: |
|--------------------------|---|
| Asset management plan | Officers involved in investment planning |
| Capital strategy | Officers involved in investment planning |
| Code of conduct | All staff and members |
| Contract standing orders | Officers ordering goods or services, officers and managers who procure and manage contracts |

| | |
|--|---|
| Document | Required reading by: |
| Counter fraud policy | All managers and supervisors |
| Medium term financial plan | Service and budget planners |
| Procurement guidance | Officers ordering goods and services officers and managers who procure and manage contracts |
| Risk management framework | All managers |
| Financial Procedures and Guidance: | |
| Anti-money laundering policy | Staff involved in income collection |
| Accounting standards and practice notes | Budget managers |
| Banking arrangements | Budget managers |
| Managing the council's financial resources (Treasury Management) | Managers and staff involved in treasury management |
| Controlled (financial) stationery | Staff involved in systems using controlled financial stationery |
| Payment services guidance | Staff dealing with creditor payments |
| Insurance | All managers |
| Principles of segregation of duties | Managers |
| Sundry income policy | Staff involved in income collection |
| Transactions with staff and members (including remuneration and the reimbursement of expenses) | All managers and supervisors |
| Use of corporate financial systems | All managers |
| Receiving income | Staff involved in income collection |
| Protecting the council's assets (including: disposal) | All managers |
| Asset records | All managers |
| Partnerships | All managers and staff involved in partnerships |
| Retention of financial records | All managers |
| Dealing with fraud and irregularity | All managers and staff |
| Authorisation of transactions, delegation of financial authority | All managers and staff |
| Accounting for voluntary funds | All managers and staff involved in administering voluntary funds |
| Emergency provisions | All managers and staff |
| Miscellaneous financial procedures | All managers and staff |

ISLE OF WIGHT COUNCIL CONTRACT STANDING ORDERS

1. **Definitions and Interpretation**
2. **Introduction**
 - 2.1 Key Principles
 - 2.2 Compliance
 - 2.3 Scope and Application
3. **Contract Value and Aggregation**
4. **Letting Contracts for Goods, Services and Works**
 - 4.1 Approvals
 - 4.2 Pre Procurement Market Research/Consultation
 - 4.3 Advertising and Competition Requirements
 - (i) Procurement Process for Spend Between £0-10,000
 - (ii) Procurement Process for Spend Between £10,001 - £25,000
 - (iii) Procurement Process for Spend Between £25,001 - £100,000
 - (iv) Procurement Process for Spend Between £100,001 – Relevant EU Threshold
 - (v) Procurement Process for Spend Above Relevant EU Threshold
 - 4.4 Procedure on Receipt of Quotes and Tenders
 - 4.5 Evaluation
 - 4.6 Acceptance and Award of Quotes and Tenders
5. **Corporate Contracts**
6. **Contract Variations**
7. **Social Value**
8. **Sustainability**
9. **Equality and Diversity**
10. **Waivers**
11. **Collaborative Working**

TABLE 1: Summary of Procurement Processes

1. Definitions and Interpretation

In these Contract Standing Orders (CSOs) the following words and expressions shall have the following meanings:

| | |
|----------------------|---|
| Approved List | means a list of Suppliers drawn up following a suitable competitive process |
| Board | means the Procurement Board and/or its replacement or successor boards or committees |
| Contract | means any agreement for the supply of goods, services, or the execution of works to or for the council including the use of consultants; any Framework Agreement; or any agreement where no payment is made by the Council but which is of financial value to the Contractor (e.g. a catering concession) |
| Contracts Database | means the central record of contracts held by the council |
| Contract Notice | means an advert and/or call for competition |
| Contracts Store | means the central store of contracts held by the council |
| CSOs | means the Isle of Wight Council's Contract Standing Orders |
| Council | means the Isle of Wight Council |
| Delegated Officer | means any of the posts identified in Article 15 of the council's Constitution |
| Evaluation Panel | means a group of persons with knowledge and experience of the contract who are able to evaluate tender submissions in accordance with the evaluation criteria set out in the tender documentation |
| Cabinet member | means a member with a portfolio of responsibility |
| Framework Agreement | means an agreement with Suppliers that sets out the terms and conditions under which specific purchases can be made, and can either be set up by the council or another contracting authority |
| Grant | means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return |
| Invitation to Tender | ("ITT") the process whose purpose is to invite Suppliers into a bidding process to bid on specific goods, works or services where the contract value is over £100,001 |
| Member | means an elected member of the Isle of Wight Council |

| | |
|-----------------------|---|
| Officer | means any officer of the council designated by his/her Strategic Manager to purchase goods/services/works/let a contract |
| Procurement Team | means the service designated to give procurement advice to the council |
| Quote | a submission by a Supplier setting out the delivery method and cost for a particular Contract where the whole life value is below £100,000 |
| Request for Quotation | ("RFQ") the process whose purpose is to invite Suppliers into a bidding process to bid on specific goods, works or services where the contract value is between £25,001 - £100,000 |
| Service Manager | means a council Officer with management responsibility for the service area |
| Specification | means the document that clearly, accurately and completely describes in detail what the council intends to purchase |
| Standstill | a period of at least ten calendar days following the notification of an award decision in a Contract tendered via the Official Journal of the European Union, before the contract is signed with the successful supplier(s) |
| Supplier | means the supplier of goods and/or services and/or works through a contract let by or on behalf the council or any supplier bidding/tendering for such contract |
| Tender | a formal submission in response to an ITT by a Supplier setting out the delivery method and cost for a particular Contract |

2. Introduction

2.1 Key Principles

- (i) These CSOs are made pursuant to section 135 of the Local Government Act 1972 and will be reviewed by the Assistant Director of Corporate Services on an annual basis.
- (ii) CSOs are based on the following key principles:
 - To achieve good value for money through appropriate market competition, so that we offer best value services to Isle of Wight residents;
 - To be transparent to our residents about how we spend their money through our procurement processes;
 - To ensure compliance with the legislation and regulations which govern the spending of public money;

- To ensure against any criticism or allegation of wrongdoing in the buying of goods and services or in the commissioning of works;
- To support sustainability and social value objectives, our public sector equality duty, and encouraging local businesses on the Isle of Wight.

2.2 Compliance

- (i) These CSOs form part of the council's Constitution and in the event of a failure to comply with the CSOs, the council may invoke its disciplinary policy and procedure depending on all the circumstances of any such failures.
- (ii) These CSOs are applicable to both Members and Officers.
- (iii) Consultants acting on behalf of the council are required to operate in accordance with these CSOs and it is the responsibility of the Officer contracting with the consultant to ensure such compliance.
- (iv) Every person involved in any procurement process has a responsibility to declare any links or personal interests that they may have with potential Suppliers.
- (v) Every contract to be entered into on behalf of the council:
 - must be in accordance with the council's lawful functions and within the bounds of its statutory powers;
 - must comply with domestic legislation, common law and the relevant EU Directives;
 - must be let with integrity and fairness throughout and with sufficient openness to engender public and market confidence in the procurement process;
 - must demonstrate that value for money is being obtained having regard to an appropriate and realistic balance between price, quality and service considerations;
 - must, unless there is sufficient reason to the contrary, which must be approved in advance by the Board, be let through a reasonable show of competition; and
 - must align/comply with the council's corporate plan, its procurement strategy and any other standing orders, regulations, policies and procedures of the council, insofar as they are directly relevant to that contract.
- (vi) In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall prevail.

2.3 Scope and Application

- (i) These CSOs are the rules that must be followed when buying goods or services or engaging a Supplier to carry out of works on behalf of the council and refer to the selection, award and entry into any contract by the council and by any person or representative acting on behalf of the council or council partnership.
- (ii) Apart from the exemptions listed below, these CSOs cover all spend with external Suppliers regardless of how they are funded (for example, revenue, capital, grants, ring-fenced government money and/or any third party funding).
- (iii) The following are not caught by the requirements of the CSOs:
 - contracts for permanent or fixed-term employment;
 - contracts solely relating to the purchase or lease of land;
 - transactions conducted by the Chief Financial Officer and/or the S.151 Officer in respect of dealing in the money market or obtaining finance for the council;
 - direct payments to customers following care assessment (for example, payments under Self-Directed Support or Personal Budgets);
 - non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies;
 - fees for external auditors;
 - contracts that can properly be regarded as a Grant or internal service level agreements;
 - a declared emergency authorised by the Emergency Planning Officer and/or Duty Senior Officer.

3. Contract Value and Aggregation

- 3.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract, including all extension options, by the council to the Supplier. Where the Contract is one where no payment is made by the council (e.g. a concession) a best estimate of the financial value to the Supplier shall be ascertained.
- 3.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.
- 3.3 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the council and other contracting authorities during the lifetime of the Framework Agreement.

3.4 Purchases of the same or similar goods, works or services must be aggregated wherever practicable, including repeat purchases of the same or similar goods, works or services year on year. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs, the Public Contracts Directive 2014/24/EU or the Public Contracts Regulations 2015.

4. **Letting Contracts for Goods, Services and Works**

4.1 Approvals

- (i) The commencement of a procurement process for a Contract is subject to the prior approval of the relevant Delegated Officer who has the authority to give such approval under the Constitution. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the council's capital programme or revenue budget.
- (ii) Where relevant, proportionate and timely consultation shall take place with elected Members prior to commencing the procurement process.
- (iii) Where a contract has a whole life value of over £1.5m or is deemed to be of particularly high risk, sensitive or likely to have a substantial effect on the council's corporate priorities or its reputation, consultation with the designated Cabinet member will be required and the Cabinet may be required to give its approval to the procurement proceeding and/or the subsequent Contract award. This will be at the discretion of the Member and Delegated Officer.

4.2 Pre-Procurement Market Research/Consultation

- (i) Before commencing a procurement process, Officers may conduct market consultations with a view to preparing the procurement and informing Suppliers of their procurement plans and requirements.
- (ii) For this purpose, Officers may, for example, seek or accept advice from independent experts or authorities or from market participants.
- (iii) Such advice may be used in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.
- (iv) Where a Supplier, or an undertaking related to a Supplier has advised the council or has otherwise been involved in the preparation of the procurement procedure, the Officer shall take appropriate measures to ensure that competition is not distorted by the participation of that Supplier such as the communication to the other Suppliers of relevant information exchanged in the context of or resulting from the involvement of the Supplier in the preparation of the procurement procedure.
- (v) The Supplier concerned shall only be excluded from the procurement procedure where there are no other means to ensure compliance with the duty to treat Suppliers equally.

4.3 Advertising and Competition Requirements

(i) Procurement Process for Spend between £0-£10,000

- Where the evidence based estimated value of a proposed Contract (including all extensions) does not exceed £10,000, the Officer may contract with any Supplier that they consider competent to provide a proven best value solution.
- Officers should search the market for a suitable Supplier, and must obtain one quote; however, to ensure best value, it is advisable to seek further quotes. If they offer best value, Officers should use an Isle of Wight based Supplier.
- The conditions of contract will be the council's standard terms and conditions which are linked to the Purchase Order.
- Officers may seek to use a suitable Framework Agreement. Any competition shall be conducted in accordance with the competition rules of the Framework Agreement.
- Where a relevant Approved List exists, at least one quote should be sought from the Suppliers included on it.
- It is the responsibility of the Officer to ensure that all Contracts within this threshold are, wherever practicable, entered into the council's contracts database.

(ii) Procurement Process for Spend between £10,001 - £25,000

- Where the evidence based estimated value of a proposed Contract (including all extensions) does not exceed £25,000, the Officer must, wherever practicable, obtain at least three quotes. In cases where it is impracticable to seek at least three quotes the Officer must obtain approval from their Service Manager and record those reasons for not seeking three quotes.
- Officers must ensure they are conducting a like for like comparison and that quotes are evaluated on the same basis.
- Officers should search the market for at least three suitable Suppliers. If they offer best value, Officers should use Isle of Wight based Suppliers.
- The conditions of contract will be the council's standard terms and conditions which are linked to the Purchase Order.
- Officers may seek to use a suitable Framework Agreement. Any competition shall be conducted in accordance with the competition rules of the Framework Agreement.

- Where a relevant Approved List exists, at least three quotes should be sought from the Suppliers included on it.
- It is the responsibility of the Officer to ensure that all Contracts within this threshold are wherever practicable entered into the Council's Contracts Database.

(iii) Procurement Process for Spend between Spend £25,001 - £100,000

- Where the evidence based estimated value of a proposed Contract (including all extensions) exceeds £25,001 but is less than £100,000, the Officer must notify the Procurement Team who will co-ordinate the Request for Quotation ("RFQ") process in conjunction with the Officer.
- The RFQ process must be run using the open procedure i.e. the use of a Pre-Qualification Questionnaire is prohibited.
- The RFQ process shall be run using the council's e-tendering system and additionally, a Contract Notice must be placed in Contracts Finder as a minimum.
- The evaluation criteria must be set out in the RFQ document including all weightings, sub criteria (if applicable) and scoring criteria. The evaluation criteria must be relevant and proportionate to the subject matter of the Contract.
- Contracts can be awarded on the basis of the lowest price or the most economically advantageous offer. The chosen award mechanism must be set out in the RFQ document.
- The RFQ document must contain the Specification of requirements which shall lay down the characteristics of the proposed Contract. Officers must ensure that the Specification is not drafted in such a way that it distorts competition. Whenever practical, the Specification should focus on successful outcomes, rather than being unnecessarily prescriptive, to encourage innovation from Suppliers. The Officer must also involve and seek input from relevant key stakeholders if required.
- The conditions of contract shall be the council's standard terms and conditions; however, timely consultation must take place with the council's Contracts Lawyer to determine whether any special conditions are required in addition. The conditions of contract must form part of the RFQ pack.
- Suppliers should be given a minimum return period of 14 days to submit quotes. Prior approval of the Procurement Team must be sought if the Officer wishes to shorten the return period.
- Officers may seek to use a suitable Framework Agreement. Any competition shall be conducted in accordance with the competition rules of the

Framework Agreement. The Procurement Team shall co-ordinate any mini competition or direct award in conjunction with the Officer.

- Where a relevant Approved List exists, a minimum of three written quotes should be sought from the Suppliers included on it.
- In cases where it is impracticable to follow the RFQ process, the Officer may seek a waiver in accordance with Section 10 (Waiver).

(iv) Procurement Process for Spend between Spend £100,001 – Relevant EU Threshold

- Where the evidence based estimated value of a proposed Contract (including all extensions) exceeds £100,001 but is less than the relevant EU threshold, the Officer must notify the Procurement Team who will co-ordinate the Invitation to Tender (“ITT”) process in conjunction with the Officer.
- The ITT process must be run using the open procedure i.e. the use of a Pre-Qualification Questionnaire is prohibited.
- The ITT process shall be run using the Council’s e-tendering system and additionally, a Contract Notice must be placed in Contracts Finder as a minimum and consideration should be made to placing a Contract Notice in a relevant industry publication.
- The evaluation criteria must be set out in the ITT document including all weightings, sub criteria (if applicable) and scoring criteria. The evaluation criteria must be relevant and proportionate to the subject matter of the Contract.
- Contracts can be awarded on the basis of the lowest price or the most economically advantageous offer. The chosen award mechanism must be set out in the ITT document.
- The ITT document must contain the Specification of requirements which shall lay down the characteristics of the proposed Contract. Officers must ensure that the Specification is not drafted in such a way that it distorts competition. Whenever practical, the Specification should focus on successful outcomes, rather than being unnecessarily prescriptive, to encourage innovation from Suppliers. The Officer must also involve and seek input from relevant key stakeholders if required.
- Timely consultation must take place with the council’s Contracts Lawyer to determine the conditions of Contract to be used. The conditions of contract must form part of the ITT pack.
- Suppliers should be given a minimum return period of 21 days to submit tenders. Prior approval of the Procurement Team must be sought if the Officer wishes to shorten the return period.

- Officers may seek to use a suitable Framework Agreement. Any competition shall be conducted in accordance with the competition rules of the Framework Agreement. The Procurement Team shall co-ordinate any mini competition or direct award in conjunction with the Officer.
 - Where a relevant Approved List exists, a minimum of five written tenders should be sought from the Suppliers included on it.
 - In cases where it is impracticable to follow the ITT process, the Officer may seek a waiver in accordance with Section 10 (Waiver).
- (v) Procurement Process for Spend above Relevant EU Threshold
- Where the evidence based estimated value of a proposed Contract is in excess of the relevant EU Threshold, the Officer must notify the Procurement Team who will co-ordinate the procurement process in conjunction with the Officer in accordance with the procedures set out in the Public Contracts Regulations 2015.
 - The Procurement Process shall be run using the Council's e-tendering system and adverts must be placed on the Contracts Finder website, the Official Journal of the European Union (OJEU) and consideration should be made to placing an advert in two industry publications.
 - In most cases, the open or restricted procedure will be used, but in certain specialist cases, such as private finance initiative Contracts, the negotiated or competitive dialogue procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Procurement Team.

4.4 Procedure on Receipt of Quotes and Tenders

- (i) All quotes and tenders invited in accordance with 4.3(iii), (iv) and (v) must be returned via the council's e-tendering portal and will remain unopened and anonymous until the closing time and date for the receipt of responses.
- (ii) The only exception to 4.4(i) is where Suppliers are having problems with the e-tendering portal and are unable to upload their return. The Procurement Team must have been made aware of the problem prior to the return deadline.
- (iii) Any pending, or late, quote or tender returns will be rejected by the e-tendering portal once the opening and verification process has been started.

4.5 Evaluation

- (i) All quotes and tenders must be checked for arithmetic accuracy. If any errors are found they must be notified to the Supplier who shall be given the opportunity to confirm the correct price. Officers should reject any quote or tender where the error undermines the integrity of the RFQ or ITT process.

- (ii) Officers must ensure the quote or tender submission is compliant with the RFQ or ITT and, in particular, meets any specification, requirements and contract terms set out in or detailed in that document.
- (iii) All quotes and tenders shall be evaluated in accordance with the designated evaluation criteria set out in the RFQ or ITT document.
- (iv) For tenders invited in accordance with 4.3(iv) and (v), Officers must appoint an Evaluation Panel which will be made up of council Officers and Stakeholders (where appropriate) who have sufficient knowledge of the Contract requirements. The Procurement Team will act as scrutiniser.

4.6 Acceptance and Award of Quotes and Tenders

- (i) Prior to awarding a Contract, the Officer must ensure all approvals required by the Council's Constitution have been obtained, together with any necessary consents, permissions or other approvals.
- (ii) Notification of the award decision and feedback for the unsuccessful Suppliers must be issued using the e-tendering portal.
- (iii) Where the Contract value is above £25,000, a contract award notice must be placed on Contracts Finder and where the value is above the relevant EU threshold, a contract award notice must also be placed in the Official Journal of the European Union.
- (iv) Where the value of a Contract is above the relevant EU threshold, the Contract shall be awarded in accordance with the Public Contracts Regulations 2015 and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.
- (v) All Contracts made on behalf of the council must be in writing and executed in accordance with these Contract Standing Orders and the council's Constitution.
- (vi) Contracts must either be signed by an Officer of the council duly authorised for this purpose or, if valued at over £250,000 can only be made under the Common Seal of the Council attested by the Assistant Director of Corporate Services or an Officer Authorised by the holder of that post.
- (vii) The signed Contract shall be held in the council's Contract Store.
- (viii) The Contract shall be registered on the council's Contracts Database.

