

## **Article 6 - Leader, Deputy Leader And Group Leaders Of The Council**

### **6.01 Appointment of Leader and Deputy Leader**

- (a) At its Annual Meeting the Council will appoint a Leader of the Council, who shall act be the political head of the Council, and a Deputy Leader to assume the Leader’s responsibilities in his/her absence.
- (b) Once appointed, the Leader and the Deputy Leader will hold office until the next Annual Meeting unless either:-
  - (i) resigns from the office;
  - (ii) is no longer a member of the Council; or
  - (iii) is removed from office by resolution of the Council.
- (c) Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

### **6.02 Role and Function of the Leader**

The Leader will:

- (a) Act as the Council’s principal public spokesperson;
- (b) provide a focal point for political leadership and strategic direction for the Council;
- (c) represent the interests of the Council in circumstances where that is necessary; and
- (d) ensure effective Corporate Governance and ethical conduct throughout the Council.

The Leader shall be:

- (a) the Chair of the Strategy and Resources Committee;

- (b) the Council's appointed Member of the South Yorkshire Mayoral Combined Authority;
- (c) entitled to attend and speak at all meetings of the Council's Committees and Sub-Committees in an ex officio capacity, provided that they will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee; and
- (d) be available to respond to questions at Full Council meetings.

### 6.03 Key Responsibilities of the Leader

The Leader will:

- (a) Be the political (rather than ceremonial) leader of the Council, for the benefit of all the City's communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
- (b) Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- (c) Be the key contact for outside organisations (including central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- (d) Be the representative voice of the Council, for example in its dealings with central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- (e) Promote the long-term financial, business and economic stability of the Council and the City.
- (f) Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
- (g) Promote high standards of corporate governance and ethical and inclusive conduct throughout the Council.
- (h) Promote and maintain professional working relationships and mutual respect between all Members and officers.
- (i) Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and to be

responsible for the development and implementation of the Council's strategic vision for the policy framework, budgets and other strategies.

- (j) Lead in establishing the Council's policy direction and priorities (to be set out in the Council's Corporate Plan) and facilitate discussion thereon, and lead in providing policy direction and guidance to the Chief Executive and Chief Officers.
- (k) Be involved in arrangements around major emergencies. The Leader and Deputy Leader must be informed if an emergency is likely to take place or has been declared under the Council's emergency planning or business continuity procedures.

#### 6.04 Role and Function of the Deputy Leader

The Deputy Leader will:

- (a) assist the Leader of the Council in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Council and the City;
- (b) assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out at 6.03 above);
- (c) work with the Leader on budget and policy development;
- (d) undertake the powers, functions and responsibilities of the Leader in their absence; ~~and~~
- ~~(e)~~ be the Council's appointed Substitute Member of the South Yorkshire Mayoral Combined Authority (unless another Member of the Council is so appointed); ~~and~~
- ~~(e)~~ (f) be the Lead Member for Customer Experience (including complaints), promoting a positive complaint handling culture.

#### 6.05 Political Group Leaders

- (a) Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of committees and appointments to those committees by the Council.

- (b) The Council acknowledges the key leadership role played by the leaders of all political groups on the Council and the importance of their commitment to cross party working.

The role and responsibilities of Political Group Leaders are:

- (a) To provide the leadership of a political group.
- (b) To be the principal political spokesperson for the political group.
- (c) To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
- (d) To be a representative voice in dealings with government agencies, local authority associations etc.
- (e) To encourage the highest standards of conduct by members of the group.
- (f) To be responsible for the appointment of group spokespersons and allocation of other responsibilities to group members as appropriate.
- (g) To assist in ensuring appropriate levels of attendance are maintained by group members.
- (h) To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
- (i) To attend Group Leaders' briefings and maintain effective liaison with the other group leaders.

## **Article 7 – Policy Committees**

### **7.01 Policy Committees**

The Council will appoint the Policy Committees set out in Part 3 of this Constitution to discharge the functions there described. Policy Committees will operate in accordance with the Terms of Reference set out in Part 3.

### **7.02 Role of the Policy Committee Chair**

~~————The Chair of a Policy Committee will carry out the following functions:  
Be the primary officer point of contact with regard to the Committee's ongoing business, formulation of a draft work programme for the Committee's consideration, and for advice about engagement with the Committee;  
Be the primary spokesperson for the Committee they chair;  
In the case of the Chair of the Children's Services Policy Committee, be the Statutory Lead Member for Children's Services;  
Convene and chair regular pre-agenda and pre-meeting briefings with all the Group Spokespersons from their Committee.  
(a) To chair formal and informal meetings of the Committee;  
(b) To be the primary point of contact for officers with regard to the Committee;  
(c) To provide leadership on the Committee work programme and the Committee's policy development responsibilities;  
(d) To make learning and development opportunities available for all Members of the Committee;  
(e) To be the primary spokesperson for the Committee and respond to public questions and petitions on behalf of the Committee;  
(f) To be consulted on the arrangements for Urgent Decision Making;  
(g) To encourage the Committee's scrutiny role;  
(h) To be a member of the Strategy and Resources Policy Committee;  
(i) To attend other Committees or Boards as required;  
(j) Where applicable, to be the political group's lead with regard to the Committee's remit;  
(k) In the case of the Chair of the Education, Children and Families Policy Committee, to be the Statutory Lead Member for Children's Services; and, in the case of the Chair of the Adult Health and Social Care Policy Committee, to be the Co-Chair of the statutory Sheffield Health and Wellbeing Board.~~

### **7.03 Scrutiny**

The Council has certain statutory powers and duties in respect of scrutiny of various matters:-

- (a) the power to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area, ~~including the power of referral to the Secretary of State for Health and Social Care,~~ under section 244 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- (b) the power to review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions under section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009;
- (c) the duty to review and scrutinise the exercise by risk management authorities of flood risk management functions under section 9JB of the Local Government Act 2000; and
- (d) the power to make such reports and/or recommendations to the Full Council or other responsible person as appropriate in connection with the discharge of any of these functions.

The Council has resolved not to have an overview and scrutiny committee appointed under section 9JA of the Local Government Act 2000.

The Council will exercise its statutory scrutiny functions through the appropriate Policy Committees, or Sub-Committees established for the purpose (whose members may if necessary include members of other Policy Committees), in accordance with the Terms of Reference set out in Part 3 of this Constitution.

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## **Article 13 - Officers**

### **13.01 Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Full Council will engage a person for the post of Head of the Paid Service (known as the Chief Executive) and other Chief Officers to form the Senior Leadership Board. The Council will also engage Heads of Service (or Directors). The Head of the Paid Service will maintain a description of these posts and of the overall management structure of the Council in Part 7 of this Constitution.

(c) **Statutory Officers**

In addition to the Head of the Paid Service, the Council will designate officers, as identified in Part 7 of this Constitution, to the following posts:

- Monitoring Officer, under section 5 of the Local Government and Housing Act 1989
- Chief Finance Officer, under Section 151 of the Local Government Act 1972
- Director of Children’s Services, under section 18 of the Children Act 2004
- Director of Adult Social Services, under section 6 of the Local Authority Social Services Act 1970
- Director of Public Health, under Section 73A of the National Health Service Act 2006 (local authorities and the NHS)

### **13.02 Functions of the Head of Paid Service**

#### **Discharge of functions**

The Head of the Paid Service will report to Full Council and any Committees as appropriate on the manner and the discharge of the Council’s functions, including the number and grade of officers required for the discharge of functions and the organisation of these officers.

#### **Corporate management responsibility**

The Head of the Paid Service will have overall corporate management and operational responsibility, including overall management

responsibility for all staff.

**Providing advice**

The Head of the Paid Service will provide professional advice to all Members involved in the decision-making process.

**Service strategies**

The Head of the Paid Service will advise and assist in formulating service policies and programmes which are affordable and effective and make the best use of available resources in achieving Council priorities;

**Restrictions on functions**

The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

**13.03 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 Councillors, officers and the public.

**Ensuring lawfulness and fairness of decision making**

After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

**Unlawfulness, maladministration or injustice**

The Council must, within 21 days of receiving it, consider the report of the Monitoring Officer at a meeting of the Council. The Council must ensure that no further action is taken in respect of the proposal or decision until the report has been considered and the Council has resolved:

- i) what action has been taken in response to the report;
- ii) what action the Council proposes to take in response to the report and when it proposes to take that action; and
- iii) the reasons for taking that action, or the reasons for not taking any action.

### **Members' Conduct**

The Monitoring Officer will contribute to supporting the statutory duty to promote and maintain high standards of conduct for its Elected Members under the Localism Act 2011 by maintaining the Councillor Code of Conduct and providing a process for investigating complaints under the Code.

The Monitoring Officer will also:

- (i) work closely with the Independent Persons and the Audit and Standards Committee in dealing with issues relating to Members' conduct.
- (ii) submit a bi-annual report to the Audit & Standards Committee in relation to alleged breaches of the Councillor Code of Conduct.
- (iii) provide advice to the Council and individual members in relation to standards issues.
- (iv) maintain a statutory register of Members' interests.

### **Proper Officer for access to information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

### **Advising whether committee decisions are within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of Committees of the Council are in accordance with the Budget and Policy Framework.

### **Providing advice**

The Monitoring Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues.

### **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

### **Dispensations**

The Monitoring Officer or his/her Deputy can grant dispensations to participate in the business of the authority where a Member has a Disclosable Pecuniary Interest, in accordance with Section 33 of the Localism Act 2011.

### 13.04 Functions of the Chief Finance Officer

#### **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and to the Council's External Auditor if:

(a) 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; or

(a)(b) it appears to him or her that the expenditure incurred by the Council (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

#### **Unlawful expenditure by the Council**

The Council must, within 21 days of receiving it, consider the report at a meeting where it will decide whether it agrees or disagrees with the views contained in the report and what action to take. The Council must ensure that no further action is taken on the matter in question until the working day after its meeting to consider the report and the Council will be deemed to have no authority to take such action until then. The Council must decide:

- i) what action has been taken in response to the report;
- ii) what action the Council proposes to take in response to the report and when it proposes to take that action; and
- iii) the reasons for taking that action or the reasons for not taking any action.

The Chief Finance Officer will as soon as is reasonably practicable notify the Council's External Auditor of the date, time and place of the proposed meeting. As soon as is reasonably practicable after the meeting, the Chief Finance Officer will notify its external auditor of any decision made at the meeting.

#### **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

**Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

**Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

**Provision of financial information**

The Chief Finance Officer will provide such financial information as he or she is required or considers appropriate to give to the media, members of the public and the community.

**13.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

**13.06 Functions of the Director of Children’s Services**

The Director of Children’s Services is professionally accountable for the delivery of the Council’s education and social services functions for children, and any health functions for children delegated to the authority by a National Health Service body.

**13.07 Functions of the Director of Adult Social Services**

The Director of Adult Social Services is responsible for all of the Council’s social services functions, other than those for which the Council’s Director of Children’s Services is responsible.

**13.08 Conduct**

Officers will comply with the Officers’ Code of Conduct and the Protocol on Member/ Officer Relations set out in Part 5 of this Constitution.

**13.09 Employment**

The recruitment, selection and dismissal of officers will be carried out in compliance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

### 13.10 **Proper Officers**

The Council will designate and describe in Part 7 of this Constitution officers to undertake the various statutory Proper Officers' functions.

### **3.3. MATTERS DELEGATED TO COUNCIL COMMITTEES AND SUB-COMMITTEES**

The current Council Committees, their terms of reference, and the functions delegated to them are set out in detail below:

- 3.3.1 Policy Committees
- 3.3.2 Arrangements for Urgent Decision Making
- 3.3.3 Area Committees
- 3.3.4 Regulatory Committees
- 3.3.5 Other Committees
- 3.3.6 Sheffield Health and Wellbeing Board

Unless otherwise stated, a Committee may further delegate to a Sub-Committee or Council Officer and a Sub-Committee may further delegate to a Council Officer.

The Full Council will decide the constitution, membership and terms of reference of each Committee (except for those matters relating to Area Committees which are set out in legislation).

The Monitoring Officer shall ensure that all consequential amendments to this part of the Constitution are made promptly.

#### **3.3.1 POLICY COMMITTEES**

The Council has established eight Policy Committees aligned with the functions of the Council:

1. Strategy and Resources
2. Communities, Parks and Leisure
3. Education, Children and Families
4. Adult Health and Social Care
5. Housing
6. Waste and Street Scene
7. Economic Development and Skills
8. Transport, Regeneration and Climate

A Finance Committee has also been established to make specific financial decisions on behalf of the Council.

#### **Matters Reserved to All Policy Committees**

Within the remit of each Policy Committee and subject to decisions being (i) within the approved budget (including any virement), (ii) not contrary to the Budget and Policy Framework, (iii) in accordance with the priorities set out in

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the Council's Corporate Plan, and (iv) any Capital Programme expenditure having been approved by the Finance Committee, the following matters are reserved to Policy Committees:

#### Strategic Service and Financial Planning and Review

- Agreeing statutory and other strategies;
- Agreeing policy issues;
- Approval of the proposed withdrawal or variation of any service where the likely impact on present or future users of the service is significant;
- Agreeing fees and charges (other than any set by Full Council as part of the budget process) in line with the medium term financial strategy and any policies in respect of fees and charges;
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole;
- Considering reviews of Service performance.

In connection with this role, a Policy Committee may, subject to sufficient Officer and Member capacity, appoint Task and Finish Groups as appropriate to assist in the completion of their duties. Membership of such a Task and Finish Group is not limited to Members of the appointing Policy Committee and may include in an advisory capacity people who are not elected Members. Where a Policy Committee is developing a regulatory policy, it shall form a working group with Members of the relevant Regulatory Committee to inform the process.

#### Consultation and Petitions

- Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes which the Chair of the Committee or of the Strategy and Resources Policy Committee consider to be significant;
- Considering public petitions that have been presented or referred to the Committee.

#### Contracts

Agreeing the commission or purchasing decision (or a variation to an existing commission or purchasing decision) and the budget on any given requirement is reserved to a Policy Committee except where the proposed course of action is a contract or contracts which together:

- is/are not contrary to any duly approved policy of the Council;
- has/have a service delivery period of 4 years or less; and
- (a) has/have an estimated value over the lifetime of the contract(s) which does not exceed £250,000 or (b) is/are for Commonly Recurring-Arising Items.

'Commonly Recurring-Arising Items' means (a) those consumables that the Council routinely purchases to enable the continuation of its day to

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day business activities (such as for example office supplies, fuel, utilities, travel tickets, maintenance supplies, tyres and protective clothing); and/or (b) services purchased by the Council for which there is an ~~an~~ **ongoing** need, which facilitate the delivery of its functions rather than being the mechanism for delivery of those functions, e.g. IT support and back office IT systems, and which do not have a direct customer facing interaction or service provision. Provision of the consumables or services to Sheffield Schools as well as for the benefit of the Council does not prevent it being a Commonly Recurring Item.

After a Policy Committee has made a reserved commissioning or purchasing decision, procurement and contracting decisions are reserved to Committee only if:

- The contract is inconsistent with the approved commissioning / purchasing strategy; or
- Award of the contract would contravene a Council policy.

#### Council Supply Agreements

A Council Supply Agreement is a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid.

The decision to enter into a proposed Council Supply Agreement or to agree a variation where one of the following criteria applies or to terminate an existing Council Supply Agreement is reserved to the Committee only if:

- it would require the Council to incur gross expenditure in order to discharge its obligations under the agreement which is (a) reasonably anticipated to be in excess of £100,000 or (b) not provided for in a relevant budget;
- it would involve the Council in receiving payment the value of which is reasonably anticipated to be in excess of £250,000;
- it would require the Council to provide works, services or supplies for a period exceeding 3 years; or
- it would contravene a Council policy.

#### Grant Aid, Loans and Guarantees

- Making any decision in relation to grant aid which is not within an agreed strategy;
  - Agreeing to establish a fund in excess of £100,000 from which individual grants or loans will be paid and agreeing the eligibility criteria for these grants or loans;
  - approving the payment of any grant or loan in excess of £50,000 (including a grant or loan paid wholly or in part by the Council out of
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external grant aid) except where (a) paying the grant or loan to that specific recipient, or to a recipient for a specific purpose, is required or clearly intended by the terms of the Council's agreement with an external funder, and (b) a decision has been made to accept the external funding in knowledge of this requirement/intention;

- Approving the withdrawal or reclaiming of grant aid which has been awarded to a third party where the amount of grant aid to be withdrawn or reclaimed is in excess of £25,000;
- Agreeing to the Council becoming the Accountable Body for any award of grant aid from an external funder to the Council or to a third party where:-
  - (i) the grant aid to be received by the Council is anticipated to be in excess of £750,000; or
  - (ii) the grant aid to be received by the third party is anticipated to be in excess of £50,000;
- Agreeing to the Council guaranteeing the liabilities of a third party where the financial exposure of the Council under the guarantee is or may be in excess of £50,000.

#### Community Right to Challenge

The decision to accept an expression of interest (including a modified expression of interest) submitted pursuant to the Community Right to Challenge contained in Part 5 of the Localism Act 2011.

#### Urgent decisions

Establishing an Urgency Sub-Committee with a quorum of three members (to include the Chair or Deputy Chair of the Policy Committee) to take Urgent Decisions in accordance with the Arrangements for Urgent Decision Making set out at Part 3 3 2 below; all members of the parent committee and their named substitutes (where applicable) may act as substitute members of an Urgency Sub-Committee.

The Terms of Reference, including any Sub-Committees, for each Policy Committee and the Finance Committee are detailed below.

### **STRATEGY AND RESOURCES POLICY COMMITTEE**

The Leader of the Council is the Chair of the Committee. Membership includes the Chairs of each of the Council's other Policy Committees, the Chair of the Finance Committee, and such other Members as are necessary for political proportionality, and to ensure an odd number of Members.

#### Corporate responsibilities

The following Corporate responsibilities are within the remit of the Committee:

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- Cross-cutting responsibility for development and submission to Full Council for adoption of the Budget and Policy Framework
- Providing strategic direction to the operation of the Council by developing and recommending the Corporate Plan (including determination of the priorities set out therein) to Full Council and making decisions on cross-cutting policies and practice where such decisions are not reserved to full Council
- Responsibility for decisions on any commitments to funding in future years not covered within the Council’s medium term financial plan
- Responsibility for any issue identified as being of significant strategic importance or financial risk to the Council (which is considered to be by its nature cross-cutting)
- Responsibility, including referral to another Policy Committee for consideration if appropriate, for any policy matter not otherwise allocated to a Committee
- Lead responsibility for complaints including monitoring of complaint handling performance
- Considering reports which an Ombudsman requires to be published by the Council where it is proposed that the Council take the recommended action

#### Council Functions

The following functions are within the remit of Strategy and Resources Policy Committee:

- Finance and Commercial Services
- Legal Services
- Democratic Engagement
- Human Resources and Employee Engagement
- Organisational Strategy, Performance and Delivery
- ICT and Digital Innovation
- Information Management

The Committee will take decisions within its remit on any reserved matter and may take decisions on any matter otherwise reserved to Finance Committee. When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

#### Relationship with the other Policy Committees

The Committee is responsible for:

- Developing an annual work plan (including work programming), with reference to the Corporate Plan, in consultation with the other Policy

Committees. The Committee co-ordinates and implements the Corporate Plan and will consider the combined Policy Committee Work Programme every other meeting to ensure corporate objectives are being achieved.

- Determining key cross-cutting policies and key plans that impact on more than one Policy Committee, decisions that have a significant impact on a cross cutting issue, strategy or plan, and determining any matter that has a major impact on a number of Council services or the Council as a whole.
- Determining any matter of dispute or difference between any Policy Committees.
- A co-ordinating role across all other Policy Committees and exercising a corporate view of outcomes, performance, budget monitoring and risk management.
- Considering the overall performance of the Authority and the performance of other Policy Committees, including holding them to account with regard to delivery against the Corporate Plan. Where there is a serious performance concern, the Committee may refer this concern to Full Council for consideration.
- The exercise of any function not otherwise allocated and, if it considers appropriate, the exercise of functions of any Policy Committee or Sub-Committee.
- Monitoring referrals from Area Committees to Policy Committees, including monitoring patterns and lessons to be learned, in consultation with Area Committee chairs. For the avoidance of doubt an Area Committee may only refer a matter to the Committee if it is the appropriate Policy Committee for that referral.

Strategy and Resources Policy Committee may refer any issue falling within its remit to another Policy Committee, Sub-Committee or Finance Committee for decision if it considers appropriate.

Another Policy Committee, Sub-Committee or Finance Committee may refer any matter within its remit to Strategy and Resources Policy Committee if it considers appropriate.

Strategy and Resources Policy Committee may refer any matter (within its own remit or the remit of another Policy Committee, Sub-Committee or Finance Committee) to Full Council only in exceptional circumstances.

#### **Charity Trustee Sub-Committee**

The Strategy and Resources Policy Committee shall establish a politically proportionate Charity Trustee Sub-Committee, whose membership is not limited to members of the Committee, as a standing sub-committee to meet as required.

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The Charity Trustee Sub-Committee shall take all decisions of the Council as charitable trustee, including but not limited to

- Disposals of and other dealings with charitable land
- Matters about which the Charity Commission must be contacted
- Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
- Use of charitable assets by the Council for purposes that do not directly meet the charitable aims
- Any other matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or exclusive use of an area of charitable land for recreational, business or other purposes by a single person or organisation
- Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the Charity Trustee Sub-Committee

## **FINANCE COMMITTEE**

The Finance Committee may take decisions in respect of the Finance and Property matters (but for the avoidance of doubt not those matters which are reserved to the Charity Trustee Sub-Committee) more particularly detailed below:

### Finance

- Monitoring Council budget each ~~month~~quarter;
- Agreement of Council policies in respect of fees and charges;
- Agreement upon virements of £500,000 and over **or** representing a major change of policy (any value) from one division of a Service to another or between Services within Directorates or between Directorates and within the approved budget.

### Capital Programme

Subject to decisions being not contrary to the Capital Strategy, Agreement of reports on the implementation of the capital programme provided under the Capital Programme Financial Reporting and Control Procedures, including:-

- (a) approval of all new schemes; except expenditure relating to feasibility works up to the value of £100,000 in accordance with the Financial Procedure Rules; ~~and~~
- (b) approval of a variation to an existing scheme which increases the value of the scheme by more than £100,000; and

(c) acceptance and issue of capital grant funding (and where appropriate associated revenue grant funding) to enable capital scheme implementation.

#### Property

- (a) Acquisitions of Property where the consideration to be paid by the Council exceeds £250,000, but not including any acquisition of Property that the Council is obliged by law to complete;
- (b) Disposals of Property, being of the freehold or leasehold but not including a mortgagee sale or disposal that Council must by law complete such as Right to Buy, lease enfranchisement or easements to certain service providers
  - Where the Council has been required by Law to publicly advertise the proposed Disposal (e.g. public open space); **and** one or more objections to the proposed Disposal has been received;
  - Which are not subject to a competitive process where the consideration to be received by the Council exceeds £300,000;
  - For less than the best consideration reasonably obtainable;
  - Which for any statutory or other legal reason need to be decided by a committee, not an officer
  - Which involve the transfer of a freehold interest, the grant of a lease for a term of not less than twenty-five years or the assignment of a lease with a remaining term of not less than twenty-five years AND a relevant councillor or parish/town council has objected
- (c) Appropriation to another purpose of surplus property that has not been identified for disposal by the Finance Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee and is responsible for delivery on matters referred by Strategy and Resources Policy Committee.

The Finance Committee shall establish an Urgency Sub-Committee with a quorum of three members (to include the Chair or Deputy Chair of the Committee) to take Urgent Decisions in accordance with the Arrangements for Urgent Decision Making set out at Part 3.3.2 below; all members of the Committee and their named substitutes (where applicable) may act as substitute members of the Urgency Sub-Committee.

## **COMMUNITIES, PARKS AND LEISURE POLICY COMMITTEE**

### Council Functions

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The following functions are within the remit of Community, Parks and Leisure Policy Committee:

- Communities
  - Community Development
  - Cohesion and Migration
  - Community Safety including Anti-Social Behaviour
  - Prevention and Early Intervention
  - Youth Services
- Parks, Leisure and Libraries
  - Sport, physical activity and leisure facilities
  - Community events
  - Parks and Countryside (including non-highway Trees and Woodlands)
  - Allotments
  - Ecology
  - Bereavement Services
  - Libraries
- Voluntary Sector
  - Voluntary Sector Liaison
  - Voluntary Sector Grant Aid Programme
  - Relationships and development with the Voluntary, Community and Faith Sector

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

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When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

#### Matters Reserved to Communities, Parks and Leisure Policy Committee

Decision making in respect of Public Space Protection Orders (PSPOs):

- To approve a draft PSPO, including the proposed restrictions, and to carry out consultation;
- To consider the outcome of the consultation and to approve the making of the PSPO with such amendments as are necessary or to decide not to proceed;
- To approve the making of an expedited PSPO.

The Committee oversees any communities or localism strategy within which Area Committees operate.

The Committee is the Council's Crime and Disorder Committee and exercises the functions under Section 19, Police and Justice Act 2006.

## **EDUCATION, CHILDREN AND FAMILIES POLICY COMMITTEE**

### Council Functions

The following functions are within the remit of Education, Children and Families Policy Committee:

- Education, including
  - Schools (including sufficiency of school places)
  - Mainstream and specialist education (early years, children and young people)
  - Special Educational Needs and Disabilities
  - Learning and Skills policy, programmes and interventions (children and young people)
- Children and Families
  - Children and family support and social work
  - Fostering and adoption
  - Children in care, care leavers and corporate parenting
  - Residential services
  - Youth justice
  - Children's wellbeing
  - Child safeguarding
  - Early childhood services

The Education, Children and Families Policy Committee has political oversight of the statutory functions of the Director of Children’s Services under the Children’s Act 2004. The Chair of the Committee is the Council’s designated Lead Member for Children’s Services.

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

#### Matters Reserved to the Education, Children and Families Policy Committee

Decision making in respect of the establishment, alteration or discontinuance of schools, other than those that must be referred to the Schools Adjudicator.

### **ADULT HEALTH AND SOCIAL CARE POLICY COMMITTEE**

#### Council Functions

The following functions are within the remit of Adult Health and Social Care Policy Committee:

- Adult social work, care and support including specialist social work
  - Adult Future Options
  - Access, Mental Health and Wellbeing
-

- Adult Living and Ageing Well
- Care Governance and Financial Inclusion
- Adult Safeguarding

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

### **Health Scrutiny Sub-Committee**

The Adult Health and Social Care Policy Committee is responsible for the review and scrutiny of local health services, ~~including the power of referral to the Secretary of State for Health and Social Care,~~ under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. It shall establish a politically proportionate Health Scrutiny Sub-Committee, whose membership comprises members of this Committee and Education, Children and Families Policy Committee, as a standing sub-committee solely for the purpose of exercising the statutory health scrutiny functions described in Article 7 at Part 2 of this Constitution. NHS bodies and health service providers must consult the Health Scrutiny Sub-Committee on any proposals for a substantial development of the health service in Sheffield or for a substantial variation in the provision of such a service.

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## **HOUSING POLICY COMMITTEE**

### Council Functions

The following functions are within the remit of Housing Policy Committee:

- Functions of the Council as Local Housing Authority, including
  - Public sector
  - Private sector
  - Homelessness
- Supported housing
- Relationships with other social housing providers
- Refugee resettlement programmes
- Gypsy and traveller sites

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

### Matters Reserved to Housing Policy Committee

Delivery of the Housing Revenue Account (HRA) Business Plan.

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## **WASTE AND STREET SCENE POLICY COMMITTEE**

### Council Functions

The following functions are within the remit of Waste and Street Scene Policy Committee:

- Highway maintenance and management
- Waste management
- Parking Services (management and enforcement)
- City Centre management
- Markets
- Regulatory licensing policy
- Statutory licensing policy development (to be referred to Strategy and Resources Policy Committee for decision on submission to Full Council as part of Budget and Policy Framework)
- Environmental Regulation

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

#### Matters Reserved to Waste and Street Scene Policy Committee

The 'Streets Ahead' Project (Highways PFI):

Decisions taken pursuant to the Highways Maintenance PFI Contract dated 31<sup>st</sup> July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract') are reserved to the Committee where they relate to:-

- termination of the Streets Ahead Contract;
- the final approval of the making of High Value Changes (as defined in the Streets Ahead Contract); or
- step-in by the taking of any Required Action (as defined in the Streets Ahead Contract).

### **ECONOMIC DEVELOPMENT AND SKILLS POLICY COMMITTEE**

#### Council Functions

The following functions are within the remit of Economic Development and Skills Policy Committee:

- Business growth and economic strategy
- Arts development and projects
- Theatres. Museums, galleries etc
- Major and City Centre events
- Employment policy and programmes
- Enterprise, employment and digital skills
- Adult skills policy and programmes

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the

case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

## **TRANSPORT, REGENERATION AND CLIMATE POLICY COMMITTEE**

### Council Functions

The following functions are within the remit of Transport, Regeneration and Climate Policy Committee:

- Regeneration and Development, including
  - Heart of the City 2
  - City Centre and Central Area major developments
  - Development and Regeneration Partnerships
  - Housing Growth
  - Strategic Development
- Investment, Climate Change and Sustainable City
- Planning policy
- Flood protection
- Building Standards and Public Safety
- Strategic Transport Sustainability and Infrastructure

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Champions heritage;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for working within the budget framework agreed by Council, including taking timely action to address any overspend within services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters within its own remit (but not matters within the remit of any other Policy Committee) to Full Council only in exceptional circumstances. The Committee may refer matters to Strategy and Resources

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Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

#### Matters Reserved to Transport, Regeneration and Climate Policy Committee

Functions arising from the Council's roles as Highways Authority and Road Traffic Authority, including transport and parking matters, where these relate to:-

- The Capital Programme;
- Policy and strategy statements;
- matters that have drawn objections from members of the public; or
- strategic issues and schemes with a value in excess of £250,000.

Review and scrutiny of the exercise by risk management authorities of flood risk management functions under section 9JB of the Local Government Act 2000.

### **3.3.2 ARRANGEMENTS FOR URGENT DECISION MAKING**

Each Policy Committee and the Finance Committee shall establish an Urgency Sub-Committee with a quorum of three members (to include the Chair or Deputy Chair). All members of the parent committee and their named substitutes (where applicable) may act as substitute members of an Urgency Sub-Committee.

A meeting of an Urgency Sub-Committee may be convened to take any Urgent Decision reserved to the parent Committee PROVIDED THAT the Monitoring Officer in consultation with the Chair has confirmed that the decision could not have been foreseen and to delay taking the decision until the next scheduled meeting of the Committee would seriously prejudice either the Council's or the public's interests ("Urgent Decision").

Any Urgent Decision may be taken at a scheduled meeting of Strategy & Resources Policy Committee for reasons of efficiency ONLY IF the Urgency Sub-Committee of the relevant Committee has been unable to meet in the necessary timeframe.

An Urgent Decision may be taken by certain Officers in consultation (wherever practicably possible) with the Chair, Deputy Chair and Group Spokesperson of the appropriate Committee, ONLY IF, in the opinion of the Monitoring Officer in consultation (wherever practicably possible) with the Chair, it would not be possible to convene an Urgency Sub-Committee Meeting or take the decision to a scheduled meeting of Strategy and Resources Policy Committee within a timescale that would not seriously prejudice either the Council's or the public's interests. In the Chair's absence the Deputy Chair should be consulted or in their absence the Leader of the Council.