4.7 Please see **Table 1** for a summary of the procurement thresholds and the associated processes.

5. **Corporate Contracts**

- 5.1 The council has a number of corporate Contracts where prices and service levels have been negotiated using historic and projected volumes to achieve the best value for the council as a whole.
- 5.2 Where corporate Contracts exist they must be used. If a Service Manager wishes to opt out of such corporate Contracts, the Officer responsible for the corporate Contract in question must be consulted and the reasons for the opt-out documented and approved.

6. **Contract Variations**

- 6.1 A Contract variation is any change to a Contract's terms and conditions (or any of its schedules or annexations) prior to the expiry of the Contract and it may be either a one off item of work or service or a change for the remainder of the Contract.
- 6.2 Contracts must not be varied if a variation is not expressly permitted by the Contract.
- 6.3 If a budget has been approved, Officers duly authorised for this purpose can agree to variations up to 10 per cent of the total Contract value or £150,000, whichever is lowest. For all Contracts the value reported must represent the potential total additional cost across the term of the variation.
- 6.4 If the variation exceeds these thresholds, or there have been cumulative variations to this value, or there are significant departmental implications, or changes to service levels, arising from the variation (even if the variation has no financial value) approval must be sought from the Board using the prescribed form.
- 6.5 All Contract variations should be kept with the original Contract in the Contract Store and be reflected on the Contracts Database.
- 6.6 Officers must adhere to the Public Contracts Regulations 2015 and consider whether a variation is of such magnitude that a new Contract is required.

7. **Social Value**

- 7.1 The Public Services (Social Value) Act 2012 places an obligation on the council to consider the economic, social and environmental well-being of the local area at the pre procurement stage of the procurement process for Service Contracts over the EU threshold. The Council will also informally apply this to all Contracts with a whole life value of over £25,000, where it is deemed appropriate.
- 7.2 Where appropriate, Social Value will be evaluated as part of the tender award criteria.
- 7.3 These requirements must not override the fundamental competition provisions that prohibit any discriminatory measures in favour of local suppliers.

8. Sustainability

- 8.1 Sustainable procurement offers the council the opportunity to encourage and work collaboratively with Suppliers to adopt practices that minimise environmental and social impacts. Officers must consider minimising the impact of the Contract on the environment whilst also acquiring goods, works and services at a competitive rate, and are required to consider ways of procuring more resource and energy efficient alternatives.
- 8.2 Where appropriate, sustainability will be evaluated as part of the tender award criteria.

9. Equality and Diversity

- 9.1 To ensure that the council procures goods, works and services in a way which promotes equality, Officers must, where appropriate:
- (i) seek information on a Supplier's equality policies and practices and, where appropriate, evaluate this to help short list suitable Suppliers;
 - (ii) include equality clauses as standard in contracts to ensure Suppliers meet relevant statutory duties;
 - (iii) encourage Small and Medium Enterprises, minority and voluntary groups to tender for suitable Contracts and create evaluation criteria that do not disadvantage these groups;
 - (iv) have due regard to The Equality Act 2010.

10. Waivers

- 10.1 Waivers of these CSOs may be sought in unforeseen or exceptional circumstances. Waivers must not be sought for reasons of poor planning nor as a means to by-pass these CSOs and cannot be given if they would contravene the Public Contracts Regulations 2015 or any other applicable legislation.
- 10.2 Any of the requirements of these CSOs may be waived in an individual case, by the person(s) authorised as follows:
- (i) where the estimated value of the Contract is less than £100,000, the Procurement Team Manager or any member of the Procurement Team as delegated by the Manager, or at the discretion of the Procurement Team, the Board;
 - (ii) where the estimated value of the Contract is £100,000 or greater, the Board.
- 10.3 A request for the issue of a waiver must be made in writing, using the prescribed form, to the person authorised in 10.2. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.

- 10.4 Waivers may be utilised where it can be demonstrated that the ability to act quickly to engage a single Supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.
- 10.5 Officers must consult with the council's Contracts Lawyer to determine the conditions of Contract to be used.
- 10.6 Where a Contract has been awarded following the approval of a Waiver, the Officer shall register the Contract on the council's Contracts Database.
- 10.7 No waiver is granted retrospectively, unless in exceptional circumstances which shall be at the discretion of the Board.

11. **Collaborative Working**

- 11.1 In order to secure best value, the council may enter into collaborative procurement arrangements with another local authority, government department, statutory undertaker or central purchasing body.
- 11.2 Any Contracts entered into through collaboration with other local authorities or public bodies where a competitive process has been followed that complies with the equivalent of the procurement rules of the leading organisation (but does not necessarily comply with these CSOs) will be deemed to comply with these CSOs and no exemption will be required.

TABLE 1

| Estimated Total Contract Value (including all extension options) | Rules/Regulations to follow | Competition Requirements | Advertising Requirements | Notes |
|--|------------------------------|--|--|--|
| Below £10,000 | IWC Contract Standing Orders | No formal competition required, although quotes can be sought in order to demonstrate best value | No advert required | <ul style="list-style-type: none"> Seek one written quote Consider the use of a procurement card Conditions of contract will be standard IWC T's and C's linked from the Purchase Order Service Department to carry out and manage the process with any advice being sought from the Procurement Team if/when required Officers must be able to demonstrate that they have achieved value for money Officers must ensure that all Contracts within this threshold are, wherever practicable, entered into the Council's Contracts Database |
| £10,001 - £25,000 | IWC Contract Standing Orders | Seek a minimum of 3 written quotes identified following market research or use a suitable/compliant Framework Agreement as per competition rules of Framework or seek a minimum of 3 written quotes from an Approved Supplier List | No advert required | <ul style="list-style-type: none"> Conditions of contract will be standard IWC T's and C's linked from the Purchase Order Service Department to carry out and manage the process with any advice being sought from the Procurement Team if/when required If Officers are not in a position to seek 3 quotes, the responsibility of 'waiving' this requirement will sit with the Service Manager. Any decision to waive must be documented Officers must be able to demonstrate that they have achieved value for money and all quote comparisons must be on the same basis The setting up of a Framework Agreement or Approved List will be done in conjunction with the Procurement Team Officers must ensure that all Contracts within this threshold are, wherever practicable, entered into the Council's Contracts Database |
| £25,001 - £100,000 | IWC Contract Standing Orders | Formal Request for Quotation process using the open procedure, or use a suitable approved/compliant Framework Agreement or seek a minimum of 3 written quotes from an Approved Supplier List | Advertise through the Council's e-tendering system and on Contracts Finder website | <ul style="list-style-type: none"> Conditions of contract will be standard IWC T's and C's with any special terms included where required Suppliers should be given a <u>minimum</u> return period of 14 days to submit quotes, if reduced must be approved by Procurement Team. The procurement process will be co-ordinated by the Procurement Team through the council's e-tendering system Identify stakeholders and consult where appropriate |
| £100,001 to the relevant EU threshold | IWC Contract Standing Orders | IWC Invitation to Tender or use of a suitable approved/compliant framework or seek a minimum of 5 written quotes from an Approved Supplier List | Advertise through the Council's e-tendering system, Contracts Finder website and consider one industry publication | <ul style="list-style-type: none"> Conditions of contract will be the standard IWC T's and C's, or bespoke, at the discretion of the Contracts Lawyer Suppliers should be given a <u>minimum</u> return period of 21 days to submit quotes The procurement process will be co-ordinated by the Procurement Team through the council's e-tendering system Identify stakeholders and consult where appropriate |

| | | | | |
|--|--|--|--|---|
| <p>£4,551,413 and above for works contracts</p> <p>£615,278 and above for "light touch" contracts</p> <p>£181,302 and above for goods and services contracts</p> <p>These thresholds apply between 1st January 2018 to 31st December 2019</p> | <p>Public Contracts Regulations 2015</p> | <p>Invitation to tender process in accordance with requirements of Public Contracts Regulations 2015</p> | <p>Advertise through the Council's e-tendering system, Contracts Finder websites, the Official Journal of the European Union (OJEU) and consider two industry publications</p> | <ul style="list-style-type: none"> • The conditions of contract will be the standard IWC T's and C's, or bespoke, at the discretion of the Contracts Lawyer • All procurements must be conducted in accordance with the Public Contracts Regulations 2015 • The procurement process will be co-ordinated by the Procurement Team through the council's e-tendering system • Identify stakeholders and consult where appropriate • If the contract value is over £1.5m, consultation with the relevant Cabinet Member is required |
|--|--|--|--|---|

OFFICER EMPLOYMENT RULES

These procedure rules are standing orders which include legislative requirements.

In these rules references to chief officers means the chief executive and chief officers.

Role of Head of Paid Service

1. Subject to paragraphs 3 and 7, the functions of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the Local Government and Housing Act 1989 (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him (and not by members of the council, except in accordance with Rule 8).

The head of paid service has nominated all chief officers as officers who can carry out on his behalf the functions of appointment and dismissal of, and taking disciplinary action against, a member of staff, under rule 1.

2. Rule 1 shall not apply to the appointment or dismissal of, or disciplinary action against–
 - (i) the officer designated as the head of the paid service;
 - (ii) the monitoring officer within the meaning of s5 of the 1989 act;
 - (iii) the s151 officer;
 - (iv) a director post;
 - (v) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - (vi) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
 - (vii) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups); or
 - (viii) the consideration of grievance and disciplinary appeals relating to chief officer posts in cases of dismissals that arise out of disciplinary or capability proceedings.

3. Recruitment and Appointment of Officers

3.1 Declarations

- (i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, or officer of the council or of the partner of such persons.

- (ii) No candidate so related to a councillor or an officer, or of a partner of such persons, shall be appointed without the authority of the relevant chief officer of the council.

3.2 Seeking Support for Appointment

- (i) Subject to paragraph (iii) below, the council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph (or words to similar effect) will be contained in any recruitment information.
- (ii) Subject to paragraph (iii) below, no councillor will seek to support any person for appointment with the council.
- (iii) Nothing in this rule will prevent a councillor from giving a written reference for a candidate for submission in connection with an application for appointment.

4. Recruitment of head of paid service, s151, monitoring officer and directors

4.1 Where the council proposes to appoint head of paid service, s151, monitoring officer or a director, and it is not proposed that the appointment will be made exclusively from among their existing officers, the council will:

- (i) Draw up a statement specifying:
 - the duties of the officer concerned; and
 - any qualifications or qualities to be sought in the person appointed
- (ii) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (iii) Make arrangements for a copy of the statement mentioned in paragraph 4.1 (i) to be sent to any person on request

4.2 Where a post has been advertised as provided in rule 4.1(ii), the authority shall -

- (i) interview all qualified applicants for the post, or
- (ii) select a short list of such qualified applicants and interview those included on the short list.

4.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with rule 4.1 (ii).

4.4 Every appointment shall be made by, or recommended to the council, by the Appointments Committee (see Article 8 above).

5. Appointment and dismissal of head of paid service, s151 officer, monitoring officer and directors
- 5.1 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the functions of appointment or dismissal of:
- (i) the officer designated as the head of the authority's paid service;
 - (ii) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
 - (iii) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - (iv) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;

The following rules will apply.

- 5.2 In this rule, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- 5.3 An offer of an appointment must not be made by the appointor until -
- (i) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (ii) the proper officer has notified every member of the Cabinet of the authority of-
 - the name of the person to whom the appointor wishes to make the offer;
 - any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - the period within which any objection to the making of the offer is to be made on behalf of the Cabinet to the proper officer; and
 - (iii) either
 - The leader of the council within the period specified in the notice under subparagraph (ii), notified the appointor that neither s/he nor any other member of the Cabinet has any objection to the making of the offer;
 - the proper officer has notified the appointor that no objection was received by him within that period from the Cabinet; or
 - the appointor is satisfied that any objection received from the Cabinet within that period is not material or is not well-founded.

- (iv) For the appointment of the head of paid service – this can only be formally concluded by a proper resolution of the Full Council. For all other appointments once the process in (i) to (iii) has been concluded then the appointer can confirm the offer of appointment.

5.4 In this rule, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

5.5 Notice of the dismissal of an officer referred to must not be given by the dismissor until -

- (i) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

- (ii) the proper officer has notified every member of the Cabinet of the authority of-

- the name of the person who the dismissor wishes to dismiss;
- any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- the period within which any objection to the dismissal is to be made on behalf of the Cabinet to the proper officer; and

- (iii) either -

- the leader of the council has, within the period specified in the notice under sub-paragraph 5.3 (ii), notified the dismissor that neither s/he nor any other member of the Cabinet has any objection to the dismissal;
- the head of paid service has notified the dismissor that no objection was received by him within that period from the elected mayor; or
- the dismissor is satisfied that any objection received on behalf of the Cabinet within that period is not material or is not well- founded.

6. Additional rule in relation to appointment and dismissal of head of paid service

6.1 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, monitoring officer or s151 officer, the Full Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

7. Dismissal of head of paid service, monitoring officer and chief finance officer

7.1 In the following paragraphs -

- (i) *“the 2011 Act”* means the Localism Act 2011(b);
- (ii) *“chief finance officer”, “disciplinary action”, “head of the authority’s paid service”* and *“monitoring officer”* have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (iii) *“independent person”* means a person appointed under section 28(7) of the 2011 Act;
- (iv) *“local government elector”* means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (v) *“the Panel”* means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (vi) *“relevant meeting”* means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (vii) *“relevant officer”* means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

7.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

7.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

7.4 In paragraph 7.3 *“relevant independent person”* means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

7.5 Subject to paragraph 7.6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 7.3 in accordance with the following priority order -

- (i) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (ii) any other relevant independent person who has been appointed by the authority;
- (iii) a relevant independent person who has been appointed by another authority or authorities.

- 7.6 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 7.5 but may do so.
- 7.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 7.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular -
- (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
- 7.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."
8. Additional rules in relation to appointment of political assistants
- 8.1 no appointment of a political assistant to a political group shall be made until such posts have been allocated to all political groups which qualify,
- 8.2 no political assistant will be allocated to a political group which does not qualify for one,
- 8.3 nor shall more than one political assistant be allocated to a political group,
- 8.4 the prohibition on the involvement of members of the council in the appointment of officers does not apply to the appointment of political assistants.
9. Appeal Committees
- 9.1 Nothing in rule 7 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by -
- (i) another person against any decision relating to the appointment of that other person as a chief officer of the authority; or
 - (ii) a chief officer of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that chief officer.

10. Definitions

In these Rules:

"the 1989 Act" means the Local Government and Housing Act;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"elected mayor" has the same meaning as in Part II of the 2000 Act and the Cabinet has the same meaning as Executive within the same act;

"proper officer" means an officer appointed by the authority for the purposes of the provisions in this part

"Chief Officer"

For the purposes of these rules chief officer includes the chief executive, and any employee contractually entitled to JNC Terms and Conditions for Chief Officers.

THE CODE OF CONDUCT

1. Introduction and interpretation

1.1 This code applies to you as a member of the Isle of Wight Council.

1.2 You should read this code together with the seven general principles prescribed by the Localism Act 2011 as follows:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.3 It is your responsibility to comply with the provisions of this code.

1.4 In this code -

"meeting" means any meeting of -

- (i) the Isle of Wight Council;
- (ii) the Cabinet of the Isle of Wight Council;

- (iii) any of the Isle of Wight Council's or its Cabinet's committees, sub- committees, joint committees, joint sub-committees, panels or area committees;

"member" includes a co-opted member and an appointed member. In relation to a parish or town council, references to an authority's monitoring officer shall be read as references to the monitoring officer of the Isle of Wight Council under section 55(12) of the Local Government Act 2000.

2. **Scope**

2.1 Subject to sub-paragraphs b. to e., you must comply with this code whenever you -

- (i) conduct the business of the Isle of Wight Council (which, in this code, includes the business of the office to which you are elected or appointed); or
- (ii) act, claim to act or give the impression you are acting as a representative of the Isle of Wight Council,

and references to your official capacity are construed accordingly.

2.2 This code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 Where you act as a representative of the Isle of Wight Council

- (i) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (ii) on any other body, you must, when acting for that other body, comply with the Isle of Wight Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. **General obligations**

3.1 You must treat others with respect.

3.2 You must not -

- (i) do anything which may cause the Isle of Wight Council to breach any of the equality enactments (in particular the Equality Act 2010);
- (ii) bully any person;
- (iii) intimidate or attempt to intimidate any person who is or is likely to be -
 - complainant,
 - a witness, or
 - involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with their council's code of conduct; or

- (iv) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Isle of Wight Council.

4. You must not -

4.1 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 -

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is -
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the authority; or

4.2 prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Isle of Wight Council into disrepute.

6. You -

6.1 must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

6.2 must, when using or authorising the use by others of the resources of the Isle of Wight Council

- (i) act in accordance with the Isle of Wight Council reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

6.3 must have regard to any applicable local authority code of publicity made under the Local Government Act 1986.

7. When reaching decisions on any matter you must have regard to any relevant advice provided to you by -

7.1 The Isle of Wight Council's chief finance officer; or

7.2 the Isle of Wight Council's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

8. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Isle of Wight Council.

9. **Register of Interests**

You must complete your register of interest within 28 days of being elected and then update your register of interests within 28 days of any event that requires a change.

10. **Declaration of an Interest**

10.1 If you have a matter due to be considered by the Isle of Wight Council that affects a matter disclosed in your register of interest or your register of disclosable pecuniary interests then you must declare that interest before the matter is being discussed or when that interest becomes apparent.

10.2 If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and if it is being considered at a meeting of the Isle of Wight Council you must leave the room for that item.

10.3 Should you wish to participate as a member of the public to express your views where public speaking is allowed under the council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the monitoring officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

11. **Personal Interests**

11.1 A Member has a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which they are a member: a public or charitable body, any body to which the Member has been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.

11.2 A Member also has a "personal interest" in an item of business where a decision in relation to it might reasonably be regarded as affecting the wellbeing or financial position of the Member, a member of the Member's family or person with whom they have a close association, more than other council tax payers, ratepayers or inhabitants of the authority's area.

11.3 A Member shall disclose a "personal interest" at a meeting of the authority, committee or sub-committee, where the Member considers that interest to be relevant to an item of

business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.

- 11.4 Disclosure of a personal interest will only affect the ability of the Member to participate in discussion or vote on the relevant item if it is also a disclosable pecuniary interest; OR if the personal interest is so close (i.e. the matter directly affects a member of your family). In either case you should exclude yourself from the meeting.

12. **Register of Gifts and Hospitality**

You must register with the monitoring officer any gift or hospitality exceeding a value of £50 that you have been offered (whether accepted or not) as part of your role as a member of the Isle of Wight Council.

GIFTS AND HOSPITALITY - GUIDANCE NOTE TO STAFF AND COUNCILLORS

1. Introduction

- 1.1 The public are entitled to demand of local government officers and Councillors, conduct of a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives.
- 1.2 It is a serious criminal offence for officers or Councillors to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in an official capacity. If an allegation is made in such circumstances, the burden of proof will fall upon the officer or member to show that they have not in any way been influenced by improper motives. For this reason it is most important for the council to set clear guidance for all employees and Councillors.
- 1.3 This is intended to assist staff and Councillors in making a decision as to whether a gift or hospitality can be accepted. This guidance will be drawn to the attention of all staff upon joining the council. Staff are reminded that breaches of the code may result in disciplinary action and in serious cases, could result in dismissal. Councillors are reminded that a breach of this guidance may result in a complaint against them to the monitoring officer.