The Officers who may take an Urgent Decision are:

Any matter:

- The Chief Executive

Where the matter falls within his/her directorate, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time:

- Strategic Director
- Chief Legal Officer
- Chief Finance Officer

In cases of Extreme Urgency (where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation) decisions may be taken by certain Officers in accordance with the provisions for Extreme Urgency at paragraph 3.5.7 of the Arrangements for the Delegation of Functions to Officers at Part 3.5 of this Constitution.

All decisions taken in accordance with these Arrangements for Urgent Decision Making must be reported at the next scheduled meeting of the relevant Committee. Use of these Arrangements shall be monitored by the Strategy and Resources Policy Committee and shall be considered by the Governance Committee in reviews of the Constitution and of the effectiveness of the current arrangements for a committee system of governance.

### **3.3.3 AREA COMMITTEES**

#### **Terms of Reference**

- (a) To promote the involvement of local people in the democratic process and to bring decision making closer to local people.

- (b) To agree a Community Plan setting priorities for the area of the committee, monitor delivery of that plan and keep it under review.
- (c) To agree a plan for engaging with local residents and voluntary and community sector organisations in improving the committee area.
- (d) To take decisions about local matters delegated by the Council after engagement with the community or public consultation carried out pursuant to a prior decision.
- (e) To make decisions relating to funding as delegated from time to time by the Council to fit with the priorities set out in the Community Plan and following engagement with the community:
  - (i) Approve grants from budgets allocated to the Area Committee.
  - (ii) Approve the funding of community projects from budgets allocated to the Area Committee.
  - (iii) Approve other expenditure from the Area Committee budgets
- (f) To act as a formal consultation mechanism on Council and partner strategies and policies.
- (g) To engage with local people and oversee an ongoing programme of events to enable local people to influence Council decisions.
- (h) To act as a focal point for the results of consultation and engagement exercises and respond appropriately.
- (i) Where a matter does not fall within the powers delegated to the Area Committee, to make recommendations to the appropriate decision-maker or body.
- (j) Where a matter under consideration impacts on another Area Committee's area, the Area Committee shall not take a decision without first consulting the other Area Committee.
- (k) To meet a minimum of four times in every year.
- (l) To provide a report to Full Council on its Community Plan and progress against objectives no more than once in a municipal year.

### **3.3.4 REGULATORY COMMITTEES**

#### **LICENSING COMMITTEE**

The Licensing Committee operates as two distinct Committees (Statutory Licensing Committee and Regulatory Licensing Committee) with identical membership and in accordance with the Terms of Reference set out below.

#### **Terms of Reference**

(a) **Statutory Licensing Committee**

The Statutory Licensing Committee shall be the licensing committee for the purposes of Section 6, Licensing Act 2003, and shall exercise the functions of the Council as licensing authority under the Licensing Act 2003 and Gambling Act 2005, when it shall operate in accordance with the provisions of the Licensing Act 2003 and regulations made thereunder.

Where licensing matters (including policy and adoption of legislation) are to be determined by Full Council the Statutory Licensing Committee shall be consulted by the relevant Policy Committee in considering the matters and the Policy Committee shall make recommendations to Full Council.

(b) **Regulatory Licensing Committee**

Except where by law or this Part of the Constitution they are functions reserved to Full Council, or where by virtue of this Constitution responsibility is delegated elsewhere, the Regulatory Licensing Committee (which may include a Regulatory Licensing Sub-committee) shall exercise all other functions of the Council relating to licensing, registration and ancillary matters, when it shall operate as a Committee of the Council in accordance with the Council Procedure Rules at Part 4 of this Constitution. Such functions include but are not limited to:

- acupuncture, tattooing, ear-piercing, electrolysis;
- animal breeding, boarding, training and exhibiting, zoos, dangerous wild animals etc;
- caravan sites;
- charity collections and street collections;
- hackney carriage and private hire vehicle licences, drivers and operators;
- hypnotism exhibitions, demonstrations or performances;
- market and street trading,
- pavement licences;
- pleasure boats and pleasure vessels;
- scrap metal dealers and motor salvage operators;
- sex establishments including sexual entertainment venues;

- solemnisation of marriages;
- sports ground safety;
- theatres, cinemas and entertainments.

The Regulatory Licensing Committee shall exercise the powers of the Council as Commons Registration Authority to register common land or town and village greens, and to exercise the power to register variation of rights of common, PROVIDED that authority to determine the validity of an application to register land as common land or a town or village green is delegated to the Chief Legal Officer.

## **PLANNING AND HIGHWAYS COMMITTEE**

The Committee exercises the Council's Planning and Highways functions with the following terms of reference.

### **Terms of Reference**

- (a) To exercise the functions of the Council as planning and highways authority, including
- development control
  - advertisement control
  - building control
  - conservation matters
  - tree preservation orders
  - listed buildings
  - enforcement
  - removal of permitted development rights
  - "hybrid" applications or notifications
  - street naming
  - functions relating to public rights of way under the Highways Act 1980 and other legislation
  - control of scaffolding and hoarding

Including but not limited to considering and determining applications submitted under the Planning Acts and related legislation for planning permission, permission in principle, technical details consent, listed building consent, and reserved matters pursuant to major planning applications.

- (b) To exercise the function under Section 278, Highways Act 1980 (agreements for the execution of works and payment of costs).

### **Matters Reserved**

Matters are reserved to the Planning and Highways Committee where the matter falls within the Committee's Terms of Reference and:-

- (a) the proposal is a major opportunity for development that represents a significant regeneration opportunity for the City;
- (b) the decision would represent a significant departure from policy;
- (c) the Council's policy position is unclear or difficult to determine;
- (d) the decision would be in conflict with a substantial number of representations made on planning grounds and where the outcome is not clearly predetermined by approved planning policy;
- (e) the matter relates to a planning application submitted by or on behalf of a Council officer who is involved in the planning application process or a Member of the Planning and Highways Committee where the matter relates to the exercise of a planning function;
- (f) the matter relates to an application submitted by or on behalf of an officer of the Local Highway Authority or by a Member of the Planning and Highways Committee where the matter relates to the exercise of a highway function;
- (g) formal enforcement or legal proceedings in respect of unauthorised development which are subject to the appropriate application of criteria (a) to (e).

For the avoidance of doubt, functions falling within the Planning and Highways Committee's Terms of Reference but which are not reserved to the Planning and Highways Committee are exercisable by the Planning and Highways Committee but are also exercisable by Council officers in accordance with the Arrangements for Delegation of Functions to Officers at Part 3.5 of this Constitution.

### **3.3.5 OTHER COMMITTEES**

#### **GOVERNANCE COMMITTEE**

##### **Terms of Reference**

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- (a) To keep the Council’s constitutional arrangements, including the Constitution and the governance system it describes, under review.
- (b) To consider officers’ proposals for changes to the Constitution, other than those made by the Monitoring Officer under powers delegated by Full Council, and recommend such changes as it considers necessary to Full Council for approval.
- (c) To keep the thresholds for decisions reserved to Policy Committees under review and recommend any changes as it considers necessary to Full Council.
- (d) To seek direct engagement and participation of the public and stakeholders and partners in the Committee’s ongoing consideration of the health of Sheffield’s democratic environment.
- (e) To be responsible for the Council’s Member Development Strategy and annual Member Development and Induction Plan, including to monitor, review and make recommendations to the Council with regard to the Learning and Development policy for Councillors, Co-opted members and Representatives.
- (f) To keep under review the effectiveness of the arrangements for a committee system of governance:
  - a. Taking account of any changes to the local and national context;
  - b. Including any agreed ‘strategic aims’ and ‘design principles’ in its assessment criteria; and
  - c. Actively seeking and using feedback from residents, stakeholders, councillors, officers and partners to inform its judgements against those criteria.

## **AUDIT AND STANDARDS COMMITTEE**

### **Terms of Reference**

#### Accounts

- (1) To approve the Council’s Statement of Accounts and the Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
- (2) To consider and accept the Annual Letter from the Local Auditor in accordance with the Accounts and Audit Regulations 2015 and to monitor the Council’s response to any issues of concern identified.

- (3) To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

#### Audit Activity

- (4) To consider the Internal Audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (5) To consider summaries of specific Internal Audit reports as requested.
- (6) To consider reports dealing with the management and performance of the Internal Audit service, including compliance with Public Sector Internal Audit Standards.
- (7) To consider reports dealing with the implementation of agreed Internal Audit recommendations.
- (8) To consider any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (9) To consider specific reports as agreed with the local auditor.
- (10) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (11) To liaise with the Public Sector Audit Appointments or any relevant organisation over the appointment of the Council's local auditor and to decide upon the appointment process for the local auditor and to participate in the process, as and when required.

#### Regulatory Framework and Risk Management

- (12) To maintain an overview of the Council's Constitution in respect of contracts standing orders, financial regulations and codes of conduct and behaviour.
- (13) To monitor the effective development and operation of risk management in the Council.
- (14) To monitor Council policies on the anti-fraud and anti-corruption strategy.
-

- (15) To oversee the production of the Council’s Annual Governance Statement and monitor progress on any issues and consider the Council’s compliance with its own and other published standards and controls.

#### Standards

- (16) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Representatives on Committees and Sub-Committees.
- (17) To assist Councillors, Co-opted Members and Representatives to observe the Councillor Code of Conduct.
- (18) To advise the Council on the adoption or revision of the Councillor Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- (19) To monitor the operation of the Councillor Code of Conduct.
- (20) To advise, train or arrange to train Councillors, Co-opted Members and Representatives on matters relating to the Councillor Code of Conduct.
- (21) To discharge the functions of dealing with complaints against Councillors and Co-opted Members as set out in Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-Opted Members.
- (22) To advise the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
- (23) To monitor and review procedures relating to gifts, hospitality and personal interests, for Councillors and officers.

~~(24) To monitor the Council’s complaints process and the Council’s response to complaints to the Ombudsman.~~

### **ADMISSIONS COMMITTEE**

#### **Terms of Reference**

To hear and determine:-

- (a) admission cases and appeals against decisions of the Director of Children’s Services relating to parental choice of schools; and

- (b) appeals against decisions of the Director of Children’s Services relating to the issue of home to school travel passes.

## **APPEALS AND COLLECTIVE DISPUTES COMMITTEE**

### **Terms of Reference**

- (a) To hear and determine all matters which require Member decision relating to processes in connection with:-
- (i) the discipline and dismissal of staff (other than senior officers within the terms of reference of the Senior Officer Employment Committee); and
  - (ii) disputes between the Council and its employees.
- (b) To establish such Sub-Committees as appropriate to undertake the hearing or determination of matters relating to the discipline and dismissal of staff (other than Senior Officers within the terms of reference of the Senior Officer Employment Committee) and disputes between the Council and its employees.

## **SENIOR OFFICER EMPLOYMENT COMMITTEE**

### **Terms of Reference**

- (a) To consider, subject to legal requirements relating to the Council’s Statutory Officers (within the meaning of section 2 of the Local Government and Housing Act 1989) and to the Officer Employment Procedure Rules in Part 4 of this Constitution, and to make recommendations to the Council on all matters relating to the appointment of the Chief Executive and the dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (b) To determine, subject to legal requirements relating to the Council’s Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the appointment of:-
- Strategic Directors;
  - The Council’s Statutory Chief Officers, other than the Chief Executive.

- (c) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the dismissal of:-
- Strategic Directors;
  - The Council's Statutory Officers, other than the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (d) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the discipline short of dismissal of:-
- Strategic Directors;
  - The Council's Statutory Officers.
- (e) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
- Officers who report directly to any of the Officers described above (other than the Monitoring Officer) for all or most of their duties (but not any person whose duties are solely secretarial or clerical).
- (f) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

## **COMPLAINTS REVIEW PANEL**

### **Terms of Reference**

To consider and determine, in accordance with legislative requirements, complaints in relation to the discharge of, or any failure to discharge the Council's social services functions in relation to an individual.

## **INDEPENDENT REMUNERATION PANEL**

### **Terms of Reference**

To make recommendations to the Council on the allowances to be paid to elected Members, as laid down in the Local Authorities (Members' Allowances) (England) Regulations 2003, namely:-

- (a) the level of basic allowance for all Members;
-

- (b) categories of special responsibility for which a special responsibility allowance should be paid and the levels of those allowances;
- (c) the rate of childcare / dependency allowance;
- (d) Travel & Subsistence Allowance;
- (e) any annual uplift;
- (f) backdating payment of an allowance to the start of the financial year if the Members' Allowances Scheme is amended during the year.
- (g) Co-optees' allowance.

### **3.3.6 SHEFFIELD HEALTH AND WELLBEING BOARD**

#### **Terms of Reference**

1. Role and Function of the Health and Wellbeing Board
  - 1.1 The Sheffield Health and Wellbeing Board (the Board) is established under the Health and Social Care Act 2012 as a statutory committee of Sheffield City Council (the Council) from 1 April 2013. However, it will operate as a multi-agency board of equal partners.
  - 1.2 The Board will develop and maintain a vision for a city free from inequalities in health and wellbeing, taking a view of the whole population from pre-birth to end of life.
  - 1.3 The Board will be the system leader for health & wellbeing, acting as a strong and effective partnership to:-
    - Maximise the impact of all institutions in Sheffield on reducing health inequalities in the city; and
    - Improve the planning, commissioning, and delivery of services across the NHS and Council.

- 1.4 In doing this, the Board will take an interest in all the determinants of health and wellbeing in Sheffield and will work across organisational boundaries in pursuit of this.
- 1.5 The Board will be ambitious for Sheffield and hold organisations in Sheffield to account for the delivery of the Board’s vision for the city. It will support organisations to work in an integrated way, for the purpose of advancing the health and wellbeing of people in Sheffield.
- 1.6 The Board is statutorily required to carry out the following functions:-
- To undertake a Joint Strategic Needs Assessment (JSNA)<sup>1</sup>;
  - To undertake a Pharmaceutical Needs Assessment (PNA)<sup>2</sup>;
  - To develop and publish a Joint Health and Wellbeing Strategy (JHWS) for Sheffield<sup>3</sup>;
  - To provide an opinion on whether the Council is discharging its duty to have regard to the JSNA, and the JHWS, in the exercise of its functions<sup>4</sup>;
  - To contribute to the NHS South Yorkshire Integrated Care Partnership’s Integrated Care Strategy, setting the direction for the Integrated Care Board;
  - To engage with the Integrated Care Board on their five year forward plan, setting out how the ICB will deliver its core duties including what it will do to implement the JHWS, before the start of each financial year;
  - To produce a statement on the Board’s final opinion on this plan, following consultation with the ICB;
  - To contribute to NHS England’s annual performance assessment of how well the ICB is discharging its duties, including its contribution to delivery of the JHWS;
  - To support joint planning and commissioning and encourage integrated working and pooled budget arrangements<sup>5</sup> in relation to arrangements for providing health, health-related or social care services;

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<sup>1</sup> Section 116 Local Government and Public Involvement in Health Act 2007 (the LGPIHA 2007)

<sup>2</sup> Section 128A National Health Service Act 2006 (the NHA 2006).

<sup>3</sup> Under Section 116A LGPIHA 2007

<sup>4</sup> Under Section 116B LGPIHA 2007

<sup>5</sup> In accordance with Section 195 Health and Social Care Act 2012. This includes encouraging arrangements under Section 75 NHA 2006.

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- To discharge all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board; and
  - To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board.
- 1.7 In addition to these the Board will also take an interest in how all organisations in Sheffield function together to deliver on the Joint Health & Wellbeing Strategy.
- 1.8 The Board will own and oversee the strategic vision for health and wellbeing in Sheffield, hold all partners and organisations to account for delivering against this by taking an interest in all associated strategies and plans and when appropriate requesting details on how specific policies or strategies help to achieve the aims of the Joint Health & Wellbeing Strategy.
- 1.9 The Board will continue to oversee the strategic direction of the Better Care Fund and the delivery of better integrated care, as part of its statutory duty to encourage integrated working. This will include signing off quarterly and annual Better Care Fund submissions.
2. Membership
- 2.1 The membership of the Board is as follows:-
- Chair of Sheffield City Council Adult Health & Social Care Policy Committee
  - Chair of Sheffield City Council Education, Children & Families Policy Committee
  - Chair of Sheffield City Council Housing Policy Committee
  - Sheffield City Council Chief Executive
  - Sheffield City Council Director of Adult Social Services appointed under section 6 of the Local Authority Social Services Act 1970
  - Sheffield City Council Director of Children’s Services appointed under section 18 of the Children Act 2004
  - Sheffield City Council Executive Director, City Futures as the Strategic Director with responsibility for economic development
  - Sheffield City Council Director of Public Health appointed under section 73A National Health Service Act 2006
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- NHS South Yorkshire Executive Director for Sheffield
- NHS Sheffield Director with responsibility for strategic leadership
- NHS Sheffield Director with responsibility for clinical leadership
- Nominated representative of the Health and Care Partnership
- Nominated representative of NHS Acute Provider Trusts
- Nominated clinical representative of Primary Care Networks
- Nominated representative of partners working with or for children and young people
- Nominated representative of partners working to support mental health and wellbeing
- Representative from a VCF organisation working citywide
- Representative from a VCF organisation working within a locality
- Representative from a VCF organisation working with a specific group
- Representative of South Yorkshire Police
- Chair of Healthwatch Sheffield
- Representative of University of Sheffield
- Representative of Sheffield Hallam University

2.2 Citizens or other representatives from the wider health and wellbeing community in Sheffield may be invited to attend the Board to contribute to discussions. The Board may also co-opt members where it will be beneficial to ongoing conversations and related work.

2.3 Broader attendance will be especially encouraged outside of the formal committee meetings, with larger conference events aiming to link Board members as key decision makers in the city with a citizen and service user perspective, and with organisations, individuals and experts in the field who can bring a diverse range of insights into the discussion. Attendance at events should be representative of the city as a whole, as appropriate for the issue at hand, and the Board will ensure that everyone attending these events speaks on the same terms and with the same expectations of being heard.

2.4 Any changes to personnel will be approved through Full Council on an annual basis.

2.5 Where places are or become vacant and are not related to a specified individual, these will be recruited to through an exercise conducted by the Board's Steering Group.

### 3. Governance

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- 3.1 **Chair:** The Board will be co-chaired by the Chair of the SCC Adult Health & Social Care Policy Committee and the NHS Sheffield Director with responsibility for clinical leadership, with chairing of meetings generally alternating between them.
- 3.2 These are chosen to ensure chairing of the Board is done with an understanding of the democratic decision-making process, and with clinical primary care experience and expertise in mind. Chairing arrangements will be reviewed whenever the individuals occupying those roles changes in order to maintain this.
- 3.3 **Attendance at meetings and deputies:** In order to maintain consistency it is assumed that Board members will attend all meetings as far as possible. Each member must name 1 deputy, who should be well briefed on the Board's purpose and activities, fulfil the same or similar function in their primary role (as opposed to being from the same organisation), and attend meetings and vote on behalf of the member when they are absent.
- 3.4 **Quorum:** The quorum for a meeting of the Board shall be one quarter of the whole number of the membership (including vacancies).
- 3.5 **Decision-making and voting:** The Board will operate on a consensus basis. Where consensus cannot be achieved the matter will be put to a vote. Decisions will be made by simple majority: the Chair will have the casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.
- 3.6 **Authority of representatives:** It is accepted that some decisions and/or representations will need to be made in accordance with the governance procedures of the organisations represented on the Board: however, representatives should have sufficient authority to speak for their organisations and make decisions within their own delegations.
- 3.7 **Accountability and scrutiny:** As a Council committee, the Board will be formally accountable to Full Council.
- 3.8 **Relationship to other groups:** The Board has formally agreed a protocol with the city's Safeguarding Boards. The Board will seek to develop close relationships with the city's Health and Care Partnership, Sheffield City Council's Policy Committees and any Committee or Sub-Committee of the Council with responsibility for the review and scrutiny of local health services, the NHS South Yorkshire Integrated Care System, and the Sheffield Joint Commissioning Committee, as part of its

work to hold the health and wellbeing system to account. It will also develop relationships with other bodies in the city such as the Sheffield City Partnership Board and Sheffield Community Safety Partnership, especially where the agendas of such bodies overlap with the Board's.

4. Meetings, agendas and papers

- 4.1 The Board will normally meet quarterly in public. There will be no fewer than 2 meetings per financial year, with a maximum of 32 weeks between meetings.
- 4.2 Dates, venues, agendas and papers for public meetings will be published in advance on the Council's website.
- 4.3 The Chair will agree the agenda for each meeting, supported by the Board's Steering Group.
- 4.4 Agendas and papers will be circulated to all members and be available on the Council's website 7 days in advance of the meeting.
- 4.5 Minutes will be circulated to all members and published on the Council's website as soon as possible after the meeting.
- 4.6 It is expected that those who write papers will work collaboratively with others to provide a city-wide perspective on any given issue.
- 4.7 The Board will receive an Annual Report at its March meeting, using this to understand its impact and establish aims for the year ahead.
- 4.8 The Board will also convene regular city conferences with open invites on topics that are relevant to the JHWS.

5. Role of a Health and Wellbeing Board member

- 5.1 All members of the Board, as a statutory committee of the Council, must observe the Council's code of conduct for members and co-opted members. Other responsibilities include:-
- Prioritising their attendance at Board meetings and fully and positively contributing to discussions, reading and digesting any documents and information provided prior to meetings.
  - Playing a strong role in promoting the Board conference events, and identifying relevant people to attend and contribute.
  - Fully and effectively communicating outcomes and key decisions of the Board to their own organisations, acting as ambassadors for the work of the Board, and participating where appropriate in

communications/marketing and stakeholder engagement activity to support the objectives of the Board, including working with the media.

- Contributing to the development of the JSNA and JHWS.
- Ensuring that planning and commissioning are in line with the requirements of the JHWS and working to deliver improvements in performance against measures within the public health, NHS and adult social care outcomes frameworks.
- Declaring any conflict of interest, particularly in the event of a vote being required and in relation to the providing of services.
- Acting in a respectful, inclusive and open manner with all colleagues to encourage debate and challenge.

5.2 The membership of the Health & Wellbeing Board is constructed to provide a broad range of perspectives on the development of strategy. With this in mind, members are asked to bring the insight, knowledge, perspective and strategic capacity they have as a consequence of their everyday role, and not act simply as a representative of their organisation, but with the interests of the whole city and its residents at heart.

## 6. Engagement with the public

6.1 Healthwatch Sheffield is the Board's statutory partner for involving Sheffield people in discussions and decision-making around health and wellbeing in the city. It is expected that the Healthwatch Sheffield representative(s) will clearly ensure Sheffield people's views are included in all Board discussions, with all other Board members expected to contribute in this regard.

6.2 Formal public meetings will be held quarterly, with members of the public invited to ask questions. An answer may take the form of:-

- An oral answer
- A written answer to the member of the public, circulated to the Board and placed on the Council's website
- Where the desired information is contained in a publication, a reference to that publication.

The Board's chairs retain the right to restrict the length of time given to answering public questions at any meetings held.

6.3 The Board will work to engage with the public on the issues affecting health and wellbeing in Sheffield through a range of means. This will include conferences, which will:-

- Bring in a broader range of voices and more diverse insight into health and wellbeing priorities set out by the Board;
- Provide opportunity for decision makers in the city to come together with people experiencing health inequalities, working towards co-produced solutions; and
- Where possible, provide the opportunity for the Board to get out of its normal meeting settings and into communities.

6.4 The Board will work with Healthwatch Sheffield and voluntary sector organisations to ensure the output from engagement is linked to the Board's Forward Plan, and is fed into and reflected in Board discussions. This work will:-

- Provide an avenue for members of the public to impact on the Board's discussions and work;
- Engage the public and/or providers in the development of the Joint Health & Wellbeing Strategy;
- Develop the Board's understanding of local people's and providers' experiences and priorities for health and wellbeing;
- Communicate the work of the Board in shaping health and wellbeing in Sheffield;
- Develop a shared perspective of the ways in which providers can contribute to the Board's delivery.

## 7. Review

7.1 These Terms of Reference will be reviewed annually.

### **3.5 ARRANGEMENTS FOR THE DELEGATION OF FUNCTIONS TO OFFICERS**

#### **3.5.1 General Delegations to Officers**

Subject to

- (a) decisions being (i) within the approved budget (including any virement), (ii) not contrary to the Budget and Policy Framework, (iii) in accordance with the priorities set out in the Council's Corporate Plan, and (iv) any Capital Programme expenditure having been approved by the Finance Committee, and
- (b) the provisions set out below;

any function, unless reserved to a committee or to Full Council, is deemed delegated to and individually exercisable by:-

- the Chief Executive;
- a Strategic Director where the matter falls within his/her area of directorate, service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time;
- a Director where the matter falls within his/her area of service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time; or
- a Head of Service designated as having specific responsibility for a function by the Chief Executive or Strategic Director.

Responsibilities are set out in the Management Structure at Part 7 of this Constitution. The Chief Executive and Strategic Directors are responsible for ensuring that this Management Structure is kept up to date so that the Officer responsible for the exercise of any function may be identified.

A Strategic Director or Director with delegated authority to exercise a function may authorise an Officer of suitable experience and seniority to exercise that function on behalf of and in the name of the Strategic Director or Director without having delegated authority in his/her own right to do so, subject to any procedural safeguards considered necessary being put in place. The Strategic Director or Director will remain responsible for any decision taken pursuant to such arrangements.

Each Director will maintain a list of the Officers authorised to exercise any function. Each Strategic Director will be responsible for ensuring that such lists are kept up to date and that a central record is held for each directorate.

A Strategic Director or Director with delegated authority to exercise a function or a Head of Service designated in the Management Structure as having specific responsibility for a function may authorise any particular named officer:-

- to carry out inspection and enforcement duties,
- to enter land and premises (whether specifically or in general) and / or
- to require information as to interests in land and premises;

where this is (i) authorised by law and (ii) necessary in the performance of any function or duty of the service and may sign identity cards in connection with the exercise of this authority, PROVIDED that a list shall be maintained of all officers so authorised with a description of the extent of such authorisation and the relevant statutory power.

All existing delegations to officers made by way of an Executive decision prior to the coming into force of this Constitution continue in force and effect, save that a requirement to act in consultation with an Individual Executive Member will be read as a requirement to act in consultation with the appropriate Policy Committee Chair, until revoked by a decision of Full Council or a Policy Committee.

### **3.5.2 Grant Aid**

Unless reserved to a committee or to Full Council, the decision to apply for external grant aid is delegated to and exercisable by a Strategic Director and must be made in consultation with the Chief Finance Officer.

No decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken without the prior agreement of the Chief Finance Officer.

### **3.5.3 Chief Legal Officer**

The Chief Legal Officer is the General Counsel.

The Chief Legal Officer has general authority to commence, defend or settle any legal proceedings as s/he considers necessary or appropriate to protect the interests of the Council.

The Chief Legal Officer is authorised:

- to exercise the function of carrying out a review of a decision in respect of including land in the authority's list of Assets of

Community Value and making any decision regarding compensation in respect of land listed therein

- to determine the validity of an application to register land as common land or a town or village green
- to grant approval for the use of the City Council's Coat of Arms

The Chief Legal Officer may arrange for the discharge of any of the functions delegated to him/her to be undertaken by other Officers as s/he considers appropriate including, for example, authorising such Officers to take particular steps.

#### **3.5.4 Chief Finance Officer**

The Chief Finance Officer is the Director of Finance and Commercial Services as being the Proper Officer for the purpose of the proper administration of financial affairs pursuant to Section 151 of the Local Government Act 1972.

The Chief Finance Officer may nominate such officers as s/he considers necessary to exercise those duties on his/her behalf.

The Chief Finance Officer is responsible for the maintenance and operation of the Council's Financial Procedure Rules (Financial Regulations) and Contracts Standing Orders, both at Part 4 of this Constitution.

The Chief Finance Officer is authorised to agree that the Council will act as Accountable Body for annually recurring grants from government departments, the South Yorkshire Combined Mayoral Authority and other external organisations.

#### **3.5.5 Chief Property Officer**

The Chief Property Officer is the Head of Regeneration and Property Services.

The Chief Property Officer is authorised to make any decision in respect of Property matters not reserved to a committee or Full Council with the exception of the following decisions which shall be made by a Strategic Director:

- a declaration that operational property is surplus to the requirements of a service within the Directorate

### **3.5.6 Chief Planning Officer**

The Chief Planning Officer is the Head of Planning.

The Chief Planning Officer is authorised to make any decision in respect of the following areas of responsibility to the extent that they are not reserved to the Planning and Highways Committee or Full Council:

- Planning applications and permissions
- Development control
- Development management
- Local Plan

### **3.5.7 Human Resources Matters and Appointments to External Bodies**

The Director of People and Culture is authorised to determine applications for Voluntary Early Retirement and Voluntary Severance in consultation with the Chief Legal Officer and Chief Finance Officer meeting as the Chief Officer Panel in accordance with the Council's Pay Policy.

No Officer at Director grade or above shall be seconded by an Officer to a body outside the Council without prior consultation with the relevant Policy Committee Chair.

Prior to taking steps to restructure a Council service the relevant Strategic Director or Director must seek advice from the Director of People and Culture.

Appointments of Officers to serve on external bodies shall be made in accordance with established Council procedures and any guidance issued by the Chief Legal Officer.

### **3.5.8 The 'Streets Ahead' Project (Highways PFI)**

The Director of Street Scene and Regulation is authorised to make decisions, other than those reserved to a Committee or Full Council, on behalf of the Council as the 'Authority Representative' under the Highways Maintenance PFI Contract dated 31<sup>st</sup> July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract'), including authorising the making of call-off contracts (as deeds and in the agreed contractual form) for the provision of non-core services pursuant to the Streets Ahead Contract.

### 3.5.9 Other Highways Related Issues

Other than those matters reserved to a committee or Full Council, any functions in relation to the Council’s roles as Highways Authority and Road Traffic Authority, including transport and parking (except any function that relates to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency)) may be discharged by the Chief Executive, by the Executive Director, City Futures, by the Director of Investment, Climate Change and Planning and by the Head of Strategic Transport, Sustainability and Infrastructure in each case acting individually.

Other than those matters reserved to a committee or Full Council, any functions in relation to the Council’s role as Highways Authority in so far as they relate to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency) may be discharged by the Chief Executive, by the Executive Director, Neighbourhood Services, by the Director of Street Scene and Regulation and by the Head of Highways Maintenance in each case acting individually.

### 3.5.10 Extreme Urgency

‘Extreme Urgency’ means a situation where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation.

The following Officers may make a decision otherwise reserved to a policy or regulatory committee (but not a decision which is reserved to Full Council) in a case of Extreme Urgency, ~~other than a decision which is reserved to Full Council~~, subject to the conditions set out below.

- In all cases a decision must comply with the Council’s Financial Regulations and Contracts Standing Orders, and the statutory and Constitutional requirements for the making, recording and publicising of decisions.
- The action being taken and the reasons for it being taken must be reported as soon as possible to the Chief Executive (except for those decisions taken by the Chief Executive) and the Chair,

Deputy Chair and Group Spokesperson of the appropriate Committee or of the Strategy and Resources Policy Committee.

- Where the matter requires expenditure which has not been budgeted for, prior consultation must take place with the Chief Finance Officer (except for those decisions taken by the Chief Finance Officer).

Any matter:

- The Chief Executive

Where the matter falls within his/her directorate, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time:

- Strategic Director
- Chief Legal Officer
- Chief Finance Officer

## **COUNCIL PROCEDURE RULES**

**These Procedure Rules are Standing Orders made under section 106 and paragraph 42 of Schedule 12 to the Local Government Act 1972.**

### **1 Interpretation**

- 1.1 The expression "the Lord Mayor" when used in these Procedure Rules as relates to procedure at meetings of the Council shall, where the context so allows, include the Deputy Lord Mayor or the Chair of the meeting for the time being.
- 1.2 The expressions "Body" or "Bodies" when used in these Procedure Rules shall mean the Council, Policy Committees, Audit and Standards Committee, Regulatory Committees, Area Committees and other such meetings.

### **2 Council Procedure Rules to apply to all Bodies**

These Council Procedure Rules shall, unless otherwise stated, apply to the Council and all other Bodies.

### **3 Ruling on Council Procedure Rules**

The ruling of the Lord Mayor or Chair of a Body, after consultation with the Chief Executive (or his/her representative) or the Monitoring Officer as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council or other Body, shall not be challenged at any meeting of the Council or other Body.

### **4 Suspension and Amendment of Council Procedure Rules**

- 4.1 All of these Council Procedure Rules, except Rules 6.1 and 18.5 may be suspended by motion on notice or without notice if a minimum of 42 Members are present, and a majority of those present vote in favour. Suspension can only be for the duration of the meeting.
- 4.2 Except in the case of a recommendation from the Governance Committee or Monitoring Officer, any motion put to the Council to permanently add to, vary or revoke these Council Procedure Rules shall, when moved and seconded, be deferred without discussion to the next ordinary meeting of the Council.

## **5 Meetings of the Council and Other Bodies**

5.1 The annual meeting of the Council shall be held in the Town Hall at 11.30 a.m. on the third Wednesday in May or, in particular circumstances, at such other venue as may be determined by the Lord Mayor or the City Council.

5.2 The annual meeting will:

- (a) elect a person to preside if the Chair is not present;
- (b) elect the Lord Mayor (Chair) of Council;
- (c) elect the Deputy Lord Mayor (Deputy Chair) of Council;
- (d) receive any apologies for absence from Members of the Council;
- (e) receive declaration from Members of interests in the matters to be considered at the meeting;
- (f) approve the minutes of the last meeting;
- (g) appoint a Leader and Deputy Leader of the Council;
- (h) receive any announcements from the Chair, Leader and/or Chief Executive;
- (i) appoint such Committees as the Council considers appropriate to deal with matters which are not reserved to Full Council (as set out in Part 3 of this Constitution);
- (j) decide the size and terms of reference for those Committees;
- (k) decide the allocation of seats and any substitutes to Political Groups in accordance with the political balance rules;
- (l) receive nominations of Councillors to serve on each Committee and appoint Members of those Committees;
- (m) receive nominations to the positions of Chair and Deputy Chair for each Committee (other than Area Committees and any other Committee which the Council has decided should appoint the Chair itself) and appoint the Chairs and Deputy Chairs of those Committees;

- (n) receive nominations to serve on and appoint Members to panels, advisory groups, working parties and miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, except where appointment to those bodies has been delegated by the Council;
  - (p) approve a programme of ordinary meetings of the Council and a schedule of Committee meetings for the year;
  - (q) agree the formula for determining the order in which Notices of Motion will be set out in the Council Summons for ordinary meetings of the Council during the year; and
  - (r) consider any other business set out in the notice convening the meeting.
- 5.3 In the event that any of the tasks outlined in paragraph 5.2 above are unable to be completed at the annual meeting, they will be undertaken at the next, or subsequent, ordinary meeting.
- 5.4 Ordinary meetings of the Council shall normally be held in the Town Hall at 2.00 p.m. on the first Wednesday in months to be determined at the Annual Council Meeting or, in particular circumstances, at such other dates and venues as may be determined by the Lord Mayor or the City Council.
- 5.5 Ordinary meetings will terminate at no later than 5.30 p.m. Any unfinished business will normally be voted on without debate at the end of that time. Any meeting starting other than at 2.00 p.m. shall finish no later than three hours and 30 minutes after the start. Special and Extraordinary meetings of the Council shall also be subject to this rule.
- 5.6 In exceptional circumstances, with the consent of the majority of Members present and voting, the Council meeting may be adjourned in accordance with the provisions of Council Procedure Rules 11(a)(iv) and 17.14(d) and where an adjournment is agreed in the above circumstances, the remaining business of the day shall be considered at a date and time fixed by the Lord Mayor, or if he/she does not fix a date and time, at the next ordinary meeting of the Council.
- 5.7 Ordinary meetings will:
- (a) elect a person to preside if the Chair and Deputy Chair are not present;

- (b) consider the extent to which the public and press may be excluded from the meeting;
- (c) receive any apologies for absence from Members of the Council;
- (d) receive declarations by Members of interest in the matters to be considered at the meeting;
- (e) receive any communications or announcements from the Lord Mayor, the Leader or the Chief Executive;
- (f) receive public questions and petitions in accordance with Council Procedure Rules 13 and 15;
- (g) receive questions from Members of the Council in accordance with Council Procedure Rules 16 and 32;
- (h) receive any reports relating to matters reserved to the Council.
- (i) consider motions of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 10.
- (j) receive any recommendations from the Council's Committees.
- (k) receive any presentations on matters of significant interest to the City;
- (l) approve as a correct record the minutes of the last meeting; and
- (m) make any changes to the memberships of its Committees and appointments to other bodies.

5.8 The Council will not ordinarily receive any reports requiring decision in respect of matters delegated to a Committee. Exceptionally, it may receive

- a motion notice of which has been submitted by Members of the Council in accordance with Council Procedure Rule 10, or
- a report from Strategy and Resources Policy Committee or from the relevant Policy Committee

in either case recommending that the Council rescinds the authority of a Committee to make a decision on a particular matter within that Committee's work programme where that decision has not yet been made. If such a recommendation is agreed then the decision will fall to be made by the Council itself on consideration of a report which meets

the requirements of Access to Information Procedure Rule 13 in Part 4 of this Constitution.

- 5.9 Any five Members may give notice in writing to the Lord Mayor to call an Extraordinary Meeting of the Council to consider a specified item of business and this will take place at a date and time to be determined by the Lord Mayor in consultation with the Monitoring Officer. If the Lord Mayor refuses, or fails, to call an Extraordinary Meeting within seven days of receipt of such notice, then those five Members may call the meeting. An extraordinary meeting may also be called by the Lord Mayor, the Monitoring Officer or by resolution of the Full Council.
- 5.10 In special circumstances, the Lord Mayor may fix some other hour of commencement of any meeting of the Council.
- 5.11 Meetings of Policy Committees shall be conducted according to the following procedures:- (a) Meetings shall last no longer than 2.5 hours, subject to the proviso that Members may, by agreement, continue beyond such time limit by a period of not more than 30 minutes on up to two occasions in any one meeting; (b) Any unfinished business after the period of 2.5 hours (or up to 3.5 hours by agreement) shall be deferred to the next meeting of the Body, or be voted on without debate. Extraordinary meetings may be called by the Chair of the Committee, in consultation with the Monitoring Officer.
- 5.12 Meetings of all other Bodies, with the exception of Regulatory Committees, shall be conducted according to the following procedures:-
- (a) Meetings shall last no longer than four hours, subject to the proviso that Members may, by agreement, continue beyond such time limit by a period of not more than 30 minutes.
  - (b) Any unfinished business after the period of four hours (or four hours and 30 minutes by agreement) shall be deferred to the next meeting of the Body, or be voted on without debate.

## **6 Signing of Minutes**

- 6.1 Where in relation to any meeting of the Council, the next meeting is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as the next suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule relating to the signing of minutes.

- 6.2 In relation to the signing of the minutes of other Bodies, the next suitable meeting of that Body shall be the next ordinary meeting and not a special meeting for the purposes of paragraph 44 of Schedule 12 to the Local Government Act 1972

## **7 Quorum**

- 7.1 The quorum for a meeting of the Council shall be one quarter of the whole number of the Council (including vacancies). During any meeting at the instigation of the Lord Mayor, or at the request of a Member of the Council, the number of Members present shall be ordered to be counted and if 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 Lord Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 7.2 Provided that, where more than one third of the Members are disqualified at the same time and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified.
- 7.3 The quorum for meetings of Policy Committees, Policy Committee Sub-Committees and Regulatory Committees shall be three. The quorum for meetings of Area Committees shall be determined by the Council. Unless statutory regulations or legislation require otherwise, the quorum for meetings of other Bodies shall be two.

## **8 Notice of and Summons to Council Meetings**

The Director of Policy and Democratic Engagement will give notice to the public of the time and place of any meeting in accordance with Council Procedure Rules 26 and 27 and existing legislation relating to access to information, as amended from time to time. At least five clear working days before a meeting, the Director of Policy and Democratic Engagement will send a summons signed by him/her to every member of the Council giving 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.

## **9 Order of Council Business**

- 9.1 The business of the Council shall be ordered in the Council Summons so as to include items of public engagement and public interest before other business items, and the business shall be taken in the order in which it appears in the Council Summons. However, the Council may, by a resolution passed on a motion duly moved and seconded, direct the

order of precedence to be changed, in circumstances where the subject of a motion proves to generate public interest reflected by a significantly increased attendance by members of the public at a Council meeting and it is therefore deemed appropriate to take the motion in question as an earlier item of business. The motion to change the order of business shall be dealt with in accordance with the process set out in Council Procedure Rule 11(b).

- 9.2 The Council shall, where appropriate, consider any item referred from a Committee and shall take such action on the issues as may be deemed appropriate.

## **10 Notices of Motion to Council**

### **10.1 Deadline for receipt of notices of motion**

Except for motions which can be moved without notice, as set out under Council Procedure Rule 11, written notice of every motion to be included in the Council Summons for each ordinary meeting of the Council ~~(except January)~~ must be delivered to the Chief Executive not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period.

### **10.2 Motions set out in agenda**

- (a) For each Motion delivered to the Chief Executive, the written notice must include a subject title and the names of the Members who propose to move and second the Motion at the meeting. The subject title and names will be included in the Council Summons.
- (b) Unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it, motions for which notice has been given will be listed on the Council Summons in an order based on a pre-determined formula according to the relative size of the various Party Groups on the Council, with Motions being considered in an order of priority identified by the various recognised Groups. The formula shall be agreed at the start of each municipal year, to take account of any changes in size of the Groups etc. The number of Motions submitted through the recognised groups for each ordinary meeting of the Council will be limited to no more than four. Provision shall also be made for the inclusion of any individual Motions that are not submitted through the recognised Groups.

- (c) In addition, the formula shall include an allocation for having the first Motion listed on the Council Summons, with the frequency being determined according to the relative size of the Party Groups. Any Group not sufficient in size to be entitled to a meeting at which it would have the first Motion listed on the agenda, shall be entitled to have the first Motion listed on the Council Summons once within a period of two Municipal years. In-year variations to the scheduling of a Group's first Motion shall be permitted, in exceptional circumstances, with the prior agreement of each of the Groups.

### 10.3 Scope

The Chief Executive, on the advice of the Monitoring Officer, may reject a Motion if it:-

- (a) is more than 400 words;
- (b) is not a matter for which the Council has a responsibility or which affects the City, or its inhabitants;
- (c) is defamatory, frivolous or offensive;
- (d) is substantially the same as a Motion which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with;
- (e) requires the disclosure of confidential or exempt information;
- (f) contains information which is factually inaccurate; or
- (g) seeks to overturn a resolution made by the Council to rescind the authority of a Policy Committee in the circumstances described in Council Procedure Rule 5.8.

### 10.4 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### 10.5 Motions which commit the Authority to new or additional expenditure

- (a) Members moving a motion at Council the net effect of which, if accepted, is to commit the Authority to new or additional expenditure or cause loss of income shall before moving such motion clearly demonstrate that they have taken appropriate officer advice on all the following issues (1) whether or not the proposal set out in the motion is within current budgets, (2) what the implications of incurring the expenditure or loss of income would be, (3) if not within current budgets how any expenditure or loss of income is to be funded and (4) any change in priorities as a result of the proposal. The relevant information and consequences of the proposal must be clearly set out in the motion together with the fact that, in voting for the motion, Members will also be voting to amend the previously agreed expenditure or income and/or change in priorities for the services or areas affected.
- (b) Failure to comply with the above requirements in total means that the motion cannot be implemented until such time as the requirements are met.

#### 10.6 Motions regarding a matter which is delegated to a Committee

A motion will not be valid if it would have the effect of binding a Committee on a matter which falls within that Committee's delegated authority, to the extent that the decision of that Committee becomes predetermined. The Committee will have regard to the resolution of the Council when it considers the matter at a meeting which meets the requirements set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

### **11 Motions which may be moved without notice at Council Meetings**

- (a) Subject, where appropriate, to the provisions of Council Procedure Rule 17.13, the following motions may be moved without notice:-
  - (i) Appointment of Chair at a meeting from which the Lord Mayor and Deputy Lord Mayor are absent.
  - (ii) Motions and Amendments where it is not reasonably possible to comply with Council Procedure Rules 10.1 and 12.1.

- (iii) To proceed to the next business, subject to the provisions of Council Procedure Rule 17.14.
  - (iv) That the question be now put, subject to the provisions of Council Procedure Rule 17.14.
  - (v) That the meeting or debate be adjourned, subject to the provisions of Council Procedure Rule 17.14.
  - (vi) Suspending all or any particular Council Procedure Rule and Financial Regulations, subject to the provisions of Council Procedure Rule 4.
  - (vii) That a member be no longer heard and/or be excluded from the meeting, subject to the provisions of Council Procedure Rule 19.
  - (viii) To vary the order of business, subject to the provisions of Council Procedure Rule 9.1.
  - (ix) To alter a motion or amendment, subject to the provisions of Council Procedure Rule 17.10.
  - (x) To withdraw a motion or amendment, subject to the provisions of Council Procedure Rule 17.11.
  - (xi) Motions referred to in Council Procedure Rule 13.1 (a) and (b).
  - (xii) To exclude the public and press pursuant to existing legislation relating to access to information, as amended from time to time, subject to the provisions of Council Procedure Rule 28.
  - (xiii) In relation to the accuracy of the minutes.
  - (xiv) To refer something to an appropriate body or individual.
  - (xv) To appoint a Committee or Member arising from an item on the Summons for the meeting.
  - (xvi) To give the consent of the Council where it is required by the Constitution.
- (b) After the mover has spoken to his/her motion for a maximum of 30 seconds, it shall be formally seconded. A maximum of one

speaker from each political group officially recognised by the Council, other than that of the mover's Group, shall be allowed to speak to the motion for a maximum of 30 seconds per speaker. The mover shall not have a right of reply. The Lord Mayor will then put the motion to the vote.

## **12 Amendments to Motions**

- 12.1 Subject to the provisions of Council Procedure Rules 11, 13 and 17.13, every amendment shall be submitted in writing to the Chief Executive (except for an amendment to any motion not detailed in the Council Summons), by not later than 12 noon on the day preceding the Council Meeting to which it is proposed to be submitted.
- 12.2 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 such that it departs from the subject of the motion.
- 12.3 The Chief Executive, on the advice of the Monitoring Officer, may reject an amendment if it:-
- (a) is more than 250 words;
  - (b) negates the motion such that it departs from the subject of the motion;
  - (c) is not a matter for which the Council has a responsibility or which affects the City or its inhabitants;
  - (d) is defamatory, frivolous or offensive;
  - (e) is substantially the same as a motion or amendment which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with;
  - (f) requires the disclosure of confidential or exempt information;
  - (g) contains information which is factually inaccurate; or
  - (h) seeks to overturn a resolution made by the Council to rescind the authority of a Policy Committee in the circumstances described in Council Procedure Rule 5.8.
- 12.4 Each amendment shall be numbered and include the names of the Members who propose to move and second the amendment at the

meeting, and a copy shall be placed on each Member's desk in the Council Chamber before the commencement of the Council Meeting.

- 12.5 The names of the mover and the seconder of any motion or amendment may be changed at any time prior to its being spoken upon.

### **13 Petitions**

- 13.1 The Council recognises that the presentation of petitions is one way in which citizens can express their concerns and priorities to the Council. The Council's Petitions Scheme is at Part 5 of this Constitution. Petitions that can be presented to a meeting of the Council, Policy Committee (which, for the purpose of this Council Procedure Rule, includes any Sub-Committee of a Policy Committee), Regulatory Committee or Area Committee fall into three main types:-

(a) Ordinary Petitions

Comprising at least five signatures from members of the public requesting some form of action. As a courtesy, the Head of Democratic Services should be notified of the intention to present a petition at the earliest opportunity and no later than 9.00 a.m. two working days before the day of the meeting. The Council, on a Motion which need not be in writing and which shall be put without discussion, may (i) refer the matter to the appropriate body for consideration or (ii) decide that no further action be taken on the matter. Where the appropriate Policy Committee Chair wishes to respond to the petition at the meeting, his/her speech shall be limited to 5 minutes.

(b) Petitions requiring a Council Debate

A petition containing 5,000 signatures or more will trigger a debate by Full Council. Seven working days' notice submitted to the Head of Democratic Services should be given prior to a Council meeting to ensure Members have adequate preparation time. The Council will endeavour to consider the petition at its next meeting, but due to other Council business it may not be possible to debate every eligible petition at the next Council meeting, and it is unlikely that any more than two eligible petitions will be debated at any one meeting. Therefore, on occasions, an eligible petition may be debated at the next but one Council meeting.

The debate will be conducted and concluded as follows:-

- A 25 minute time limit for the item, with Members able to speak for up to two minutes each, except for the appropriate Policy Committee Chair’s initial contribution which shall be for up to five minutes.
- The petition representative will be given 3 minutes to present the petition at the beginning of the debate at the meeting.
- The Lord Mayor will facilitate discussion of the petition by Members, offering the relevant Policy Committee Chair and then the relevant Group Spokespersons the opportunity to make the first and next contributions. Members’ contributions will be summarised within the minutes of the meeting in order for the reasons for any subsequent referral to another body to be captured and communicated along with the petition, or for the reasons for the Council subsequently deciding to take no action on the petition to be recorded.
- At the conclusion of the debate, the Lord Mayor will offer a “right of reply” to the representative of the petitioners so that he/she can respond for up to three minutes to any matters raised in the debate. With the consent of the Lord Mayor, the representative may nominate another representative, who is entitled to speak under the Constitution, to provide that reply.
- The Lord Mayor shall then offer a Right of Reply to the relevant Policy Committee Chair who shall respond for up to two minutes and then propose the course of action to be taken in response to the petition. The courses of action available to the Council will be either to:-
  - note and take no action for the reasons put forward in the debate, or
  - take the action requested by the petitioners (if it is within the Council’s remit to do so), or
  - refer the matter to either a Committee or a Strategic Director for consideration having regard to the comments made by Members during the course of the debate.
- The Lord Mayor shall seek a seconder for the motion proposed by the relevant Policy Committee Chair, and then enquire whether any Member wishes to propose an alternative course of action. Any motion proposed will need to be seconded.

- If only one motion has been proposed and seconded, the Lord Mayor will call for a vote on that motion, which will either be carried or lost.
- Should multiple motions have been proposed and seconded, the Lord Mayor will outline each motion and then call for a vote on each motion in turn until a motion is carried and an outcome is achieved.

(c) Petitions requesting evidence from an Officer

A petition containing 2,500 signatures may ask that a Senior Officer gives evidence at a public meeting of a Policy Committee about something which falls within that Officer's remit.

13.2 Members of the public shall have an opportunity to address the Council or relevant Committee in respect of their petition for which they are the lead petitioner for a maximum of three minutes within the allocated time under Council Procedure Rule 15.1 for Public Question Time and Petitions, with the exception of petitions requiring a debate under Council Procedure Rule 13.1(b) in which a total of 25 minutes will be available for the debate, inclusive of the three minutes for the lead petitioner to present the petition.

## 14 Communications

Each meeting of the Council will include an item of business to receive any communications or announcements that the Lord Mayor, the Leader of the Council or the Chief Executive may wish to place before the Council.

## 15 Public Question Time and Petitions

### 15.1 At Council Meetings

- (a) A period of up to one hour shall be allocated at each ordinary meeting of the Council for the presentation of ordinary petitions and for written or oral questions or statements submitted by members of the public on matters relating to the City of Sheffield or the services provided by the Council. Questions will be answered by the Leader of the Council (on matters relating to the city) or the appropriate Committee Chair, including the Leader as Chair of Strategy and Resources Policy Committee. Committee Chairs will answer on behalf of the Committee and not in a personal capacity. ~~Employees of the City Council will not be~~

~~permitted to ask questions where they relate directly or indirectly to their employment and where there are other more appropriate channels of communication, unless previously authorised by the appropriate Strategic Director in advance of the meeting and a copy of such authorisation has been passed to the Head of Democratic Services before the meeting in question.~~

- (b) ~~Questions and statements should be submitted, and responses prepared and published, in accordance with the scheme published by the Monitoring Officer on the Council's website to the Head of Democratic Services no later than 9.00 a.m. two working days before the day of the meeting. Advice will be given on the most appropriate Body to receive the question but a member of the public has the right to choose the meeting at which the question is submitted. Questions submitted after the deadline will be asked at the meeting subject to the discretion of the Chair.~~
- (c) ~~Where a submitted question cannot be answered because time does not allow, or where a Committee Chair undertakes to provide a written answer, the written answer will be provided within ten working days of the Council meeting and will be published on the Council website.~~
- ~~(d) With the consent of the Council, by a simple majority vote, the Lord Mayor may extend the one hour period effor public questions, statements and petitions time, having regard to the number and type of issues to be covered.~~
- ~~(e) On the advice of the Chief Executive or Monitoring Officer, the Lord Mayor may not accept questions which relate to:-~~
- ~~(i) matters not being within the responsibility of the Local Authority or which do not affect the City or its inhabitants;~~
  - ~~(ii) judicial or quasi-judicial matters;~~
  - ~~(iii) individual planning/licence/grant applications or appeals~~
  - ~~(iv) named officers or Members of the Council;~~
  - ~~(v) confidential matters of the type referred to in Schedule 12A to the Local Government Act, 1972; and~~
  - ~~(vi) matters of an irrelevant, repetitious, defamatory, frivolous or offensive nature or a general misuse of the opportunity.~~

## 15.2 Meetings other than Council

- (a) A period of up to thirty minutes shall be allocated at meetings of Policy Committees and other appropriate Bodies for members of the public to present ordinary petitions or to ask questions of

~~Members and officers present or to make statements. Questions and statements should be submitted, and responses prepared and published, in accordance with the scheme published by the Monitoring Officer on the Council's website Employees of the City Council will not be permitted to ask questions where they relate directly or indirectly to their employment and where there are other more appropriate channels of communication, unless previously authorised by the appropriate Strategic Director in advance of the meeting and a copy of such authorisation has been passed to the Head of Democratic Services before the meeting in question.~~

- (b) ~~The ability of a member of the public to ask questions or present petitions in the allotted time at relevant meetings shall be subject to the discretion of the Chair and, in normal circumstances, such discretion shall be exercised in favour of the question being asked or petition being presented. However, the Chair may decide that the individual is asking irrelevant, repetitious, defamatory, frivolous or offensive questions or generally misusing the opportunity, in which event he/she may decline to allow the individual to put questions to the meeting and such person will instead be invited to put the questions in writing. At the discretion of the Chair, a period longer than the stipulated three minutes for the presentation of a petition may be allowed and the thirty minute period for public questions, statements and petitions may be extended.~~

## **16 Members' Questions at Ordinary Meetings of the Council**

16.1 Provision shall be made in the Council Summons for each ordinary meeting of the Council ~~(except January)~~, for Members of the Council to ask

- ~~(a) the Leader of the Council or, any Policy Committee (or Sub-Committee) or Regulatory Committee Chair, or~~  
~~(b) a Member appointed by the Council to serve on the South Yorkshire Joint Authorities, the South Yorkshire Mayoral Combined Authority, or any other external body or joint committee,~~

any question on matters within the functions of that Body.

16.2 The Chairs of Regulatory Committees can only be asked questions relating to policy and practice rather than individual cases. A Chair of a Policy Committee or Sub-Committee is expected to respond only on behalf of the Committee or Sub-Committee, and not in a personal

capacity, and therefore questions of the Chair by another Member of the same Committee or Sub-Committee will not be permitted. Questions concerning the remit of the Strategy and Resources Policy Committee should be addressed to the Chair of that Committee, not the Leader of the Council. Questions should be addressed to the Leader only if they concern matters which are not within the remit of any Committee and fall within his/her role as described in Article 6 at Part 2 of this Constitution.

16.3 The Chief Executive on the advice of the Monitoring Officer may not accept a question which, in the opinion of the Monitoring Officer, is of no discernible value (unless the Member can justify the cost of supplying such information) or which relates to

- (i) matters not being within the responsibility of the Local Authority or which do not affect the City or its inhabitants;
- (ii) judicial or quasi-judicial matters;
- (iii) individual planning/licence/grant applications or appeals;
- (iv) confidential matters of the type referred to in Schedule 12A to the Local Government Act, 1972; and
- (vi) matters of an irrelevant, repetitious, defamatory, frivolous or offensive nature or a general misuse of the opportunity.

16.42 Written notice of questions is required to be given to the Head of Democratic Services by not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period. The Member giving the reply shall have the option to reply by way of:-

- (a) ~~an oral or~~ written answer at the Council Meeting;
- (b) reference to a previously published document; or
- (c) a written reply provided, wherever possible, within 10 working days of the Council meeting and circulated to all Council Members and published on the Council website.

~~16.3 Where an oral answer has not been commenced during question time, it shall be answered by written answer, wherever possible, within 10 working days of the Council meeting and circulated to all Council Members and published on the Council website.~~

16.54 No discussion shall be permitted on any such question or answer but, with the permission of the Lord Mayor and at the appropriate time as set out in the Council Summons, one supplemental question on each question may be asked by the Member who had submitted the original question within the time allocated for Members' questions.

~~16.5—If, in the opinion of the Monitoring Officer, a Member asks questions that are of no discernible value, that Member may be asked to justify the cost of supplying such information.~~

16.6 Provision shall also be made in the Council Summons ~~(i) for each ordinary meeting of the Council, for Members, with the permission of the Lord Mayor, to ask questions relating to the discharge of the functions of the South Yorkshire Joint Authorities and of the South Yorkshire Mayoral Combined Authority, and (ii) for each meeting of the Council, for Members, with the permission of the Lord Mayor, to ask questions relating to urgent business of which notice in writing has been given to the Head of Democratic Services not later than 12.00 Noon on the day of the meeting.~~

16.7 A period of up to 30 minutes shall be allocated for Members' questions.

16.8 Provision shall be made on the agenda of each ordinary meeting of a Policy Committee or Sub-Committee for Members' questions to the Chair from Members of that Committee on issues which are not already the subject of an item of business on the Committee agenda. Questions to the Chair of Strategy and Resources Policy Committee in his/her capacity as Leader of the Council will not be permitted at meetings of that Committee. The procedures set out in this Council Procedure Rule 16 shall apply to such meetings as they do for Council meetings, save that (a) written notice of questions shall be given no later than five clear working days before the date of the meeting, and (b) a period of up to 10 minutes shall be allocated for Members' supplementary questions.

## **17 Rules of Debate at Council Meetings**

The rules of debate set out in Council Procedure Rule 17 shall apply to meetings of all Bodies.

### **17.1 Addressing the Lord Mayor**

When a Member speaks, he/she must stand (if possible) and address the meeting through the Lord Mayor. If more than one Member stands, the Lord Mayor will ask one to speak and the others to sit down. Other Members must remain seated whilst a Member is speaking unless he/she wishes to make a point of order or a point of personal explanation. Whenever the Lord Mayor addresses the meeting, all other Members shall not attempt to address the meeting. When the Lord Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **17.2 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, subject to the other provisions of these Council Procedure Rules and particularly Council Procedure Rules 17.13 and 17.14.

17.3 Right to require motion in writing

Unless notice of the motion has already been given, the Lord Mayor may require it to be written down and handed to him/her before it is discussed.

17.4 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate, subject to the other provisions of these Council Procedure Rules and particularly Council Procedure Rules 17.13 and 17.14.

17.5 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to the provisions of Council Procedure Rules 11, 17.6, 17.13 and 17.14, speeches on motions or amendments shall be subject to a time limit of 3 minutes for the proposer of a motion and 2 minutes for the seconder of the motion, the mover and seconder of amendments, all other speakers on the debate, and for the right of reply for the mover of the motion.

17.6 Time limit for debate

All Motions for which notice has been given in the Council Summons and all items of business relating to matters reserved to the Council, shall be subject to a maximum time limit of 25 minutes debate in total per Motion/item, including any amendments relating thereto. Upon expiry of the time limit, any and all outstanding business relating to that Motion/item, including any amendments relating thereto, will be voted upon without further debate. Presentations to be considered at ordinary meetings of the Council shall not be subject to a maximum time limit.

17.7 Procedure for debate

Debates on items of business relating to matters reserved to the Council, and on motions for which notice has been given in the Council Summons, shall be conducted as follows:-

- (a) The motion shall be moved and seconded;

- (b) Any amendments to the motion shall be moved and seconded in turn;
- (c) The subject matter under consideration shall be debated as a whole;
- (d) The mover of the original motion shall have a right of reply at the end of the debate; and
- (e) Votes shall be taken on each amendment and the substantive or original motion.

#### 17.8 When a member may speak again

A Member who has spoken on an item of business may not speak again whilst it is the subject of debate, except:-

- (a) in exercise of a right of reply;
- (b) on a point of order; and
- (c) by way of personal explanation.

#### 17.9 Amendments to motions

- (a) If an amendment is not carried, any further amendments that have been moved will apply to the original motion. If no further amendments have been moved, the original motion is put to the vote.
- (b) 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 will apply. If there are no further amendments, the substantive motion is put to the vote.
- (c) If an amendment submitted under Council Procedure Rule 11(a)(ii) is carried, no further amendment relating to the same matter shall be moved unless the further amendment has been handed in writing to the Lord Mayor prior to the vote being taken on the previous amendment.

#### 17.10 Alteration of motion or amendment

- (a) A member may alter a motion or amendment of which he/she has given notice with the consent of the meeting.
- (b) A member may alter a motion or amendment which he/she has moved without notice with the consent of both the meeting and the seconder.

- (c) The motion to alter a motion or amendment shall be dealt with in accordance with the process set out in Council Procedure Rule 17.13(b).

#### 17.11 Withdrawal of motion or amendment

- (a) A member may withdraw a motion or amendment which he/she has moved, or given notice of, with the consent of both the meeting and the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- (b) The motion to withdraw a motion or amendment shall be dealt with in accordance with the process set out in Council Procedure Rule 17.13(b).

#### 17.12 Right to reply

- (a) 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.
- (b) The mover of an amendment has no right of reply to the debate on his or her amendment.
- (c) Subject to the provisions of Council Procedure Rule 17.14, a Member who has formally seconded a motion or amendment and who has been permitted to reserve his/her speech until a later period in the debate will not be deemed a speaker for the purposes of counting five persons, but will lose his/her right to speak if he/she has not spoken prior to the passing of a motion that the question be now put.