2. Gifts

- 2.1 In general, gifts should be refused. A gift is any item or service that you receive free of charge. It also includes any goods or services which you personally are offered at a discounted rate or on terms not available to the general public. It does not include staff offers/discounts which are negotiated or accepted corporately by the Isle of Wight Council. A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the council or one who has an interest in a council decision.
- 2.2 In normal circumstances, only minor gifts of nominal or low value, such as pens, diaries, mouse mats, flowers, bottle of wine, chocolates and other business and promotional material may be accepted. In some very special circumstances, (where, for example, visiting dignitaries are involved), refusal may cause unintentional offence and this should be taken into consideration.
- 2.3 It may also be acceptable to passport gifts of modest value where they are genuinely to be given or offered as a prize to a resident that we support such as looked after child or vulnerable adult. However, prior to agreeing to receive such as gift, advice should be sought from a chief officer or the monitoring officer.
- 2.4 More substantial gifts must not be accepted under any circumstances. These may include, for example, cash, vouchers, or cases of wine or hampers. In such circumstances, the gift should be returned in a courteous manner accompanied if appropriate by the following or similar statement:

” Thank you for your kind offer of Unfortunately, the council has a clearly defined policy on receiving gifts or hospitality and I am unable to accept it. I therefore return the gift.”

2.5 For the purpose of consistency, it is not appropriate to accept gifts and to donate them to a charity save that if a gift is received either whether the donor is unknown or where it is impracticable to return the gift to the person or organisation making the gift, or where it would cause undue offence then the gift should be passed to the Monitoring Officer to be donated to the chairman’s Charity or otherwise disposed of as appropriate. Where possible, the donor will be informed of the action taken.

2.6 If in doubt, staff should consult their chief officer or monitoring officer before accepting any gift. Councillors should consult the council’s monitoring officer.

3. **Legacies**

3.1 A legacy is an amount of money or property left to someone in a will. Staff may not accept legacies from clients. If it becomes known to any employee that they are likely to benefit from a legacy made by a former or existing client, they must inform their chief officer as soon as possible. The chief officer will then consider what action to take and if necessary consult the head of paid service and monitoring officer. If the beneficiary is also a relative of the former client, it is advisable that they notify their chief officer as soon as they are aware of the legacy in order to avoid any misinterpretation.

4. **Hospitality**

4.1 Hospitality means invitations to a meal or an event eg tickets to a show, or to a sporting event. The same principles which apply to gifts apply to the offer and acceptance of hospitality. Generally, offers of hospitality must be declined. It must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the council or where purchasing decisions may be potentially compromised.

4.2 Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the council’s wider interest in the community. Staff may, for example, need to attend functions in support of local councillors. It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of low value/proportionate forms of hospitality is acceptable. In addition, a working breakfast, lunch, dinner or refreshments provided during the course of attending training, seminars, conferences or official events held by the council may be accepted, and hospitality provided by another public authority would also normally be acceptable.

4.3 The following criteria should be applied when deciding whether or not to accept offers of hospitality:

- (i) whether the nature of the hospitality is appropriate - tickets to a major sporting event must invariably be refused, but an invitation to an Island event which meets the criteria below may be appropriate.

- (ii) whether the Council's interest is better served by attendance.
- (iii) whether the scale of the hospitality is appropriate to the circumstance.
- (iv) whether the hospitality is modest and can be considered as part of the normal business process to foster good relations.
- (v) whether the hospitality is offered by a person or organisation who is not tendering or about to tender for council business.
- (vi) whether Councillors are attending an event which meets these criteria and it is appropriate that they are accompanied by an officer.
- (vii) whether it is more appropriate to bear the expense oneself.

4.4 Any intention by Councillors or staff to accept hospitality other than of a minor nature, must be authorised in advance by the relevant chief officer. In case of doubt, staff should consult their chief officer for guidance. In the case of councillors, an appropriate declaration should be completed in advance of the hospitality being accepted. In the event of doubt, the council's monitoring officer should be consulted for guidance.

4.5 If offers of hospitality are declined, those persons or organisations making the offer should be courteously informed of the procedures and standards operating within the council with, if appropriate, the following or similar statement:

"Thank you for your kind offer of Unfortunately, the council has a clearly defined policy on accepting gifts and hospitality and I am therefore unable to accept."

4.6 Below are some examples of acceptable and unacceptable hospitality:

5. **Acceptable**

5.1 working lunches provided that their purpose is to continue the work underway in the meeting.

5.2 attendance in an official capacity at functions to which invitations have been sent to other local authorities.

6. **Unacceptable**

6.1 holidays or weekends away

6.2 the use of a company flat or suite

6.3 lunch with a developer who is applying for planning permission

6.4 tickets to a theatre, concerts or sporting events which are offered in order to influence your decisions and which you would not attend in an official capacity

7. Recording of Gifts and Hospitality

Staff

- 7.1 Whether accepted or not, gifts and hospitality, or offers of them (other than the items of nominal value such as those indicated in para 2.2), must be recorded using the prescribed form (See appendix 1) and sent through to the following email address: giftsandhospitality@iow.gov.uk where they will be maintained.

Councillors

Isle of Wight Council elected Councillors are required to record gifts and hospitality that have a value in excess of £50 or those that in aggregate, exceed £50 in any consecutive twelve months. Councillors can if they wish record gifts and hospitality for lesser values.

For Councillors, the register is maintained by democratic services. The council has a prescribed format for the register (as set out in appendix 2)

- 7.2 All Registers of gifts and hospitality will be reviewed every six months by the Monitoring Officer or her/his deputy.

8. Legislation in relation to Gifts and Hospitality

- 8.1 An outline of the legislation applicable to the acceptance of gifts and hospitality is given below.

(i) Bribery Act 2010

The Bribery Act 2010 reformed criminal law, replacing the Prevention of Corruption Acts 1889-1916 by providing comprehensive scheme of bribery offences. The act covers a wide range of both direct and indirect bribery offences, and includes offences committed by individuals and corporate bodies. Penalties for non-compliance are serious, with a maximum penalty for the most serious cases being ten years imprisonment. The act created two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive, or acceptance of an advantage

(ii) Local Government Act 1972

It is a criminal offence under Sub-section 2 of Section 117 for council employees to accept any fee or reward other than their remuneration. An offender is liable on conviction to pay a fine.

Appendix 1

**GIFTS AND HOSPITALITY REGISTER
(OFFICER/STAFF)**

1. Name:
2. Job title:
3. Name of company (or individual) offering hospitality:
4. Relationship with council:
5. Type of hospitality/gift offered/received:
6. Date hospitality/gift offered/received:
7. Declined: YES / NO
8. Where hospitality took place:
9. Is there a cost to the authority? YES / NO

If yes, how much? £.....

Signed (Officer):

Date:

Service Manager/Head of Service/or
Director's Signature:

Name:

Date:

Appendix 2

GIFTS AND HOSPITALITY REGISTER

(COUNCILLOR)

Only to be used for gifts and hospitality in excess of £50

1. Councillor's Name:
2. Name of company (or individual) offering hospitality:
3. Relationship with council:
4. Type of hospitality/gift offered/received:
5. Date hospitality/gift offered/received:
6. Declined: YES / NO
7. Where hospitality took place:

Signed (Councillor):

.....

Date:

.....

Monitoring Officer (or representative) signature:

.....

Date:

.....

THE COUNCIL'S DECISION MAKING PROCESS

1. Introduction and purpose of the document

1.1 This document sets out the council's decision making process and in the event of uncertainty on the part of any councillor or officer, reference should be made to the council's monitoring officer who has responsibility for advising on the council's constitution.

2. The decision making process

2.1 Decisions are made by the council in many places and by a number of people.

2.2 The vast majority of the decisions made by the council are undertaken under delegated powers by officers in accordance with the council's scheme of delegations. This scheme is contained within the constitution.

2.3 Many other decisions are taken in committees of the council, by the Cabinet or by the Full Council itself. Some decisions can be taken by individual members of the Cabinet who have been given a specific remit for an area of work.

2.4 This section sets out the decision making process for those made by the Full Council, Cabinet, and any committees (called "member level decisions") and those made by officers ("officer level decisions").

3. Principles of decision making

3.1 In making decisions, the council, its members and its officers need to be able to demonstrate by written record and appropriate audit trail:

- (i) that relevant matters are taken into account;
- (ii) that nothing irrelevant is considered;
- (iii) that procedural rules, contract and financial procedure rules have been complied with;
- (iv) that proper advice is taken and considered before the decision was reached;
- (v) that any interests are properly declared;
- (vi) that the decision is properly recorded and published.
- (vii) proportionality (i.e. the action must be proportionate to the desired outcome);
- (viii) due consultation and the taking of professional advice from officers;
- (ix) respect for human rights;
- (x) a presumption in favour of openness;

- (xi) clarity of aims and desired outcomes;
- (xii) due consideration of all available options; and
- (xiii) that the protocols and procedures contained in the protocol on decision making and the consultation protocol between parish/town councils and the Isle of Wight Council appended to this constitution have been followed.

4. **Member level decisions**

(Those marked * do not apply to decisions by the regulatory committees or their sub committees when they are dealing with any matter relating to applications or quasi-judicial determinations (“regulatory decisions”).

- 4.1 *All decisions by the Full Council, Cabinet, Individual Cabinet members and key decisions made by officers must have been listed in the forward plan. This is produced monthly and covers the decisions proposed to be made during the next four month period. Items do not have to be included for the full four month period as it will rarely be the case that all the decisions to be taken are known four months in advance. In cases of genuine urgency see the urgency provisions below.
- 4.2 A report in the correct format has to be prepared – this ensures that all the required considerations have been taken into account – examples of the format are available on the council’s intranet.
- 4.3 *Before the report is published it must be (other than in cases of true urgency) considered by the council’s internal process (details of this are available from democratic services) – this ensures that all strategic, corporate, legal, financial, risk and other matters have been fully taken into account.
- 4.4 The report must be published for 5 clear working days prior to the decision being taken.
- 4.5 The decisions of Full Council and regulatory decisions are effective immediately and can be implemented by the relevant chief officers straightaway unless the law otherwise prescribes.
- 4.6 Scrutiny Committee and any Cabinet committee recommendations are immediately referred to the appropriate decision maker.
 - (i) Where a Cabinet member is taking a delegated decision any question from a member received by a Cabinet member in response to a proposed delegated decision must be responded to before the decision is confirmed provided that such question is received at least 48 hours before the published date as to when it is intended to make the decision.
 - (ii) All questions and comments received by the Cabinet member between the publication of the notice of intended decision and the decision being made must be referred to in the decision notice.

- 4.7 Cabinet decisions and Individual Cabinet member decisions must be published (within 2 working days of the decision) for 5 clear working days for the “call in” period (see below) and can only be implemented at the end of that process provided there has been no call in – in which case the call in arrangements apply. In cases of urgency there are provisions to disapply call in (see below).
- 4.8 An Individual Cabinet member decision must be signed off, by the relevant Cabinet member, within 20 working days of the closing date for representations following its publication, but subject to the approval of the Chairman of Corporate Scrutiny Committee, an extension can be permitted.

5. **Urgency**

- 5.1 Sometimes decisions need to be made urgently and outside of the usual process (for example reducing the pre decision notification time or disapplying call in). Urgency in these cases is defined as cases where the council will be significantly disadvantaged by a delay and where these provisions are used clear explanations must be made in the written reports.

6. **The forward plan**

- 6.1 There is a statutory requirement to publish 28 working days in advance the intention to take any key decision. There is also a requirement to publish at least 28 working days in advance if any meeting, or part thereof, is likely to consider any matter in private. Both these requirements are achieved through the forward plan which is updated and published as and when necessary.
- 6.2 A key decision is an executive decision that is likely -
- (i) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
 - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 6.3 However the scope of the forward plan has been extended to include all those items about which it is known that the Full Council or Cabinet is to make a decision within the following 4 months. The forward plan will be updated on at least a monthly basis. Not all decisions will be known 4 months in advance and so advance notice of decisions will be included as soon as they become known.
- 6.4 The forward plan enables elected members, members of the public and the Scrutiny Committee’s to consider which items they wish to examine and consider in good time before they are determined.
- 6.5 Items requiring a decision that have not appeared on the forward plan.

- 6.6 If an item has not appeared on the forward plan and a decision needs to be taken before the next edition of the forward plan is published then the relevant chief officer (or head of service) must consult with the chairman of Corporate Scrutiny Committee - or in his or her absence, the vice chairman, or if both are absent, the chairman of the council. The views of the chairman of Corporate Scrutiny Committee must be included in the report alongside the explanation as to why the matter is urgent, why it cannot await the next edition of the forward plan and why it missed the last edition of the forward plan.
- 6.7 If the decision is a key decision and less than 5 working days' notice of the decision has to be given, then the agreement of the chairman of Corporate Scrutiny Committee (or in their absence the chairman of the council or if both are absent the vice chairman of the council) must be obtained before the decision can be made.
- 6.8 In either case the chairman of Corporate Scrutiny Committee must report on such consultations/agreements at the next meeting of Corporate Scrutiny Committee.

7. The call-in procedure

7.1 What may be called in

- (i) Any decision of the Cabinet or delegated Cabinet member decision can be the subject of a call in apart from:
- a recommendation to Full Council for adoption or approval; or
 - if in exceptional cases it is of an urgent nature then call-in arrangement may be abridged or disapplied, by a decision of the Cabinet, if to do so is necessary to safeguard the interests of the council or of the public. In any such case reasons for the disapplication will be discussed by the relevant chief officer (or head of service) with the chairman of the relevant scrutiny committee and the reasons for disapplying the call in will be stated at the top of the report and this will be further explained – with the views of the chairman of the relevant scrutiny committee – in the body of the report. In such cases whilst the actual decision cannot be called in the relevant scrutiny committee may ask to consider the circumstances and provide recommendations if they so wish; or
 - If the item has already been the subject of an agenda item on the Scrutiny Committee arising from the forward plan and observations were made to Cabinet and it is demonstrated that these were taken into account when making the decision; or
 - The appointment of Cabinet members.
- (ii) A call in can only be requested if such concerns were raised following the publication of the agenda item, or at the meeting of the Cabinet, and were not taken into account or in relation to a Cabinet member decision, such concerns were raised in writing with the Cabinet member during the notification period prior to the actual decision being taken, and not taken into account.

7.2 Who may request a call in

- (i) Only the Chairman of Corporate Scrutiny Committee together with at least two voting members of the scrutiny committees and one other member of the council must sign a call in request. One of those calling in the decision must be identified as the lead member for the call in. Such voting members shall also include the parent governor co-opted members and the diocesan co-opted members.
- (ii) A member of the scrutiny committees must not sign a request for a call in if the matter is only of specific reference to their own electoral ward.
- (iii) If a member cannot obtain the necessary number for a call in but is still concerned about the decision that member is entitled, under article 6 of the constitution, to give notice to the proper officer requesting its inclusion on the next agenda of the relevant scrutiny committee. The proper officer will consult with the chairman. This will not however prevent implementation of the decision.
- (iv) Any member of the council, not on any of the scrutiny committees, may request that members of the committee consider instigating the call in process provided that that member has followed the process outlined above.
- (v) There should be no party whip applied to the call in process.

7.3 Submission of a call in notice

- (i) The notice requesting a call in shall be sent (either in paper or by electronic means) to the proper officer, who shall notify the relevant Cabinet member, chief officer, chairman of the relevant scrutiny committee, chief financial officer and monitoring officer.
- (ii) The proper officer may reject the call in notice, after consultation with the chairman of the relevant scrutiny committee if insufficient detail has been given about the reason for call in and desired outcomes.
- (iii) On receipt of a call in notice the proper officer will stop implementation of the decision and consult with all relevant parties on the calling of a meeting of the relevant scrutiny committee to consider the matter.

7.4 Withdrawal of Call in Notice

- (i) A call in notice that has already been submitted to the proper officer may be withdrawn before the agenda for the meeting of the relevant scrutiny committee called to consider the matter is despatched. Such a withdrawal must be signed by all the members signing the original call in notice and also state the reasons for this.
- (ii) The proper officer shall prepare a report on the circumstances of the withdrawal for inclusion on the agenda for the next scheduled meeting of the relevant scrutiny committee. The report shall include details of any implications arising from the delay caused.

7.5 Meeting of the relevant scrutiny committee to consider the call-in

- (i) When the relevant scrutiny committee meets to consider the call in item at least half of the members signing the call in must be in attendance and this must include the nominated lead member.
- (ii) Consideration of the call in by the relevant scrutiny committee shall either be at a special meeting specifically for the item if the decision has to be implemented within a set timeframe, and within a period of 10 working days from the date that the call in was received by the proper officer, or if deemed appropriate by the chairman of the relevant scrutiny committee in consultation with all relevant Cabinet member and chief officers, at the next ordinary meeting of the committee.
- (iii) Discussion of any call in decision shall precede all other substantive items on the agenda.

7.6 Process for dealing with a call-in at a meeting

The process for dealing with a call in at a meeting of the relevant scrutiny committee will be as outlined in guidance notes which will be reviewed on an annual basis by the committee and proper officer in the light of experience.

7.7 Action that can be taken by the committee in relation to a call-in

Following consideration of submissions in relation to the call in the relevant Scrutiny Committee may take the following action:

- (i) Accept the decision which has been made by the Cabinet or Cabinet member. In this case the decision takes effect immediately;
- (ii) Accept the decision which has been made by the Cabinet or Cabinet member but make appropriate recommendations associated with that decision. In this case the decision takes effect immediately.
- (iii) Accept the decision made by the Cabinet or Cabinet member but add an item to the committee's workplan to review the effect of the decision at a later date;
- (iv) Refer the decision back to the Cabinet or Cabinet member with recommendations. The relevant scrutiny committee must set out in writing the nature of its concerns that the Cabinet or Cabinet member must take into account before making a final decision. If the concerns and recommendations are not accepted the Cabinet or Cabinet member must state the reasons. If the Cabinet or Cabinet member implements the decision as originally intended then the committee can consider adding an item to its workplan to review the effect of the decision at a later date.
- (v) If advice is received from the monitoring officer that the decision is unlawful, or outside the policy framework; or from the chief financial officer that the decision is outside the budget, the decision cannot be implemented and must be referred back

to the Cabinet or Cabinet member with recommendations or to Full Council if the policy framework or budget needs amending.
If, after debating the call in, no motion is formally proposed, seconded and agreed by the relevant scrutiny committee then the minute shall record this and the decision of the Cabinet or Cabinet member can be implemented.

7.8 Review of the call-in process

The operation of the provisions relating to call in shall be monitored annually by the proper officer in conjunction with the scrutiny committees and a report submitted to Full Council with proposals for amendments if necessary.

8. **Officer Decisions**

8.1 These are not subject to the formal process as above, nor to the call-in process. All officer decisions can be implemented immediately and generally fall into two distinct types:

9. **Decisions taken by an officer in consultation with the relevant Cabinet member**

9.1 There are a number of items specifically contained within the council's scheme of delegations which provide for the relevant officer to make a decision in consultation with the relevant Cabinet member. The relevant officer in consultation with the Cabinet member must consider whether these decisions should be taken following consultation also with the chairman of the relevant scrutiny committee or local member(s).

9.2 Once the Cabinet member (and any other members as deemed necessary) has been consulted the officer's formal decision must be recorded and counter signed by the Cabinet member (this can be via an exchange of emails) thus recording that such consultation has taken place.

10. **Decisions taken by an officer or by those authorised by the officer**

10.1 This category includes a wide range of decisions made on a day to day basis by chief officers, heads of service or by staff authorised by them to take such decisions. These decisions fall within the scheme of delegations to the officers and concern the operational management of their areas of responsibility.