#### 17.13 Motions which may be moved during debate

- (a) When an item of business is under debate, no other motion may be moved except the following procedural motions:-
  - (i) to withdraw a motion or amendment;
  - (ii) to alter a motion or amendment;
  - (iii) to proceed to the next business, subject to the provisions of Council Procedure Rule 17.14;
  - (iv) that the question be now put, subject to the provisions of Council Procedure Rule 17.14;
  - (v) to adjourn a debate or the meeting, subject to the provisions of Council Procedure Rule 17.14;

- (vi) to suspend a particular Council Procedure Rule, subject to the provisions of Council Procedure Rule 4;
  - (vii) to exclude the public and press in accordance with existing legislation relating to access to information, as amended from time to time;
  - (viii) to not hear further a Member or to exclude him/her from the meeting, subject to the provisions of Council Procedure Rule 19.
- (b) After the mover has spoken to his/her motion for a maximum of 30 seconds, it shall be formally seconded. A maximum of one speaker from each political group officially recognised by the Council, other than that of the mover's Group, shall be allowed to speak to the motion for a maximum of 30 seconds per speaker. The mover shall not have a right of reply. The Lord Mayor will then put the procedural motion to the vote.

#### 17.14 Closure motions

- (a) A Member may move 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.
- (b) If a motion to proceed to next business is moved, seconded and spoken upon, and not less than five persons have spoken on the item of business under debate, and at least one member of each of the political parties recognised by the Council as constituting an identifiable and separate Party Group, having previously indicated to him/her a wish to contribute to the debate, has been given the opportunity so to do, then the Lord Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is moved, seconded and spoken upon, and not less than five persons have spoken on the item of business under debate, and at least one member of each of the political parties recognised by the Council as constituting an identifiable and separate Party Group, having previously indicated to him/her a wish to contribute to the debate, has been given the opportunity so to do, then the Lord Mayor will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply and shall then put any

outstanding amendments and the substantive or original motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Lord Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, then he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If a majority of Members vote in favour of the motion, the remaining business of the day shall stand adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

#### 17.15 Point of Order

- (a) A Member may raise a point of order at any time. The Lord Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Lord Mayor on the matter will be final.
- (b) A Member may call upon the Lord Mayor to advise the meeting as to whether an issue has arisen of factual inaccuracy, or defamation or discrimination. The Lord Mayor, advised by the Chief Executive, will advise the meeting as to what action should be taken if such an issue has arisen.

#### 17.16 Personal Explanation

A Member may, at any time, request to address the meeting to provide a personal explanation where he/she has made a mis-statement that is being quoted by a later speaker, or where another Member has misquoted or misunderstood what the Member had said. The Lord Mayor will decide whether or not to permit the request, and the Lord Mayor's ruling shall not be challenged. The Member shall confine his/her personal explanation to correcting the misunderstanding.

### **18 Voting at Meetings of the Council and Other Bodies**

#### 18.1 Majority

Unless otherwise indicated within the Constitution or required by legislation, any matter will be decided by a simple majority of those

Members present in the room and voting at the time the question was put.

#### 18.2 Chair's casting vote

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

#### 18.3 Method of Voting

Unless a recorded vote is demanded in accordance with Rule 18.6, the Chair will take the vote by show of hands or electronically by using the available technology, or if there is no dissent, by seeking the affirmation of the meeting. 'Voting in parts' shall be permitted at the discretion of the Chair, acting in the interests of aiding clarity and transparency.

#### 18.4 Show of Hands

Where there is not a consensus (and no electronic system is available), the Chair will ask for a show of hands, in turn, for those Members voting for, those voting against, and those abstaining from voting, and will announce the number of Members voting for, against and abstaining and then announce the outcome of the vote.

#### 18.5 Electronic voting

Where facilities for electronic voting or the electronic recording of votes are available, this system will be used. The vote will be recorded and published but (unless demanded) such a vote shall not be a recorded vote as described in paragraph 18.6 below and shall not be entered into the minutes as such. At the meeting the Chair will announce the number of Members voting for, against and abstaining and then announce the outcome of the vote.

#### 18.6 Recorded Votes

- (a) If not less than ten Members present at a meeting of the Council or, in the case of meetings of other Bodies, one third of the Members present demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The recording of votes at a meeting of the Council shall be carried out by roll-call or

electronically by using the available technology after a period of approximately one minute has elapsed.

- (b) In accordance with the requirements in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), on any vote relating to the calculation of the council tax taken at a budget decision meeting of the Council the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

#### 18.7 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

#### 18.8 Voting on appointments

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 or until there are only two persons remaining in which event a final vote will be taken and the candidate receiving the higher number of votes will be appointed. In the event of a tie between the last two persons, the Chair shall have a second or casting vote.

### 19 **Misconduct, Irrelevance Etc.**

- 19.1 The Chair of a Body of his/her own volition or at the request of any Member of the Body may call the attention of the Body to irrelevance, tedious repetition, repeated breach of order, unbecoming language, racist, sexist, homophobic or other offensive behaviour or conduct on the part of a Member of a manner which could reasonably be regarded as bringing his/her office or the Authority into disrepute and will issue a warning to such Member. If a Member disregards the warning, the Chair of the Body will, immediately and without debate, put to the vote that the Member be excluded for the remainder of the meeting
- 19.2 If a majority of the Members of the Body present vote in favour, the Chair shall order the Member to leave the meeting and/or may adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.

19.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in him/her may, without the question being put, adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.

19.4 Any complaint about alleged misconduct on the part of a Member which may give rise to a breach of the Councillor Code of Conduct must be reported to the Monitoring Officer.

## **20 Disturbance by Members of the Public**

If a Member of the public interrupts proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption or repeatedly interrupts, the Chair shall order his/her removal from the meeting room. In the case of meetings where there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

## **21 Use of Equipment such as Mobile Phones and Recording Equipment**

21.1 Mobile telephones, pagers and other such equipment must be switched to silent mode during meetings of the Council and other Bodies so as not to disturb the conduct of the meeting. Photography, video and sound recording of the proceedings of meetings whilst open to the public shall be permitted under the direction of the Chair of the meeting and in accordance with any protocols and guidance issued by the Council's Monitoring Officer.

21.2 The Chair has discretion to withdraw or suspend this permission should he or she deem it necessary, for example if the recording is disrupting the conduct of the meeting, or where a member of the public participating in a meeting objects to being recorded. In order to assist the Chair to manage the recording of the meeting, any member of the public wishing to record must inform the Chair and the recording must be clearly visible.

## **22 Budget and Policy Framework**

22.1 In reaching a decision concerning the adoption of any plan, strategy or budget that forms part of the Council's Budget and Policy Framework, the Council may either approve the proposals, amend them or substitute and approve its own proposals.

22.2 The Monitoring Officer and/or the Chief Finance Officer shall determine whether a decision is considered to be contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget.

22.3 Further details are contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.

## **23 Minutes of Meetings**

23.1 Minute books of all meetings shall be open to the inspection of Members of the Council during normal office hours at the offices of Democratic Services and can also be accessed electronically on the Council's website.

23.2 The minutes will be submitted to the next ordinary meeting of the Body for approval and will contain the names of Members and any co-opted Members present, those Members present who are not members of that particular Body and apologies for non-attendance by Members.

## **24 Appointment and Removal of Leader and Deputy Leader**

24.1 The Council shall at its Annual Meeting appoint a Leader and a Deputy Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting. In the event that there are more than two people nominated for either position and there is not a clear majority of votes in favour of one person, then the process outlined in Council Procedure Rule 18.8 shall be followed.

24.2 The Leader, and/or the Deputy Leader may be removed from office by resolution of the Council.

24.3 Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

## **25 Appointment and Membership of Council Committees**

25.1 The Council shall at its Annual Meeting appoint and agree, in accordance with political balance rules if applicable, membership and terms of reference for its Committees. It shall also appoint such other Committees as it considers appropriate, such as Regulatory Committees, an Audit and Standards Committee, Area Committees and

such other Bodies as it is required by law and as it deems necessary to appoint for the ensuing year.

- 25.2 Those Bodies will be granted delegated powers, as appropriate, by the Council and may appoint Task and Finish Groups as appropriate to assist in the completion of their duties, subject to any constraints on this power set out in the Matters Delegated to Council Committees and Sub-Committees at Part 3.3 of this Constitution.
- 25.3 A Policy Committee may only appoint a Sub-Committee to the extent and for the purpose permitted by its Terms of Reference or in accordance with the Arrangements for Urgent Decision Making at Part 3.3.2 of this Constitution. It may delegate powers to a Sub-Committee within the purposes for which it has been appointed. Other Committees may appoint Sub-Committees if permitted to do so by their Terms of Reference.
- 25.4 A Policy Committee may co-opt non-voting members who are not elected Members of the Council to the Committee to assist in its consideration of an issue.
- 25.5 Subject to any statutory provisions in that behalf, the Council may at any time dissolve a Body or alter its membership.
- 25.6 Every Member of the Council shall be appointed a member of at least one Policy Committee or Regulatory Committee, unless otherwise determined by the Council.

## **26 Urgent Business**

An item of business may be considered at a meeting of any Body as a matter of urgency, where it has not been possible to give five clear working days' notice, on the recommendation of the Chair but the reason for such urgency must be recorded in the minutes. Any non-confidential or non-exempt report relating to such item must be made available for public inspection once it has been issued.

## **27 Public Notice of Meetings and Availability of Documents**

- 27.1 At least five clear working days' notice must be given of the date, time and place of a meeting of a Body.
- 27.2 The agenda and reports (except confidential or exempt reports) must be made available for public inspection at all reasonable times. The public may also inspect any non-confidential /exempt background documents used in the preparation of, and listed in, each report. The Council may,

on request, supply a copy of any agenda, reports and background documents to a member of the public on payment of a reasonable fee.

- 27.3 A number of copies of the agenda and non-confidential/exempt reports will be made available at meetings for public use free of charge.

## **28 Public Admission to Meetings**

Meetings of all Bodies are generally open to the public, but the public may be excluded from a meeting either in accordance with existing legislation relating to access to information as amended from time to time, or in accordance with Council Procedure Rule 20 relating to disturbance by the public.

## **29 Casual Vacancy on a Body**

A casual vacancy on a Body occasioned by the resignation of a Member from that Body may be filled by a resolution of the Council at the next following or any subsequent meeting. A casual vacancy on a Body occasioned by a Member ceasing to be a Member of the Council shall not be filled by the Council until after the consequential vacancy in the office of Councillor has been filled.

## **30 Meetings of Bodies**

- 30.1 The Director of Policy and Democratic Engagement, shall summon a meeting of every Body to be held within 14 days after its appointment. At its first meeting a Body will consider the meeting schedule approved by the annual meeting of the Council at its first meeting and may, within the constraints of the overall schedule, request alterations. Thereafter meetings shall be summoned by the Director of Policy and Democratic Engagement to be held on such days and at such times as accord with the approved schedule as amended.

- 30.2 An Extraordinary meeting of any Body shall be called by the Chair, in consultation with the Monitoring Officer, within 7 days of the receipt by the Monitoring Officer of a requisition in that behalf signed by not less than five members of the Body. An Extraordinary meeting may also be called by the Chair, the Monitoring Officer or by resolution of the Body.

## **31 Appointment of Chair**

- 31.1 Unless appointments to the positions have been made at the annual meeting of the Council, every Body at its first meeting shall commence its proceedings by electing a Chair and a Deputy Chair. In the event that there are more than two people nominated for either position and there

is not a clear majority of votes in favour of one person, then the process outlined in Council Procedure Rule 18.8 shall be followed. However, in the event of a tie between the last two persons for the position of Chair, the person from the Group with the highest number of Members on the Council shall become the Chair.

31.2 In the absence of the Chair and Deputy Chair at a meeting, the Body shall elect a Chair for that meeting.

## **32 Questioning of Council Representatives on Companies**

32.1 In any case where a Member or Officer of the City Council has been authorised to act as its representative at a general meeting (or at meetings which include a general meeting) of a company which is an authorised company for the purposes of Part V of the Local Government and Housing Act 1989, members shall be entitled, subject to paragraphs 32.2 and 32.3 below, to put to the Member or Officer concerned at meetings of the Council or other Body questions about the activities of the company.

32.2 The right to put questions to Members or Officers contained in paragraph 32.1 above shall only be exercisable where:-

- (a) the Member wishing to put the question has given notice to the Head of Democratic Services of the precise wording of the question and the person(s) to whom it is to be addressed not later than 12.00 noon on the day which precedes by five normal working days of the Authority, disregarding the day on which the notice is given and the day of the meeting, the date of the meeting at which the question is to be put;
- (b) in the case of a question to be put at a meeting of a Body, the Monitoring Officer, or his/her nominee, in consultation with the Chair of the meeting to which the question is to be put, is satisfied that the activities of the company are of relevance to that meeting; and
- (c) it is reasonable in all the circumstances to expect the Member or Officer to whom the question is to be put to attend the meeting at which the question is to be put.

32.3 Nothing in paragraph 32.1 above shall require any Member or Officer to whom a question is addressed to disclose any information about the company which has been communicated to him/her in confidence.

### **33 Appointment of Substitutes on Committees**

Where an Appointed Member of a Committee is unable to attend a meeting of that Committee, he/she may arrange for a Substitute Member to attend, subject to the following conditions:-

- (a) a Committee Member wishing to be substituted will seek a substitute from the approved list for his/her Party Group;
- (b) the Chief Executive or his/her representative must be notified in writing of the substitution at least one full working day before the day of the Committee;
- (c) the substitution shall last for the duration of the meeting, including an adjourned meeting; and
- (d) the Monitoring Officer, in consultation with the relevant Chair, may permit a substitute if the notice under (b) above has not been given, if satisfied there is a good reason why the required notice was not given.

**Sheffield City Council  
Financial Regulations  
2024**

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## Contents

<b>Key Terms and Definitions</b> .....	<b>4</b>
<b>1. Background</b> .....	<b>10</b>
Who Has Responsibility for Finance?.....	11
Detailed Officer Roles and Responsibilities.....	13
Director of Finance & Commercial Services .....	14
Head of Accounting.....	16
Head of Finance & Commercial Business Partnering .....	18
Head of Revenues & Benefits.....	20
Strategic Directors.....	20
<b>2. Financial Management</b> .....	<b>27</b>
The Cycle .....	27
Asset Management.....	27
Risk Management.....	28
<b>3. Financial Planning</b> .....	<b>30</b>
Virements and Variations to the Annual Revenue Budget.....	31
Borrowing and Investment (Treasury Management).....	33
<b>4. Financial Implications</b> .....	<b>35</b>
<b>5. Capital Programme</b> .....	<b>36</b>
Roles and Responsibilities .....	38
Capital Projects Approval Route .....	40
Financial Management and Reporting for Capital Accounts.....	40
<b>6. External Funding / Grants</b> .....	<b>41</b>
<b>7. Income Management</b> .....	<b>42</b>
Roles and Responsibilities .....	42
Separation of Duties .....	42
Paying Fees and Charges.....	43
Standard Payment Methods.....	44
Payment Channels .....	45
Credit Notes and Refunds.....	46
Banking of Collected Income .....	46
Debt Recovery.....	47
Bad and Doubtful Debt Provisions .....	48
Bad Debt Write-offs.....	49
<b>8. Purchasing</b> .....	<b>51</b>
Roles and Responsibilities .....	51
Ordering and Authorisation of Expenditure .....	51

Authorisation Matrix.....	53
Delivery of Goods and Services.....	53
Payments to Suppliers.....	53
<b>9. Internal Charges.....</b>	<b>55</b>
<b>10. Payroll and Expenses.....</b>	<b>56</b>
<b>11. Petty Cash Floats and Credit / Procurement Cards.....</b>	<b>57</b>
<b>12. Bank Accounts.....</b>	<b>58</b>
<b>13. Taxation.....</b>	<b>59</b>
<b>14. Stores, Stock, Assets and Security.....</b>	<b>60</b>
<b>15. Retention of Records.....</b>	<b>61</b>
<b>16. Financial Systems.....</b>	<b>62</b>
<b>17. Accounting.....</b>	<b>63</b>
<b>18. Internal Audit.....</b>	<b>64</b>
<b>19. Companies, Joint Ventures, Partnerships, Joint Committees etc.....</b>	<b>65</b>
<b>20. Grant (Gift) Arrangements.....</b>	<b>66</b>
<b>21. Council Supply Agreements.....</b>	<b>67</b>
<b>Appendices:.....</b>	<b>68</b>
<b>A. Financial Records: Recommended Retention Schedule.....</b>	<b>68</b>

**Key Terms and Definitions**

<b>Accountable Body (for external funding)</b>	A body receiving funding who becomes legally responsible for ensuring that requirements of the funder are met. This usually includes, for example, putting in place audit trails, overseeing contract management with suppliers, ensuring the project has sufficient cash flow and generally meeting the liabilities (e.g. clawback) that flow from the conditions of the funding.
<b>Accounting Team and Finance &amp; Commercial Business Partnering Team</b>	Members of Finance & Commercial Services with specific responsibility for supporting Strategic Directors and their teams. They will: <ul style="list-style-type: none"> <li>• support commercial and operational decision making,</li> <li>• provide high quality financial information to the Council (Members, Leadership Teams, Directorates, and all other users of financial information) in a timely and cost-effective way, and</li> <li>• provide analysis, insight, challenge, and support in the delivery of the current year budget or other financial targets.</li> </ul>
<b>Accounting Policies</b>	Accounting policies are the <b>rules</b> used by an organisation to ensure that transactions are lawful, recorded properly and that the financial statements are produced correctly. The Chief Finance Officer (CFO) selects the Council's accounting policies and ensures they are properly followed.  The Accounting Policies are included in the Statement of Accounts produced each year.
<b>Acquisition</b>	The process of getting something – this may be bought, leased or donated.
<b>Annual Revenue Budget</b>	This is the Council's total Revenue spending plans for the year including the level of Council Tax for the coming year. It is set by Council following receipt of the Annual Budget Report.
<b>Asset(s)</b>	The CIPFA Code of Practice on Local Authority Accounting in the UK defines an asset as 'a resource controlled by the authority as a result of past events and from which future economic benefits or service potential is expected to flow to the authority'.
<b>Bad and Doubtful Debt</b>	A bad debt is a debt which the Council thinks will never be paid by the customer. A doubtful debt is a debt which is likely to become a bad debt, but there is still a chance that the customer will pay.
<b>Budget</b>	As per the Council's Constitution (Part 2, Article 4), only Full Council can approve and adopt the annual budget. It includes the allocation of financial resources to different service and projects, including: <ul style="list-style-type: none"> <li>• Revenue expenditure</li> <li>• Proposed contingency funds including reserves and balances</li> <li>• Setting the Council Tax (and any other local tax which may be within the control of the Council)</li> <li>• Decisions relating to the control of the Council's borrowing requirement</li> <li>• Capital expenditure</li> <li>• The Treasury Management Strategy</li> </ul>

	<ul style="list-style-type: none"> <li>• The Housing Revenue Account.</li> </ul>
<b>Budget carry forward</b>	A budget carry forward is an underspend of an amount of budget, which is planned for, and then transferred to an earmarked reserve to be spent in a future year(s), for a specified purpose. For the purposes of these Financial Regulations this is treated as a Virement (See below).
<b>Budget Implementation Plan (BIP)</b>	Business planning is an ongoing process which ensures that we understand needs, agree priorities and strategic outcomes, for the medium to long-term, and allocate and develop resources needed to deliver them. The decisions from the process – both quantitative and qualitative - allow the production of the Budget Implementation Plans (BIPs) in the Budget Book.
<b>Business Rates</b>	<p>Also referred to as National Non-Domestic Rates (NNDR) and are a levy on business properties based on a national rate in the pound applied to the 'rateable value' of the property.</p> <p>The Government determines the national rate multiplier and the Valuation Office Agency determine the rateable value of each business property.</p> <p>Business Rates are collected by the Local Authority and paid into their collection fund, this amount is then distributed 49% to the Local Authorities general fund, 1% to the South Yorkshire Fire and Rescue Authority and 50% to Central Government.</p> <p>The Central Government share is then redistributed nationally, partly back to Local Authorities through Revenue Support Grant.</p>
<b>Business Unit</b>	The lowest level in the hierarchy of the Council's finance system. Each business unit has a named responsible officer, known as the Business Unit Manager, who is responsible for signing off the budget for their Business Unit and completing monthly budget monitoring and forecasting.
<b>Capital Expenditure</b>	Expenditure that is incurred to acquire, create or add value to a non-current asset.
<b>Capital Programme</b>	<p>The sum of all the Council's individual capital projects and programmes that the Council is planning to undertake, together with the funding to support the Programme.</p> <p>The Capital Programme is made up of several different projects, ranging from large scale projects, such as Building Schools for the Future, to smaller projects, such as children's play equipment.</p> <p>The number and size of the projects may change, which means that Capital Programmes may not be comparable in terms of size and scope over time.</p>
<b>Capital Project</b>	A project which spends capital resources to acquire assets, and/or build, improve, increase the market value of, or substantially lengthen the useful life of an asset.
<b>Capital Reporting and Approval Timetable</b>	This sets out the submission deadlines of Capital Approval Forms, dates of review meetings, monitoring and forecasting cycles, reporting dates and finance system schedules.

<b>Chief Finance Officer (CFO)</b>	The officer who, under section 151 of the Local Government Act 1972, has responsibility for the proper administration of the Council's financial affairs. The Council's CFO is the Director of Finance & Commercial Services. The CFO may also be referred to as the Section 151 Officer.
<b>Chief Property Officer</b>	<p>Authorised to make any decision in respect of property matters not reserved to a Committee or Full Council, except the decision to make a declaration that operational property is surplus to the requirements of a Directorate, which can only be made by the relevant Strategic Director.</p> <p>The Chief Property Officer is responsible for Property Asset Management across the Council.</p>
<b>Constitution</b>	<p>It describes the arrangements made by the Council for the discharge of its functions, the appointment of its Committees and the way that it meets other statutory requirements concerning governance arrangements.</p> <p>The ways in which the Council's functions will be discharged are set out in (Part 3) of the Constitution and include functions to be exercised by a Committee of the Council and functions delegated to officers.</p> <p><b>If any lawfully made provision of the Constitution contradicts any provision of these Financial Regulations, the Constitution shall prevail.</b></p>
<b>Corporate Plan</b>	Any plan approved in line with the Constitution which sets out the vision for the Council and Sheffield. It includes what the Council will do to deliver the vision.
<b>Council Supply Agreements</b>	A Council Supply Agreement is a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid.
<b>Council Tax</b>	A banded property tax that is levied on domestic properties. The banding is based on assessed property values as at 1st April 1991, and ranges from Band A to H.
<b>Debtor Account (Account Receivable)</b>	Records which show who owes the Council money, what they owe the money for and the amount.
<b>Director</b>	An officer who is a direct report of a Strategic Director (see definition below)
<b>Directorate</b>	A group of sections and services managed by a Strategic Director.
<b>External Funding</b>	External Funding is discretionary money not accounted for within the normal funding from central government or equivalent, distributed by various Funders on a business case and/or competitive basis requiring an application.
<b>Financial Policies</b>	The Council has a detailed set of financial policies which support these Financial Regulations.
<b>Forward Capital Programme</b>	This is the term used to describe the projects that are planned to be in the Council's Capital Programme for the following financial year. Information is usually prepared and collated in the autumn / winter for presentation to Council in March.

<b>Internal Control</b>	An internal control is a procedure or policy put in place by the Council to: <ul style="list-style-type: none"> <li>• protect assets and resources,</li> <li>• deter and detect errors, fraud or theft,</li> <li>• ensure accurate and complete accounting records, and</li> <li>• produce reliable and timely financial information.</li> </ul>
<b>Irregularity</b>	Something that is irregular, such as improper or dishonest conduct.
<b>Liability</b>	Obligations that the Council may need to fulfil.
<b>Match Funding</b>	Funds that are set to be paid in equal amount to funds available from other sources. Match funding requirements can be met by in-kind contributions of staff time / resource as well as actual cash / budget.
<b>Medium Term Financial Strategy (MTFS)</b>	The Council's MTFS presents an overview of the Council's Financial position over the next three to five year period, including revenue and capital spending plans linked to priorities.
<b>Overhead</b>	Overheads are the expenses of a business which cannot be directly linked to the delivery of a service; but are necessary for the running of the organisation, e.g. building rent or light & heating costs.
<b>Overhead Apportionment</b>	The distribution of various overhead items, in proportion, to the department on a logical basis for example, building rents apportioned to services based on the floor space used by departments.
<b>Project Manager</b>	The officer who is responsible for the day to day running of the project on behalf of the Project Sponsor / Board. They are also responsible for delivery of the projects to budget, time and specification. Project Managers are also known as Budget Managers.
<b>Property Asset Management</b>	A mechanism to ensure that property assets are managed and used efficiently and effectively to support the main objectives of an organisation.
<b>Provision</b>	Amounts charged to revenue during the year for costs with uncertain timing, though a reliable estimate of the cost involved can be made.
<b>Qualified Accountant</b>	An officer who has achieved a professional accountancy qualification provided by one of the bodies listed below: <ul style="list-style-type: none"> <li>• the Institute of Chartered Accountants in England and Wales (ICAEW),</li> <li>• the Institute of Chartered Accountants of Scotland (ICAS),</li> <li>• the Association of Chartered Certified Accountants (ACCA),</li> <li>• the Chartered Institute of Public Finance and Accountancy (CIPFA),</li> <li>• Chartered Accountants Ireland, or</li> <li>• the Chartered Institute of Management Accountants (CIMA).</li> </ul>
<b>Reconciliation</b>	An accounting process that compares two sets of records to check that figures are correct and in agreement.

<b>Revenue Spending</b>	Any expenditure by the Council that falls outside the definition of Capital Spending. Typically, the day-to-day running costs of the Council, such as, salaries, rent, utility bills and payments to service providers.
<b>Reserves</b>	Money set aside from anticipated expenditure postponed or cancelled, or by capital accounting arrangements.
<b>Risk Management</b>	<p>Risk management refers to the practice of identifying potential risks in advance, analysing them, and taking steps to reduce / curb the risk. Risks could include financial uncertainty, legal liabilities, strategic management errors, accidents and natural disasters.</p> <p>The Risk Management Framework has been produced by the Corporate Risk Management Group (CRMG).</p> <p>Financial Risk Management is built into the Financial Regulations and the processes that staff are expected to follow daily. Key processes that promote good financial risk management include:</p> <ul style="list-style-type: none"> <li>• monitoring budgets,</li> <li>• complying with processes in the Financial Regulations,</li> <li>• following the decision-making framework,</li> <li>• maintaining and monitoring key financial risk registers.</li> </ul>
<b>Strategic Director</b>	<p>A senior manager who reports directly to the Chief Executive. At the date of issue of these Regulations, the Strategic Directors are:</p> <ul style="list-style-type: none"> <li>• Executive Director – City Futures</li> <li>• Executive Director – Neighbourhood Services</li> <li>• Strategic Director - Public Health and Commissioning</li> <li>• Strategic Director - Adults Care and Wellbeing Service</li> <li>• Strategic Director - Children’s Services</li> <li>• Chief Operating Officer</li> </ul>
<b>Sundry Debt</b>	<p>Miscellaneous income that is due to the Council that can be collected by payment up front or raising a sundry debt invoice.</p> <p>Local taxation, housing benefit overpayments and rental income are not included in this definition.</p>
<b>Transfer to a specific reserve</b>	<p>This is funding that is being put to one side (in a reserve) as part of the service’s budget strategy. The funding will be used in future years for reinvestment back into the service area.</p> <p>For the purposes of these Financial Regulations this is treated as a Virement (See below).</p>
<b>Treasury Management</b>	The management of the local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

<b>Utilities / Utility Bill</b>	Payments for the following services: Gas, Electricity, Water, Telecoms, Mail Services and Photocopiers.
<b>Value for Money (VfM)</b>	<p>Making the best use of resources through:</p> <ul style="list-style-type: none"> <li>• <b>economy</b> – careful management of resources, keeping costs as low as possible, but consistent with achieving objectives;</li> <li>• <b>efficiency</b> – obtaining an optimal relationship between the resources used and the outputs/impacts achieved; and</li> <li>• <b>effectiveness</b> – achieving alignment between intended and actual outcomes.<sup>1</sup></li> </ul>
<b>Variation / Change in Scope (Capital)</b>	This is where there are changes in the agreed capital project cost or outputs. This could be an increase in the cost of the project, a change in available funding, or what will be delivered (the outputs). For example, funding to refurbish six schools is reduced to three schools. This would create a financial variation and change of scope, requiring approval in accordance with the Constitution.
<b>Variations (Revenue)</b>	Variations are changes to the total amount of expenditure across either a Service, Directorate or the Council resulting in a change to the Council's overall Budget.
<b>Virement</b>	<p>The transfer of underspending on one budget head to finance additional spending on another budget head. Virements are also used to move budgets where a function is moved from one Directorate or Service to another.</p> <p>Where cash limit is moved to be spent on achieving a different purpose to that approved in the annual budget, this is a policy choice and is classed as a virement.</p>
<b>Write-Off</b>	Removing a debt from the Council's accounts using money that has been set aside as part of the bad and doubtful debt provision. It relates to debts that are correctly due to the Council but are no longer collectable.

[Back to Contents page](#)

## 1. Background

This section explains what the Financial Regulations are, who must follow them and how the Council knows they are being followed.

It also outlines what training is available to help understand the Financial Regulations.

<p><b>The Financial Regulations are rules and instructions to help officers and Members to manage the Council’s finances properly</b></p>	<p>These Financial Regulations are part of the Council’s Constitution (Part 4). The Financial Regulations set out the policies that are in place to help officers and Members of the Committees to manage the Council’s finances. They are a key part of the Council’s financial governance arrangements.</p> <p>They are very technical in places as they describe accounting practices and standards that have been set by law and/or professional accountancy bodies. They are used by officers who have an accepted level of understanding of the subject matter. As such there is likely to be content that will not be easy for the public to understand.</p> <p>The CFO must make sure that standards, procedures, and processes are in place across the Council to support the implementation of these Financial Regulations.</p> <p>These Financial Regulations are regularly checked to ensure they reflect accounting best practice, legislation and changing needs of services.</p> <p>Officers should initially contact the Accounting Team if they wish to query the content of these Financial Regulations. Any changes to the Financial Regulations must be approved by Full Council.</p> <p>If any part of these Financial Regulations contradicts another part of the Constitution that other part shall take precedence.</p>
<p><b>All officers, including voluntary staff must follow the rules in the Financial Regulations</b></p>	<p>All officers, including those working for the Council on a voluntary basis, must follow the rules set out in these Financial Regulations. It is important that all managers and staff are familiar with these Financial Regulations and the rules they contain. Using the Council’s financial system (Integra) properly is also essential to ensure the Financial Regulations are followed.</p> <p>If managers and staff do not follow the rules this may result in the withdrawal of delegated financial authority and/or the application of disciplinary procedures.</p>
<p><b>Strategic Directors and Directors must confirm they follow the Financial Regulations as part of their Annual Governance statement</b></p>	<p>As part of the Annual Governance process, all Strategic Directors and Directors must sign a statement to say that they comply with the governance arrangements of the Council including the Financial Regulations and Risk Management Framework.</p> <p>They also must confirm that they have appropriate internal controls in place in their Directorate to protect the Council’s assets.</p> <p>Any occasions where the internal controls have not worked properly must be declared.</p> <p>The Annual Governance Statement is a statutory document which describes the governance framework and highlights any significant issues which have occurred in a financial year.</p> <p>The Annual Governance Statement is approved by the Audit &amp; Standards Committee and is published with the Annual Accounts.</p>

<p><b>To support understanding, procedures and processes are available</b></p>	<p>Guidance is available which supports these Financial Regulations. The guidance sets out in more detail the Council’s procedures and processes related to financial management and administration.</p>
<p><b>E-Learning about the finance System (Integra) and Qtier is also available</b></p>	<p>Training is made available by Finance and Commercial Services to support the Financial Regulations. This includes e-training and guidance for the finance system (Integra) and Qtier reporting tool.</p> <p>All staff should follow the guidance and other documentation to ensure full compliance with the Financial Regulations.</p>

**Who Has Responsibility for Finance?**

Many of the Council’s responsibilities for finances are delegated from Council to its Committees.

The table below summarises the key financial responsibilities:

<p><b>Full Council</b></p>	<p>The Council has overall responsibility for ensuring that expenditure remains within the resources available to it.</p> <p>Functions that can only be carried out by Full Council include:</p> <ul style="list-style-type: none"> <li>• Approving or adopting the Policy Framework.</li> <li>• Approving or adopting the Budget, including approval of variations.</li> <li>• Agreeing the capital strategy and programme.</li> </ul> <p>All the functions carried out by Full Council are set out in Part 2, Article 4 of the Council’s Constitution and/or prescribed by law.</p>
<p><b>Strategy &amp; Resources Policy Committee</b></p>	<p>The Strategy &amp; Resources Policy Committee has a co-ordinating role across all other Policy Committees and exercises a corporate view of outcomes, performance, budget monitoring and risk management.</p> <p>The Strategy &amp; Resources Policy Committee has overarching responsibility for the development and submission to Full Council for adoption of the Budget and Policy Framework.</p> <p>The Strategy &amp; Resources Policy Committee has responsibility for decisions on commitments to funding in future years not covered by the MTFs.</p> <p>The Strategy &amp; Resources Policy Committee may take any decision otherwise reserved to the Finance Committee and will ensure revenue and capital budget monitoring takes place with sufficient regularity.</p> <p>Either the Strategy &amp; Resources Policy Committee or the Finance Committee will receive:</p> <ul style="list-style-type: none"> <li>• At least a quarterly budget monitoring report outlining the financial position for the whole Council.</li> <li>• The out-turn report following the end of the financial year to approve decisions on the carry-forward / carry-back of resources from one year to the next.</li> </ul>

	<ul style="list-style-type: none"> <li>• Financial information during the year if support is needed for an in-year decision on the Council’s budget (variation).</li> </ul>
<p><b>Finance Committee</b></p>	<p>The Finance Committee may take decisions in respect of specific Finance, Capital Programme and Property matters, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Corporate Revenue and Capital monitoring and capital allocations.</li> <li>• Agreement upon the annual budget for Services within Directorates including the application of the overall capital programme (within the Budget and Policy Framework).</li> <li>• Agreement of Council policies in respect of fees and charges.</li> <li>• Agreement upon virements of £500,000 and over <b>or</b> representing a major change of policy (any value) from one division of a Service to another or between Services within Directorates or between Directorates, and within the approved budget.</li> <li>• Approval of all new capital schemes, except expenditure relating to feasibility works up to the value of £100,000.</li> <li>• Approval of a variation to an existing capital scheme which increases the value of the scheme by more than £100,000</li> </ul> <p>Any reference in these Financial Regulations to the Finance Committee shall mean the Finance Committee or the Strategy &amp; Resources Policy Committee taking decisions on matters otherwise reserved to the Finance Committee.</p>
<p><b>Policy Committees</b></p>	<p>Once the Budget and Policy Framework (or any constituent part of this) is in place, it will be the responsibility of the Policy Committees to implement it to the extent that this involves the discharging of any functions delegated to a Committee in Part 3 of the Constitution.</p> <p>No changes to any policy or strategy which make up the Budget (revenue or capital) and the Policy Framework may be made by a Policy Committee, as they are reserved to the Council. Changes which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint may be made by a Policy Committee, provided they remain within the constraints of the Budget and Policy Framework.</p> <p>Agreeing fees and charges (other than any set by Full Council as part of the budget process) in line with the MTFs and any policies in respect of fees and charges.</p> <p>All Policy Committees will receive at least a quarterly budget monitoring reports for their areas of responsibility, via their Accounting Team contact.</p>

<b>Local Area Committees (LACs)</b>	<p>LACs have powers to approve expenditure of any amounts delegated to them by the Council. LACs cannot spend money other than that allocated by Council.</p> <p>Whenever LACs spend money, they must comply with these Financial Regulations, Contracts Standing Orders, Procurement Guidelines and any other relevant policies or procedures.</p> <p>LACS are constituted and operate in accordance with Part 2, Article 11 of the Constitution, and the Procedure Rules in Part 4.</p>
<b>Audit &amp; Standards Committee</b>	<p>The Audit &amp; Standards Committee is a key part of the governance of the Council. The terms of reference for the Audit &amp; Standards Committee are set out in the Council’s Constitution (Part 3.3).</p>
<b>Finance Design Assurance Group (FDA)</b>	<p>The FDA ensures changes to the Council’s financial systems and processes are effectively managed.</p> <p>It aids compliance with relevant legal, regulatory and policy requirements and ensures changes integrate effectively with existing financial systems and processes.</p> <p>Assessing and reviewing proposals that have a material impact on the Council’s financial systems and processes.</p> <p>Provides assurance to the CFO on relevant project and programme deliverables and outcomes and compliance with the Council’s financial strategies.</p> <p>Either of the co-chairs of the FDA may approve exceptions to the standard Purchase-to-Pay (P2P) process, in line with the Non-Standard Purchase-to-Pay Policy developed and maintained by the Standards and Policy Group.</p>
<b>Standards and Policy Group</b>	<p>The Group develops, maintains, and communicates the principles and standards applied to all financial activities (policies, procedures, and systems).</p> <p>Developing, maintaining and communicating the standard for documents, setting out the format, the ownership and the review frequency.</p> <p>Ensuring that there is clear line of sight to the Financial Regulations and Contracts Standing Orders.</p> <p>The Group reviews operating policies and procedures from other services, making suitable recommendations on their content and application, which may be presented to the appropriate decision-making body.</p> <p>The Group works in conjunction with the FDA to participate in high-level project design activities to ensure alignment with key financial principles and accounting standards.</p>

### Detailed Officer Roles and Responsibilities

The following tables provide details about the financial management roles and responsibilities of key officers within the Council.

The responsibilities have been broken down into the main areas of financial management and should be read alongside these sections of the Financial Regulations.

Director of Finance & Commercial Services

**Financial Management**  
([section 2](#))

In accordance with section 151 of the Local Government Act 1972, responsibility for the proper administration of the Council’s financial affairs.

Under section 114 of the Local Government Finance Act 1988, making a report to Full Council and to the Council’s External Auditors, if it appears that the Council, a committee, a person holding any office or employment under the Council, or a joint committee on which the Council is represented:

- has made or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful,
- has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council, or
- is about to enter an item of account the entry of which is unlawful.

Under section 114 of the Local Government Finance Act 1988, making a report to Full Council and to the Council’s External Auditors if it appears that the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure. In other words, if the Council is unable to set a balanced budget for the forthcoming financial year.

Ensuring that the s151 role is fulfilled at a strategic level.

On a day-to-day basis, all s151 responsibilities may be discharged by the Head of Accounting and the Head of Finance & Commercial Business Partnering. They will act on behalf of the CFO in ensuring proper discharge of these statutory responsibilities.

Nothing in the above paragraph diminishes the ultimate financial responsibilities of the CFO.

Ensuring the production and monitoring of these Financial Regulations.

Signing statutory returns or other documents that require the authority of the CFO, although this is usually discharged by the Head of Accounting or the Head of Finance & Commercial Business Partnering.

Reporting significant risks to the Council’s Leadership Boards and to the Policy Committees in quarterly budget monitoring reports.

Maintaining a record of all financial information and approvals in relation to leases, and other credit arrangements, and work with service to approve all leases, except property related leases.

Ensuring that appropriate training is made available to support the Financial Regulations and operational procedures.

Writing financial standards, policies, procedures, forms, etc. which support the Financial Regulations.

Overall responsibility for the financial elements of Council’s Asset Register and for making sure all necessary accounting requirements are followed.

Arranging the insurances considered necessary to cover risks to which the Council is exposed.

	Determining the premiums to be charged to Directorates for Insurance as part of the Annual Budget process.
<b>Financial Planning</b> ( <a href="#">section 3</a> )	Producing the MTFs with Strategic Directors. Preparing Directorate spending proposals with the Finance & Commercial Business Partnering Team and Strategic Directors. Advising on any contingency budgets required to cover exceptional in-year costs, such as price increases and commitments which are uncertain in terms of their timing and cost. Approving requests by Strategic Directors to set up earmarked reserves. Approving the in-year flow of money to and from reserves, and/or creating or consolidating reserves. Ensuring the Budget meets relevant statutory requirements. Agreeing borrowing and investment transactions, although this is usually discharged by the Head of Accounting or nominated deputies.
<b>Financial Implications</b> ( <a href="#">section 4</a> )	Issuing guidance regarding decisions referred. Signing off all Financial Implications summaries, directly or by an authorised officer on their behalf.
<b>External Funding / Grants</b> ( <a href="#">section 6</a> )	Signing grant Funder offer letters, or documentation, to accept a grant of £1m or more, although this is usually discharged by the Head of Accounting or the Head of Finance & Commercial Business Partnering.
<b>Purchasing</b> ( <a href="#">section 8</a> )	Ensuring Contracts Standing Orders are correct, up to date and fit for purpose and adhered to. Reporting all unauthorised breaches of the Contracts Standing Orders to the Audit & Standards Committee in the form of a report. Consider requests for waivers of the Contracts Standing Orders and allowing them where appropriate. Ensuring procedures are in place for the ordering and procurement of goods and/or services. Providing advice and guidance on the procurement process. Ensuring training and guidance is available for all officers involved in the Purchase-to-Pay (P2P) process. Approving suppliers of goods and/or services. Setting and revising the values in the Authorisation Matrix for the authorisation of Purchase Orders. On a day-to-day basis these responsibilities are discharged by the Head of Procurement & Supply Chain or authorised officers.
<b>Internal Charges</b> ( <a href="#">section 9</a> )	Making sure that there are proper processes and procedures in place to support the internal charging system.
<b>Internal Audit</b> ( <a href="#">section 18</a> )	Maintaining a continuous internal audit of all the Council's financial systems, records and operations. On a day-to-day basis these responsibilities are carried out by Internal Audit.

<b>Companies, Joint Ventures, Partnerships, Joint Committees etc.</b> <a href="#">(section 19)</a>	<p>Agreeing the arrangements for robust financial governance and control where the Council is involved as a minority interest in partnership arrangements or Joint Committees that use their own finance systems.</p> <p>Reporting at least annually to the appropriate Policy Committee, in conjunction with the relevant Strategic Director, on the financial affairs of any partnership body.</p>
<b>Grant (Gift) Arrangements</b> <a href="#">(section 20)</a>	<p>Ensuring there are proper processes and procedures in place for the making of grant aid.</p>
<b>Council Supply Agreements</b> <a href="#">(section 21)</a>	<p>Providing an opinion to relevant Strategic Directors on the financial aspects of Council Supply Agreements.</p>

### Head of Accounting

<b>Financial Management</b> <a href="#">(section 2)</a>	<p>Undertaking day-to-day s151 responsibilities on behalf of the CFO.</p> <p>Recommending amendments of the Financial Regulations to Council to mirror any changes to recommended best practice or essential service requirements.</p> <p>Fulfilling the role of the Money Laundering Reporting Officer (MLRO).</p> <p>Co-Chair of the FDA and the Standards and Policy Group.</p>
<b>Financial Planning</b> <a href="#">(section 3)</a>	<p>Annually producing the budget monitoring reporting timetable.</p> <p>Reporting to the Finance Committee on the overall revenue out-turn position including details of reserves, balances and provisions held by Directorates.</p> <p>Producing an annual Borrowing and Treasury Management Strategy for approval by Council.</p> <p>Agreeing any borrowing or investment on behalf of the Council ensuring compliance with the Borrowing Strategy and the Treasury Management Strategy.</p> <p>Producing an annual report to Council on treasury management activities, transactions and decisions.</p> <p>Reviewing requests by Directors to carry forward underspends into the following financial year.</p> <p>Approving virements under £500,000.</p> <p>Reviewing Budget variations and ensuring correct approval as per these Financial Regulations and the Constitution.</p>
<b>Income Management</b> <a href="#">(section 7)</a>	<p>Approving procedures for the receipting and banking of income.</p> <p>Providing advice on best practice for cash storage and banking.</p> <p>On a day-to-day basis these responsibilities are discharged by the Treasury Team.</p> <p>Having procedures and policies in place for the administration of Direct Debits for the collection of Sundry Debts.</p>

	<p>On a day-to-day basis this responsibility is discharged by the Systems and Training Team.</p> <p>Reporting on levels of debts, and the changes in the bad debts provision, to the Audit &amp; Standards Committee as part of the annual accounts process.</p>
<p><b>Purchasing</b> (<a href="#">section 8</a>)</p>	<p>Ensuring verbal orders have appropriate supporting documentation.</p> <p>Approving any exceptions to the standard Purchase-to-Pay (P2P) process, in line with the Non-Standard Purchase-to-Pay Policy developed and maintained by the Standards and Policy Group. Keeping the arrangements under regular review and maintaining a list of these payments and exemptions.</p> <p>Authorising urgent payments that do not require a Purchase Order and do not comply with the Authorisation Matrix. Additional assurance is provided by the FDA.</p>
<p><b>Payroll and Expenses</b> (<a href="#">section 10</a>)</p>	<p>Approving the arrangements made by the Director of People and Culture for approving and controlling payments to all current and former employees.</p> <p>Developing and approving procedures related to payments to individuals.</p> <p>Approving changes to the accounting and taxation elements of the payroll system.</p>
<p><b>Petty Cash Floats and Credit / Procurement Cards</b> (<a href="#">section 11</a>)</p>	<p>Developing and approving procedures related to the management of petty cash floats.</p> <p>Approving officer applications for credit / procurement cards.</p> <p>Opening, closing and managing all credit cards, charge cards and other payment cards held in the Council's name.</p> <p>Determining monthly credit and individual transaction limits for each card. Reviewing requests for alterations to these limits.</p> <p>Ensuring that reconciliations of credit cards are supported by evidence / documentation, reviewed and certified.</p> <p>Ensuring that a register of all procurement cards is kept, containing employee details, credit and transaction limits and the date of issue.</p> <p>On a day-to-day basis these responsibilities are discharged by the Treasury Team.</p>
<p><b>Bank Accounts</b> (<a href="#">section 12</a>)</p>	<p>Opening or closing bank accounts in the name of Sheffield City Council; this includes associated bank accounts which the Council does not directly control such as joint arrangements.</p> <p>Responsibility for all negotiations of banking terms with the Council's Bankers.</p> <p>Maintaining an authorised signature list for banking transactions.</p> <p>Authorise the execution of Amendment Agreements.</p> <p>Ensuring that reconciliations of bank accounts are supported by evidence / documentation, reviewed and certified.</p> <p>On a day-to-day basis these responsibilities are discharged by the Treasury Team.</p>
<p><b>Retention of Records</b> (<a href="#">section 15</a>)</p>	<p>Producing and maintaining a schedule on the retention periods of financial records in accordance with current best practice.</p>

<b>Financial Systems</b> <a href="#">(section 16)</a>	<p>Maintaining the Council's accounting system, which the Council's Accounts are produced from.</p> <p>Controlling access to the Council's systems and information.</p> <p>Ensuring both the accuracy and security of the data held in the Council's accounting system.</p> <p>Ensuring the financial controls of feeder systems to Integra are robust and in line with information governance regulations.</p> <p>On a day-to-day basis these responsibilities are carried out by the Finance Systems / Training Team.</p>
<b>Accounting</b> <a href="#">(section 17)</a>	<p>Producing the Council's Accounts in line with Accounting Standards, for approval by the Audit &amp; Standards Committee.</p> <p>Producing a timetable and guidance to produce the Final Accounts.</p> <p>Reviewing the evidence supporting material year-end accruals.</p> <p>On a day-to-day basis these responsibilities are carried out by the Financial Accounting Team.</p>

#### Head of Finance & Commercial Business Partnering

<b>Financial Management</b> <a href="#">(section 2)</a>	<p>Undertaking day-to-day s151 responsibilities on behalf of the CFO.</p> <p>Act on behalf of the Head of Accounting, as and when required, if the authorisations in these Financial Regulations are not clear.</p> <p>Recommending amendments of the Financial Regulations to Council to mirror any changes to recommended best practice or essential service requirements.</p>
<b>Financial Planning</b> <a href="#">(section 3)</a>	<p>Produce an annual Reserves Strategy for approval by Council.</p> <p>Approving the transfer of restricted grants to reserves.</p>
<b>Capital Programme</b> <a href="#">(section 5)</a>	<p>Propose the Capital Programme for the next financial year and then present this to the Capital Programme Group, Strategy &amp; Resources Policy Committee and then Council.</p> <p>Ensuring that Capital projects have financial approval.</p> <p>Report on the overall Capital outturn position to the Finance Committee.</p> <p>Producing a timetable for reviewing, approving, managing and reporting Capital spending.</p> <p>Approving projects with expenditure of up to £100,000, for feasibility works on potential projects to be carried out, provided that:</p> <ul style="list-style-type: none"> <li>• Evidence confirms that the project is viable. Any recommendations from the feasibility works should be able to be implemented so that the cost of the works is not wasted.</li> <li>• There is sufficient funding in place to cover the entire project, including the feasibility works.</li> <li>• The project is classified as Capital expenditure, in line with the capital accounting rules.</li> </ul>

	<p>Approving capital expenditure in line with the emergency approvals procedure together with Strategic Directors.</p> <p>As budget holder for the Council's Capital Financing costs, approving Financial Implications.</p> <p>On a day-to-day basis these responsibilities are carried out by the Capital Team.</p>
<p><b>External Funding / Grants</b> (<a href="#">section 6</a>)</p>	<p>Ensuring grant applications are correctly completed and submitted by the required date.</p> <p>Ensuring all grant offers of External Funding made to the Council are appropriately accepted and approved.</p> <p>Ensuring all completed grant claims and certifications are approved.</p> <p>Providing advice and guidance on funder requirements regarding match funding sources and approving documentation.</p> <p>Ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines.</p> <p>Confirming the income due from grant claims is received.</p> <p>Ensuring the required financial records are kept for the reconciliation of grant income to meet External Audit requirements.</p> <p>On a day-to-day basis these responsibilities are carried out by the External Funding Team (EFT).</p>
<p><b>Credit / Procurement Cards</b> (<a href="#">section 11</a>)</p>	<p>If the Head of Accounting is unavailable, approve officer applications for credit / procurement cards.</p>
<p><b>Taxation</b> (<a href="#">section 13</a>)</p>	<p>Ensuring compliance with relevant legislation by ensuring appropriate taxation advice is available to Strategic Directors.</p> <p>Seeking appropriate external advice where the tax implications of a project are sufficiently complex.</p> <p>Ensuring the employment status of individuals, limited companies and partnerships are valid, and records are stored in line with HMRC requirements.</p> <p>Complying with the requirements of the Construction Industry Scheme (CIS) in relation to tax deductions on the payment of invoices for construction work, repairs and renovation.</p> <p>Establishing an appropriately skilled team to manage the Council's VAT responsibilities.</p> <p>Preparing and submitting VAT Returns to HMRC which maximise the cash flow benefit to the Council, but no later than the deadlines agreed with HMRC.</p> <p>Ensuring Value Added Tax (VAT) related records (e.g. invoices or credit notes) are stored and in line with HM Revenue and Customs (HMRC) requirements.</p> <p>On a day-to-day basis these responsibilities are carried out by the Tax Team.</p>

Head of Revenues & Benefits

<b>Financial Management</b> ( <a href="#">section 2</a> )	<p>Recommending amendments of the Financial Regulations to Council to mirror any changes to recommended best practice or essential service requirements.</p> <p>Co-Chair of the FDA and the Deputy Chair of the Standards and Policy Group.</p>
<b>Income Management</b> ( <a href="#">section 7</a> )	<p>Determining the standard payments methods that may be used to collect income, as outlined in section 7.</p> <p>Providing training and advice on these payment methods.</p> <p>Managing all debt recovery actions except Housing Rents.</p> <p>Approving exceptions to the 60-day debt rule.</p> <p>Agreeing payment arrangements that last longer than 12 months.</p> <p>Review debts covered by a Land Charge that remain outstanding after 6 years, to determine whether the debt should be written off in the Finance system.</p> <p>Recording proposed write offs on the Council's financial system, to allow for approval by Business Unit Managers.</p> <p>Receiving information about suspected Money Laundering activities within the Council.</p> <p>On a day-to-day basis these responsibilities are carried out by the Payments, Accounts, Collection and Enforcement (PACE) Team.</p> <p>Administration, billing and collection of Council Tax.</p> <p>Administration, billing and collection of Business Rates.</p> <p>Administration and payment of Housing Benefit, Discretionary Housing Payment &amp; Council Tax Hardship Schemes as well as the recovery of any overpayments.</p> <p>On a day-to-day basis these responsibilities are carried out by the Revenues &amp; Benefits Team.</p> <p>Ensuring arrangements are in place for paying supplier invoices.</p> <p>On a day-to-day basis these responsibilities are carried out by the Accounts Payable Team.</p>
<b>Purchasing</b> ( <a href="#">section 8</a> )	<p>Approving any exceptions to the standard Purchase-to-Pay (P2P) process, in line with the Non-Standard Purchase-to-Pay Policy developed and maintained by the Standards and Policy Group. Keeping the arrangements under regular review and maintaining a list of these payments and exemptions.</p>

Strategic Directors

<b>Financial Management</b> ( <a href="#">section 2</a> )	<p>Ensuring the proper financial management of their Directorate, with a view to protecting and safeguarding the Council's overall financial interest and strengthening financial control.</p> <p>Ensuring the resources of their Directorate are deployed in accordance with the Council's priorities and in a manner that demonstrates value for money.</p> <p>Providing assurance, at least annually, to the CFO that there are proper arrangements for ensuring managers are accountable for the use of financial</p>
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	<p>resources and for reviewing financial management performance, and that those arrangements are working effectively.</p> <p>Ensuring all their Directorate staff comply with the Financial Regulations and that they seek advice on statutory requirements relating to financial management where these are not clear.</p> <p>Ensuring the training available on the Financial Regulations is accessed by their staff.</p> <p>Ensuring that the CFO has access to all Directorate resources (including information and officers) necessary for the CFO’s roles and responsibilities to be fulfilled.</p> <p>Ensuring that financial services and advice are provided to the Directorate only by Finance.</p> <p>Ensuring adequate arrangements are in place for maintaining and protecting the Council’s property assets.</p> <p>Ensuring that any acquisition, including leases, or disposal of assets is approved in accordance with the Constitution and the Council’s Disposal Framework policy and that Finance are informed.</p> <p>Informing the CFO of any vehicle purchases (or leases) or disposals, premises purchases (or leases) or disposals and of any occupations or vacations of premises.</p> <p>Ensuring that risk management and business continuity are embedded at all levels within their Directorates in line with the Risk Management Framework.</p> <p>Identifying and controlling risks in their area.</p> <p>Notifying the CFO of any circumstances which could result in the Council incurring a substantial liability.</p> <p>Ensuring adherence to the Anti-Money Laundering Policy.</p> <p>Notifying the CFO where there is any actual or suspected irregularity affecting the Council’s assets.</p> <p>Ensuring that the insurance cover chargeable to their Directorate budgets is accurate and up to date.</p> <p>Providing renewal information annually to the Insurance Team.</p> <p>Notifying the Insurance Team of any loss, liability or damage or any event likely to lead to a claim and taking any action that may be necessary to satisfy any policy conditions.</p>
<p><b>Financial Planning</b> (<a href="#">section 3</a>)</p>	<p>Preparing detailed spending proposals for their Directorate in conjunction with Finance &amp; Commercial Business Partnering and the CFO.</p> <p>Informing the CFO of any exceptional expenditure items so that an appropriate level of contingency can be agreed.</p> <p>Ensuring their approved Directorate Revenue Budget is not overspent.</p> <p>Managing their approved Revenue Budgets within the cash allocations and financial targets approved by the Council, unless specific and approved additional resources are provided in year.</p>

	<p>Reviewing requests to carry forward underspends. This should be linked to the annual revenue budget and, where possible, identified in the business planning process.</p> <p>Not making commitments to spend in future years without consultation with the CFO and the Finance Committee.</p> <p>Ensuring that all managers in their Directorates adhere to the budget monitoring and reporting timescales set by the CFO.</p> <p>Proposing budget variations – please see the Virements and Variations to the Annual Revenue Budget section below.</p>
<p><b>Financial Implications</b> (<a href="#">section 4</a>)</p>	<p>Ensuring all reports that go to officers, Policy Committees or Council for decision contain a ‘Financial Implications’ section.</p> <p>Ensuring Financial Implications of decisions are brought to the attention of their Directorate Leadership Team, and other officers within the Directorate responsible for implementing the decision.</p>
<p><b>Capital Programme</b> (<a href="#">section 5</a>)</p>	<p>Ensuring that managers within their Service Area comply with the procedures and timescales related to capital project management.</p> <p>Approving capital expenditure in line with the emergency approvals procedure, together with the Head of Finance &amp; Commercial Business Partnering.</p> <p>Ensure adherence to the Council’s Project Management Guidelines.</p> <p>Ensuring that the relevant procurement procedures have been followed in relation to Capital projects.</p>
<p><b>External Funding / Grants</b> (<a href="#">section 6</a>)</p>	<p>Ensuring all applications for external funding are made in line with the Funder requirements and EFT are consulted.</p> <p>Ensuring all offers of external funding are only accepted in accordance with the Constitution.</p> <p>Ensuring that where the conditions of a grant require sign-off by Internal Audit, that the Internal Audit team are notified as soon as possible, so that this can be incorporated into the Internal Audit plan.</p> <p>Ensuring all the terms and conditions attached to a grant are met and evidence to confirm this is collected and retained.</p> <p>Ensuring grant claims are prepared, checked by the Accounting Team and EFT, and submitted as per the Funder’s requirements.</p> <p>Managing all external funding within their area of responsibility using the Council’s systems and processes.</p>
<p><b>Income Management</b> (<a href="#">section 7</a>)</p>	<p>Setting fair fees and charges to cover the cost of the spending in their services.</p> <p>Allowing customers to make payment up front wherever possible and ensuring that their services can safely store and bank cash.</p> <p>Ensuring that cash can be transported securely and that their services have insurance to cover the storage and transport of cash.</p> <p>Immediately informing the Police, Internal Audit and the Insurance Team where any theft of cash (or its equivalent e.g. debit or credit cards) is discovered or suspected.</p>

	<p>Ensuring that where customers do not pay up front, that account receivable accounts are created, and the customer(s) are informed within the required timescales.</p> <p>Ensuring that staff use only approved payment methods to collect payments from customers and that more than one option is offered so that customers have a choice.</p> <p>Determining how their Directorate and, where applicable, their partner organisations, manage each payment option.</p> <p>Ensuring partner organisations only use the standard payment methods which are approved by the Head of Revenues &amp; Benefits.</p> <p>Ensuring that all systems and processes related to customer payments comply with all relevant legal and security requirements e.g. the Payment Card Industry Data Security Standard (PCI DSS).</p> <p>Effectively managing the level of debt within their Directorate, in conjunction with the PACE Team:</p> <ul style="list-style-type: none"> <li>• Reduce the level of payments which are not automatically linked to a specific debt.</li> <li>• Resolve customer disputes within the required timescales.</li> <li>• Identify debts that will never realistically be paid by the customer and recommend for write off (joint authorisation with the Head of Revenues &amp; Benefits).</li> </ul> <p>Ensuring that all relevant documentation is kept and is accessible in case it is required for debt recovery procedures, up to and including court action.</p> <p>Ensuring that their staff are aware of the possibility of money laundering activities and that they comply with the Council's Anti-Money Laundering Policy.</p>
<p><b>Purchasing</b> (<a href="#">section 8</a>)</p>	<p>Ensuring expenditure is not incurred if it represents a departure from Council policy or not in line with the approved budget.</p> <p>Ensuring expenditure incurred in the name of the Council is appropriate and legal.</p> <p>Ensuring suppliers of the Council have the necessary HMRC certification enabling them to be paid through the Council's payments system.</p> <p>Ensuring that P2P arrangements comply with The Council's Constitution and Contracts Standing Orders, HMRC requirements, Health and Safety Regulations, Environmental Policy and Domestic Law.</p> <p>Informing the Head of Accounting, if action must be taken to cancel stolen or lost credit / procurement cards, or those issued to employees who have resigned from the Council.</p>
<p><b>Internal Charges</b> (<a href="#">section 9</a>)</p>	<p>Ensuring that their managers and staff follow the procedures for internal charges, including the requirement for an internal order and the use of specified financial codes.</p>
<p><b>Payroll and Expenses</b> (<a href="#">section 10</a>)</p>	<p>Providing correct payroll information, as per the agreed timetables.</p>

	<p>Ensuring any changes to the payroll, (e.g. post, establishment and contract of employment changes, etc.) are communicated in line with the procedures approved by the Director of People and Culture.</p> <p>Ensuring all payments to employees are:</p> <ul style="list-style-type: none"> <li>• Made through the payroll.</li> <li>• Made only to official employees.</li> <li>• In accordance with individual contracts of employment.</li> </ul> <p>Ensuring all necessary information is supplied so that deductions such as PAYE and superannuation are correctly applied.</p>
<p><b>Petty Cash Floats</b> (<a href="#">section 11</a>)</p>	<p>Determining petty cash requirements for their Directorate.</p>
<p><b>Taxation</b> (<a href="#">section 13</a>)</p>	<p>Ensuring that the VAT element of any transaction is considered with the objective of maximising VAT recovery and minimising the level of irrecoverable VAT being incurred by the Council.</p> <p>Ensuring that VAT is properly accounted for on all transactions entered by the Council.</p> <p>Keeping VAT records within their area of activity.</p> <p>Complying with all VAT legislation and regulations applicable to the delivery of their service.</p> <p>Monitoring and planning for any changes in VAT legislation or regulations which affect their areas of activity.</p> <p>Advising the Head of Finance &amp; Commercial Business Partnering of any capital projects that are under consideration which contain the risk of irrecoverable VAT being incurred by the Council, whether by way of exempt input tax or otherwise.</p> <p>In circumstances where an individual, rather than a company, is engaged to provide a service to the Council; ensuring that all HMRC regulations relating to that engagement are adhered to.</p>
<p><b>Stores, Stocks, Assets and Security</b> (<a href="#">section 14</a>)</p>	<p>Controlling access to stores, etc. and making sure that stocks and assets are only used on Council business.</p> <p>Ensuring the control arrangements are robust for additional stock to stores and items issued. Appropriate records must be maintained.</p> <p>Maintaining a record of stock levels for each item which should be physically checked at a frequency agreed by Strategic Directors which reflects factors such as stock values, usage etc.</p> <p>Maintaining an inventory of all assets over £100 in value, together with all attractive and portable items below this figure.</p> <p>Ensuring an annual physical check of assets is undertaken.</p> <p>Reporting obsolete or missing items for write-off. Documenting approval and amending Inventory Records accordingly.</p> <p>Maintaining a register of assets removed from Council premises for use on official Council business.</p>

	Providing the Head of Accounting with a certificate of the stock value held by their Directorates at the end of the financial year.
<b>Retention of Records</b> ( <a href="#">section 15</a> )	Ensuring that all records, are managed in line with the Council’s Document and Records Management Policy.  Ensuring records are retained for a period that meets the requirements of HMRC, the Council’s External Auditors and any other appropriate Body.
<b>Financial Systems</b> ( <a href="#">section 16</a> )	Reconciling Directorate feeder systems to the information reported in the Council’s financial system.  Ensuring that Directorate systems, e.g. Controcc, promptly produce financial returns in a format required by the Head of Accounting.  Controlling the access to Directorate systems and information and ensuring both the accuracy and security of the data.  Ensuring that the data on their systems (whether this is hard copy or in electronic format) is held in accordance with domestic data protection legislation.  Ensuring that the CFO and the ICT and Digital Innovation Team are consulted prior to the purchase and implementation of new computerised financial systems.  Ensuring that all financial transactions are properly recorded in the Council’s financial system, and that no transactions are recorded solely on any other system, spreadsheet, or record.
<b>Internal Audit</b> ( <a href="#">section 18</a> )	Engaging with Internal Audit to produce an annual Internal Audit plan for the following financial year.  Agreeing and overseeing the implementation of audit recommendations e.g. via a recommendation tracker.  Co-operating with internal audits in a timely and appropriate fashion.  Ensuring all allegations of theft, misconduct etc are notified to Internal Audit as soon as they become known.
<b>Companies, Joint Ventures, Partnerships, Joint Committees etc.</b> ( <a href="#">section 19</a> )	Reporting at least annually to the appropriate Policy Committee on the financial affairs of any partnership bodies e.g. Companies, Joint Ventures, Partnerships, Joint Committees.
<b>Grant (Gift) Arrangements</b> ( <a href="#">section 20</a> )	Ensuring that any funds set aside to make individual grants are properly approved in line with the Constitution.  Ensuring that all grant payments to voluntary organisations (or other recipients) are properly approved in line with the Constitution, these Financial Regulations and all other relevant documentation.  Where a grant payment is withdrawn or reclaimed, ensuring that this is agreed in line with the Constitution.  Ensuring that the external relationship with any recipient of grant aid is managed in line with all guidance provided by the Chief Legal Officer.