10.2 Such decisions will be within approved budget and policy. The officer will use their discretion in briefing the relevant elected member(s) on decisions taken in this category.

PROTOCOL FOR COUNCILLORS ON RIGHTS TO INFORMATION

1. General

- 1.1 All requests from councillors for documentation must be submitted to the appropriate chief officer.
- 1.2 Such a request must:
 - (i) Be specific as possible about the documents that they wish to see;
 - (ii) State the reason for wanting the information and the purpose that it will be used.

The chief officer is entitled to ask the councillor to make the request in writing if they are in any doubt about what is required and why.

- 1.3 If the chief officer, after seeking appropriate legal and financial advice where necessary, considers that the information can be supplied this will be undertaken as soon as possible. The timescale will also take into account officers workloads.
- 1.4 If the chief officer considers that the costs of supplying the information is too great or time consuming, then alternative arrangements may be suggested to the member so that the request can be met by some other means.
- 1.5 In certain circumstances a member may be invited to inspect a document or file and this may be under supervision of a senior officer.
- 1.6 A member's right to inspect documents in the council's possession is governed by statute, case law, the council's constitution and the code of conduct.

2. Committee Papers - Local Government Act 1972 Section 100F

- 2.1 A member can inspect any document in the possession or control of the council which contains material relating to any business to be transacted at a meeting of the Full Council, Cabinet, Committee or Sub Committee subject to the following exceptions contained in Schedule 12A of the Act which lists 7 categories of "exempt" information which is not available to the public.
- 2.2 This will be as detailed within the access to information rules within the council's constitution.
- 2.3 A document must be in a finalised and substantive format.

3. Case Law

3.1 The following tests may be used to establish if a member has a “need to know”:

- (i) If the member is on that committee then there is a right to inspect documents relating the business of that committee;
- (ii) If the member is not on that committee then they must demonstrate that they must have sight of the document to enable them to perform their duties as an elected member.
- (iii) If the member’s motive is deemed, by the appropriate chief officer, to be improper then access to the document will be denied.
- (iv) If no specific reason has been given other than of a general interest.

4. Freedom of Information

4.1 A member has rights as a member of the public under the Freedom of Information Act 2000 to information held by the council. A request made under this must :

- (i) Be in writing or by e-mail;
- (ii) Provide a name and address where the information should be sent;
- (iii) Specifically describe the information required.

4.2 The member does not have to demonstrate a “need to know” but where information is confidential, personal data or commercially sensitive it is likely to be exempt from disclosure.

5. Code of Conduct

5.1 In seeking any information, the member concerned must ensure that there is no breach of the code of conduct.

6. Data Protection

Members must abide by the provisions of Data Protection legislation and not use personal data for purposes which are inconsistent with the purposes that it was stated to be obtained for.

7. Disposal of information

The council has a records management policy and the period for which records are to be held varies in accordance with the information kept and the statutory requirements. If a member is given information that would not normally be available to the public, or press, the information must not be divulged nor should the information be used improperly. The information should be disposed of in a safe and confidential manner.

8. Advice to Cabinet members

- 8.1 Chief Officers provide advice to Cabinet members on the development and implementation of policy and the delivery of the functions for which the Cabinet member has overall responsibility for.
- 8.2 In addition to briefings given at informal meetings of the Cabinet, Cabinet members have the right to regular confidential briefings from chief officers and heads of service. In instances where the Cabinet member is made aware of anticipated difficulties that represents a significant risk to the council's legal, financial or reputational position it will be the responsibility of the Cabinet member to brief the chairman of Scrutiny. In a case of an audit function then the Cabinet member or chief officer shall brief the chairman of the Audit Committee.

9. Advice to all members of the council

- 9.1 It will be the responsibility of Cabinet members to ensure that all members of the council are briefed on key issues that are likely to represent a significant risk to the council's legal, financial or reputational position. This may be supported by briefings from chief officers.
- 9.2 Any member of the council may request a briefing on a specific issue from a chief officer or appropriate head of service. The ability to respond to such requests will need to be in accordance with the priorities and timescales of the relevant officers. Any problems will be referred, if necessary, to the managing chief officer, for resolution with the member concerned and where appropriate the group leader.

10. Advice to Political Groups

Chief Officers will provide briefings to a political group on a specific issue provided a similar opportunity is afforded to all other political groups.

11. Exceptions

The type of information that will not be supplied include that which relates to individual employees; recipients of services and financial assistance from the council; adoption, care, fostering and education of any particular child; details of a proposed contract and legal advice.

12. Mediation

- 12.1 Any chief officer who has any reasonable doubt regarding the release of information should seek the advice of the monitoring officer.
- 12.2 If a councillor is refused any information and is not satisfied with the reasons stated by the head of service for this decision then they can seek the guidance of the monitoring officer.

13. Application to Co-opted and Independent Members on Council Committees

Any reference in this protocol to a councillor shall also include any co-opted or independent member on a council appointed committee.

DOCUMENTS NOT FORMALLY PART OF THE CONSTITUTION

The following documents are either attached to, or linked from, the constitution and whilst not formally part of the constitution they nevertheless set out the relevant procedures of the council and its various committees etc. and must be followed as appropriate.

The table below also indicates which body has the responsibility for maintaining these and updating them as necessary.

| Document | Attached to or linked from the Constitution | Responsibility for updating: |
|---|---|---|
| Terms of Reference of the Youth Council | Attached | Youth Council |
| Protocol for Member/Officer Relations | Attached | Full Council |
| Monitoring Officer Protocol | Attached | Full Council |
| Code of Practice for Members and Officers Dealing with Licensing Matters | Attached | Licensing Committee |
| Code of Practice for Members and Officers Dealing with Planning Matters | Attached | Planning Committee |
| Code of Practice for Members and Officers dealing with Property Transactions | Attached | Cabinet |
| Consultation Protocol Between Parish/Town Councils and the Isle of Wight Council (Parish Charter) | Attached | Cabinet |
| Protocol on Publicity and the Media | Attached | Media Relations Team Leader |
| Members Allowances Scheme | Attached | Full Council (on recommendations from the Independent Remuneration Panel) |
| Corporate Management Team Terms of Reference | Linked | Corporate Management Team |
| Procurement Board Terms of Reference | Linked | Corporate Management Team |
| Call Over Terms of Reference | Linked | Call Over |
| Rules of Debate Flowchart | Attached | Assistant Director of Corporate Services |

TERMS OF REFERENCE OF THE ISLE OF WIGHT YOUTH COUNCIL

Isle of Wight Youth Council Constitution

1. Purpose

The purpose of the Isle of Wight Youth Council (hereafter referred to as IWYC) is to work on behalf of the young people of the Isle of Wight, in co-operation with the Isle of Wight Council, to increase young people's influence over issues and decisions, which concern young people and to develop and deliver projects for the benefit of young people

2. Aims

2.1 The IWYC aims to be a link between the young people of the Island, the IW Council, and other appropriate organisations.

Specifically

2.1a To provide the IW Council and other appropriate authorities with the views of young people, both in relation to matters of concern and to council initiatives, and to raise the awareness of young people and increase their participation in democratic, decision making processes.

2.1b To receive and consider information from all departments of the council on issues of significance to young people for consultation and comment.

2.1c To work in partnership with the IWC to help them arrive at decisions which benefit young people.

2.2 The IWYC will keep all its members informed of its actions and decisions.

2.3 The IWYC will work with other bodies representing young people.

3 Membership

3.1 The IWYC will consist of 24 elected young people. There will be 8 places for co-opted young people. The term of office will be until the next elections are held. These 8 co-opted young people will have voting rights and must be invited to attend by the IWYC. This is to ensure that more young people will have the opportunity to be represented. The young people elected to the UK Youth Parliament (MYP and Deputy MYP) will automatically occupy 2 co-opted places and will not be allowed to be officers of the IWYC.

3.2 Members of the IWYC must be aged between 11 and 21 inclusive and resident on the Isle of Wight.

In the case of a member reaching their 22nd birthday that member will be able to see out their term of office. The Youth Council will aim to be representative of young people of all ages, from all areas of the Isle of Wight and from all backgrounds.

- 3.3 A member of the IWYC may resign, at any time, by informing the secretary in writing. If a vacancy arises for this, or any other reason, the IWYC will invite a young person, from the relevant constituency, to fill the place. Young people who went for election will be given priority. The new member can stay in place until the next election. If no one comes forward the IWYC can decide to co-opt an interested young person to fill the vacancy until the next election.
- 3.4 Members of the IWYC have a key role in communicating with their constituents and in placing matters on IWYC agendas that are requested by the young people they represent.
- 3.5 A person cannot stand as a member of the IWYC if within 5 years of standing they have received a prison sentence of 3 months or more, whether custodial or not. A member is no longer a member if they receive such a sentence once they are elected.

4 Meetings and other IWYC Communications

- 4.1 The full IWYC will meet at least 12 times a year in County Hall or at a venue of IWYC's choosing. If a member cannot attend a meeting apologies will be expected. If a member fails to attend 3 times in a row without making apologies they can be asked to leave the Youth Council.
- 4.2 Agendas and notes of the meetings will be distributed to all members.
- 4.3 Issues will be decided by a simple majority of voting members present. The chairperson will have a casting vote.
- 4.4 A quorum shall be not less than eight elected members. If, at any meeting, the elected members are outnumbered by co-opted members then that meeting will be declared inquorate.
- 4.5 A breach of the IWYC ground rules will result in a verbal warning from the chair, a further breach will lead to a written warning and a third may lead to expulsion from the Youth Council. Expulsion will require a majority vote from the full IWYC. The ground rules can be found in Appendix 1 at the end of this document.

5 Powers

- 5.1 The IWYC shall have powers to carry out lawful activities in order to achieve the aims of the organisation.
- 5.2 The IWYC has the power to raise funds from external sources in the form of grants and the IWYC must not undertake any trading activities.

6 Officers of the Youth Council

- 6.1 The IWYC will have a chairperson, a vice-chairperson, secretary (IWC Youth Empowerment Worker), treasurer (if appropriate) and any other officers the IWYC decides it requires. The chair and vice-chair will be elected by the members of the IWYC at the start of the year.
- 6.2 IWYC accounts will be independently audited on an annual basis.

7 Constitution

7.1 This constitution may only be altered by a majority vote of the IWYC and must be revisited every 3 years.

APPENDIX 1

IWYC Ground Rules

Respect for each other – be polite

Respect for others' opinions, even if you disagree with them

Challenge the opinion not the person

Racism, sexism, homophobia, ageism and any kind of prejudice will be challenged

Equal opportunities will be central to all IWYC operations and processes

Listen and communicate

Pull your own weight – be actively involved

Minimise formality and jargon

Work as a team

Keep phones switched off or on silent and only answer, outside the room, if urgent.

Online communications on IWYC matters should be shared with all members

Only say things online that you would be prepared to say in a meeting

Private communications must be clearly stated as private and not alluded to or revealed to other IWYC members

A PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. Good member/officer relations, based on mutual respect and understanding, are essential to the effective operation of the council.

Members' Roles

2. The constitution sets out detailed job profiles reflecting the many and varied roles and responsibilities which members may take on at various times whilst they sit on the council.
3. In undertaking those roles and responsibilities, elected members are required to operate within the law, the constitution of the council and within local and national codes and protocols. Members must always act in the public interest. Ultimately however, members are accountable to the electorate through the ballot box.

Role of Officers

4. Officers are paid employees of the council (not of elected members). Officers are also required to operate within the law, the constitution of the council, local and national codes and protocols and must always act to achieve the objectives of the council. Ultimately as employees, officers are accountable under their contracts of employment. Some employees are in politically restricted posts and cannot stand for election, nor hold certain posts in political parties
5. Officers have a duty to provide information, advice and recommendations to elected members. Such information, advice, etc can be given both formally and informally, but where significant or potentially controversial issues are at stake should be given formally and in writing.
6. Proper, open dialogue between elected members and members of staff of all grades and seniority is essential to good governance. In order to ensure that dialogue is mutually respectful, productive and contributes to the effective running of the council, certain principles should be followed.

Member Decision Making

7. Officers should never lobby members or otherwise improperly seek to influence their decision making, nor should they seek to act for personal rather than professional motives.
8. The principal focus of member decision making is to determine policy and strategic objectives. Members will only exceptionally be involved in operational or managerial decisions designed to deliver those policies and strategic objectives. One exception to this principle is that members sitting in a regulatory capacity will take decisions which affect the rights of individuals, for example in relation to development control and licensing matters, to which specific codes of practice apply.
9. Member decision making is always formal, public and auditable on the basis of written reports and their advice from all relevant officers.

10. Accordingly, members should not purport to give instructions directly to officers on an informal basis, except to the small number of officers employed specifically to provide support services to elected members.
11. Members need to be aware that some, particularly more junior, members of staff can feel intimidated by direct approaches by members, and in particular should avoid being in a position where they could be seen as asking an officer to act against council policy, against the officer's professional judgement or otherwise under pressure from the member.

Provision of Information

12. Members have a need to know a wide range of information, but there are some limits to their rights. In order to protect the council and those about whom information is held, officers are entitled to request members identify the purpose for which they require information. Those purposes may only be in connection with the members' duties as an elected member and not for personal, political or other purposes.
13. Equally on the rare occasions when a request by a member for information is refused, the member is entitled to request written reasons and that a copy of those reasons is sent to the monitoring officer for advice.

Officer's Advice

14. Advice by officers must be confined to council business and must be sought and given, in a manner which will avoid compromising the political neutrality required of employees.
15. Many officers are willing to be contacted by members at home outside of normal working hours, but this step should only be taken in cases of genuine importance or urgency or by prior arrangement.

Group Briefings

16. Political groups may request private and confidential briefings, including the provision of written information on matters of policy, which are or may become, the subject of discussion by the Full Council, Cabinet or any committee.
17. Attendance by officers at group meetings may be requested, but officers will always have the option of declining to attend and give written advice as an alternative. It is not usually considered good practice for officers to attend such briefings alone.
18. Where an officer attends a group meeting, they have an obligation to notify the monitoring officer of the fact of their attendance and the subject of the briefing. The monitoring officer will then notify the other political groups that the briefing has been given.

Complaints and Criticism

19. Neither officers nor members should pass comment about officers in a way which could be taken as personally critical of, or as undermining, that officer. Similarly, it is never the role of an officer to criticise or undermine a member.

20. Complaints about elected members should be made to the monitoring officer. A breach of this protocol may be evidence of a breach of the members' code of conduct.
21. Complaints about officers should be made to their head of service, or where necessary, to their chief officer or direct to the chief executive. Such complaints will be dealt with by appropriate disciplinary, capability or other established procedure.
22. Except as part of an appointment or appeals panel, members are prevented by law from becoming involved in matters relating to individual employees. Information about disciplinary, capability or other employment processes are one of the exceptions to the rights of members to access information.

Cabinet and Scrutiny Function

23. The constitution of the council establishes a separation of powers between the Cabinet and the scrutiny functions (the Scrutiny Committee). Officers owe an equal duty to both the Cabinet and the scrutiny function. Sometimes real or perceived conflicts may arise, for example, when the scrutiny function wishes an officer to explain their advice in relation to a controversial policy or decision. In such circumstances, conflict can be avoided by officers advising impartially on the relative merits of alternative approaches.

Advice and Guidance

24. This protocol deals with general principles and is not designed to address particular circumstances. Advice can be sought from the monitoring officer or chief executive whenever difficult situations arise.

Personal/Family/Financial Relationships

25. Usually it is incompatible with good member/officer relations for close personal, or any financial, relationships to develop between officers and members. Very occasionally there may be exceptions to this rule, and/or that family relationships will exist.
26. Where there are unusually close relationships (and in the case of any financial relationships) guidance should be sought and the relationship notified in writing to the employee's chief officer (or in the case of chief officers to the chief executive).

MONITORING OFFICER PROTOCOL

1. STATUTORY RESPONSIBILITIES

The monitoring officer is a statutory appointment under the provisions of section 5 of the Local Government and Housing Act 1989. This protocol sets out how the duties of the monitoring officer will be carried out.

The role of the monitoring officer is assigned to the Assistant director of corporate services and monitoring officer.

A summary of the monitoring officer's responsibilities is set out in the annex to this protocol. These duties will be carried out in accordance with the authority's policies, legislative requirements and relevant government guidance. The monitoring officer's ability to carry out these duties and responsibilities effectively will depend on the proactive assistance and cooperation of members and officers.

2. WORKING ARRANGEMENTS

The monitoring officer will promote effective working relationships with members and officers to advance good governance, the highest standards of ethical behaviour and the effective discharge of the monitoring officer's statutory and discretionary duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the authority, is central to fulfilling those responsibilities. Members and officers agree to work with the monitoring officer, and staff in legal and democratic services to this end.

3. RESOURCES

The authority agrees to ensure that the monitoring officer has sufficient staff, accommodation and resources to discharge her/his statutory functions. The monitoring officer will appoint deputy monitoring officers and will keep him/her briefed on any relevant issues that she/he may be required to deal with in the absence of the monitoring officer.

4. ACCESS TO INFORMATION

The monitoring officer will be kept informed by members and officers of any issues that may become of concern to the authority, including, issues concerning legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen.

The monitoring officer will be given advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions may be taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken).

She/he will have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions may be taken) before any

binding decision is taken (including a failure to take a decision where one should have been taken).

She/he will have unqualified access to any information held by the council and to any officer who can assist in the discharge of her/his functions regarding investigation and determination of complaints.

5. RELATIONSHIPS

The monitoring officer will ensure the authority, its members and officers and in particular the chief executive (head of paid service) and the chief finance officer (the section 151 officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other governance issues that are likely to arise or have arisen.

She/he will develop a close working relationship of respect and trust with the chairman, leader, party group leaders, and other authority members with a view to ensuring the effective and efficient conduct of authority business.

6. STANDARDS MATTERS

The monitoring officer will give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being submitted). If a formal written complaint is submitted then the monitoring officer will ensure that the complaint is dealt with in accordance with the agreed procedure. If necessary this may include consultation with a designated independent person, an investigation and ultimately consideration by the Appeal Committee.

7. DISPENSATIONS

The monitoring officer has been delegated the authority in consultation with a designated independent person, to deal with requests for dispensation without the need for a meeting of the Appeals Committee where that was deemed to be appropriate.

ANNEX: SUMMARY OF FUNCTIONS OF MONITORING OFFICER

| Description | Source |
|--|--|
| 1. Report on contraventions or likely contraventions of any enactment or rule of law. | Sections 5 and 5A, Local Government and Housing Act 1989. |
| 2. Report on any maladministration or injustice where the ombudsman has carried out an investigation. | Sections 5 and 5A, Local Government and Housing Act 1989. |
| 3. Appoint a deputy/deputies | Sections 5 and 5A, Local Government and Housing Act 1989. |
| 4. Report on sufficiency of resources. | Section 5, Local Government and Housing Act 1989. |
| 5. Establish and maintain the register of members' interests, and the register of gifts and hospitality. | Section 29, Localism Act 2011 |
| 6. Receive copies of certificates under the Local Authorities (Contracts) regulations 1997. | Local Authorities (Contracts) regulations 1997. |
| 7. To monitor and review the governance arrangements of the authority. | This protocol. |
| 8. Support the council to promote and maintain high standards of conduct. | Section 27 Localism Act 2011 |
| 9. Consider complaints against members. | Arrangements agreed by council in accordance with Section 2 of the Localism Act 2011 |
| 10. Consulting with, supporting and advising the chief executive (head of paid service) and the chief finance officer and on issues of lawfulness and probity. | This Protocol. |
| 11. Advising the authority on issues of lawfulness and probity. | This protocol. |
| 12. Conduct investigations into misconduct. | Arrangements agreed by council in accordance with Section 2 of the Localism Act 2011 |
| 13. Proper officer for access to information. | This Protocol. |

14. Provide advice on vices issues, This protocol. maladministration, financial impropriety, probity, budget and policy framework issues to all members.

CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH LICENSING MATTERS

THE NEED FOR GUIDANCE

1. This code has been written to help everyone understand the standards required of the Isle of Wight Council in carrying out its licensing function.
2. This code applies to all Isle of Wight Council members and staff involved in the licensing system. It applies equally to the operation of the Licensing Committee and its sub committees when it is exercising its licensing functions and the Cabinet and the Full Council in their policy formulation function.
3. Licensing decision making relies on informed judgement within a firm policy context. It is also highly contentious because its decisions can affect the daily lives of everyone and the private interests of individuals, applicants and residents. This is heightened by the openness of the system, in as much as it actively invites public opinion on certain licensing functions before taking decisions. It is important, therefore, that the process is characterised by open and transparent decision-making.
4. The aim of this code of practice is to ensure that the council operates an open and fair system. Failure to follow this code of practice, without good reason, could be taken into account during investigations into possible maladministration or by the courts in considering any appeal.
5. Members and staff are requested to read this code thoroughly and put it into practice consistently. It is intended to review the code regularly so that it remains useful and relevant. If any points are unclear or need review, please contact the monitoring officer.

GENERAL ROLE AND CONDUCT OF MEMBERS AND OFFICERS

6. Members and officers have different, but complementary, roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the council as a whole. A successful relationship between members and officers can only be based upon mutual trust and understanding of each other's position. This relationship, and the trust which underpins it, must never be abused or compromised.
7. Applicants and the public are entitled to expect high standards of conduct and probity by all people holding public office and, in particular, when dealing with licensing matters. Only material licensing considerations should be taken into account. There are statutory provisions and a code setting standards which must be followed. Both members and officers are guided by codes of conduct.
8. The code of conduct provides guidance and standards for members. Members should not favour any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take.

9. A further key principle is that local opposition or support for a proposal is not in itself a ground for refusing or granting a licence, unless that opposition or support is based upon valid reasons and concerns which can be sustained.

TRAINING

10. Following council elections, and at intervals thereafter, a range of training seminars are held for members. Guidance is given on the code of conduct and on licensing matters. No member may sit on the Licensing Committee or its sub committees until they have attended the relevant training sessions on licensing matters and the code of conduct.

DECLARATION AND REGISTRATION OF INTERESTS

11. The law and the codes of conduct set out requirements and guidance for members and officers on declaring interests and the consequences of having such interests.
12. In summary the code requires (where members have a conflict of interests) that if the matter to be considered affects:
 - a. An item in the members register of interests then a disclosable pecuniary interest must be declared, and the member must not take part in the consideration of the item, and must leave the room. However, members with such an interest may have the same participation rights as a member of the public only if a dispensation has been granted by the monitoring officer, but must leave the room after they have done so. To speak as a member of the public members must however, in addition to having obtained a dispensation, have made a relevant representation during the consultation period in order to speak.
 - b. An item that a member has a private interest in (say an application submitted by a close family member or a close associate) then members need to declare this interest and again leave the room during its consideration. Again, members with such an interest may have the same participation rights as a member of the public if a dispensation has been granted. To speak as a member of the public members must however, in addition to having obtained a dispensation, have made a relevant representation during the consultation period in order to speak.
13. Members who have substantial licensing interests, or other interests, which would prevent them from voting on a regular basis, should avoid serving on Licensing Committee or its sub committees determining licensing matters.
14. Further advice on these matters is available from the monitoring officer.

LICENSING PROPOSALS SUBMITTED BY MEMBERS AND OFFICERS

15. All licensing services officers or other officers involved in licensing matters shall declare to their head of service any interest which they may have in any third party application (e.g. an application submitted in their immediate neighborhood or by a society or club of which they are a member) and take no part in the determination of that application.

16. Where a licensing application is made by an officer of licensing services, or any other officers involved in the licensing process, (including members of their close family or close associates) that officer shall play no part in the decision making process. Similar to members, the officers shall not take any part in the committee process if their application is referred to committee and must if they are present withdraw from the chamber/gallery.
17. At the meeting of the Licensing Committee or one of its sub committees to which an application submitted by a member of the Isle of Wight Council is being considered, that member should neither vote nor speak on the application during the debate and should withdraw from the meeting. The opportunity to present a case to the committee to the same degree as a member of public will be available subject to a dispensation being granted by the monitoring officer in certain circumstances. All members of the council who may be considering the submission of an application are strongly advised to employ the services of an agent to avoid partiality or the perception of partiality, to ensure proper contact with officers during its processing and to address the committee as appropriate.

LOBBYING OF MEMBERS AND LOBBYING BY MEMBERS

18. Licensing decisions must be taken objectively on the basis of relevant information.
19. Where the Licensing Committee or one of its sub committees are taking the decision all, and only, relevant information must be presented either in writing or orally to the committee meeting.
20. It is perfectly proper for elected members to give applicants and objector's factual information about the process but, other than this, contact with applicants or objectors should be treated very carefully. In particular members who wish to participate in taking a decision must never express an unequivocal opinion about the merits of an application.
21. Whilst it will usually be easier for members to avoid debating future decisions, particularly in public forums, they may occasionally wish to do so. When this happens, they should use a form of words such as "on the basis of the information I have at the moment I am likely to oppose/support the application, but I will consider all the information available before I make my decision". Any Member who makes a stronger statement, such as "this application will be passed over my dead body" will not be able to take part in the decision by the committee.
22. Members will be lobbied by individuals, groups or other interested parties in a matter and this is to be expected. However, if member considered that they are receiving unduly intense or inappropriate lobbying then they can discuss this with the Strategic Manager for Regulatory and Community Safety Services for further advice
23. Members should be particularly careful not to exert pressure on an officer who has to make a recommendation to the Licensing Committee or one of its sub committees. If any officer believes that pressure is being exerted upon them they will notify the Strategic Manager for Regulatory and Community Safety Services and/or monitoring officer immediately. In the event that the Strategic Manager for Regulatory and Community Safety Services believes that pressure is being exerted upon his/her role, he or she should notify the chief officer and/or the monitoring officer immediately.

24. Officers will take many licensing decisions under delegated powers. It is similarly unacceptable for those officers to be lobbied by members or subject to undue pressure.

BIAS / APPARENT BIAS

25. Any member who is or appears biased towards an issue can leave the decision vulnerable to challenge in the courts.
26. The court will undertake a detailed investigation of a members conduct over a period rather than look just at the circumstances relating to that decision itself.
27. It is therefore extremely important that members are well aware of what they should and should not do to avoid having decisions undermined by later challenges. There must be an appearance of impartiality.

BIAS

28. The test for bias applied by the courts in terms of a particular member who participates in the decision-making itself is as follows:
29. “Would a fair minded observer knowing the background, consider there was a real possibility of bias arising from a particular member being a member of the relevant decision making body.”

APPARENT BIAS

30. In recent years the courts have been more willing to find that there has been an appearance of bias:
31. “Whether, from the point of view of the fair minded and informed observer there was a real possibility that the Licensing Committee or one of its sub committees or some of its members were biased in the sense of approaching the decision with a closed mind and without impartial consideration of the licensing issues.”
32. The court will look at the facts in each case. If a member has simply given a view on an issue this will not amount to pre-determination so as to render the decision vulnerable to legal challenge as this alone does not show that the member has a closed mind on that issue. Simply due to a member making a public statement about their approach to a licensing matter does not mean that the member cannot participate in the determination of the application. However, members must be careful to articulate how they phrase statements made. Expressing a view may not disqualify a member on the basis of bias or the code of conduct, but they must be able to show that they have not approached the matter with a “closed mind”. Merely asserting that the member had an open-mind will be of little value – they do not relate to the all-important impression portrayed.
33. Once the bias or predetermination is demonstrated, the decision will be quashed unless there is good reason for the court to exercise its discretion not to do so. It is no answer to suggest that only one member was “guilty” and therefore the decision should stand.
34. In light of the above, and the obvious issues this raises, the following further guidance is given:

Members of the Licensing Committee attending public meetings should avoid expressing opinions on any current or live licensing matter nor participate in any debate. They must adhere to stating fact only or declare that they are there to listen to other views only.

- (a) In respect of pending/forthcoming applications (pre-application discussions) members of the Licensing Committee or local members who wish to take part in the debate should have regard to this code of practice for members and officers dealing with licensing matters, and may take the view that they should not attend/participate in any discussion/public meeting if they wish to take part in the debate and vote on an application.
- (b) Members who are not members of the Licensing Committee and who do not intend to participate in the debate as local member do not need to avoid discussions/meetings but must at all times have regard to the code of conduct for members.

PARISH / TOWN COUNCILS

- 35. The danger of prejudging an issue arises not just at public meetings but also in parish/town council debates. Taking part in a parish/town Council debate does not prevent members from decision taking at the Licensing Committee or one of its sub committees or other members from participating in the debate. However, parish/town councils do not have the advantage of licensing advice nor complete information on any application. Contributions by elected members at parish/town councils must therefore be carefully worded to avoid evidence of the decision having been prejudged.
- 36. When a member has participated in a public debate, at a parish/town council or elsewhere, they should declare this when they speak at the Licensing Committee or one of its sub committees and should make a clear statement that they have not prejudged the issue.

WHIPPING

- 37. The use of party political whips in licensing decisions would demonstrate a predetermined position and could also be maladministration. Whipping must not therefore take place.
- 38. Individual members should reach their own conclusions on licensing matters rather than follow the lead of another Member. However, the views of other members of the committee, where they are relevant, can be one of the factors taken into account in taking a decision.

PRE-APPLICATION AND DISCUSSION PRIOR TO COMMITTEE MEETINGS

- 39. Discussions between a potential applicant and officers of the council prior to the submission of an application and/or prior to a committee meeting can be of considerable benefit to both parties. Discussions can take place for a variety of reasons, for example: to overcome relevant representations submitted by a responsible authority or other persons.
- 40. It should always be made clear at the outset that discussions prior to applications and discussions prior to committee meetings will not bind the council to making a particular decision, and that any views expressed are provisional, until all relevant information is submitted and consultations on it have taken place.

41. Advice should be consistent and based on national and local policies and the relevant legislation. There should be no significant difference of interpretation of licensing policies between licensing officers. All officers taking part in such discussion should make it quite clear whether or not they are the decision maker. Licensing officers will ensure their advice is impartial and is seen to be. A written note should be made of all discussions.
42. When attending public meetings and site visits, members should take great care to maintain their impartial role as a member, listen to all the points of view, and not state a conclusive decision on any proposal or submitted licensing application. Members of the committee should not make unaccompanied "unofficial" site visits in connection with pre-submission discussions, the determination of current applications or familiarisation visits.
43. It is preferable that members do not take part in pre-application discussions, so as to maintain impartiality and avoid apparent bias arising. Where members do become involved in such discussions, including meetings on site, they must seek the assistance and attendance of a licensing officer. If any contact is made in the absence of officers, a written note of any discussions between the Member and the applicant and/or his agent should be sent to the Strategic Manager for Regulatory and Community Safety Services so that it may be placed on the file.

OFFICER REPORTS TO COMMITTEE OR SUB COMMITTEE

44. The reports will give comprehensive detail and a clear explanation of the location, the relevant licensing history, the policies and any other material considerations. Where lawful, reports will identify a range of options which the Licensing Committee or a sub committee may choose.

DECISIONS

45. A member shall not be able to vote in relation to any licensing application unless he or she has been present at the meeting of the Licensing Committee or its sub committee throughout the consideration of that particular application.
46. All decisions should be properly recorded and the reasons for all decisions should be clear.

SANCTIONS

47. Elected members who act in breach of this code of practice risk being the subject of a complaint about a breach of this code to the monitoring officer.
48. Breaches of the council procedure rules, particularly the regulatory committees rules, may invalidate a decision leaving that decision vulnerable to challenge on appeal, through judicial review or criticism by the ombudsman.
49. Officers who act in breach of this code of practice may be in breach of their contract of employment and subject to disciplinary or capability procedures.

CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

INTRODUCTION

1. This protocol sets out guidance for all elected members, in various roles including as local member and as a member of Planning Committee.
2. Planning Committee is established by the Full Council to:
 - (a) Determine those issues which have a genuine Island wide significance due to their size or impact;
 - (b) Raise marginal and difficult policy issues (including inconsistency between policies or those classed and advertised as a departure);
 - (c) Determine applications which are made for commercial or potentially contentious purposes by elected members or officers (or their spouses); or are contentious among the wider island communities.
3. As such, development management is among the most controversial and high profile functions of the local authority. Members need to balance their duties to individual constituents, and to the community which they represent in their role as Local Ward Members, with the need to objectively determine development management issues in accordance with the law, and locally adopted planning policies.
4. The principal purpose of this guidance is to assist officers and members in delivering unimpeachably high standards of development management decision making. It applies equally to all elected members including those who are sitting on or attending the Planning Committee. It also applies to officers throughout the local authority.
5. Officers need to be able to exercise their professional roles, which involve advising applicants, members taking decisions and, also, taking decisions themselves under the scheme of delegations.

OTHER RELEVANT CODES AND PROTOCOLS

6. Regulation of members' conduct is principally by the members' code of conduct which has been adopted by this authority. Breaches of this code should be referred to the monitoring officer.
7. Any breaches of local codes of conduct, such as this code of practice, will be dealt with by the monitoring officer.
8. Relationships between members and officers are considered in detail in the member/officer protocol also forming part of this constitution.
9. The roles of members are considered in some detail in a number of job profiles, also forming part of the constitution.

10. Officers who are members of the Royal Town Planning Institute must follow a code of professional conduct. Breaches of that code may be subject to disciplinary action by the institute. All officers and members are covered by the council's own codes of conduct.
11. The constitution contains rules on acceptance of gifts and hospitality. Neither members nor officers should ever place themselves in a position of accepting hospitality from an applicant or an objector in breach of the constitutional hospitality guidance note

DECISION MAKING

12. The Town and Country Planning Act 1990 establishes a plan led system. Planning applications must be determined by reference to the adopted development plan currently in place; each application must be decided in accordance with the plan unless there are material considerations to justify a departure from the plan.
13. Members who are consistently unable to support national or local planning policies will inevitably find themselves unable to take objective decisions in relation to individual planning applications and should not participate in development control decision making. The decision as to whether a member can continue to participate in development control decision-making is one primarily for individual members, having received advice from the monitoring officer. However, any member who finds themselves speaking against a particular policy on two or three occasions during a twelve month period or five or six occasions during the lifetime of the council might choose to regard themselves as unable to support that particular policy and withdraw from debate where it is being applied. Where a member speaks against three or more policies during a twelve month period, or against five or six over the lifetime of a council similarly they may find themselves as being unable to support national or local policies to the extent they should not make development control decisions.
14. Local opposition or support for an application is not a ground for making a decision unless that opposition or support is based on material planning considerations.
15. Members can only take informed, objective, decisions when they have received and carefully read all written reports and submissions. They must attend official committee site visits and also carefully listen to all public speaking contributions and to all contributions to the debate from members. Therefore, any member who has not been present throughout the whole consideration of an item must not vote.
16. The majority of applications will be dealt with by officers using delegated powers, however, the following applications and related submissions will be determined by the Planning Committee:
 - (a) Applications which the Strategic Manager for Planning and Infrastructure Delivery considers have a genuine Island wide significance due to their size or impact; raise marginal and difficult policy issues (including inconsistency between policies or those classed and advertised as a departure) or are contentious among the wider Island communities or of significant impact to a locality.

- (b) Applications submitted by or on behalf of an elected member (or members of their close family or close associates) or by any officers (or members of their close family or close associates) employed in planning services or any other areas of the council where the individual may be involved in the planning process (unless the monitoring officer, upon receipt of a recommendation from the Strategic Manager for Planning and Infrastructure Delivery, certifies that the nature of the application – being not contrary to policy and for domestic/recreational and not commercial purposes or if for refusal is supported by clear and unarguable policy reason, – is such that it can be determined under delegated powers).
 - (c) Applications where the proposed development is for council purposes or involves council owned land or property (except where the Monitoring Officer, upon receipt of a recommendation from the Head of Strategic Manager for Planning and Infrastructure Delivery, is satisfied that the application is for minor works and does not need to be determined by Planning Committee). Examples of this would be for minor works to existing property and the use is not to be materially changed, minor applications for changes of use where there is no consequent proposal to dispose of the property, minor applications where there have been no objections during the consultation period or where the proposals are an amendment to an earlier scheme and do not extend beyond the previously consented extent of developed area.
17. Applications for Prior Approval or Prior Notification (related to permitted development rights) will not be referred to Planning Committee for determination. Such applications must be determined against set regulations and are often time sensitive, in that if they are not determined within the prescribed periods, deemed consent is granted.
18. Applications for Certificates of Lawful Use or Development (existing or proposed) which are commonly known as Lawful Development Certificates (LDCs) will not be referred to the Planning Committee as they are often complex determinations of matters of law and fact.
19. The Strategic Manager for Planning and Infrastructure Delivery shall have the authority to make minor amendments to the wording on decision notices following the resolution by committee so long as the changes do not materially affect the decision itself. For example, the Strategic Manager for Planning and Infrastructure Delivery may change the wording of a condition but not the need for a condition requested by members.

DELEGATED DECISIONS

20. The majority of applications will be dealt with under delegated powers. This is reflective of the overall number of applications received by the Local Planning Authority, the range of application types received and the complexity of those cases, whilst also ensuring business efficiency and compliance with required regulations related to the performance of planning authorities (and criteria for designation as set out within Town and Country Planning Act 1990). Applications are subject to formal consultation processes depending on the nature and scale of application as set out within legislation. Elected members may engage with the case officer for an application during the application process and are encouraged to do so to aid in the efficient determination of applications and resolution of issues.

Major applications

21. For major applications (as defined by the Town and Country Planning Development Management Order 2015) the following will apply:
- (a) If within the 21 day consultation period of the application no letters of representation have been received, which are contrary to the officer recommendation, officers may move to determine the application under delegated powers.
 - (b) If within the 21 day consultation period of the application representation(s) are received which are contrary to the Officer recommendation, the Local Ward Member may make a request for a determination by the Planning Committee. Such a request must be made within the 21 day consultation period, or within 7 days of the closure of the consultation period. The request must be made in writing and contain relevant and material planning considerations. If no request is made within the timescales identified, officers may move to determine the application under delegated powers.
 - (i) Where a request is made in connection with paragraph 21(b), officers may seek to overcome the request for a “call-in” through dialogue with the Local Ward Member and provision of further advice. Examples of this are the provision of a summary of the officer recommendation, use of conditions, or provision of revised plans which may address the reasons set out in the request for “call-in”.
 - 1) If following (i) agreement is reached, Officers may move to determine the application under delegated powers.
 - 2) If following (i) agreement cannot be reached, officers will consult with the Chairman of Planning Committee who shall consider whether the reason(s) for requesting call-in to planning committee is/are relevant and material to the consideration of the application, with particular regard to the purpose of the Planning Committee established under paragraph 2. Where the Chairman of Planning Committee is not in agreement with the request for “call-in” the Strategic Manager for Planning and Infrastructure Delivery (or an authorised deputy) may issue the decision under delegated powers. Where the Chairman of Planning Committee agrees with the request for “call-in” the item will be reported to the Planning Committee.