	Ensuring that any Grant / Gift arrangements within their area of responsibility are made in line with the Constitution.
<b>Council Supply Agreements</b> ( <a href="#">section 21</a> )	Ensuring that Council Supply Agreements within their area of responsibility are approved in accordance with the requirements of the Constitution. This includes seeking the opinion of the CFO.

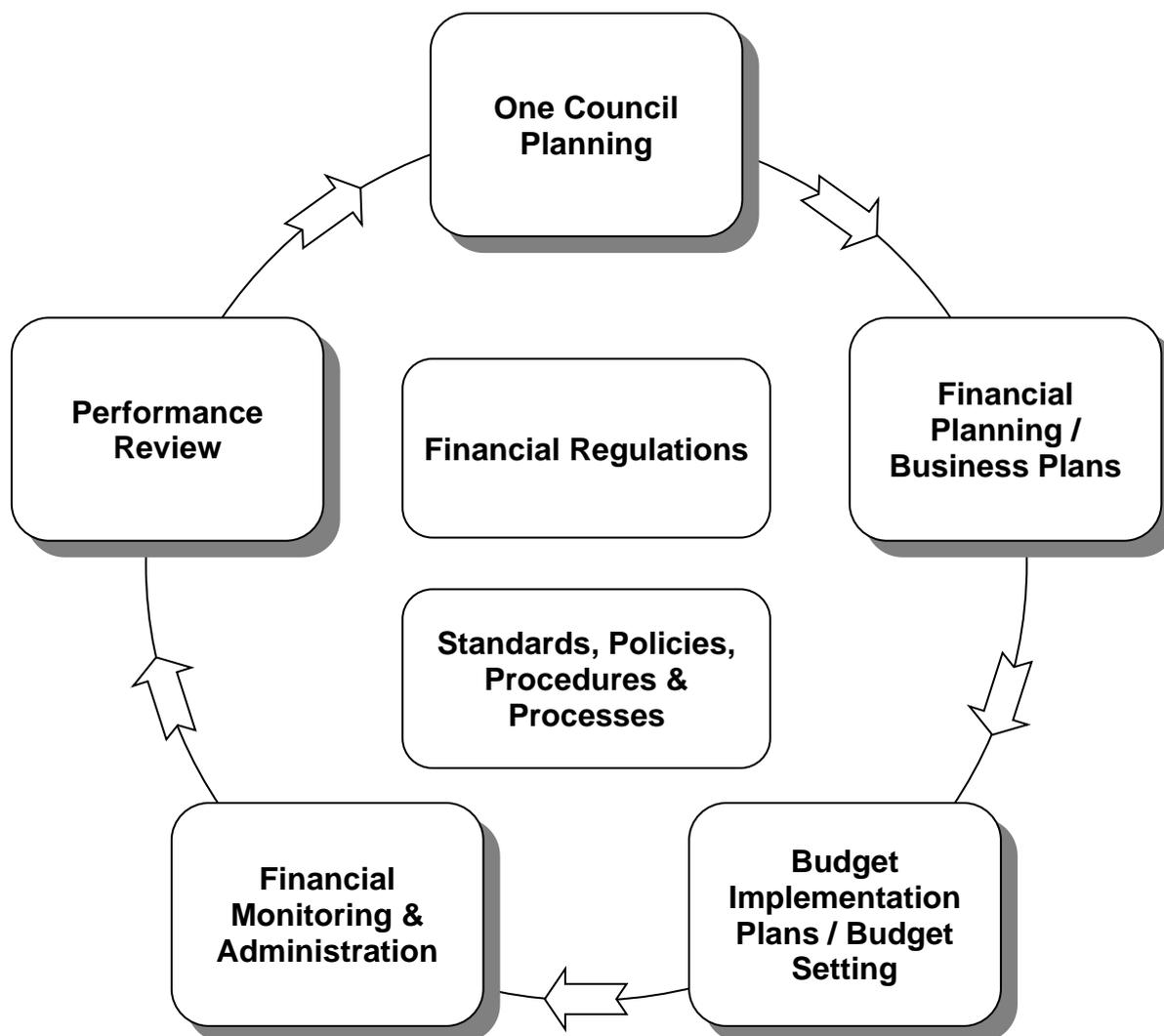
[Back to Contents page](#)

## 2. Financial Management

### The Cycle

The following diagram shows the financial management process starting with Service Planning and ending with the review of performance before the cycle starts again.

These Financial Regulations and the operational financial policies and procedures issued by the CFO support the financial management process.



### Asset Management

This section outlines how the Council will manage, maintain, and protect its assets.

<p><b>The Asset Management Strategy</b></p>	<p>The Chief Property Officer is responsible for Property Asset Management across the Council. This includes considering the disposal of surplus capital assets as part of the Sheffield Land and Property Plan.</p> <p>Any acquisition or disposal of assets must be approved in line with the Constitution and the Council’s Disposal Framework policy.</p>
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## Risk Management

This section details the arrangements for risk management, including financial risk management.

<p><b>Risk management is the practice of identifying potential risks in advance, analysing them and taking steps to reduce / curb the risk</b></p>	<p>Specific responsibilities relating to risk management are set out in the Risk Management Framework and Guidance.</p> <p>The Council's Risk Management Strategy is based on good risk management being an integral part of good management and not a separate activity.</p> <p>Risk management and business continuity must be embedded at all levels within Directorates in line with the Risk Management Framework.</p> <p>Directors are responsible for maintaining and monitoring a Service Risks and Assurances log which must include financial risks.</p> <p>Financial risk management is built into these Financial Regulations and many of the core processes that the Council expects managers to follow on a day-to-day basis.</p> <p>Good practices for good financial risk management include:</p> <ul style="list-style-type: none"> <li>• monitoring budgets,</li> <li>• complying with processes in the Financial Regulations,</li> <li>• following the decision-making framework, and</li> <li>• maintaining and monitoring key financial risk registers.</li> </ul>
<p><b>Money Laundering</b></p>	<p>The Anti-Money Laundering Policy was produced by Internal Audit on behalf of the CFO.</p> <p>In line with the Anti-Money Laundering Policy, the Head of Accounting is the Officer nominated to receive information about possible Money Laundering activity within the Council – the MLRO.</p> <p>The roles and responsibilities of the MLRO are set out in Appendix B to the Policy.</p> <p>Where there are significant cash payments, i.e. £1,000 or more in cash, or up to £2,500 in linked transactions, officers should check the identity of the client in line with the Council's Anti-Money Laundering Policy.</p> <p>Payments in cash must not be accepted by employees of the Council or any of its agents where the amount is over the current limit of £2,500. This limit is set by the Council's MLRO.</p>
<p><b>Fraud</b></p>	<p>The Council's "Code of Conduct for Employees" and 'Whistleblowing Policy' requires any Council officer, who becomes aware of potential theft, fraud or corruption, to bring this to the attention of the appropriate manager.</p> <p>Strategic Directors are responsible for notifying the CFO (or deputy) where there is any actual or suspected irregularity affecting the Council's assets.</p> <p>The reporting of concerns to the Council's Internal Audit Service is considered adequate for discharging this responsibility.</p>
<p><b>Insurance</b></p>	<p>Appropriate Insurances will be in place to cover the risks that the Council is exposed to. The cost of insurance cover will be chargeable to Directorates.</p> <p>Insurance arrangements are reviewed regularly in consultation with Strategic Directors.</p>

	<p>On a day-to-day basis, Insurance arrangements are managed by the Insurance Team. This team should be notified of any loss, liability or damage or any event likely to lead to a claim.</p>
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	<p>Additionally, the Insurance Team should be promptly notified of any circumstances involving both existing and new risk, which could result in the Council incurring a substantial liability. This will include details about Members, Officers, service users, third parties, property, vehicles, plant / other assets, trading activities undertaken with organisations external to the Council, and any alterations affecting existing insurances.</p>
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[Back to Contents page](#)

### 3. Financial Planning

There are 3 key elements to Financial Planning at Sheffield City Council:

- Medium Term Financial Strategy (MTFS).
- Capital Programme.
- Annual Revenue Budget.

Each element has a specific purpose and is designed to ensure the robustness of the Council’s overall financial arrangements.

<p><b>The MTFS is an integrated financial plan</b></p>	<p>The MTFS is a key part of good governance and is a tool to help the Council deliver its priorities.</p> <p>The MTFS sets an integrated financial plan, usually for a three to five year period.</p> <p>The MTFS links closely to the Corporate Plan. The Corporate Plan in turn, informs the spending priorities included in the MTFS.</p> <p>The CFO will be responsible for producing the MTFS along with Strategic Directors. This will be supported by policy options, savings and efficiencies, and both financial and non-financial information to assist decision-making.</p> <p>The MTFS is presented to the Strategy &amp; Resources Policy Committee and will form the basis for the following years Annual Revenue Budget and Capital Programme that the Committee will subsequently recommend to Council for final approval, with projections for future years.</p> <p>This includes details of the amount of money available or financial targets for Strategic Directors for the forthcoming financial year and guideline allocations / targets for the following years.</p> <p>The MTFS will also include projections of the Council’s reserves and balances.</p>
<p><b>Capital Programme lists the projects that involve capital expenditure</b></p>	<p>The Capital Programme is a list of planned capital projects, together with their supporting funds, which are linked to the Council’s outcomes and objectives.</p> <p>The Programme is agreed by Council in March each year.</p>
<p><b>The Revenue Budget sets the budget proposals for the Council for a one-year period.</b></p> <p><b>It also sets the City Council element of the Council Tax</b></p>	<p>The Budget is informed by the policy options that form part of the MTFS.</p> <p>Each Directorate will prepare detailed spending proposals. These financial estimates are then finalised with Strategic Directors before inclusion in the Revenue Budget.</p> <p>The CFO will advise on any contingency budgets required to cover exceptional in-year costs such as price increases and commitments which are uncertain in terms of their timing and likely cost.</p> <p>Strategic Directors must inform the CFO as soon as they become aware of any exceptional items. An appropriate level of contingency can then be provided for.</p> <p>As part of the Revenue Budget, the CFO will ensure that the budget proposed meets relevant statutory requirements.</p>

<p><b>The Revenue Budget approval must be complete by 11<sup>th</sup> March each year</b></p>	<p>The Council is responsible for agreeing the annual budget for services within Directorates, including the overall capital programme, within the Budget and Policy Framework.</p> <p>The Strategy &amp; Resources Policy Committee will recommend the Budget to Council for final approval together with a recommended level of Council Tax to be set for the coming financial year.</p> <p>To meet statutory requirements this must be done by the 11<sup>th</sup> March each year.</p> <p>Once the Revenue Budget has been approved by Council, Strategic Directors may spend up to the amount approved for the period covered by that budget.</p> <p>Individual items of expenditure within the budget must still be approved in line with the Council’s Contracts Standing Orders, Procurement Guidelines and the requirements of the Constitution.</p>
<p><b>Revenue Budget Monitoring is undertaken in line with an agreed timetable</b></p>	<p>An annual timetable for budget monitoring reporting is produced and the following principles will apply:</p> <ul style="list-style-type: none"> <li>• Monitoring reports, prepared on an accrued basis, will be reported to Directorate Management Teams monthly (except month 1).</li> <li>• At least quarterly overall monitoring reports will be reported to the Leadership Boards, Finance Committee and the Policy Committees.</li> </ul> <p>As soon as practical after the end of the financial year, the Head of Accounting will report to the Strategy &amp; Resources Policy Committee on the overall revenue out-turn position including details of reserves, balances and provisions held by Directorates.</p> <p>The report should include recommendations relating to the treatment of any under and overspending by Directorates.</p>

**Virements and Variations to the Annual Revenue Budget**

This section explains what virements and variations are and how they should be approved.

<p><b>A virement is the transfer of monies from one budget head to another</b></p> <p><b>For example, one budget is overspending, or a function has moved from one Directorate or service to another</b></p>	<p>Virements allow Strategic Directors to manage budgets with some flexibility, provided they remain within the overall Budget and Policy Framework as agreed by Council.</p> <p>Key controls for virements are that:</p> <ul style="list-style-type: none"> <li>• They must be approved in line with these Financial Regulations.</li> <li>• They must not create an increase in expenditure, for example by creating future commitments from one-off additional spending.</li> <li>• Both parties to the virement must agree to it.</li> </ul> <p>Virements will not be allowed from capital financing charges, levies or other areas of spending without the specific approval of the Head of Accounting.</p>
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<b>Virements between Services and Directorates must be approved in line with specific limits</b>	<p>Approval of virements must be made in line with the following limits:</p> <ul style="list-style-type: none"> <li>• Less than £500,000: the virement may be approved by the Head of Accounting.</li> <li>• £500,000 and over or represents a <b>major change of policy</b>: the virement may only be approved by the Finance Committee.</li> </ul>
<b>Carry forward requests from Base Budget</b>	<p>A request to carry forward a base budget underspend must be made by Month 8, the December monthly accounting cycle. A form should be completed (available on Finance Point) detailing the reasons for the underspend, impact and approval should be sought from the relevant service Director.</p> <p>A key requirement of submitting requests for carry forward of base budget is that the Committee cannot exceed its approved budget.</p> <p>The request must be forecast at the earliest opportunity, but by no later than the Month 8 forecast in December, on the agreed form.</p> <p>The Head of Accounting will then review the request and if approved, it will be presented to the Finance Committee as part of the quarterly Revenue Budget monitoring process.</p> <p>Approved requests will be included, where feasible, in the Budget Implementation Plan for the relevant Service.</p>
<b>The Annual Reserves Strategy</b>	<p>An annual Reserves Strategy is produced as part of the revenue budget setting process and informs the Council's budget decision. The Head of Finance &amp; Commercial Business Partnering, or authorised officer, will then manage the need for transfers to and from reserves.</p> <p>Where the proposed transfer does not relate to an approved strategy and is not a restricted grant then, subject to the urgency procedure, the decision may only be taken by Full Council.</p>
<b>Transfer to Reserves of Restricted grants and one-off investments</b>	<p>Requests by Strategic Directors to set up earmarked reserves, may only be done following approval by the CFO.</p> <p>Approving the in-year flow of money to and from reserves, and/or creating or consolidating reserves is at the discretion of the CFO.</p> <p>The Head of Finance &amp; Commercial Business Partnering, or authorised officer, can approve the transfer to reserves of a restricted grant or one-off investment budget where some (or all) the expenditure is not expected to occur in the current financial year.</p> <p>The anticipated level of underspend should be forecast monthly throughout the year using the anticipated cash limit expense code (which at the time of writing is the Integra expense code 4038-000).</p> <p>Restricted grants &amp; investments must be used for their specific activity / purpose and any restricted grant balances carried forward at year end will be drawdown in full in M1 (April) of the following financial year.</p>
<b>Variations are changes to the</b>	<p>Variations are changes to the total amount of expenditure across a Directorate, service or the Council as a whole that results in a change to the Council's overall</p>

<b>total amount of expenditure</b>	level of resources as set out in the Revenue Budget Report that is approved by Council.
<b>Any changes to the overall level of resources set out in the budget must be appropriately approved</b>	<p>Changes to the overall level of available resources as per the Budget must be approved in line with the Constitution.</p> <p>Requests for variations may be submitted to Council for approval as detailed below:</p> <ul style="list-style-type: none"> <li>• Under £500,000 <b>and</b> not representing a major change of policy: may be approved by a Strategic Director or a Director after consulting with the Head of Accounting and informing the Chair of the relevant Policy Committee where appropriate.</li> <li>• £500,000 and over <b>or</b> representing a major change of policy: may only be approved by Finance Committee in line with the Constitution. These will be proposed by the relevant Strategic Director and actioned by the Head of Accounting. It is also good practice to inform the Chair and spokespersons of the relevant Policy Committee.</li> </ul> <p>Variations requiring support will be presented to the Policy Committees initially and included as part of budget monitoring.</p> <p>All approved Virements and Variations must be recorded on the Council's Finance System.</p>
<b>Cash Limit Adjustments</b>	<p>Cash Limit adjustments can be done between services, within a service or between months on the Qtier system.</p> <p>If the adjustment does not meet the definition of a virement and is under £100,000, these can be signed off by the relevant Finance Manager (one for each side of the transaction).</p> <p>Over £100,000 and a Senior Finance Manager for the Directorate will need to authorise the adjustment.</p>

### **Borrowing and Investment (Treasury Management)**

The Council must make sure it has sufficient money to cover payments, such as salaries, supplier payments and interest payments, when they become due.

This section outlines the arrangements for entering and agreeing any borrowing or investments that may be required.

<b>Treasury Management involves undertaking investments and borrowing transactions for the Council</b>	<p>An annual Treasury Management Strategy is produced for approval by Council as part of its annual budget decision. This covers the borrowing and investment strategies and Capital Programme financing.</p> <p>The Head of Accounting must ensure compliance with the Treasury Management Strategy.</p> <p>Managing borrowing and investments is key to supporting the Council's Strategic Planning process.</p>
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	<p>The capital programme provides a guide to the borrowing needs of the Council; informing longer term cash flow planning to make sure that the Council can meet its capital spending obligations.</p> <p>The Head of Accounting must agree any borrowing or investment on behalf of the Council. In the absence of the Head of Accounting, the CFO may agree borrowing and investment transactions.</p> <p>Twice per year (mid-year and at the end of a financial year) a report is produced for the Strategy &amp; Resources Policy Committee on treasury management activities, transactions and decisions.</p> <p>The reports will focus on the identification, monitoring and control of risk as this is key to the effectiveness of Treasury Management. The mid-year report is presented alongside budget monitoring information.</p>
<p><b>If income over £50,000 is expected, the Treasury Team should be notified</b></p>	<p>Where amounts of £50,000 or over is expected, e.g. completion of property purchases, this must be reported to the Treasury Team.</p> <p>Knowing that a large receipt is due will help the Treasury Team to manage the Council’s cash flow which may well reduce the need for short term loans to cover Council expenditure.</p>
<p><b>If services have any special payment requirements over £50,000, the Treasury Team should be notified</b></p>	<p>The Treasury Team should be notified a week in advance of any special payment requirements above £50,000.</p> <p>If this is not possible, to make any special payments, the Treasury Team <u>must</u> be notified by no later than 10am on the day the payment is expected to be made.</p>

[Back to Contents page](#)

#### 4. Financial Implications

This section explains the process for considering the financial implications of decisions.

<p><b>Before any decision is made by Officers, the financial implications of that decision need to be considered</b></p>	<p>The financial implications section of reports must summarise the capital and revenue implications of the proposals, together with details of any potential risks.</p> <p>Officers involved in making decisions that are not published must also give proper thought to the financial implications. This includes consulting with their Finance contact where necessary. The implications identified should be documented and retained, in case of future challenge or audit requirement.</p> <p>Whilst it is not compulsory, it is good practice, for reports made to other meetings, such as management team meetings, etc. to also include a Financial Implications section.</p>
<p><b>Arrangements for the sign-off of Financial Implications</b></p>	<p>All Financial Implications summaries must be signed off by the CFO, or an authorised officer on their behalf.</p> <p>Officers developing proposals and preparing reports cannot assume that they know the financial implications; an authorised officer from Finance must be involved and provide input.</p> <p>Only the Head of Finance &amp; Commercial Business Partnering, as the budget holder for the Council's Capital Financing costs, (or officers specifically authorised to do this on their behalf) may approve Financial Implications which impacts on cash-flow.</p> <p>Before signing off Financial Implications, the officer who has prepared the report has taken all relevant advice, e.g. specialist financial, commercial or taxation advice.</p> <p>The name of the Officer who has signed-off the Financial Implications must appear on the Financial Implications section of the covering checklist.</p>

[Back to Contents page](#)

## 5. Capital Programme

The following section explains what the capital programme is, factors that are considered when it is planned and the arrangements for approving and amending capital projects.

<p><b>What is the Capital Programme?</b></p>	<p>The Capital Programme is a list of planned projects which involve capital expenditure, together with their supporting funds, which are linked to the Council's outcomes and objectives. The Programme is agreed by Council in March each year.</p> <p>As the Capital Programme is made up of several different projects, the size and scope of the Programme can vary over time.</p> <p>The International Financial Reporting Standards and the Statement of Recommended Accounting Practice provide guidance on accounting for Capital projects.</p> <p>The revenue expenditure implications of the proposed Capital Programme will be considered as part of the approval process, as well as the Revenue Budget and MTFs processes.</p>
<p><b>How is the Capital Programme approved?</b></p>	<p>The proposed Capital Programme for the next financial year is put together by the Head of Finance &amp; Commercial Business Partnering, together with the Strategic Directors.</p> <p>The Programme must be reviewed by the Capital Programme Group before being recommended to the Leadership Boards. It is then taken to the Strategy &amp; Resources Policy Committee, before being presented to Council at the same time as the Revenue Budget.</p> <p>Just because a project is included within the Programme, this does not mean it has automatic approval to take place.</p>
<p><b>What are Capital Approval Forms (CAFs) used for?</b></p>	<p>CAFs are used to obtain financial approval for projects within the Capital Programme. Capital expenditure can only occur if fully funded, unless any funding gaps are approved by the Head of Finance &amp; Commercial Business Partnering.</p> <p>A CAF must be completed for any new projects added to the Programme, or changes to existing approved projects.</p> <p>A CAF must be approved, via email, by the appropriate manager and include all relevant documentation. The CAF is then approved at the Finance Committee.</p> <p>The CAF requires the following signatures (email approval):</p> <p>For new projects and changes to existing projects - the signatures of the Project Manager, sponsoring Director, and Capital Team.</p> <p>For emergency approvals - the signatures of the Project Manager, sponsoring Director, Capital Team, a Strategic Director and the Head of Finance &amp; Commercial Business Partnering.</p> <p>For cases considered sensitive by the Strategic Director and/or the Head of Finance &amp; Commercial Business Partnering, the signatures of the Project Manager, sponsoring Director, Capital Team and the relevant Policy Committee Chair.</p>

<p><b>Project Stage Approval</b></p>	<p>Approval for the Design, Procure and Build stages of a project will not be granted without recommendations from the Head of Finance &amp; Commercial Business Partnering in respect of funding implications.</p> <p>As part of this process the Head of Finance &amp; Commercial Business Partnering will need to consider both the Revenue and Capital implications of these approvals. The level of contractual commitments in future years must be considered.</p> <p>The Project Manager must obtain approval for each stage of the project from the Head of Finance &amp; Commercial Business Partnering, the Chief Property Officer (if appropriate) and the Capital Programme Group.</p> <p>Only the Capital Programme Group can recommend to the CFO the award of a contract for Capital works in line with the Council's Contracts Standing Orders.</p> <p>The build stage of a project cannot take place until a thorough review has been completed by the Project Manager. This must be approved by the sponsoring Director, as well as reported to the Capital Programme Group.</p>
<p><b>What to do if External Funding is used to support a capital project?</b></p>	<p>If external funding, e.g. a grant is needed to support a Capital project, this must be approved by either the Head of Finance &amp; Commercial Business Partnering or an authorised Finance Officer.</p> <p>If the grant requires the Council to become the Accountable Body for the funding, agreement for this must be obtained BEFORE any offers of funding are accepted.</p> <p>Funding can only be accounted for once all conditions of the grant have been met. Before this point, expenditure must be covered by either the relevant Directorate's budget, or by corporate funding sources by agreement.</p> <p>If any part of a Capital project involves the Council guaranteeing the liabilities of a third party, then this must also be approved in accordance with the requirements of the Constitution.</p> <p>Capital Grant Funding cannot be used to fund day-to-day revenue expenditure.</p>
<p><b>Arrangements for making variations to Projects in the Capital Programme</b></p>	<p>Changes to a project's finance are known as 'Variations'. Any variations made to a project require approval and will depend on whether there are the Capital resources available.</p> <p>For existing projects, the approval levels for variations are:</p> <ul style="list-style-type: none"> <li>• Variations of up to £25k can be approved by the responsible Director.</li> <li>• Variations between £25k and £100k require approval from the relevant Strategic Director.</li> <li>• Variations above £100k require Finance Committee approval. These are raised in the monitoring reports.</li> </ul> <p>For approval purposes, the limits apply to the total of all variations since the last time approval was granted was by Council.</p> <p>Virements between Capital projects are not allowed. Any change to a project budget is treated as a variation.</p>
<p><b>Emergency Approvals</b></p>	<p>Where an emergency approval is required, this must be obtained in line with urgency procedures in the Constitution.</p>

	<p>Emergency approvals can be granted by the relevant Strategic Director in consultation with the Head of Finance &amp; Commercial Business Partnering acting on behalf of the CFO.</p> <p>The CFO, or an officer authorised to act on their behalf, must be informed of the need for any emergency approvals at the earliest possible opportunity.</p> <p>All emergency approvals within a month should be reported to the Finance Committee in the next monitoring report. If, by the time the decision has been reported, and no action has been taken, the emergency approval may be cancelled.</p>
<b>Slippage and/or accelerated spend within a project</b>	<p>When projects are approved, an annual profile is created which forecasts at which point in the year spending will occur.</p> <p>Accelerated spend occurs when a project has spent more than expected at a set point in time. Slippage occurs when a project has spent less than expected at a set point in time.</p> <p>This should be reflected in monthly forecasts, and Capital Finance should be made aware of the situation.</p> <p>Where spending is forecast to move between financial years, this must be included in the monitoring reports to the Finance Committee requesting approval.</p> <p>Where an overspend is anticipated, despite actions being taken to prevent this, the overspend must be covered from revenue.</p>
<b>Capital Receipts</b>	<p>Capital Receipts are the proceeds the Council receives from a buyer when it sells a capital asset. This can be used to fund new Capital projects.</p> <p>Any decision on the use of Capital Receipts will be taken as part of the overall approval for the project through recommendation by the Capital Programme Group.</p>
<b>Procurement for capital projects</b>	<p>Directors and Strategic Directors must ensure relevant procurement procedures are followed for Capital projects.</p> <p>The Head of Capital Delivery Service and the CFO must be made aware of any procurement activity.</p> <p>Where the project is financed, either fully or in part through external funding, then the requirements of the Funder in relation to procurement must also be met.</p>

### Roles and Responsibilities

Several specific groups, teams and managers have additional roles in relation to the capital programme. These are included in the table below:

<b>The Capital Programme Group</b>	<p>Is responsible for:</p> <ul style="list-style-type: none"> <li>• Overseeing Capital Management.</li> <li>• Providing advice and recommendations to the Leadership Boards on new projects. These recommendations will be made to the Finance Committee.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Approving variations to existing projects, as well as the progression of projects to their next stages.</li> <li>• Approving the use of Capital receipts and grants.</li> </ul>
<b>Directors and Project Managers</b>	<p>Are responsible for:</p> <ul style="list-style-type: none"> <li>• Ensuring that all projects comply with the relevant laws and regulations. Complying with the Constitution.</li> <li>• Complying with the relevant external funding procedures.</li> </ul>
<b>Project / Budget Managers</b>	<p>All projects must be managed in line with the Council’s Project Management Guidelines.</p> <p>Project Managers are responsible for:</p> <ul style="list-style-type: none"> <li>• Considering revenue, environmental, property, and opportunity costs related to a project.</li> <li>• Considering the legal, human resources, equalities impact and sustainability implications of the project.</li> <li>• Considering the impact of VAT on Capital projects and property transactions (disposals, purchases and leasing of land / property) and seek the advice of the Head of Finance &amp; Commercial Business Partnering if required. On a day-to-day basis this advice will be provided by the Council’s Tax Manager.</li> </ul> <p>Managing the project within budget and preventing overspends.</p> <p>Project Managers must consider the risks of, and the solutions to, any forecast Capital overspends.</p>
<b>The Capital Team</b>	<p>Are responsible for:</p> <ul style="list-style-type: none"> <li>• Steering a project through the financial approval process, alongside the Project Manager.</li> <li>• Reviewing, quality checking and challenging the monthly actuals and forecast expenditure and income.</li> </ul> <p>Reporting monthly on Capital expenditure and its financing, in line with the Capital Projects Approval Route.</p>

### Capital Projects Approval Route

The diagram below shows the stages a project must go through to be approved for inclusion in the Capital Programme.

<b>Approval for New Projects (inclusions)</b> Regardless of £ value	
<b>Decision making</b> 	<b>Full Council</b> - for approval of the <b>Capital Forward Programme</b> only, at the recommendation of the Strategy & Resources Policy Committee
	<b>Finance Committee and/or Policy Committees</b> – for formal Council decision to approve / reject the new project. Note that the stages below do not constitute a formal decision
	<b>Leadership Boards</b>
	<b>Capital Programme Group</b>
	<b>Directorate Leadership Team</b>
	<b>Director</b> (Discussions only)

### Financial Management and Reporting for Capital Accounts

This section details how projects within the Capital Programme are monitored and reported on.

<b>Financial Management</b>	<p>The Council’s financial management system is used to manage the projects within the Capital Programme.</p> <p>Project Managers are required to carry out monthly monitoring and forecasting for both Revenue and Capital expenditure.</p>
<b>Reporting Process</b>	<p>Monthly Capital reporting is based on Capital Approval Forms, Project Closure Forms, financial monitoring and approval request reports.</p> <p>At year end, the Head of Finance &amp; Commercial Business Partnering reports on the overall Capital outturn position to the Finance Committee. The Revenue outturn position is also reported at this time.</p>

[Back to Contents page](#)

## 6. External Funding / Grants

External Funding refers to additional resources, above and beyond those normally provided to the Council. This funding can be used to develop and improve the quality of services, better meet the needs of clients or to do something that would not otherwise be affordable.