Non-major applications

22. For all other application types (except for those to which paragraphs 16, 17 and 18 of this code applies) the following will apply:
- (a) If within the 21 day consultation period of the application no letters of representation have been received, which are contrary to the officer recommendation, officers may move to determine the application under delegated powers.

- (b) If within the 21 day consultation period of the application representation(s) are received which are contrary to the Officer recommendation, the Local Ward Member may make a request for a determination by the Planning Committee. Such a request must be made within the 21 day consultation period, or within 7 days of the closure of the consultation period. The request must be made in writing and contain relevant and material planning considerations. If no request is made within the timescales identified, officers may move to determine the application under delegated powers.
- (i) Where a request is made in connection with paragraph 22(b), officers may seek to overcome the request for a “call-in” through dialogue with the Local Ward Member and provision of further advice. Examples of this are the provision of a summary of the officer recommendation, use of conditions, or provision of revised plans which may address the reasons set out in the request for “call-in”.
- 1) If following (i) agreement is reached, Officers may move to determine the application under delegated powers.
 - 2) If following (i) agreement cannot be reached, officers will consult with the Chairman of Planning Committee who shall consider whether the reason(s) for requesting call-in to planning committee is/are relevant and material to the consideration of the application, with particular regard to the purpose of the Planning Committee established under paragraph 2. Where the Chairman of Planning Committee is not in agreement with the request for “call-in” Officers may then issue the decision under delegated powers. Where the Chairman of Planning Committee is in agreement with the request for “call-in” the item will be reported to the Strategic Manager for Planning and Infrastructure Delivery (or an authorised deputy) who having considered the request and the application with particular regard to the purpose of the Planning Committee established under paragraph 2 may authorise the decision to be issued under delegated powers. Where the Strategic Manager for Planning and Infrastructure Delivery (or an authorised deputy) agrees with the request for “call-in” the item will be reported to the Planning Committee.

23. Where officers determine applications under delegated powers;

- A record will be kept of the planning considerations taken into account;
- Appropriate documentation relating to the delegated process under paragraphs 20 to 22 from the Local Ward Member, Chairman of Planning Committee and Strategic Manager for Planning and Infrastructure Delivery (as required) will be retained following the decision being made (in accordance with the adopted Document Retention Policy for Planning services).

DECLARATION AND REGISTRATION OF INTEREST

24. The code of conduct, adopted by this authority, sets out a regime for members recording declarable pecuniary interests.
25. Details of the interests' regime are set out in the code of conduct elsewhere in the constitution.
26. In summary the code requires (where members have a conflict of interests) that if the matter to be considered affects:
 - (a) An item in the members register of interests then a disclosable pecuniary interest must be declared, and the member must not take part in the consideration of the item, and must leave the room. However, members with such an interest may have the same participation rights as a member of the public only if a dispensation has been granted by the monitoring officer, but must leave the room after they have done so. To speak as a member of the public members must however, in addition to having obtained a dispensation, have followed the process for registering to speak like a member of the public is required to do.
 - (b) An item that a member has a private interest in (say an application submitted by a close family member or a close associate) then members need to declare this interest and again leave the room during its consideration. Again, members with such an interest may have the same participation rights as a member of the public if a dispensation has been granted. To speak as a member of the public members must however, in addition to having obtained a dispensation, have followed the process for registering to speak like a member of the public is required to do.

LOCAL MEMBER

27. Any local member who is not a member of the Planning Committee is entitled to attend and speak in relation to any item on the agenda with direct impact on their electoral division so long as they have given prior notice before the start of the meeting to democratic services of their wish to attend and speak. Where a local member has requested the item be considered by the Planning Committee and that item is reported to the Planning Committee, it is anticipated that the local member will attend the meeting or make alternative arrangements for their representation at the meeting by an adjoining ward member, group leader or by provision of a short written statement which may be read by the Chairman. A local member can speak for 5 minutes at the end of public speaking unless the chairman agrees otherwise.
28. Members of the Planning Committee who are determining applications that are within their electoral division will, by local convention, declare the fact and nature of the impact on their electoral division as a personal interest and may speak but will not vote on the issue. This convention is followed in order to protect the Planning Committee from the perception that decisions are being taken on the basis of local opposition or support rather than material planning consideration.

29. This arrangement also protects against the perception that those areas which are represented by a local member who sits on Planning Committee have a disproportionate influence on the planning processes.

OTHER MEMBERS

30. The chairman of Planning Committee has the discretion to invite members of the council who are not members of the Planning Committee nor the member within whose electoral division the proposed development is located to address Planning Committee. The chairman will usually allow a member in this position to speak in relation to any issue where that member has a contribution to make which relates to material planning considerations, where it has not been practicable for the contribution to be made in writing via officers of the planning service and no other member of the Planning Committee can, or will, make the contribution which the non-local member wishes to make.

CABINET MEMBER FOR PLANNING AND HOUSING

31. The cabinet member with responsibility for Planning and Housing services will not be appointed to the Planning Committee. That cabinet member is nevertheless entitled to attend the committee and speak on any item which raises particular planning policy issues.
32. Sometimes the cabinet member may as local member wish to speak on an issue which also interests them as cabinet member. In order to be able to do this they must make it clear when speaking if they are speaking as a cabinet member or as the ward member.

LOBBYING OF AND BY MEMBERS

33. Development management decisions must be taken objectively on the basis of relevant information.
34. Where the Planning Committee are taking the decision all, and only, relevant information must be presented either in writing or orally to the committee meeting.
35. It is perfectly proper for elected members to give applicants and objector's factual information about the process but, other than this, contact with applicants or objectors should be treated very carefully. In particular members who wish to participate in taking a decision must never express an unequivocal opinion about the merits of an application.

Whilst it will usually be easier for members to avoid debating future decisions, particularly in public forums, they may occasionally wish to do so. When this happens, they should use a form of words such as "on the basis of the information I have at the moment I am likely to oppose/support the application but I will consider all the information available before I make my decision". Any member who makes a stronger statement, such as "this application will be passed over my dead body" will not be able to take part in the decision by the committee.

Members will be lobbied by individuals, groups or other interested parties in a matter and this is to be expected. However if any member considered that they are receiving unduly

intense or inappropriate lobbying then they can discuss this with the Strategic Manager for Planning and Infrastructure Delivery for further advice.

36. Members should be particularly careful not to exert pressure on an officer who has to make a recommendation to the Planning Committee. If any officer believes that pressure is being exerted upon them they will notify the Strategic Manager for Planning and Infrastructure Delivery and/or monitoring officer immediately. In the event that the Strategic Manager for Planning and Infrastructure Delivery believes that pressure is being exerted upon his/her role, he or she should notify the chief officer and/or the monitoring officer immediately.
37. Officers will take many planning decisions under delegated powers. It is similarly unacceptable for those officers to be lobbied by members or subject to undue pressure.

BIAS / APPARENT BIAS

38. Any member who is or appears biased towards an issue can leave the decision vulnerable to challenge in the courts.
39. The court will undertake a detailed investigation of a member's conduct over a period rather than look just at the circumstances relating to that decision itself.
40. It is therefore extremely important that members are well aware of what they should and should not do to avoid having decisions undermined by later challenges. There must be an appearance of impartiality.

BIAS

41. The test for bias applied by the courts in terms of a particular member who participates in the decision-making itself is as follows:

“Would a fair minded observer knowing the background, consider there was a real possibility of bias arising from a particular member being a member of the relevant decision making body.”

APPARENT BIAS

42. In recent years the courts have been more willing to find that there has been an appearance of bias:

“Whether, from the point of view of the fair minded and informed observer there was a real possibility that the planning committee or some of its members were biased in the sense of approaching the decision with a closed mind and without impartial consideration of the planning issues.”

43. The court will look at the facts in each case. If a member has simply given a view on an issue this will not amount to pre-determination so as to render the decision vulnerable to legal challenge as this alone does not show that the member has a closed mind on that issue. Simply due to a member making a public statement about their approach to a

planning application does not mean that the member cannot participate in the determination of the application. However, members must be careful to articulate how they phrase statements made. Expressing a view may not disqualify a member on the basis of bias or the code of conduct, but they must be able to show that they have not approached the matter with a “closed mind”. Merely asserting that the member had an open-mind will be of little value – they do not relate to the all-important impression portrayed.

44. Once bias or predetermination is demonstrated, the decision will be quashed unless there is good reason for the court to exercise its discretion not to do so. It is no answer to suggest that only one member was “guilty” and therefore the decision should stand.
45. In light of the above, and the obvious issues this raises, the following further guidance is given:
 - (a) Members of the Planning Committee attending public meetings should avoid expressing opinions on any current or live planning application nor participate in any debate. They must adhere to stating fact only or declare that they are taking a position to listen to other views only.
 - (b) In respect of pending/forthcoming applications (pre-application discussions) members of the Planning Committee or local members who wish to take part in the debate should have regard to this code and may take the view that they should not attend/participate in any discussion/public meeting if they wish to take part in the debate and vote on an application.
 - (c) Members who are not members of the Planning Committee do not need to avoid discussions/meetings but must at all times have regard to the code of conduct for members.

PARISH COUNCILS

46. The danger of prejudging an issue arises not just at public meetings but also in parish and town council debates. Taking part in a parish/town council debate does not prevent members from decision taking at the Planning Committee or other members from participating in the debate. However, parish/town councils do not have the advantage of planning advice nor complete information on any application. Contributions by elected members at parish/town councils must therefore be carefully worded to avoid evidence of the decision having been prejudged.
47. When a member has participated in a public debate, at a parish/town council or elsewhere, they should declare this when they speak at the Planning Committee and should make a clear statement that they have not prejudged the issue.

WHIPPING

48. The use of party political whips in development management decisions would demonstrate a predetermined position and could also be maladministration. Whipping must not therefore take place.

49. Individual members should reach their own conclusions on planning matters rather than follow the lead of another member. However, the views of other members of the committee, where they are relevant, can be one of the factors taken into account in taking a decision.

PRE APPLICATION DISCUSSIONS

50. The opportunity for developers to discuss development proposals with planning officers in advance of the submission of applications is recognised best practice. It provides potential developers with detailed guidance on planning policies and other material considerations relevant to proposals. It is preferable that members do not take part in pre-application discussions in order to maintain impartiality. In certain circumstances, members may be invited by officers to become involved in such meetings. In no circumstances should members become involved in pre-application meetings without the assistance and attendance of a planning officer.
51. High standards of probity rightfully expected of members when discharging their planning responsibilities, members should note that:
- (a) At all times members should maintain the highest standards of probity in their engagement with applicants.
 - (b) Members may have formal contact with the applicants for planning permission for strategic schemes during the pre-application and determination periods.
 - (c) Planning Committee members can comment on the details of schemes provided he or she is clear that they will listen to all material considerations presented at committee before deciding how to vote.
 - (d) Involving members early and throughout the application and determination process leads to better planning decisions and better developments.
52. Notes of all pre-application meetings will be taken and agreed with the parties attending the meeting. Where appropriate, notes of pre-application meetings will be included on subsequent application files.
53. At the discretion of the Strategic Manager for Planning and Infrastructure Delivery, developers proposing the submission of major planning applications may be offered an opportunity to present the outlines of their proposal to members of the Planning Committee prior to formal submission. In such circumstances, members should recognise that the presentation is for information only, and that the decision making process should not commence until such time as any ensuing application is subsequently made.

DEVELOPMENT PROPOSALS SUBMITTED BY MEMBERS AND OFFICERS, AND FOR COUNCIL DEVELOPMENT

54. All planning services officers or other officers involved in the planning process shall declare to their head of service any interest which they may have in any third party application (e.g. an application submitted in their immediate neighbourhood or by a society or club of which they are a member) and take no part in the determination of that application.
55. Where a planning application is made by an officer of planning services, or any other officers involved in the planning process, (including their wife/husband or civil partner) that officer shall play no part in the decision making process. Similar to members, the officers shall not take any part in the committee process if their application is referred to committee and should if they are present withdraw from the chamber/gallery.
56. At the meeting of the Planning Committee to which an application submitted by a member of the Isle of Wight Council is reported, that member should neither vote nor speak on the application during the debate and should withdraw from the meeting. The opportunity to present a case to the committee as part of the public speaking scheme (in accordance with this code) will be available subject to a dispensation having been granted by the monitoring officer. All members of the council who may be considering the submission of an application are strongly advised to employ the services of an agent to avoid partiality, to ensure proper contact with officers during its processing and to address the committee as appropriate.

TRAINING

57. The importance of informed objective decision making in relation to development management issues is so important that this council has a policy of training all members taking development management decisions before they start to do so.
58. Training relating to development management (including this code) and the code of conduct will be provided as a minimum for all members. Periodic additional and refresher/updating training will also be delivered. Training will be undertaken by the Strategic Manager for Planning and Infrastructure Delivery planning officers and/or other officers of the Council or external trainers as appropriate. It is extremely important that elected members participate in this training. Any member who believes they are not sufficiently trained should not participate in development management decisions.

REPORTS TO PLANNING COMMITTEE

59. All reports will:
- Give a summary of the location and nature of the site
 - Summarise the relevant planning history.
 - Identify relevant planning policies.

- Evaluate the main material considerations of the application.
- Set out the representations received on the proposal.
- Where relevant it will set out or summarise the human rights issues relevant to Planning decision taking generally or the specific proposal.
- Set out a clear recommendation. In the case of a recommendation to approve, appropriate conditions will be set out together with reasons why it satisfies policy. In the case of a recommendation to refuse, detailed reasons for refusal will be set out.

BRIEFING

60. In the period between the publication of the committee agenda and the holding of the meeting itself, a briefing will be held for the chairman and vice chairman of Planning Committee and the cabinet member for planning on the council's Cabinet. The briefing will be organised by the Strategic Manager for Planning and Infrastructure Delivery and appropriate planning officers. An appropriate legal officer will also be in attendance, together with the committee administrator.
61. The purpose of the briefing is to:
- Advise members of the key points on each planning application,
 - Advise members of the extent of public speaking at the committee meeting.
 - Discuss administrative issues in relation to the detailed organisation of the meeting.
62. The briefing should not be used by members attending as an opportunity to exert pressure on officers to pursue a particular course of action or outcome. Detailed guidance on this matter is set out in this code of this code of practice.

CONDUCT AT MEETINGS

63. It is important that public confidence in development control is maintained. The conduct of members at meetings is extremely important. The following arrangements should be followed unless the agreement of the chairman is sought prior:
- Members of the committee will sit in a designated seat marked with their name plate.
 - A seating plan will be available for members of the public.
 - Members will speak clearly and concisely using microphones so the public and other members can hear what is being said.
 - The chairman will introduce speakers by family name.

- Mobile phones will be switched off or on silent.
- Eating and drinking, other than water, is not permitted.
- Occasional breaks will be taken during long meetings.
- Only exceptionally will the chairman allow members to speak for more than five minutes.

PUBLIC SPEAKING

64. In order to ensure that committee members have access to a full and appropriate understanding of the often divergent comments on a planning application, the council operates a scheme of public speaking at Planning Committee.
65. Full details of the public speaking scheme are set out in "Your Chance to Speak - Public Speaking at Planning Committee" available in leaflet form from the head of planning and housing services. In summary, unless the chairman agrees otherwise for reasons of natural justice, fairness or for other reasons to enable the proper determination of an application, the key elements of this scheme are as follows:
- Public speaking is permitted on all planning applications considered by the Planning Committee.
 - Three groups of speakers are permitted on any application - the applicant/agent/supporter, objectors and parish/town councils. Each of these groups will have up to three minutes to present its case. A maximum of three people can speak for each group, with the time divided equally between them.
 - Public speaking on any application is only permitted on the first occasion the application is considered by the Planning Committee.
66. Members of the Planning Committee should give appropriate weight to the representations made by the public in their determination of planning applications. Comments made by speakers exercising their right to address the committee will, in most cases, highlight comments already summarised in the officer report on the application. In some cases, other issues will be raised which will not already be covered in the report. In assessing comments made during public speaking, members must only give weight to issues which are material planning considerations. Where appropriate and/or necessary, the chairman of the committee will request officers to comment on items raised by the public in general, and whether or not they are material to the determination of the application in particular.

SITE INSPECTIONS

67. The need for site inspections (which if required will take place prior to the committee meeting) will be determined by the Strategic Manager for Planning and Infrastructure Delivery or authorised Officers in consultation with the committee chairman. Members of Planning Committee must attend official site visits in order to participate in the debate and vote.
68. If members are unable to make a decision on an application without the benefit of having visited the site, or a further site visit, they may vote for a site visit where the motion identifies the potential material planning benefit of attending site (again).

COOLING OFF PERIOD

69. If within 7 days of the Planning Committee at which the application was heard the Strategic Manager for Planning and Infrastructure Delivery is of the opinion that a decision has been made contrary to policy and could not be sustained under challenge, they may choose to invoke the “cooling off” procedure. The effect of this action is that a decision notice will not be issued on the application. The Strategic Manager for Planning and Infrastructure Delivery will notify the members of the Planning Committee that this cooling off procedure has been invoked within five working days of making this decision and the outline reasons will be given for the invoking of the cooling off period. A report will be brought back to the Planning Committee once the Strategic Manager for Planning and Infrastructure Delivery has finalised the report and the monitoring officer has been consulted. The report will analyse the sustainability of the decision, impact upon the local planning authority and the possibility of precedent.

MINUTES / RECORDING DECISIONS

70. Decisions by Planning Committee will be clearly minuted.
71. Where a decision against officers' recommendation is made, clear and sustainable reasons must be set out by the committee. Members who are considering determining an application contrary to officer recommendation are strongly recommended to seek professional advice from Strategic Manager for Planning and Infrastructure Delivery and/or the case officer before raising the matter at the committee. In any event, all decisions made at the committee contrary to officer recommendation will be subject to a named vote.
72. It is not possible to revisit decisions after the issue of the decision and the Chairman of Planning Committee and those advising and assisting them, must be confident that sufficient and comprehensively recorded reasons for the decision have been set out before the next agenda item is taken.

REVIEW AND MONITORING

73. Annually, the Planning Committee will review a sample of development management decisions in order to assess their impact. As part of this process a visit will be organised by the Strategic Manager for Planning and Infrastructure Delivery in consultation with the Chairman of Planning Committee to a sample of sites where developments have recently been completed.
74. Every six months, or to a timescale to be agreed between the Strategic Manager for Planning and Infrastructure Delivery in consultation with the Chairman of Planning Committee, the monitoring officer and/or Strategic Manager for Planning and Infrastructure Delivery will report to the Planning Committee an analysis of:
- All decisions which are a departure from policy.
 - All decisions which are against officers' recommendation.
 - Site visits.

SANCTIONS

75. Elected members who act in breach of this code of practice risk being the subject of a complaint about a breach of this code to the monitoring officer.
76. Breaches of the council procedure rules, particularly the planning committee rules, may invalidate a planning decision leaving that decision vulnerable to challenge on appeal, through judicial review or criticism by the ombudsman.
77. Officers who act in breach of this code of practice may be in breach of their contract of employment and subject to disciplinary or capability procedures.

PROTOCOL - PLANNING COMMITTEE SITE INSPECTIONS

BACKGROUND

1. This protocol has been prepared to establish procedures for the organisation of Planning Committee site inspections which take place prior to the committee meeting.