<p><b>Accountable Body status must be agreed before any external funding is accepted</b></p>	<p>The <b>Accountable Body</b> is legally responsible for making sure that the requirements of the funder are met.</p> <p>The decision to agree to the Council becoming the Accountable Body for external funding must be taken BEFORE any offers of funding are accepted, in line with the Constitution.</p> <p>Grant Funder offer letters, or documentation, requiring signature to accept a grant of £1m or more must be completed by the CFO (or deputy) as per these Financial Regulations.</p> <p>Offer letters or documentation of less than £1m can be signed off by any of the Senior Finance Managers (SFM), except for the SFM's that are responsible for Internal Audit and EFT or who are not a Qualified Accountant.</p> <p>Where the Council is guaranteeing the liabilities of a third party this must also be approved in line with the Constitution.</p>
<p><b>The External Funding Team (EFT) have day-to-day responsibility for the management of external funding</b></p>	<p>EFT, on behalf of the Head of Finance &amp; Commercial Business Partnering, is responsible for ensuring grant applications and subsequent offers are appropriately completed and authorised.</p> <p>Grant claims of £100k or more, statutory grant returns or other grant related documents can be signed off by the SFM's, except for the SFM's that are responsible for Internal Audit and EFT or who are not a Qualified Accountant.</p> <p>Grant claims of less than £100k can be signed off by the EFT Finance Manager.</p> <p>Grant claims that are submitted via a Funder portal still require sign off as per these Financial Regulations.</p> <p>If a grant requires match funding, EFT will provide guidance on sources of match funding and how this can be evidenced.</p>
<p><b>Audits of External Funding may be required</b></p>	<p>Internal and External audits may be carried out. If required, this will be detailed in the terms and conditions from the grant Funder.</p> <p>Any associated costs will need to be funded from the relevant business unit's budget.</p>
<p><b>Retention of documentation</b></p>	<p>All evidence required by the funding body must be collected and held in line with the terms and conditions of the grant.</p> <p>Documents supporting European projects must be stored for at least 3 years after the UK receives its final payment to the programme or for the period defined by the Funder.</p> <p>Where the retention period in the grant agreement is longer than the one prescribed in the Financial Records Retention Schedule (<a href="#">Appendix A</a>), the funder's requirements will take priority.</p> <p>In all other cases, the Records Retention Schedule should be followed.</p>

## 7. Income Management

Many of the services which are delivered by the Council are funded by Government grants and local taxation (Council Tax and Business Rates). There are also some services that service users and other customers pay a fee for.

This section explains how fees and charges are set, how income is collected and what the Council will do to recover debts.

Separate detailed rules apply to Housing Rent, Council Tax, Business Rates and Benefit Overpayment debt, so the regulations below do not apply to these.

Refer to [section 21](#) for Council Supply Agreements.

### Roles and Responsibilities

Committees and Officers involved in the sundry debt process have the following specific roles and responsibilities in relation to income management:

<p><b>Policy Committees</b></p>	<p>Policy Committees are responsible for agreeing fees and charges in relation to their service areas, other than any set by Full Council as part of the budget process.</p> <p>The fees and charges must be in line with the MTFs and any policies in respect of fees and charges</p>
<p><b>All Officers involved in the sundry debt process</b></p>	<p>Officers who are responsible for raising invoices, credit notes, refunds, debt recovery and write-offs must not carry out these activities where they relate to debts owed by themselves or family members, or where they have a vested interest.</p>
<p><b>Officers with Authority to collect cash</b></p>	<p>Only officers with specific authorisation from their manager may collect cash on behalf of the Council. These officers will be issued with a “Style 1” photo identification card, which clearly states that they are authorised to collect cash.</p> <p>Before any new Style 1 photo identification card is issued, the request must be approved by the Head of Revenues &amp; Benefits, or authorised officer, in line with the procedure for the issue of photo identification cards.</p> <p>Managers should keep a register containing details of the style of card held by each member of staff and ensure that the card held is appropriate to the officer’s current duties.</p>

### Separation of Duties

The system in place for the collection and banking of income must include separation of duties between the different functions as a key form of internal control. This means that a single person should not be responsible for all the activities related to the collection and banking of income. The activities should be carried out by different people. This is to help prevent fraud.

To comply with this principle, Managers must ensure that an officer does not carry out functions from both Table 1 and Table 2 (below) in any given period. This ensures that, for example, an officer does not check that the amount of money they themselves have collected equals the money that they have banked.

Table 1:

Function	Examples
Identifying charges or taking a booking	Telling a customer the cost of a particular service, e.g. removing a wasp's nest. Booking an appointment for removal of a wasp nest.
Billing	Sending an invoice (if appropriate to do so).
Collection and receipt of income	Collecting the payment, irrespective of the method of payment (i.e. cash / credit card) for removing the nest and giving the customer a receipt for the payment. Receipts might be a 'till receipt' or handwritten one from a pre-printed receipt book.

Table 2:

Function	Examples
Reconciling receipts to income	Adding up the payments received, and all the receipts issued and then making sure they come to the same amount.
Banking income	Doing the Cash Management lodgement journals so the income appears on the finance system as being in the bank. This also puts it into the correct Business Unit. Arranging for cash to be physically put into the Council's Bank Account. This may be done via the cash collection service – currently provided by LOOMIS.
Monitoring income received, banked and outstanding	Checking money that has been banked equals the amount that is on the receipts. Monthly monitoring of outstanding debts.

When money needs to be transferred between members of staff, this must be evidenced by the recorded signature of the officer receiving the money.

### Paying Fees and Charges

All systems and processes related to customer payments must comply with all relevant legal and security requirements, e.g. the Payment Card Industry Data Security Standard (PCI DSS), which is a set of guidelines designed to help keep customer's payment card data secure.

<b>Non-invoiced income</b>	Wherever possible, customers should be asked to pay for services up-front or at the time they receive the service they are paying for. Allowing customers to pay on credit, e.g. by issuing an invoice, should be avoided as often as possible. This reduces both the potential for invoices not being paid by customers and the administration costs to the Council. The Council is legally required to provide a tax invoice, if a customer asks for one.
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	Any requests received should be referred to the Tax Team within Finance & Commercial Services.
<b>Invoiced Income</b>	<p>The minimum value for a sundry debt invoice is £25. If a Council service area wishes to raise an invoice for lower than this amount, they will need to obtain the approval of the Head of Revenues &amp; Benefits, or authorised officer.</p> <p>All sundry debt accounts must be raised on the Accounts Receivable section of the finance system unless exceptions have been agreed with the Head of Revenues &amp; Benefits, or authorised officer.</p> <p>Invoices should be issued within 10 working days of the:</p> <ul style="list-style-type: none"> <li>• goods or services being supplied, or</li> <li>• month end if there is an on-going service provision.</li> </ul> <p>In line with standard accounting practice, income will be credited to the relevant Business Unit at the point the invoice is raised on the finance system - not when the money is received.</p> <p>To comply with all relevant HMRC regulations, the date of the invoice must be within 60 days of the actual date that the goods or services were supplied. If you cannot meet this timescale, you must contact the Council's Tax Manager for advice.</p> <p>The information on the Sundry Debt invoice must be correct, complete and supported by all necessary and relevant evidence to show that the Council is actually owed the income. If debt recovery action needs to be taken, including Court proceedings, this evidence will be required.</p> <p>Officers raising invoices are also responsible for ensuring that the correct amount of VAT is applied. If an officer is not sure what the correct VAT treatment is, they should contact the Tax Team.</p> <p>To ensure that invoices are raised correctly, they must only be raised by officers who have had appropriate training.</p>

### Standard Payment Methods

Only the payment methods outlined in the tables below can be used by all Services and partner organisations. These are the payment methods which have been approved by the Head of Revenues & Benefits.

Not all methods are relevant to every Council service area or customer group, but they are all the options the Council will support.

<b>Debit/Credit cards (including the payment of transaction fees)</b>	<p>The Council will accept all major debit and credit cards, except American Express, Diners Club, JCB and Solo.</p> <p>Credit cards may be used for both non-commercial debts (such as Business Rates and rent arrears) and commercial debts (such as hire of sporting facilities and pest control).</p> <p>Card transaction fees will be funded centrally from within Finance &amp; Commercial Services, subject to annual reviews of costs. They may also be recharged to the Housing Revenue Account.</p>
<b>Direct Debits</b>	Direct debits must only be used to collect payment:

	<p>For invoices that are raised on a regular basis (e.g. monthly rental agreements). Where an arrangement to pay an invoice in instalments has been agreed by the Head of Revenues &amp; Benefits, or authorised officer.</p> <p>Direct debits should not be used where the annual value to be collected is less than £100. This amount may be changed at any time by the Head of Revenues &amp; Benefits.</p> <p>If a customer's Direct Debit fails twice in a 12-month period then the option to pay by Direct Debit must be withdrawn from that customer and may only be reinstated with the agreement of the Head of Revenues &amp; Benefits, or authorised officer.</p> <p>Under the Direct Debit Guarantee scheme, the Council must give customers at least 10 working days' notice if the amount that is due to be collected will change.</p> <p>If the amount changes on a regular basis, such as Home Support, an invoice must be issued. This is for information purposes only and the customer does not need to pay the invoice separately to their Direct Debit.</p>
<b>Cash</b>	<p>The option of cash payments is considered on a case-by-case basis.</p> <p>Cash can be used to pay bills at Post Offices and PayPoint outlets subject to maximum values of £1000 and £200 respectively.</p> <p>Where there are significant cash payments, i.e. £1,000 or more in cash, or up to £2,500 in linked transactions, officers should check the identity of the client as per the Council's Anti-Money Laundering Policy.</p> <p>Payments in cash must not be accepted by employees of the Council or any of its agents where the amount is over the current limit of £2,500. This limit is set by the Council's MLRO.</p>
<b>Administration Costs</b>	<p>If there are any administrative costs associated with implementing a particular payment method, this will be funded by the Service requesting the method.</p>
<b>Expected income over £50,000</b>	<p>Where amounts of £50,000 or over is expected, e.g. completion of property purchases, this must be reported to the Treasury Team.</p> <p>Knowing that a large receipt is due will help the Treasury Team to manage the Council's cash flow, which may well reduce the need for short term loans to cover Council expenditure.</p>

### Payment Channels

The following tables outline the payment methods and payment channels for both invoiced and non-invoiced income:

<b>Invoice / Not Invoiced</b>	<b>Payment Method</b>	<b>Payment Channel</b>
Invoice / Not Invoiced	Credit or debit card online via the Council website.	On-line - Customer self-service

Invoiced	Credit or debit card using an automated telephone service.	Telephone - Customer self-service
Invoice / Not Invoiced	Credit or debit card over the phone where a member of staff transfers the customer to Call Secure so they can enter the payment details using touch-tone functionality.	Telephone - Customer assisted service
Invoice / Not Invoiced	Credit or debit card using chip-and-pin machine (either mobile or at a Council / partner office).	Face to face - Customer assisted service
Invoiced	Cash at a Post Office; or PayPoint up to a certain value.	Face to face - Customer assisted service
Invoiced	Cheques and debit card at a Post Office up to a certain value.	Face to face - Customer assisted service
Invoiced	Direct Debit – within the parameters set by the Head of Revenues & Benefits.	Face to face - Customer assisted service
Invoiced	BACS / CHAPS – within the parameters set by the Head of Revenues & Benefits.	Face to face - Customer assisted service

### Credit Notes and Refunds

The following section outlines the use of credit notes and refunds on invoiced income.

<p><b>Credit notes are used to correct an invoice that has been raised incorrectly</b></p>	<p>Credit notes are issued to customers to correct an invoice that has been incorrectly raised. However, credit notes represent a control risk and as such must be appropriately authorised.</p> <p>Credit notes must be authorised by the manager responsible for the corresponding budget.</p> <p>Customers can use credit notes to pay future invoices, but they can also request a refund if they have already paid an incorrect invoice, or paid money into a Council bank account in error.</p> <p>Refunds may only be actioned by the Head of Revenues &amp; Benefits, or authorised officer.</p> <p>Where a refund is for a significant amount, i.e. £1,000 or more, officers should check the identity of the client in line with the Council's Anti-Money Laundering Policy, fees and interest charges.</p>
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### Banking of Collected Income

The following section outlines arrangement for receipting, storing and banking collected income.

<b>All income must be receipted and banked promptly</b>	<p>All income received by the Council must be receipted and paid into the appropriate bank account as soon as possible following the procedures approved by the Head of Accounting for the banking of income.</p> <p>Income must be paid into the bank account in full. Third party and personal cheques must not be cashed from monies held on behalf of the Council.</p>
<b>Collected income must be stored safely and adequately insured</b>	<p>Strategic Directors are responsible for ensuring that all income collected prior to banking is kept in a safe location and that adequate insurance cover has been arranged.</p> <p>The amount of cash which a Service can keep in a safe overnight will depend on the insurance arrangements. If the amount needed to be stored is higher than the agreed limit, then arrangements must be made to bank the income as soon as possible.</p>
<b>Reconciliation of receipts to banked income should be performed at least monthly</b>	<p>Reconciliation of receipts to banked income should be performed at least monthly. The higher the value and quantity of the receipts, the more often reconciliations should be performed.</p> <p>Staff responsible for reconciliation should not be involved in day-to-day banking or receipting procedures. There needs to be a clear separation of duties.</p>

### Debt Recovery

Acting in accordance with its Corporate Debt Policy, the Council will do everything in its power to recover money owed to it. The following sections outline the recovery process and debt management arrangements.

<b>Recovery Process</b>	<p>The Council's standard payment terms and conditions state sundry debts should be paid immediately and in full, unless there is a contract in place to agree alternative payment terms, or unless the debt is payable by instalments.</p> <p>The Council will do everything within its power, up to and including Court action, to recover money owed to it. The costs of recovering sundry debts, including court fees, will be funded by the relevant Business Unit which is owed the debt.</p>
<b>Arrangements to Pay</b>	<p>If a customer is unable to pay the full amount of a sundry debt invoice immediately, arrangements can be negotiated to clear the debt in the shortest possible amount of time.</p> <p>These arrangements can be negotiated by the PACE Team on behalf of the Business Unit Manager, or directly by the Manager.</p> <p>If the Business Unit Manager chooses to negotiate arrangements themselves, they must tell the PACE Team so that the arrangement can be documented and monitored.</p> <p>The Head of Revenues &amp; Benefits, or authorised officer, must agree payment arrangements that last longer than 12 months.</p> <p>If the customer does not follow the arrangement to pay, then debt recovery action will be commenced or continued.</p>
<b>Interest on late payment of debt</b>	<p>Interest on late payment of debt by commercial customers will be applicable where agreed by the Head of Revenues &amp; Benefits.</p>

<p><b>Disputed Debts</b></p>	<p>A 'dispute' is an issue that must be resolved before a customer pays an outstanding sundry debt.</p> <p>When a debt is put into dispute, debt recovery action is suspended to allow time for the issue to be resolved.</p> <p>The relevant Business Unit Manager is responsible for resolving the dispute and they must do so within 28 days.</p> <p>Where the Business Unit Managers thinks that a longer timescale is required to resolve the dispute, they must contact the PACE Team to request an extension.</p> <p>The request must be supported by details about the customer, what the dispute is about, and the extra time required.</p> <p>If a request to extend a dispute beyond 28 days has not been received, the appropriate debt recovery action will be re-instated, or where appropriate the debt will be written off.</p>
<p><b>Legal action</b></p>	<p>Legal action will only be used as the last resort in the recovery process, and the final decision to act will be made by the PACE Team Finance Manager.</p> <p>Legal action will only be taken if:</p> <p>The full end to end legal enforcement process can be used (e.g. County Court bailiffs, High Court Enforcement action, etc.).</p> <p>The total balance of the debt is greater than £500. The PACE Team Finance Manager can agree to lower this balance.</p> <p>The debt is less than 12 months old, meaning the invoice date is less than 12 months ago. This deadline may be extended in exceptional circumstances by the PACE Team Finance Manager.</p>

**Bad and Doubtful Debt Provisions**

When an invoice is raised, the Business Unit is immediately credited with the income, but if the debt is not paid within 60 days, the Business Unit Manager should not rely on that income to cover expenditure.

<p><b>Bad and doubtful debt provision</b></p>	<p>Unless agreed otherwise by the Head of Revenues &amp; Benefits, if a debt is not paid by day 60 after the invoice date, the Business Unit will be debited to make full provision for the debt not being paid.</p> <p>This means that money is set aside in the Council's accounts to cover the possibility of the debt not being paid.</p> <p>Exceptions to this can only be approved by the Head of Revenues &amp; Benefits. A list of the agreed exceptions is kept by the PACE Team.</p> <p>At the year-end, a bad debt provision will be estimated based on historic trends in debts not being recovered.</p> <p>Creating a provision for bad or doubtful debt does not mean that recovery action will stop. The Council will continue to take recovery action after the provision is made.</p>
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<p><b>Payments received after 60 days</b></p>	<p>Unless agreed otherwise by the Head of Revenues &amp; Benefits, if an outstanding debt is paid after day 60 and before day 91 the Business Unit will be credited with 50% of the income. The remaining 50% will be diverted to help balance the Council’s overall budget.</p> <p>If the debt is paid after day 90, 100% of the income will be diverted to help balance the Council’s overall budget and the Business Unit will not receive any income.</p>
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**Bad Debt Write-offs**

If recovery action is unsuccessful, the Council may write-off debts or register the debt as a local land charge. The following section explains these processes.

<p><b>Write-off of bad debts</b></p>	<p>Bad debt write-offs will usually be done after 12 months have passed since the invoice date and all debt recovery procedures have been attempted, unless:</p> <p>The debt is covered by an on-going payment arrangement.</p> <p>There is on-going action, up to and including Court action, to recover the debt.</p> <p>The debt has been recorded on the Local Land Charges Register.</p> <p>Write-offs must be proposed by the Strategic Director responsible for the Directorate which holds the debt. A list of proposed write offs will be passed to the Head of Revenues &amp; Benefits to approve.</p> <p>The PACE Team, on behalf of the Head of Revenues &amp; Benefits, will then update Integra to complete the write off.</p> <p>If a debt is to be written off a full provision must have been created.</p> <p>The Head of Accounting will report debts, and changes in the bad debt provision, to the Audit &amp; Standards Committee as part of the annual accounts process.</p>
<p><b>Local Land Charges</b></p>	<p>One option for recovering a debt is to register the debt as a local land charge.</p> <p>By law, the Council must keep and regularly update a register of all the local land charges they have created, e.g. road and other financial charges, home improvement grants, tree preservation orders, notices of restriction, etc., that will either secure the payment of a sum of money or limit the use of the said property.</p> <p>This is known as the Local Land Charges Register.</p> <p>Anybody who is thinking of purchasing a piece of land or property can then search the register and establish if there are any charges.</p> <p>When Services secure a Sundry Debt account in the Local Land Charge Register, the following will apply:</p> <p>Sundry Debt accounts recorded in the Land Charge Register will be managed using the Council’s standard debt recovery process and taking a bad debt provision.</p> <p>The Business Unit Manager who is responsible for any debt that is listed in the Land Register must ensure that the debt is still valid and collectible on an annual basis.</p>

	<p>Debts covered by a Land Charge that remain outstanding after 6 years will be reviewed by the Head of Revenues &amp; Benefits to determine whether the debt should be written off.</p>
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	<p>The above requirements relate specifically to sundry debt invoices, and do not apply to any debts in the Local Land Registry manually raised outside of the Finance System.</p>
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[Back to Contents page](#)

## 8. Purchasing

### Roles and Responsibilities

Budget managers and all officers involved in the P2P process have the following specific roles and responsibilities:

<b>Budget Managers</b>	<p>Ensuring that the Council is obtaining value for money, and that all expenditure complies with the Council’s Contracts Standing Orders.</p> <p>Using in–house and existing contracted providers wherever possible. If not possible, advice must be sought from Finance &amp; Commercial Services on choosing an alternative supplier.</p> <p>Complying with the relevant procurement processes, with all steps documented and evidenced.</p> <p>Declaring any relationships with existing or potential Council contractors prior to obtaining quotations or awarding of contracts.</p>
<b>All Officers involved in P2P process</b>	<p>Referring to the Council’s Contracts Standing Orders for details of procurement procedures, with special attention to the need to use in–house and existing contracted providers.</p> <p>Formally declaring any relationships with existing or potential Council contractors, prior to obtaining quotations, or the awarding of contracts. (Failure to do so may be punishable as a criminal offence)</p> <p>Withdrawing from any P2P process when either they themselves, a member of their family or one of their close associates are involved directly or indirectly with the transaction.</p>

### Ordering and Authorisation of Expenditure

This section covers the principles of procurement in the Council. These are standard across the Council and must be complied with unless written exception has been approved by the CFO.

<b>General Procurement Principles</b>	<p>All orders for goods or services are to be placed on the Council’s Finance system. The controls, approval routes and processes detailed in these Financial Regulations will apply.</p> <p>All procurement must comply with Contracts Standing Orders and the Constitution. Any breaches are immediately reported to the CFO.</p> <p>Suppliers of the Council must have the necessary HMRC certification enabling them to be paid through the Council’s payments system.</p> <p>Contractors who do not comply with these conditions, or those who do not provide the necessary evidence, should be set up as temporary employees and paid through payroll.</p>
<b>Ordering of Goods and Services</b>	<p>A Purchase Order is required for all purchases and must be fully approved before requesting the supply of goods and services.</p> <p>Exceptions to this would be for the payment of those deemed as ‘employed’ by the HMRC Employment Status Enquiry Tool.</p> <p>Payment of these has to be made via Payroll in order to account for the correct taxation, recurring payments, ‘multiple’ and ‘one-off’ payments.</p>

	<p>Verbal orders should take place only in exceptional circumstances and should be followed immediately by a fully authorised order. Officers making verbal orders will be asked to support their decision by the Head of Accounting.</p> <p>Orders must fully detail the goods and services to be supplied and the budget from which the expenditure is to be met. Final costs or an estimate of the costs (net of VAT) should also be provided in the order.</p> <p>Orders can only be raised for goods and services provided to the Council or for official Council business. Individuals must not raise official orders for their own private use.</p> <p>Variations to an order can only be made if properly authorised, issued orders cannot be verbally amended.</p>
<p><b>Procurement Cards</b></p>	<p>A small number of credit and procurement cards are available. The use of credit / procurement cards is intended to complement, rather than replace, the Purchase Order procedure, and should only be used when the use of a Purchase Order is not possible.</p> <p>Strategic Directors must promptly inform the Head of Accounting, if action must be taken to cancel stolen or lost cards, or those issued to employees who have resigned from the Council.</p>
<p><b>Authorisation of Expenditure</b></p>	<p>Before authorising an order, approvers must ensure that the decision to spend the money has been taken in line with the Constitution.</p> <p>These Officers must also ensure that the Council’s procurement rules and Contracts Standing Orders have been complied with before approving.</p> <p>Approvers should be satisfied that:</p> <p>The Order represents a legitimate cost to the Council.</p> <p>The required checks have been evidenced and necessary documentation attached.</p> <p>Sufficient budgetary provision exists to cover the payment.</p> <p>Expenditure will be paid through the correct business unit.</p>
<p><b>An Authorisation Matrix will be held in the Finance System</b></p>	<p>A list will be held in the finance system containing the officers authorised to approve Purchase Orders, Recurring Payments, Foreign Payments and Individuals paid via payroll.</p> <p>Non-order payments, e.g. multiple, one-off, BACS, CHAPS payments, direct creditors payments or Interfaces must only be used in exceptional circumstances and must only be approved by the Head of Accounting, in consultation with the FDA.</p> <p>This matrix will apply to all orders including those connected to the spending of grant funding, payments made by the Treasury Team, contract payments and partnership arrangements.</p> <p>A report approving a grant payment or awarding a contract will not over-ride this authorisation hierarchy.</p> <p>This hierarchy, in conjunction with approval from the Head of Accounting and assurance from the FDA, will apply to the authorisation of payments that do not require a Purchase Order.</p>

Authorisation Matrix

All Purchase Orders must be approved in line with the Council's authorisation hierarchy levels, as set by the CFO and shown below:

Approver Level	From Order Amount	To Order Amount	Typical approver role
N/A	£0.01	£499.99	No further financial approval required
Level 1	£500.00	£2,499.99	Business Unit Manager
Level 2	£2,500.00	£24,999.99	Head of Service / Assistant Director
Level 3	£25,000.00 and above		Director / Strategic Director / Chief Executive

**Delivery of Goods and Services**

The following section details arrangements for checking and receipting goods and services.

<b>Goods receipting</b>	<p>When goods / services are delivered, they should be checked to ensure the delivery is correct in terms of:</p> <ul style="list-style-type: none"> <li>• Cost</li> <li>• Quantity</li> <li>• Quality</li> <li>• Fitness for purpose</li> </ul> <p>Delivery notes must be retained in accordance with the Financial Documents Retention Schedule (appended to these Financial Regulations). Where possible, the reference from these documents should also be recorded in the Finance system.</p> <p>Officers are required to enter a receipt (Goods Received Note) on the Council's finance system to confirm delivery of the goods or services.</p>
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**Payments to Suppliers**

The table below details the arrangements for paying supplier invoices together with the standard payment terms of the Council.

<b>Supplier invoices</b>	<p>Suppliers will be expected to provide an electronic invoice. These should be sent directly to the accounts payable processing facility, as detailed on the Council's Purchase Order.</p> <p>Where paper invoices are unavoidable these should be sent directly to this same address for prompt processing. On no account should they be sent to the service requesting the supply.</p> <p>Failure to adhere to this rule may result in delays to the payment process. Paper invoices will be scanned and attached to the invoice records.</p>
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<b>Payments</b>	<p>No payment will be made unless it is supported by an authorised Purchase Order and Goods Received Note, to acknowledge the receipt of goods and services.</p> <p>Exceptions to this are Recurring, Multiple, One-Off, Individuals paid via Payroll, Foreign Payments and purchases made using a Credit or a Procurement Card.</p> <p>Where the details on the supplier invoice, the Goods Received Note and the Purchase Order are the same, the matching process will clear the invoice for payment. This is referred to as a 3-way matching process.</p> <p>Where the details are not the same, the order raiser should liaise with the supplier to resolve the mismatch.</p>
<b>Standard payment terms</b>	<p>The Council's standard payment terms are to make payment within 30 calendar days of the invoice date.</p> <p>Agreed exceptions are made in the case of non-trade suppliers, trade suppliers participating in the early payment discount scheme and small local providers (based in Sheffield), who are all paid immediately.</p> <p>Any other variation to the standard payment terms must be agreed by the Head of Procurement &amp; Supply Chain, either as part of the letting of a contract or by ad-hoc exception to the standard terms.</p> <p>Where a supplier makes a request for payment in advance, advice must be sought from the Head of Procurement &amp; Supply Chain.</p>

[Back to Contents page](#)

## 9. Internal Charges

This section explains what internal charges are, and when they will be used.

<p><b>Internal charges are used to recharge costs between services / Directorates</b></p>	<p>The Council’s internal charging system covers:</p> <ul style="list-style-type: none"> <li>• Specific ordering and the recharges for these.</li> <li>• Agreed Annual Service Level Agreements and the recharges for these.</li> <li>• Overhead apportionment.</li> </ul>
<p><b>All parties must be clear that the charging system exists</b></p>	<p>A key requirement of the internal charging system is that both customers and suppliers are clear that the system is in operation and that they adhere to the relevant procedural guidance.</p> <p>This includes the need for an internal order and the use of specified financial codes.</p>

[Back to Contents page](#)

## 10. Payroll and Expenses

This section details arrangements for payments to all employees.

<p><b>Payroll</b></p>	<p>Payments to all employees and former employees of the Council must only be made under arrangements approved and controlled by the Director of People and Culture and approved by the Head of Accounting. This includes, salaries, wages, pensions, expenses, and any other payments.</p> <p>Amendments to the payroll, e.g. for absences and variations to pay, is limited to those Officers authorised to do so.</p> <p>Payment of fees to individuals who are not Council employees must be made through the P2P system, in accordance with HMRC requirements and relevant procedures laid down by the CFO</p> <p>All Payment and personnel records must be held securely.</p>
<p><b>Expenses</b></p>	<p>Members and officers are only entitled to incidental, subsistence and travel expenses if these are incurred legitimately in performing Council duties.</p> <p>Claims must be made in line with relevant Council policies including the requirement to upload receipts to the iTrent (Payroll / HR) system. All such payments will be made through the payroll system and are paid in line with the agreed policy and rates.</p> <p>Payments of expenses to individuals who are not Council employees must be made through the P2P system, following the procedures set out by the CFO.</p> <p>Any Expense incurred by agency staff is included in the Agency charge and paid through the P2P system.</p>

[Back to Contents page](#)

## 11. Petty Cash Floats and Credit / Procurement Cards

This section details arrangements for the use of petty cash and credit / procurement cards.

<p><b>Petty Cash – payments from a float and reimbursements</b></p>	<p>The use of money from petty cash floats must be limited to non-payroll related expenditure up to a maximum of £25, which does not justify an order being raised through the P2P system.</p> <p>Petty cash should not be used for the payment of regular suppliers other than in exceptional circumstances, with prior approval from Heads of Service.</p> <p>Wherever possible purchases should be made in advance and, if applicable, VAT receipts provided before the petty cash is issued.</p> <p>At the manager’s discretion, a maximum of £5 employee-related expenses may be paid from a petty cash float where an employee has been asked to travel to meet a service need and has no way of funding this.</p> <p>The following rules apply to the use of petty cash floats:</p> <ul style="list-style-type: none"> <li>• Personal or third-party cheques must not be cashed.</li> <li>• Money cannot be borrowed from petty cash floats.</li> <li>• Private monies must not be used to supplement the floats.</li> </ul> <p>Cash income from other sources must not be used to reimburse petty cash unless specific arrangements are in place.</p> <p>Officers who have been assigned responsibility for a float must follow the administration procedures of petty cash floats as laid down by the Head of Accounting.</p>
<p><b>Credit / Procurement cards</b></p>	<p>Credit cards, charge cards and other payment cards held in the Council’s name are opened, closed and managed by the Head of Accounting.</p>
<p><b>Reconciliations</b></p>	<p>Reconciliations of credit cards, etc. are completed on at least a monthly basis by an officer who is not responsible for the processing of transactions.</p> <p>The Head of Accounting, or authorised officer, is responsible for ensuring that reconciliations, together with supporting documentation, are reviewed and appropriately certified.</p>

[Back to Contents page](#)

## 12. Bank Accounts

This section details arrangements for opening and closing bank accounts, banking transactions and reconciliations. On a day-to-day basis these responsibilities are carried out by the Treasury Team.

<b>Bank Accounts</b>	<p>Bank accounts can only be opened or closed in the name of Sheffield City Council with the authority of the Head of Accounting. This includes associated bank accounts which the Council does not directly control, such as joint arrangements.</p> <p>The Head of Accounting is responsible for all negotiations of banking terms with the Council's Bankers and is approved to authorise the execution of Amendment Agreements when required.</p> <p>All stand-alone systems which create payments and do not link with the financial ledgers must have a separate bank account and subsequent local reconciliation responsibilities.</p> <p>The Payroll interfaces and systems which create BACS files or print cheques are currently the stand-alone systems which have these additional requirements.</p>
<b>Banking transactions</b>	<p>The authorised signatories list for banking transactions is developed and approved by the Head of Accounting.</p> <p>Authorised signatories will normally be senior Finance officers. A list of the current authorised signatories can be obtained from the Treasury team.</p>
<b>Reconciliations</b>	<p>Bank reconciliations are completed on at least a monthly basis by an officer who is not responsible for the processing of transactions through the bank accounts.</p> <p>The Head of Accounting, or authorised officer, is responsible for ensuring that reconciliations, together with supporting documentation, are reviewed and appropriately certified.</p>

[Back to Contents page](#)

### 13. Taxation

The following section outlines the arrangements for managing the impact of VAT.