GENERAL PRINCIPLES

2. A committee site inspection plays an invaluable role in the determination of more complex or controversial applications. Site inspections allow committee members to better understand the context and content of the previously published committee report. Site inspections also provide members with the opportunity to view particular aspects of a site, the proposal, or the wider local environment raised by officers, the applicant or objectors.
3. Committee members should under no circumstances make decisions on applications during the site inspection itself.
4. Members should debate the proposal at the committee meeting held and take into account both the appropriate policies in the adopted plan and all other material planning considerations (both those identified on site and others which may not have been considered directly on the site inspection).
5. Planning officers will arrange the itinerary and make the appropriate arrangements for the committee to gain access to sites or to address the committee before, during or after the inspection a planning officer will also attend all site inspections.
6. The site inspection is not open to the general public for reasons of probity, possible health and safety issues as well as entry onto private land or premises.

PROCEDURES AT SITE INSPECTIONS

7. The Planning Committee site inspection provides the opportunity for committee members (including where appropriate the local ward member) to be briefed by planning officers on or around an application site. Neither members of the public (including supporters/objectors/parish members) nor the applicant (or the applicant's agents) are permitted to participate in the site inspection.
8. Committee members (including where appropriate the local ward member) will not debate the planning application with either members of the public or the applicant during the course of the site inspection.
9. Committee members (including where appropriate the local ward member) will not debate the planning application with either members of the public or the applicant in the period between the termination of the site inspection and the commencement of the Planning Committee.
10. Committee members (including where appropriate the local ward member) will receive a group presentation from an appropriate planning officer at the outset of the site inspection.

11. Committee members (including where appropriate the local ward member) will be shown by an appropriate planning officer, key elements of both the site and its wider environment (as appropriate). Should committee members wish to visit additional parts of the site or the wider environment than those the officer has drawn their attention to they should advise the planning officer before the committee leaves the site and the officer will where there are no reasons for not visiting ensure that these locations are inspected
12. Committee members (including where appropriate the local ward member) will ask the appropriate planning officer to clarify any matters of detail at the end of the group presentation.
13. Committee members (including where appropriate the local ward member) will remain as a single group throughout the full course of the site inspection as set out in points 8 to 10 (inclusive) above.

CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PROPERTY TRANSACTIONS

1 THE NEED FOR GUIDANCE

1.1 The sale and acquisition of property by the Local Authority will always have a high profile. This is partly because the property in question is often located in the heart of communities and is therefore of considerable importance to those communities.

2 PREPARATORY WORK

2.1 The relevant chief officer will produce each year a plan setting out proposed disposals of property, freehold or on long leases, which are likely to reach completion within the next 12 months and also an indication of planned disposals in subsequent years.

2.2 The plan of proposed transactions will appear on the forward plan as part of the process of setting the capital programme and be sent to the chairman of Corporate Scrutiny Committee so that Corporate Scrutiny Committee can have the opportunity to consider the contents of the plan.

2.3 The plan of proposed transactions will show:

- The objectives of the transaction (e.g. maximising capital receipt; delivering policy objective)
- The proposed method of disposal (open market, restricted tender etc.)
- The proposed decision-maker (officer delegation or Cabinet)
- Whether or not the disposal is of redundant property or to achieve some other identified policy objective.

2.4 The programme of proposed disposals will be updated in the year.

3 MEMBER DECISION-MAKING

3.1 Member decision-making should concentrate on setting the objectives, parameters and mechanisms for proposed transactions and members, where their involvement adds value to the process, should be involved as early as possible.

3.2 Reports to members will, therefore, set out:

- The proposed objectives (including alternative objectives) of the transaction.
- The proposed method of pursuing the transaction.
- The circumstances in which a further report to members is necessary.

- Proposed consultation with local member(s), the local community and other stakeholders (exceptionally the report will be sufficiently late in the process to set out the outcome of consultation already undertaken).

- Arrangements to secure the long term objectives of the sale.

3.3 Where a disposal also declares property redundant or is to achieve a policy objective which is the responsibility of another cabinet member then any report to members will be to the Cabinet, jointly in the name of those two cabinet members (in the case of decisions by the Cabinet).

4 CONFIDENTIALITY

4.1 There is a presumption that both the plan of proposed transactions and reports to members will be taken in public. The exception is when, and for so long as, information contained within them would prejudice *either* the local authority *or* would give an advantage to any person seeking to enter into a contract with the local authority *or* would disclose information about the financial or business affairs of a person other than the local authority.

4.2 The reasons for confidentiality, where these exceptions apply, will be recorded on the face of the report.

5 URGENCY

5.1 Sometimes property transactions are urgent. Where it is, in the opinion of the cabinet member, not reasonably practicable to delay a decision until the transaction has appeared in a plan, other means of informing Corporate Scrutiny Committee in advance of the decision wherever possible will be followed.

5.2 Where it is not possible to involve the Corporate Scrutiny Committee in advance of the transaction, then in these circumstances a record of the decision, including the reasons for urgency, will be provided to the Corporate Scrutiny Committee as soon as is reasonably practicable. The Corporate Scrutiny Committee will, by these means, be able to hold the cabinet member to account for their judgement in relation to urgency.

6 INTERESTS

6.1 The regime from the members' code of conduct in relation to declaration of interest applies to property transactions. Members taking decisions (or engaging in policy development or scrutiny) will wish to consider whether the nature of the transaction, the identity of the other party to the transaction and/or the location of the property gives rise to a personal or prejudicial interest.

6.2 Members taking decisions (or engaging in policy development or scrutiny) will wish to consider whether the nature of the transaction, the identity of the other party to the transaction and/or the location of the property gives rise to an interest. Advice on this is available from the monitoring officer.

7 LOCAL MEMBER

- 7.1 The elected member for the ward where the property is located will be informed of the proposed transaction (except where genuine urgency prevents) firstly when the plan of disposals is put to the Corporate Scrutiny Committee and again, prior to any public marketing.

8 TOWN/PARISH COUNCILS

- 8.1 A copy of the annual plan of disposals will be sent to all town and parish councils. The local council where a property transaction is proposed will be informed prior to any public marketing taking place.

9 ACQUISITIONS

- 9.1 This protocol supplements existing arrangements to plan and report proposed acquisitions through the capital programme.
- 9.2 Where a property acquisition is proposed which, for any reason, has not appeared on the capital programme, the Corporate Scrutiny Committee will be given the opportunity to consider the proposal, or if genuine urgency prohibits this, to subsequently consider the acquisition.

APPENDIX 1

PRO FORMA REPORT TO CABINET AND SCRUTINY COMMITTEE

Property Capital Receipts Disposals Programme 2012 - 2015
Year 1 - 2012 to 2013 and Years 2 and 3 – 2013 to 2015
As at 30 July 2012

| Description | Ward | Date added to list: | Reason For Sale | Method of Disposal | Priority | Decision Maker | Authority for Disposal | Value | Comments | Estimated Completion (quarter) |
|-------------|------|---------------------|-----------------|--------------------|----------|----------------|------------------------|-------|----------|--------------------------------|
| | | | | | | | | | | |

CONSULTATION PROTOCOL BETWEEN ISLE OF WIGHT TOWN AND PARISH COUNCILS AND ISLE OF WIGHT COUNCIL

The aim of this consultation protocol is to improve the joint working relationship between the Isle of Wight Council (IW Council), and town and parish councils, hereafter referred to as local councils. Our aim is that decisions on services are more responsive to the needs of local communities, providing best value and quality. This document has been prepared by the Isle of Wight Association of Local Councils in collaboration with the Society of Local Council Clerks, Town and Parish Councils and the Isle of Wight Council.

Island electors expect local government to work together for the benefit of local communities. There is a common desire to foster a better professional working relationship between the IW Council and local councils. Better knowledge and understanding of each other's roles and responsibilities, together with a willingness to work together, will help to build trust and mutual respect.

Local councils need coordinated, considered consultations from the IW Council which are focused and relevant. This has to be balanced with the legal duties which require the IW Council has to consult on proposals at a formative stage, in a meaningful and balanced way and in some instances within a statutory timescale. Effective and meaningful consultation is essential in facilitating a good relationship between the IW Council and local councils.

Role of the Isle of Wight Council

The Isle of Wight Council will endeavour to:

- Ensure that communication and liaison with local councils is effective, meaningful and timely.
- Promote good communications between IW Council councillors and local councils in their electoral divisions.
- Recognise the Isle of Wight Association of Local Councils as the collective voice of its member councils.
- Where it is cost effective members take account of the diversity of local councils in information and consultation provision and ensure the timely distribution of communication materials.
- Engage local councils at a sufficiently early stage so they can help shape strategic partnership thinking.
- To ensure that any local council or groups of councils, likely to be affected by any proposals/amendments of services or functions are informed in advance of any decision being made (it is recognised that there will always be cases of urgency or other reason (for example statutory requirements) that may mean that this is not possible; where it is not, local councils shall be informed as soon as practicable).

- For planned consultation on changes to services (excluding any statutory consultation process for example on planning applications) to provide a period of consultation of not less than six weeks, and the month of August will, where possible, be avoided or if this is not possible then a longer period may be provided. However, this period may be reduced by reasons of urgency and/or where government statute sets a shorter period. This consultation will provide sufficient information (usually in an electronic format) for the relevant local council to respond properly.
- Provide information electronically.
- Contact the local council through its clerk or other nominated representative.
- Where practicable consult the local council again if, following consultation, the IW Council changes substantially the substance of a proposal.
- Where resources and time allow meeting with local councils to discuss/clarify information regarding the consultation, to enable the local council to give an appropriate informed response. This may be done by attending an IWALC meeting rather than attending each parish/town council meeting.
- Ensure that consultation outcomes are considered and taken into account.
- Explore possible parish/cluster/county liaison function, linked to broader community engagement.
- Where policies and proposals affect a number of local councils, also consult with the Isle of Wight Association of Local Councils, as a means of securing the collective views of its member councils. Equally, if a number of local councils believe that they are affected then they will also ask the Isle of Wight Association of Local Councils to consider the matter.

Information regarding meetings of the Isle of Wight Council Cabinet and committees, together with agendas, minutes and supporting documentation will be available on the council's website at: <http://www.iwight.com/Meetings/current/>

Role of Island local councils

Local councils will endeavor to fulfil the following:

- Provide the IW Council with accurate and current details of the names, addresses, emails and contact numbers of their clerk and to provide this information in a timely manner on their websites (if they have one).
- Support and develop good communication and liaison with the IW Council through the appropriate Cabinet member, local IW councillor(s) and officers.
- Maintain ongoing active engagement with local communities, reflecting their diversity, including relevant local business, voluntary and community sector organisations which might be affected by the subject of the consultation.

- Ensure that parish and town councils' comments in response to a consultation exercise are meaningful and constructive.
- Ensure communications to the IW Council are sent electronically and to the appropriate officer identified as part of the consultation process.
- Respond to the consultation within the stated time limit.
- Ensure that if a local council does not wish to respond to a consultation it will inform the IW Council to that effect within the stated time limit.
- Ensure that if it is unable to respond within the time limit, it requests a short extension from the designated officer as soon as possible; in any event, before the time limit has expired (it may not always be possible to grant such an extension in time). If the reason it is unable to respond is that there is no scheduled meeting, consideration be given to the local council submitting a draft response pending final consideration by the local council.
- Recognise the role of the Isle of Wight Association of Local Councils as the agreed mechanism for engagement between the IW Council and member councils.

Where appropriate the Isle of Wight Association of Local Councils will co-ordinate the consultation activity for local councils.

Any issues arising from the operation of this protocol will be raised in the first instance with the IW Council's Monitoring Officer, who will attempt to resolve the matter and/or discuss the issue with the Cabinet member responsible for parish liaison. Such issues will be acknowledged by the IW Council within 20 working days.

Planning applications

The IW Council will send to all local council clerks the weekly planning application press list (via email) together with a copy of all planning applications and plans within the individual local council's area.

The agreed consultation period is 21 days from the date of notification. Where a local council comments on an application outside of the consultation period, such comments will be taken into account, if reasonably practicable.

All applications and plans are sent to local councils before there has been any evaluation by the planning officers. This is because any comments received from the local council forms part of the evaluation and will help determine if the application can be decided within the delegated powers of the officers. Therefore, it is important that local councils observe the 21 day deadline or notifies the relevant officer (by telephone and/or email) if they require more time. Failure to follow this procedure will mean that there is a risk of the application being determined without the benefit of the comments of the local council.

Where a local council comments on an application and they are contrary to the views of the case officer, this is drawn to the attention of the IW Council ward councillor who can request that the application be considered by the full Planning Committee. Such requests must be supported by relevant material considerations.

Local councils will be emailed a weekly list of decisions made. Copies of the decision notices, along with officer justifications or copies of the reports going to the full planning committee, will be available on the IW Council's web-site.

Policy documents are available on the IW Council's website. Standard conditions/reasons for refusal books will be made available to local councils upon request to assist in their formulation of comments.

Planning histories are available on the IW Council's website.

Planning officers' reports cannot be made available within the 21 day timescale for comments; they are unlikely to be prepared by the case officer until the views of consultees are received.

The IW Council will keep a copy of all local councils' comments received on planning applications in accordance with the IW Council's retention policy.

Major applications – IW Council officers will be available to assist local councils in assessing technical details of proposals.

The IW Council will endeavour to consult with a local council where there is a significant change of condition to a planning consent to be made after consent has been granted

Other matters

The Isle of Wight Council will endeavor to consult local councils on any proposals for any changes to any facilities, services or regulatory functions it operates or is responsible for not specifically mentioned above which will affect a local council or all or any of the inhabitants of its area.

The Isle of Wight Council will endeavor to consult with local councils via IWALC on all major economic issues as and when the occasion arises.

PROTOCOL ON PUBLICITY AND THE MEDIA

The council's communications will be guided at all times by the government's code of recommended practice on local authority publicity. (<http://www.communities.gov.uk/index.asp?id=1133861>) This code of practice emphasises that the role of publicity is to be informative and should be well balanced and objective.

Local authorities are accountable to their electorate. Local accountability requires local understanding. This will be promoted by local authorities explaining their objectives and policies to their electors and ratepayers. In recent years authorities have increasingly used publicity to keep the public informed, and to encourage greater participation. Local authorities also need to tell the public about the services which they provide. Increasingly, local authorities see the task of making the public aware of the services available as an essential part of providing all kinds of services. Good, effective publicity, aimed at improved public awareness of a council's activities, is to be welcomed. This code is not intended to discourage such publicity.

Extract from code

The council's communications protocol outlines the council's communications processes. It covers the legal framework, the role of the communications team, principles of effective communication, council spokespeople, clearing and dissemination of press releases, handling media enquiries and interviews, corporate identity and council publications. It also deals with publicising the work of Full Council, the Cabinet, and the Scrutiny Committee and any committees or sub committees thereof.

The council's Cabinet is the guardian of the communications protocol. It will be reviewed regularly to ensure it is kept up to date. A copy of the protocol (as approved and updated by the Cabinet) is attached.

There are also clear guidelines for publicity in the run-up to the elections. These guidelines are available from the media team leader.

Communications Protocol – as agreed by Executive 6 February 2007

Introduction

The purpose of this protocol is to explain the council's processes, quality standards and principles in relation to communications activity. It offers guidance and a clear set of rules which both officers and members are required to uphold.

It is not the council's communications strategy, which is agreed each year and forms the Communications team workplan. In delivering the communications strategy the council will uphold this protocol at all times.

The legal framework

Local authorities are required by section 4(1) of the Local Government Act (LGA) 1986 (as amended by the LGA 1988) to have regard to the code of recommended practice on local authority publicity in coming to any decision on publicity.

The code recognises that local authorities are accountable to the electorate and local accountability requires local understanding. Local authorities also need to tell the public about the services which they provide. The code encourages effective publicity aimed at improved public awareness of the council's activities. However, publicity is a sensitive matter in any political environment because of the impact it can have. It is essential to ensure that proper decisions are made on publicity in accordance with clear principles of good practice. The purpose of the code is to set out those principles.

The council fully adheres to the government's code of best practice on local government publicity in all its communications activity.

The role of the media team

- i. We will raise awareness and improve understanding of council services through communications, which are timely, accurate, clear and accessible.
- ii. We will aspire to deliver the highest standards of council communications, implementing existing best practice from other authorities.
- iii. We will serve the council and offer our best support and advice to officers and members.
- iv. We will observe all relevant legislation and comply with the code of conduct on local government publicity.
- v. We will proactively develop relationships with Island organisations, broadcast, print and specialist media and others to maximise PR opportunities for the council.
- vi. We will use proactive communications to protect and enhance the reputation of the council, recruit and retain good staff and help win additional resources for the island.
- vii. We will use internal communications to engage staff and explain the challenges we face in changing the organisation.
- viii. We will design communication campaigns that change public perceptions and increase take up of services.

Principles of effective communication

- i. **PRIORITY:** Effective communications in terms of informing, listening and explaining to stakeholder groups is regarded as a priority by the authority.
- ii. **STRATEGY:** We will use proactive communications to promote the island, protect and enhance the reputation of the council, recruit and retain good staff and help win additional resources for the Island.
- iii. **THE MESSAGE:** We are proud of this authority because it delivers good value local services that are raising standards and creating opportunity on the Isle of Wight.

- iv. **OPERATIONS:** The corporate communications team is responsible for the operational delivery of the media relations, publications, web content and core internal communications of the council.
- v. **POSITIVE RELATIONSHIPS:** We will develop positive relationships with Island organisations, media and others to maximise promotional opportunities for the council. We will vigorously defend the reputation of the council and rebut inaccurate reporting of the council's activities and plans.
- vi. **PLANNING:** The communications team will produce an annual communications work plan based around delivering corporate activities and delivering a series of campaigns that support service objectives. We will schedule activity through the communications grid to forecast likely demands on time and significant news events. Members and officers must feed news events into the communications team on a weekly basis.
- vii. **ONE VOICE:** Officers and members recognise their leading role in terms of actions and behaviours in building the reputation of the authority. They should act, and communicate consistently, taking responsibility and explaining the reasons for decisions. The credibility of the media team rests on the fact that it is the authoritative and accurate voice of the council. All media requests are channeled through communications and any direct approaches from journalists should be reported back to the team.
- viii. **PATIENCE AND PERSISTENCE:** Building reputation and strong brand values will take a significant amount of time. It will require discipline, patience and time. Members and officers will have to use every media opportunity, marketing tools, internal communications and action following consultation to convince the public that the Isle of Wight is providing good value local services.

Spokespeople and media comment

- ix. The usual divide between officer and member comment is based on whether the story contains 'policy' matters (member comment) or 'operational issues' (officers' response). In practice the dividing lines can be blurred and so the media team will gauge what sort of spokesman will be required to respond to a story – authoritative or compassionate, officer or member.

The council's key spokesmen are: The leader of the council and his deputy, cabinet members within their portfolios. They will be featured in any council publicity where it relates to their responsibility on the council.

The chief executive, chief officers and senior managers (as agreed by the media team) will also act as spokesmen on their area of expertise, ensuring any comment is based on factual information in line with council policy.

Council officers will not discuss council business with the press without the prior permission of the communications team. This includes speaking, emailing, writing or giving interviews. All press enquiries should be referred to the media team.

No officer should publicise confidential information gained in the course of their work, maliciously undermine the council by adverse or negative comments, take personal issues

concerning their employment to the media or bring the council into disrepute by their actions or views expressed.

No member should discuss or disclose confidential or exempt information to the media, impugn the professional integrity of officers, make personal attacks or undermine respect for officers or bring the council into disrepute as a corporate body in any public forum, but this is not intended to inhibit proper political scrutiny of the administration.

- x. The credibility of the media team rests on the fact that it is the authoritative and accurate voice of the council. It is essential that all media requests are channeled through communications and that any direct approaches from journalists be reported back to the team to deal with.

Drafting and clearing press releases

- xi. There is a substantial amount of confusion between a press release and a story. A press release is just one vehicle we use for transferring information from a press office to a journalist. It is not the subsequent story that will appear in the newspaper or on the TV. It is crucially important to remember this when you are drafting or approving press releases. They are really just adverts for a particular story. What will get them covered is the ability to deploy supporting arguments in terms of expert witnesses, new evidence, interesting figures or punchy comments.
- xii. In most cases it is expected that clearance for media comment and press releases will occur by the end of the day when comment or clearance is requested, with a target clearance time of four hours.
- xiii. If clearance is not forthcoming from the cabinet member or chief officer, the communications team will contact the next person in the chain of command to ensure deadlines can be met.

Full Council, Cabinet and other decision-making bodies

A media officer will be assigned to cover the activities of all key decision making bodies to ensure the decisions that are taken are clearly communicated to the relevant target audiences.

Where appropriate press releases will be issued with agendas highlighting key items as agreed with the leader, portfolio holder or chief executive. Quotes may be included from the leader, appropriate portfolio holder or chairman to explain and publicise council policies and services.

Motions and questions from individual councillors shown on any agenda will not be publicised through the communications team.

If appropriate a press release will be issued following the meeting, describing a decision and quoting the leader, portfolio holder or chairman.

All communication relating to the work of any decision making body must be agreed by the council's media team. Any comment made by the chairman of any of these committees in relation to the work of their committee must come through the communications team.

The media team leader will make the decision on requests for press releases from decision-making body chairmen. In the event of a dispute the final decision will be taken by the relevant chief officer.

Scrutiny Committee

A media officer will be assigned to cover the activities of the Scrutiny Committee to ensure the work of this body is effectively communicated.

Where appropriate press releases will be issued with agendas highlighting key items as agreed with the chairman of the Scrutiny Committee. Quotes may be included from the chairman of the Scrutiny Committee to explain and publicise the work of committee.

Appropriate senior officers will be consulted on the preparation of press releases.

All communication relating to the work of the Scrutiny Committee must be agreed by the council's communications team. Any comment made by the chairman of the Scrutiny Committee in relation to the work of their committee must come through the communications team.

The media team manager will make a decision on requests for press releases from the Scrutiny Committee. In the event of a dispute the final decision will be taken by the chief executive.

Individual councillors

Press releases will not be issued by the media team on behalf of individual councillors. Individual councillors should make their own group leaders aware of any media activity they are undertaking and should keep the communications team informed in case of enquiries.

The communications unit will not promote the views of individual councillors.

MEMBERS' ALLOWANCES SCHEME

This Member' Allowances Scheme has been established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (and any amendments to those regulations).

1. This scheme may be cited as the Isle of Wight Council Members' Allowances Scheme.

2. In this scheme,

"councillor" means a member of the Isle of Wight Council who is a councillor;

"co-opted member" means a Co-opted or Independent Member of the Scrutiny Committee and Designated Independent Persons;

"year" means the 12 months ending with 31 March.

3. Basic Allowance

Subject to paragraph (6), for each year a basic allowance shall be paid to each councillor. The amount of the allowance will be reviewed in accordance with paragraph (9). For the year 2019/20 the allowance is £8,011.08

4. Special Responsibility Allowances

(a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

(b) Subject to paragraph (6), the amount of each such allowance for 2019/20 shall be the amount specified against that special responsibility in that schedule. The allowances will be reviewed in accordance with paragraph (9).

5. Renunciation

A councillor or co-opted member may by notice in writing given to the Chief Financial Officer elect to forego any part of his entitlement to an allowance under this scheme.

6. Member Allowance Uplift

The Basic Allowance will be uplifted each year in line with the annual percentage increase agreed for the majority of Isle of Wight Council employees to whom the NJC terms and conditions apply and this will be applied once the pay settlement rate is known and will apply from April in each year unless a further review by the IRP determines otherwise

7. Part-year Entitlements

(a) In the case of Basic Allowances, SRA's, or Dependent Carers' Allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable. This provision applies where a Member

becomes, or ceases to be a Member, or becomes or ceases to hold a role to which a SRA is applicable.

- (b) Where, in the course of a year, this scheme is amended any change in an allowance will be effective from the date the scheme is approved by Full Council.

8. **Payment of Allowances**

- (a) Payments shall be made

- (i) in respect of any allowances, subject to sub-paragraph (b), in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month;
- (ii) in respect of claims for travelling, for Council business off the Isle of Wight, on the last working day of each month in respect of claims received up to the day 14 days before that date. Claims shall be made on the prescribed forms obtainable from the corporate leadership support team. The maximum amounts reimbursable are set out in paragraph 12 below. The duties for which these claims are approved are all off Island activity connected with Council business. All such claims must be supported by evidence of expenditure for every item in the claim.

- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of any allowance would result in the councillor or co-opted member receiving more than the amount to which, by virtue of paragraph (6), he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. **Review**

The Independent Remuneration Panel will review the Scheme in 2020 unless there are changes to the governance structure that require review at an earlier date and following on from Local Authority elections.

Motor Mileage Allowances and Subsistence Rates (for off Island business) are reviewed by the Secretary of State, normally on an annual basis.

10. **Dependent Carer's Allowance**

Where a councillor or co-opted member has either:

- a dependent child living with them under the age of 14, or
- cares for a dependent elderly or disabled person

The following are claimable:

For child care: the actual expenditure incurred up to a maximum of £6.19 per hour. This is the rate paid by the Local Government Association (LGA), which reviews its rates annually and therefore the amount quoted is subject to change.

For dependents who are elderly or disabled: the actual expenditure up to a maximum of £12.50 per hour, which is the rate paid by the Isle of Wight Council Adult Services Department under their Direct Payment Scheme. Adult Services review their rates annually and therefore the amount quoted is subject to change.

11. **Travel and Subsistence Allowances – on the Island**

Councillors are provided with an additional sum added to their basic and special responsibility allowance that is payable instead of any claims for travel or subsistence for on Island activity. No other payments can be made for on island travel or subsistence.

This “Expenses Sum” is calculated as follows:

Factor A – distance from Members home to County Hall – 3 bands: Band 1 – less than 3 miles, Band 2 – between 3 and 8 miles, and Band 3 – more than 8 miles.

Factor B – type of office held – 4 bands: Band 1 – frontline member (without an SRA); Band 2 – Leader of group with 10 or more members, Vice Chairman of the Council, Vice Chairman of Planning Committee, Vice Chairman of Scrutiny, Chairman of Appeals Committee; Licensing Chairman, Pension Fund Chairman, Band 3 – Chairman of Council, Chairman of Planning, Audit, Scrutiny Committee, Policy and Scrutiny Committees; Band 4 – Leader, Deputy Leader, Cabinet Member.

The two factors are added together to give a “Factor” for each member. All Factors are then added together to create a Total Factor. The total budget, **£21,224 is then divided by the Total Factor**. This is the “**Available Allowance**”. The “Factor” and “**Available Allowance**” are multiplied together to give the total “Expenses Sum”.

The amount paid to each councillor is fixed at the rate being paid as at, 5 May 2017 until the end of their term of office, only to be altered if the councillor changes address or responsibility so that they would be entitled to a different amount in accordance with the two factors set out above. The rate paid will be fixed again after each election for the life of the administration, unless it is altered following a recommendation of the Independent Remuneration Panel.

12. **Accommodation and Expenses– Out of Authority**

Whenever a councillor or co-opted member has to travel off the Island on Council Business this paragraph applies.

That wherever possible Members organise their travel and accommodation through the Council which pre books and makes payment. If it is not possible to pre book travel and accommodation, then these costs will only be reimbursed against production of a proper receipt. The most efficient form of transport to be used in all circumstances, any changes from this have to be supported by a detailed justification. In addition to paying the cost of the most efficient form of public transport for off island travel the following mileage rates (where it is more efficient not to use public transport) will apply:

Motor Mileage Allowances (for OFF ISLAND TRAVEL ONLY)

(a) Motorcycles

| | |
|----------------|----------------|
| Up to 150cc | 8.5p per mile |
| 151cc to 500cc | 12.3p per mile |
| Over 500cc | 16.5p per mile |

(b) Motorcars

| | |
|--------------|--------------|
| All vehicles | 45p per mile |
|--------------|--------------|

13. **Co-optees Allowances**

That the following allowances be paid to co-optees on the following:

| | |
|--------------------------------|---------|
| Designated Independent Persons | £301.00 |
| Education Co-optees | £818.00 |

14. **Members of the Independent Education Appeals Panels**

Members of the Independent Education Appeals Panels are entitled to claim a mileage rate and subsistence (when attending any meetings of the appeals panels) at a rate equivalent to that payable to other members when they attend off island meetings.

15. **Reporting to Public**

Each Councillor is required to produce an annual report (no more than 300 words) covering what they have achieved, what they hope to achieve in the following year, and what they have been unable to achieve in the current year. This annual report is to be prepared for the annual Council each year and will not be required in the year of Council ordinary elections, when new and returning members all have the opportunity to set out their aspirations to the new Council.

16. Each member is entitled to an Isle of Wight Council encrypted ipad. Members have access through the group room to telephones. Mobile phone costs are not met by the council.

SCHEDULE I

SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, together with the amounts of those allowances for 2019/20. Only one special responsibility allowance will be paid to any member. These allowances are payable in addition to the basic allowance of £8,011.08.

| Position | Multiplier of the basic | Special Responsibility Allowance |
|--|-------------------------|----------------------------------|
| Leader | 2.00 | £16,022.16 |
| Deputy Leader | 1.25 | £10,013.85 |
| Cabinet Member | 1 | £8,011.08 |
| Corporate Scrutiny Chair | 1 | £8,011.08 |
| Corporate Scrutiny Vice Chair | 0.2 | £1,602.22 |
| Health and Social Care Policy and Scrutiny Committee Chair | 0.6 | £4,806.65 |
| Children’s Services, Education and Skills Policy and Scrutiny Committee Chair | 0.5 | £4,005.54 |
| Neighbourhoods and Regeneration Policy and Scrutiny Committee Chair | 0.5 | £4,005.54 |
| Audit Chair | 0.4 | £3,204.43 |
| Planning Chair | 0.8 | £6,408.86 |
| Planning Vice Chair | 0.2 | £1,602.22 |
| Licensing Chair | 0.3 | £2,403.32 |
| Pension Fund Chair | 0.4 | £3,204.43 |
| Appeals Chair | 0.2 | £1,602.22 |
| Chairman of Council | 0.7 | £5,607.76 |
| Vice Chairman of Council | 0.2 | £1,602.22 |
| Leaders of Groups of 5 or more | 0.1 | £785.40 |
| Leaders of Groups of 10 or more | 0.2 | £1,602.22 |
| Hampshire Police and Crime Panel Chair* | 0.6 | £4,806.65 |

TERMS OF REFERENCE OF OTHER INTERNAL STRUCTURES

The council have a number of other internal structures that assist with the development and implementation of council business. The principle ones are listed below along with the web links to where their terms of reference may be viewed:

Corporate Management team is available from this web site :-

<http://www.iwight.com/azservices/documents/1189-Corporate-Management-Meetings-TOR-March-2014.pdf>

Call over is available from this web site :-<http://www.iwight.com/azservices/documents/1189-Call-Over-Terms-of-Reference.pdf>

Procurement board is available from this web site :-

<http://www.iwight.com/azservices/documents/1189-Procurement-Board-TOR.pdf>

ISLE OF WIGHT COUNCIL PETITION SCHEME

1. Petitions

1.1 The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council that meet the requirements set out below will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

1.2 There are three types of petitions and these are:

1. Petitions of 2500 or more signatories (to which sections 4 to 10 of this scheme applies)
2. Petitions of less than 2500 signatories (see section 2)
3. Petitions made in relation to planning, licensing or other statutory provisions (see section 3).

1.3 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting (the consideration of the petition may be deferred to a subsequent meeting if the council considers that it requires further information)
- holding an inquiry into the matter
- commissioning research into the matter
- holding a public meeting
- holding a meeting with petitioners
- referring the petition for consideration by the council's scrutiny committee ¹
- writing to the petition organiser setting out our views about the request in the petition

¹ Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the scrutiny committee has the power to hold the council's decision makers to account.

1.4 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

1.5 If your petition is about something which is the responsibility of another authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility, control or influence, we will return the petition to the petition organiser with an explanation for that decision. You can find more information on the services for which the council is responsible [here](#).

2. Petitions of less than 2,500 signatories

2.1 Petitions containing less than 2,500 signatories should be given or sent direct to the relevant cabinet member who will deal with the request contained within the petition as they consider appropriate.

2.2 For the relevant cabinet member and how to contact them please see the following web link:

<http://www.iwight.com/Council/how-it-works/Councillors/Isle-of-Wight-Council-Members/>

2.3 The petition must contain the name and address of the petition organiser and the cabinet member shall inform the petition organiser what they intend to do with the petition. This can include:

2.3.1 Noting its contents

2.3.2 Agreeing some form of action

2.3.3 Meeting with some or all of the petitioners to discuss the matter

2.3.4 Taking its contents into account when making any subsequent decisions.

2.4 If there is no named petition organiser than the first named on the petition will be deemed to be the petition organiser.

3. Petitions made in relation to planning, licensing or other statutory provisions.

3.1 Petitions which are made under other enactments are excluded from this scheme. Other exclusions are where the petition applies to a planning or licensing application, is a statutory petition (for example, requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures is available here: [planning](#); [licensing](#); [council tax appeals](#); [business rate appeals](#).

4. Petitions of 2,500 or more named persons

4.1 The rest of this scheme relates specifically to petitions containing 2,500 or more named persons.

4.2 Paper petitions, of 2,500 or more named persons should be sent to:

Democratic Services
Isle of Wight Council
County Hall
Newport
PO30 1UD

or by email to democratic.services@iow.gov.uk

4.3 Petitions can also be presented to a meeting of the council. Dates and times can be found [here](#). If you would like to present your petition to the council or would like your councillor or

someone else to present it on your behalf, please contact Democratic Services on 01983 821000 at least 10 working days before the meeting and we will talk you through the process.

5. What are the guidelines for submitting such a petition?

5.1 Petitions submitted to the council must include

- a clear and concise statement covering the subject of the petition
- a statement clearly setting out what action the petitioners wish the council to take, including whether the petitioners are seeking a debate at Full Council or an officer to give evidence at a scrutiny committee
- the name of any person supporting the petition and preferably their postcode
- the contact details, including an address, for the petition organiser. (This is the person we will contact to explain how we will respond to the petition. If the petition does not identify a petition organiser, we will treat the first signatory on the petition as the petition organiser.)

5.2 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

5.3 If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons. Paragraphs 7.2 and 7.3 provide further explanation.

5.4 In the period immediately before an election or referendum we may need to deal with your petition differently if it relates to a potentially controversial matter. If this is the case, we will explain the reasons and discuss the revised timescale which will apply.

6. Who can sign a petition?

6.1 A petition can be signed by a person of any age.

6.2 You can only sign a petition once. The list of persons on the petition will be subject to sample checks by officers and any duplicate or inappropriate names will be removed.

7. What will the council do when it receives my petition?

7.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

The proper officer will agree with the petitioner, in consultation with the chairman, the wording of the motion to be put to full council for members to debate and vote on.

7.2 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement. For example, your petition may be rejected if the Assistant Director of Corporate Services considers that it:

- contains intemperate, inflammatory, abusive or provocative language
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive
- contains false statements
- Does not relate to a subject matter which is within the direct control of the council. E.g. request to lobby central government.
- is too similar to another petition submitted within the past six months
- discloses confidential or exempt information, including information protected by a court order or government department
- discloses material which is otherwise commercially sensitive
- names individuals, or provides information where they may be easily identified, eg individual officers of public bodies, or makes criminal accusations
- contains advertising statements
- refers to an issue which is currently the subject of a formal council complaint, local ombudsman complaint or any legal proceedings

7.3 When considering whether a petition is vexatious we will use as a starting point the guidance under the Freedom of Information Act 2000, which states: “Deciding whether a Freedom of Information request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.”

7.4 To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed, including petitioner’s addresses).

7.5 When a petition is received which relates to a local matter (particularly affecting specific electoral wards), we will send a copy of the petition to each relevant ward councillor at the same time as acknowledging receipt of the petition to the petition organiser.

8. Full council debates

8.1 If a petition contains 2,500 or more named persons, it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting or if it is on a subject matter that the council is currently consulting on. If there is a current consultation on the same subject matter then the petition will be referred to the relevant cabinet member to consider as part of the consultation. If the petition does proceed to Full council debate then this means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

8.2 The council will endeavour to consider the petition at its next meeting, if the meeting is due to take place no less than seven working days ahead and there is sufficient time on the agenda to consider the petition. A petition will not be debated at a full council meeting at which there is a related report. However, where there are fewer than seven working days until the meeting consideration will take place at the meeting following that. Petitions will not be considered at the annual meeting of Full Council or at extraordinary meetings of Full Council which are not convened to consider the subject matter of petitions.

- 8.3 The petition organiser will be given three minutes to present the petition at the meeting and the leader will then be given three minutes in reply, The petition will then be discussed by councillors for a maximum of 15 minutes. The leader will then be invited to sum up for no more than two minutes. The council will then vote on the motion as agreed with the petitioner. There shall be no right by petitioner or members to amend the motion.
- 8.4 The petition organiser will receive written confirmation of the council's decision. This confirmation will also be published on our website.
9. Evidence to Scrutiny Committee
- 9.1 Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
- 9.2 If your petition contains at least 2,500 named persons, the relevant senior officer will give evidence at a public meeting of the council's scrutiny committee. The senior staff that can be called to give evidence are chief officers or their nominee. The titles of the chief officers are set out in the constitution.
- 9.3 At the meeting the petition organiser will be invited to address the committee for a maximum of five minutes on the issue and, where the petition relates to a ward matter, the ward councillor will also then be invited to comment on the petition for no more than three minutes., The relevant officer will then be required to report to the committee in relation to the subject matter of the petition.
10. What can I do if I feel my petition has not been dealt with properly?
- 10.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's scrutiny committee review the steps that the council has taken in response to your petition. Requests for such a review should be made to the Assistant Director of Corporate Services within 20 working days of being notified of the authority's decision on the petition. The petition organiser must give a short explanation of the reasons why the council's response is not considered to be adequate.
- 10.2 The committee will endeavour to consider your request at its next meeting if the meeting is due to take place no less than seven working days ahead. However, where there are fewer than seven working days until the meeting consideration will take place at the meeting following that.
- 10.3 Should the committee determine we have not dealt with your petition adequately, it may
- instigate an investigation;
 - make recommendations to the council's Cabinet; or
 - arrange for the matter to be considered at a meeting of the Full Council.
- 10.4 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

11. Information and advice

11.1 The council accepts petitions in hard copy or online (e-petitions) format. There are many online websites that offer support or guidance on creating e-petitions. An example of a website that may assist you create an e-petition is <http://www.change.org/en-GB>

11.2 For more information and advice, or to discuss a potential petition, please contact:

Democratic Services
Isle of Wight Council
County Hall
Newport
PO30 1UD

Tel: (01983) 821000

Email: democratic.services@iow.gov.uk