<p><b>Overall aim to maximise VAT recovery and minimise unrecoverable VAT incurred</b></p>	<p>The overall aim in relation to taxation is to maximise VAT recovery where this is consistent with effective delivery of the service, while minimising the level of irrecoverable VAT being incurred.</p> <p>In practice this means:</p> <ul style="list-style-type: none"> <li>• Ensuring that VAT is properly accounted for on all transactions entered by the Council.</li> <li>• Keeping VAT records with a proper allocation of costs to exempt and other activities.</li> <li>• Complying with all VAT legislation and regulations.</li> <li>• Monitoring and planning for any changes in VAT legislation or regulations.</li> </ul>
<p><b>The Tax Team</b></p>	<p>An appropriately skilled team has been established to manage the Council's VAT responsibilities. This Team will receive all training necessary to provide appropriate service delivery and challenge.</p> <p>The Tax Team prepare and submit VAT Returns to HMRC. Such returns are submitted at times to maximise the cash flow benefit to the Council, but no later than the deadlines agreed with HMRC.</p> <p>Where required appropriate external advice is sought where the tax implications of a project are sufficiently complex.</p>
<p><b>Tax avoidance</b></p>	<p>The Council will not knowingly and actively co-operate with third-party schemes designed purely for tax avoidance purposes.</p>
<p><b>Penalties and charges</b></p>	<p>Directorate budgets will bear the financial impact of any penalties or other charges imposed by HMRC for transactions entered into by that Directorate.</p>

[Back to Contents page](#)

**14. Stores, Stock, Assets and Security**

This section details the controls required to effectively manage stores, stock and assets.

<p><b>Stores and Stock</b></p>	<p>Access to stores is controlled and measures are in place to ensure that stocks and assets are only used on Council business.</p> <p>Appropriate records must be maintained for adding new stock to stores and for controlling the issue of items.</p> <p>The record of stock levels for each item is physically checked at a frequency agreed by Strategic Directors, which reflects factors such as stock values, usage, etc.</p> <p>At the end of each financial year a certificate of the stock value held by each Directorate, as well as information required for the accounting, costing and financial records.</p> <p>This should be provided to the Head of Accounting.</p>
<p><b>Assets and Security</b></p>	<p>An inventory of all assets over £100 in value, together with all attractive and portable items below this figure is maintained within each Directorate. The inventory will include the make, model, serial number and purchase value of each item.</p> <p>Items should be recorded promptly in the inventory, at the point of purchase.</p> <p>A physical check of assets is undertaken on an annual basis. This should be completed by an officer not involved in control of the inventory.</p> <p>The Head of Service will be informed of obsolete or missing items for approval to write-off. Following formal, documented approval, the inventory records should be amended accordingly.</p> <p>A register of assets removed from Council premises for use on official Council business is maintained by each Directorate. This includes assets such as laptops and mobile phones issued to officers.</p> <p>Assets should not be used other than for official Council purposes or in line with arrangements sanctioned by Council, Strategic Director or Director.</p> <p>All information assets such as non-public paper records, IT equipment used to access information and the computer network, must be identified, recorded and have an appointed asset owner.</p> <p>All information assets must always be appropriately protected. Further details can be found in the Council’s Information Governance and Security Policy.</p>

[Back to Contents page](#)

## 15. Retention of Records

The following section details requirements for retaining records.

<b>Record retention</b>	All records must be managed in line with the Council’s Document and Records Management Policy.  Records must be retained for a period that meets the requirements of HMRC, the Council’s External Auditors and any other appropriate Body or Funder.  The Financial Records Retention Schedule, provides guidance on appropriate retention schedules ( <a href="#">Appendix A</a> ).
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[Back to Contents page](#)

## 16. Financial Systems

The following section outlines the key function of the finance system and how it is controlled.

<b>Integra</b>	<p>The Council’s finance system (Integra) is the source of accounting and financial information to produce the Annual Financial Accounts.</p> <p>Any Directorate systems that feed into Integra must have robust financial controls in place for ensuring both the accuracy and security of the data.</p> <p>Access to all Council’s systems must be controlled.</p> <p>Data on these systems, whether held as hard copy or in electronic format, must be retained in accordance with domestic data protection legislation. The Organisational Strategy, Performance and Delivery Team should be consulted for advice and guidance on data protection and information management issues.</p> <p>Prior to the purchase and implementation of any new computerised financial systems, including any income collection systems, the CFO and the ICT and Digital Innovation Team must be consulted.</p>
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[Back to Contents page](#)

**17. Accounting**

The following section details arrangements for producing the Council's Accounts as well as accounting requirements throughout the year and at year-end.

<b>Statement of Accounts</b>	<p>The Council's Accounts are produced annually for approval by the Audit &amp; Standards Committee.</p> <p>The Accounts must present a true and fair view of the financial position and transactions for that financial year and must be prepared in accordance with statutory requirements and all applicable professional Codes of Practice.</p> <p>The Accounts will be prepared on an accruals basis.</p> <p>The Accounts will be prepared on a prudent basis with income only included if it is likely to be received. Proper allowance should be made for known liabilities and losses.</p>
<b>Accounting during the Financial Year</b>	<p>All Accounts and Accounting Systems must be properly maintained throughout the year to provide timely and accurate information.</p> <p>All financial transactions must be adequately supported and referenced back to original documents and working papers, which started the transaction.</p> <p>Control Accounts, Holding and Suspense Accounts must be reconciled at least monthly. Reconciliations must be produced and authorised by Officers not directly responsible for the transactions in the accounts.</p>
<b>Year-end requirements</b>	<p>Each financial year end the Head of Accounting will produce a timetable and guidance to produce the Final Accounts.</p> <p>All balances on Control Accounts, e.g. Account Receivables Control, must be explained. Balances may only be carried forward into the next year if there is a reasonable prospect that they will be cleared.</p> <p>The Accounts for the year should be "closed" at the end of business on 31<sup>st</sup> March and all income received and payments made to that date must be accounted for. The Officers responsible must certify sums held, i.e. not banked, at the close of business on 31<sup>st</sup> March.</p> <p>Accruals must be supported by evidence and the Head of Accounting will require evidence for material accruals. The process and amounts will be included in the year-end guidance issued on behalf of the Head of Accounting.</p> <p>The Officers responsible for cash floats and other cash accounts must balance and certify the amount of cash held at the close of business on 31<sup>st</sup> March. Officers responsible for stocktaking must certify the value of stock / stores at close of business on 31<sup>st</sup> March.</p> <p>Expenditure and income due for the year, but not paid or received by 31<sup>st</sup> March must be accounted for. The Officers responsible must certify the transactions concerned.</p> <p>Appropriate working papers, records and prime documentation must be maintained in support of the above requirements.</p> <p>These will be used to support the Accounts and provide a clear Audit trail for the external auditors.</p>

## 18. Internal Audit

This section outlines the role and remit of Internal Audit.

<b>Internal Audit</b>	<p>A continuous internal audit of all the Council's financial records and operations must be maintained.</p> <p>Internal Audit has the authority to access any Council officer and information necessary to carry out their duties on behalf of the CFO.</p> <p>An annual audit plan is prepared by the Senior Finance Manager (Internal Audit) and agreed by the Audit &amp; Standards Committee and the CFO.</p> <p>The strategy for Internal Audit work is to focus on areas of high-risk activity to provide assurance that risk and internal control systems are being properly managed by Directors in service areas.</p> <p>As part of the audit planning process, Strategic Directors are responsible for managing risk and for informing Internal Audit of the risks in their area. They are also responsible for agreeing and implementing relevant Audit recommendations.</p> <p>Internal Audit reports on the output of its activity to the Council's Audit &amp; Standards Committee. The Senior Finance Manager will provide an annual audit opinion to assess the adequacy of the risk management, governance and internal control framework.</p> <p>This opinion supports the Annual Governance Statement.</p>
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[Back to Contents page](#)

## **19. Companies, Joint Ventures, Partnerships, Joint Committees etc.**

This section details the arrangements where the Council has a controlling or minority interest in a Company, Joint Venture, Partnership or Joint Committee.

<b>Companies, Joint Ventures, Partnerships and Joint Committees</b>	<p>Where the Council has a controlling interest in Companies, Joint Ventures, Partnerships, Joint Committees, or is the Lead Authority, then these organisations will be required to use the Council’s finance system and to follow these Financial Regulations.</p> <p>Where the Council is involved as a minority interest in partnership arrangements or Joint Committees that use their own finance systems, the CFO must agree the arrangements for robust financial governance control.</p> <p>The controls in these Financial Regulations will be used as a starting point for that agreement.</p> <p>No agreement shall be entered into with a Partnership which commits the Council to additional expenditure or other financial risk without approval as set out in the Constitution.</p> <p>The relevant Strategic Director, in conjunction with the CFO will report at least annually to the appropriate Policy Committee on the financial affairs of the partnership body.</p>
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[Back to Contents page](#)

## 20. Grant (Gift) Arrangements

The following sections outlines the control and approvals required for grant (gift) arrangements.

<b>Grant (Gift) Arrangements</b>	<p>Any funds set aside from which to make individual grants must be properly approved in line with the Constitution.</p> <p>All grant payments to voluntary organisations (or other recipients) must be approved in line with the Constitution, these Financial Regulations and all other relevant documentation.</p> <p>Where a grant payment is withdrawn or reclaimed, Strategic Directors are responsible for ensuring that this is agreed in line with the Constitution.</p> <p>The external relationship with any recipient of grant aid must be managed in line with all guidance provided by the Chief Legal Officer.</p> <p>Any Grant / Gift arrangements must be made in line with the Procurement Guidelines, and all other relevant processes and procedures.</p>
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[Back to Contents page](#)

## 21. Council Supply Agreements

This section details arrangements for the Council delivering non-statutory services, works or supplies to individuals or other organisations and receiving payment for this.

<b>What is a Council Supply Agreement?</b>	<p>A Council Supply Agreement is a contractually binding agreement where the Council agrees to provide works, services or supplies to a third party in return for payment, either in money or in-kind.</p> <p>This does not apply to the delivery of statutory services, or instances where the Council receives a grant to fund an activity.</p> <p>Strategic Directors are responsible for ensuring that Council Supply Agreements within their area of responsibility are approved in accordance with the requirements of the Constitution. This includes seeking the opinion of the CFO.</p>
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[Back to Contents page](#)

**Appendices:****A. Financial Records: Recommended Retention Schedule**

(Note that all figures used relate to years, e.g. Current + 6 is Current Year's records plus the previous 6 years documents).

**A.1. Accountancy / Financial**

<b>General example of type of Record</b>	<b>Recommended Retention</b>	<b>Action after retention</b>
Abstract of accounts	Current + 6	Destroy as confidential records
Annual Budget	Current + 6	Destroy as confidential records
Annual statements	Current + 6	Destroy as confidential records
Budgetary control records	Current + 6	Destroy as confidential records
Costing records	Current + 6	Destroy as confidential records
Estimate working papers	Current + 2	Destroy as confidential records
Financial ledgers	Current + 6	Destroy as confidential records
Grant claim records	Current + 6	Destroy as confidential records
Investment records	Current + 2	Destroy as confidential records
Journals	Current + 6	Destroy as confidential records
Leasing Records	Current + 2	Destroy as confidential records
Record re closing ledgers	Current + 6	Destroy as confidential records
School Fund records	Current + 6	Destroy as confidential records
Telephone call records	Current + 2	Destroy as confidential records
VAT claims	Current + 6	Destroy as confidential records
VAT records	Current + 3	Destroy as confidential records
Voluntary fund accounts	Current + 6	Destroy as confidential records

**A.2. Bank related records**

Type of Record	Recommended Retention	Action after retention
Bank pay-in books / slips	Current + 6	Destroy as confidential records
Bank reconciliation	Current + 6	Destroy as confidential records
Bank statements	Current + 6	Destroy as confidential records
Cancelled cheques	Current + 2	Destroy as confidential records
Cheque books and counterfoils	Current + 6	Destroy as confidential records
Cheque lists (creditors / payrolls)	Current + 2	Destroy as confidential records
Loan records and correspondence	Current + 2	Destroy as confidential records
Paid cheques	Current + 4	Destroy as confidential records
Returned cheque records	Current + 2	Destroy as confidential records

**A.3. Contracts**

Type of Record	Recommended Retention	Action after retention
<b>Pre Contract Advice</b>		
The process of calling for expressions of interest	2 years after contract let or not proceeded with	Destroy as confidential records
<b>Specification and Contract Development</b>		
The process involved in the development and specification of a contract	Ordinary Contract: 6 years after the terms of contract have expired.	Destroy as confidential records
	Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records
<b>Tender Issuing and Return</b>		
The process involved in the issuing and return of a tender (Opening Notice)	1 year after start of contract	Destroy as confidential records
<b>Evaluation of Tender</b>		
Successful tender document	Ordinary Contract: 6 years after the terms of contract have expired.	Destroy as confidential records

	Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records
Unsuccessful tender document	1 year after start of contract	Destroy as confidential records
<b>Post Tender Negotiation</b>		
The process in negotiation of a contract after a preferred tender is selected	1 year after the terms of contract have expired	Destroy as confidential records
<b>Awarding of Contract</b>		
The process of awarding contract	Ordinary Contract: 6 years after the terms of contract have expired.	Destroy as confidential records
	Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records
<b>Contract Management</b>		
Contract operation and monitoring	2 years after terms of the contract have expired.	Destroy as confidential records
Management and amendment of contract	Ordinary Contract: 6 years after the terms of contract have expired.	Destroy as confidential records
	Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records

**A.4. Creditor records**

Type of Record	Recommended Retention	Action after retention
Copy orders	Current + 2	Destroy as confidential records
Credit notes	Current + 6	Destroy as confidential records
Creditor invoices	Current + 6	Destroy as confidential records
Delivery notes	Current + 2	Destroy as confidential records
Imprest documentation (petty cash)	Current + 2	Destroy as confidential records
Period payment records	Current + 6	Destroy as confidential records

**A.5. Income records**

Type of Record	Recommended Retention	Action after retention
Cash books	Current + 6	Destroy as confidential records
Correspondence (income)	Current + 2	Destroy as confidential records
Debtor accounts (records non-current)	Current + 2	Destroy as confidential records
Dinner / milk registers	Current + 6	Destroy as confidential records
Income posting slips and tabulations	Current + 2	Destroy as confidential records
Periodic income records	Current + 2	Destroy as confidential records
Receipt books	Current + 2	Destroy as confidential records
Record of receipt books issued	Current + 2	Destroy as confidential records
Registrar's quarterly returns	Current + 2	Destroy as confidential records
Sales records	Current + 2	Destroy as confidential records

**A.6. Insurance records**

Type of Record	Recommended Retention	Action after retention
Expired insurance contracts	Current & Permanent preservation	Destroy as confidential records
Insurance claims	Current + 7 from date of closure or year in which claimant reaches 21 (paper) Up to 60 years (electronic)	Destroy as confidential records
Insurance policy documentation	Current & permanent	Destroy as confidential records
Insurance register	Current & permanent	Destroy as confidential records

**A.7. Miscellaneous records**

Type of Record	Recommended Retention	Action after retention
Capital works tabulations	Current + 2	Destroy as confidential records

Car leasing and mileage records	Current + 6	Destroy as confidential records
Car Loans	Current + 6	Destroy as confidential records
Computer system documentation	Current + 2	Destroy as confidential records
Inland Revenue docs	Current + 6	Destroy as confidential records
Internal requisitions	Current + 1	Destroy as confidential records
Inventory records	Current + 6	Destroy as confidential records
Land searches	Current + 6	Destroy as confidential records
Member allowance (statutory registers)	Current + 2	Destroy as confidential records
Minutes	Current + 2	Destroy as confidential records
Postal remittance registers	Current + 2	Destroy as confidential records
Road fund licence records	Current + 2	Destroy as confidential records
School meal records	Current + 2	Destroy as confidential records
Small holdings records	Current + 2	Destroy as confidential records
Stock lists	Current + 2	Destroy as confidential records
Travel claims	Current + 6	Destroy as confidential records
Vehicle logs	Current + 2	Destroy as confidential records

**A.8. Payroll Records**

Type of Record	Recommended Retention	Action after retention
BACS amendments and output	Current + 3	Destroy as confidential records
Copy payslips	Current + 6	Destroy as confidential records
Correspondence	Current + 6	Destroy as confidential records

Payroll adjustment documentation	Current + 6	Destroy as confidential records
Part – time employees' claim forms	Current + 6	Destroy as confidential records
SSP records	Current + 4	Destroy as confidential records
SSP variations	Current + 3	Destroy as confidential records
Staff transfer records	Current + 6	Destroy as confidential records
Starters forms	Current + 2	Destroy as confidential records
Tax and NI records	Current + 6	Destroy as confidential records
Tax code notifications	Current + 2	Destroy as confidential records
Timesheets and Pay Returns	Current + 6	Destroy as confidential records
Union documentation	Current + 2	Destroy as confidential records
Personnel files	Current + 2	Destroy as confidential records
Staff contracts	Current + 6	Destroy as confidential records
Unsuccessful applications	Current + 1	Destroy as confidential records

[Back to Contents page](#)

**AREA COMMITTEE PROCEDURE RULES**

**1. ARRANGEMENTS FOR AREA COMMITTEES**

**1.1 Composition**

There shall be seven Area Committees as set out in the table below. They shall be constituted and operate in accordance with Article 10 of this Constitution and these Procedure Rules.

<b>Name of Area Committee</b>	<b>Comprising these Wards</b>
Central	Broomhill and Sharrow Vale City Hillsborough Walkley
East	Darnall Manor Castle Park and Arbourthorne Richmond
North	East Ecclesfield Stannington Stocksbridge and Upper Don West Ecclesfield
North East	Burngreave Firth Park Shiregreen and Brightside Southey
South	Beauchief and Greenhill Gleadless Valley Graves Park Nether Edge and Sharrow
South East	Birley Beighton Mosborough Woodhouse
South West	Crookes and Crosspool Dore and Totley Ecclesall Fulwood

## **1.2 Delegation of functions**

The Area Committees shall operate according to the Terms of Reference set out in Part 3 of this Constitution. They shall carry out such functions as are delegated by the Full Council.

## **1.3 Sub-delegation of Functions**

- (a) Where functions have been delegated to an Area Committee, they may be delegated further to an officer of the Council.
- (b) The further delegation of a function does not prevent it from being discharged by the Area Committee.

## **1.4 Conflicts of Interest**

- (a) Where the Chair or any Member of an Area Committee has a conflict of interest this will be dealt with as set out in the Councillor Code of Conduct in Part 5 of this Constitution.
- (b) If the exercise of a function has been delegated to an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by a more senior Officer or if this is not possible then by the Area Committee ~~the person or body by whom which made the delegation was made and otherwise as set out in the Councillor Code of Conduct in Part 5 of this Constitution.~~

## **2 THE OPERATION OF AREA COMMITTEES**

### **2.1 Frequency and location of meetings**

Each Area Committee will meet at least 4 times each year at a publicly accessible location agreed by its Chair. Meetings shall be convened more regularly if the Chair decides it is necessary.

### **2.2 Public access to meetings and papers**

Meetings, agenda and minutes of Area Committees will be open to the public and press, except as provided under legislation and the Access to Information Rules in Part 4 of this Constitution.

### **2.3 Quorum**

The quorum for a meeting of an Area Committee shall be half of its membership.

### **2.4 Meetings of and decisions taken by an Area Committee**

Meetings of Area Committees will be convened and conducted in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

## **2.5 The Chair of Meetings**

Each Area Committee shall appoint a Chair and Deputy Chair for the year from its membership comprising the Ward Councillors of that Area Committee. Meetings will be chaired by the Chair if present and, in his or her absence, the Deputy Chair will chair. In the absence of both the Chair and the Deputy Chair, the Members present shall elect one of their number to chair.

## **2.6 The Business to be Conducted**

At each meeting of an Area Committee, the following business will be conducted:

- (i) exclusion of the public and press;
- (ii) consideration of the minutes of the last meeting;
- (iii) declarations of interest, if any;
- (iv) public questions and petitions;
- (v) any matters referred to the Area Committee for consideration by the Full Council or a Council Committee;
- (vi) matters set out in the agenda for the meeting.

## **2.7 Placing items on the Area Committee agenda**

- (a) A Chief Officer may, in consultation with the Chair and subject to compliance with the Access to Information Rules in Part 4 of this Constitution, put on the agenda of an Area Committee meeting, any matter which he or she considers necessary or appropriate,
- (b) A matter referred to an Area Committee by Full Council or a Council Committee shall be placed on the agenda for the next Area Committee meeting, subject to compliance with the Access to Information Rules. The Leader of the Council, or the Chair or other Member of a referring Council Committee may address the Area Committee on a matter referred to it but shall not be entitled to participate in debate or to vote on the item unless he or she is a Member of the Area Committee
- (c) The Chief Executive, the Monitoring Officer and the Chief Finance Officer may, subject to compliance with the Access to Information Procedure Rules in Part 4 of this Constitution, put any matter they consider necessary or appropriate on the agenda of any Area Committee meeting. Any of those

officers may, where they consider it necessary to do so, require a meeting of an Area Committee to be called to consider a particular matter.

## **2.8 Attendance by others**

- (a) Area Committees may, through the Chair, invite representatives of other public, private or voluntary/community organisations with an interest in the issue and/or members of the general public to meetings to contribute to their discussions.
- (b) External experts and other persons identified as possible contributors may be invited to attend meetings to give evidence and advice and answer questions put to them by an Area Committee, but cannot be required to do so and therefore their participation will be on a voluntary basis.

## **2.9 Placing items on a Council Committee agenda**

- (a) An Area Committee can request that an item discussed at one of its meetings is placed on the agenda of the next meeting of the relevant Committee of the Council;
- (b) The request will be forwarded in writing by the Chair to the Chair of the relevant Committee. ~~who~~ The relevant Committee will take one of the following actions:
  - (i) refer the matter to a Strategic Director
  - (ii) refer the matter to another relevant officer
  - (iii) refer the matter to a future meeting of the Committee by way of a report.;

## **Sheffield City Council**

### **COUNCILLOR CODE OF CONDUCT**

#### **Joint statement of Councillors**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to.

We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently.

We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

#### **Definitions**

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee". For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor or co-opted member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors or co-opted members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and co-opted members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, co-opted members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor and co-opted member. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member. This Code of Conduct applies to you when you are acting in your capacity as a councillor or co-opted member which may include when:

- you misuse your position as a councillor or co-opted member;
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor or co-opted member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor or co-opted member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect As a councillor or co-opted member:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor or co-opted member, you can express, challenge, criticise and disagree with views,

ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor or co-opted member:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Members must promote equality and inclusion by providing an environment free from harassment, discrimination, and victimisation and bullying and by treating people with

respect, regardless of their age, disability, gender, race, religion/ belief, sexual orientation or marriage/ civil partnership status.

The Equality Act 2010 places specific duties on local authorities. Councillors and co-opted members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Members should have regard to the Council's policies on Equality, Diversity and Inclusion, and Dignity and Respect at Work.

### **3. Impartiality of officers of the council**

**As a councillor or co-opted member:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor or co-opted member:**

**4.1 I do not disclose information:**

- a. given to me in confidence**
- b. by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
  - 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**

**3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor or co-opted member:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor or co-opted member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. Use of position**

**As a councillor or co-opted member:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor or co-opted member:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and you should have regard to the Council's policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor or co-opted member:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

#### **8.4 I comply with any standards investigation or sanction imposed on me following a finding that I have breached the Code of Conduct, or with any informal resolution by the Monitoring Officer.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

You must not make trivial, malicious or vexatious allegations against other Councillors/Officers.

### **9. Interests**

**As a councillor or co-opted member:**

#### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

**As a councillor or co-opted member:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which I have been offered as a Member from any person or body other than the Authority within 28 days of receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness or may cause personal or cultural offence to the donor in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family.

It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. This may include refreshments at public or community events you are asked to attend in your role as councillor. You should always decline any hospitality that could be seen as seeking to influence you in your role as councillor, even if it is offered in a personal capacity. If you are unsure, do contact your Monitoring Officer for guidance.

This duty to notify the Monitoring Officer does not apply where the gift is accepted on behalf of the Council and does not apply to the role of Lord Mayor.

## **11. Bias**

**11.1 I must not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.**

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

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you are not prohibited from participating in a decision in your political role as member.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **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 disclose 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.

## **Appendix B - Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in matters directly relating to a disclosable pecuniary interest**

4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Non participation in matters directly relating to Other Registerable Interests or Non-Registerable Interests**

5. Where a matter arises at a meeting which **directly relates** to
  - a. one of your Other Registerable Interests (as set out in **Table 2**);  
or

- b. your financial interest or well-being or a financial interest or well-being of a relative or close associate (but is not a Disclosable Pecuniary Interest set out in Table 1)

you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting on that matter but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### **Non Participation in matters affecting financial interest or well-being**

- 6. Where a matter arises at a meeting which does not have a direct effect but which affects –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate;  
or
- c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

- 7. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting on that matter. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

In this table:

“relevant person” means the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners;

“land” excludes an easement, servitude, interest or right in or over land which does not give the relevant person (alone or jointly with another) a right to occupy or to receive income.

“director” includes a member of the committee of management of an industrial and provident society, co-operative society or community benefit society;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the relevant person (or a firm in which such person is a partner, or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge) — (a) the landlord is the council; and (b) the tenant is a body that the relevant person is a partner of or a director of or has a beneficial interest in.
<b>Securities</b>	Any beneficial interest in securities of a body where — (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either — (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Table 2: Other Registrable Interests**

<p>a) any unpaid directorships</p> <p><b>b)</b> any body of which you are in <u>a position of</u> general control or management and</p> <p>i. _____ to which you are nominated or appointed by your authority; <u>or</u></p> <p>ii. _____</p> <p>iii. _____ <u>any body</u></p> <p>iv. i. _____</p> <p>v. ii. _____ <u>which</u> exercis<u>esing</u> functions of a public nature; <u>or</u></p> <p>vi. iii. _____ <u>any body which is</u> directed to charitable purposes or</p> <p>vii. iv. _____ one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).</p>
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## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

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## **MONITORING OFFICER PROTOCOL**

### **1. STATUTORY RESPONSIBILITIES**

- 1.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989 This Protocol sets out the Monitoring Officer's role in relating to the statutory duty to promote and maintain high standards of conduct under the Localism Act 2011.
- 1.2 The role of the Monitoring Officer rests with the General Counsel. The Monitoring Officer may nominate a member of staff to act as Deputy Monitoring Officer ~~while absent or ill~~ and has appointed the Assistant Directors of Legal Services as Deputy Monitoring Officers. The Deputies will undertake the statutory duties of the Monitoring Officer under section 5 of the Local Government and Housing Act 1989 act only if the Monitoring Officer is ~~unable to~~ absent or ill. The Deputies will exercise any other function of the Monitoring Officer as required.
- 1.3 This Protocol should be read in conjunction with Articles 13 and 16 of the Constitution which set out all Monitoring Officer functions. It should also be read in conjunction with the procedure for investigating standards complaints. A list of the functions of the Monitoring Officer appears in the attached Schedule.

### **2. WORKING ARRANGEMENTS**

- 2.1 It is vital that Members and Officers work with the Monitoring Officer and his or her staff, to effectively discharge the Council business, statutory responsibilities and promote the corporate health of the Council.
- 2.2 The Monitoring Officer's duties will be discharged in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
  - (a) complying with the law (including any relevant Codes of Conduct);
  - (b) complying with any general guidance, codes or protocols issued from time to time by the Monitoring Officer;
  - (c) making lawful and proportionate decisions;
  - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute;
  - (e) seeking early advice on issues relating to constitutional or ethical matters;

- (f) raising alerts to issues that may become of concern to the Authority about legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise; and
- (g) Reporting to the Monitoring Officer at the earliest opportunity convictions of criminal offences which might amount to a breach of the Members Code of Conduct.

2.3 The Monitoring Officer will:

- 2.3.1 Have advance notice and access to information (including agendas, minutes, reports and related papers) of all relevant meetings of the Authority, (including meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including meetings where there may be a failure to take a decision which should be taken);
- 2.3.2 Have the right to attend (and be heard) any meeting of the Authority (including meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a meeting where there may be failure to take a decision where one should be taken).
- 2.3.3 Meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate Governance issues, matters of concern regarding legal, ethical standards probity, procedural, constitutional issues that are likely and do arise;
- 2.3.4 In undertaking or arranging investigations will have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions.
- 2.3.5 Report to Council as necessary on resources.

**3. RELATIONSHIPS**

- 3.1 The Monitoring Officer will develop effective working liaison and relationship to ensuring effective and efficient discharge of Council business with:
  - (a) The Lord Mayor, Chairs of Policy, Regulatory, Audit and Standards and other Committees of the Council; and
  - (b) The Local Auditor and the Local Government Ombudsman or their successors;
- 3.2 Refer any breaches to, or give and receive any relevant information, whether confidential or otherwise, (through appropriate protocols, if necessary), to the bodies in 3.1 (b).

**4. PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS**

- 4.1 The procedure for dealing with complaints that a member of the City Council, Parish and Town Councils or a Co-opted Member has failed to comply with the Councillor Code of Conduct is set out in Appendix A.
- 4.2 In accordance with Paragraph 4.6 of the procedure, the Monitoring Officer reserves the right to deal under the procedure with any issues arising in the course of business that concerns the conduct or alleged conduct of a Member, in the absence of a complaint, if the Monitoring Officer deems it reasonable and appropriate to do so. If doing so the Monitoring Officer shall set out the issue in writing as a complaint.

## SCHEDULE

A list of the functions of the Monitoring Officer

1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3. Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4. Report on resources	Section 5 Local Government and Housing Act 1989
5. Maintain register of Members Interests and gifts and hospitality	Localism Act 2011
6. To be responsible for the operation and maintenance of the whistleblowing policy	Whistleblowing Policy and Procedure (in the Officers' Code of Conduct)
7. Proper Officer – Local Government Access to Information Regulations	Part 2 of the Constitution Article 13.03
8. Advise on vires, maladministration, impropriety, probity	Part 2 of the Constitution Article 13.03

## Appendix A

### SHEFFIELD CITY COUNCIL

#### PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

##### 1. Introduction

1.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Councillor Code of Conduct by:-

- Sheffield City Councillors
- Voting and non-voting co-opted members of the Council
- Bradfield Parish Councillors
- Ecclesfield Parish Councillors
- Stocksbridge Town Councillors

(In this Procedure the term 'Member' is used to describe a Councillor or Co-opted Member and 'Council' includes Bradfield Parish Council, Ecclesfield Parish Council or Stocksbridge Town Council where appropriate.)

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

1.4 The Council has a duty to ensure no conflict of interest with officers when undertaking standards investigations. If a conflict of interest is identified, it will be determined in consultation with the Independent Person whether the matter should be dealt with by an alternative Monitoring Officer. If there is a conflict of interest which prevents the Monitoring Officer acting, then the matter will be dealt with either by the Council's Deputy Monitoring Officer or by a Monitoring Officer from another Authority.

1.5 The Council has a clear and straightforward public interest test, which is used by the Monitoring Officer when considering complaints.

## **2. Monitoring Officer**

- 2.1 David Hollis, General Counsel, is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Audit and Standards Committee and the Independent Persons in dealing with complaints alleging a breach of the Councillor Code of Conduct.

## **3. Independent Persons**

- 3.1 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and the Audit and Standards Committee in considering complaints. This is a statutory requirement under the Localism Act 2011.

- 3.2 The Monitoring Officer may consult the Independent Person at any stage, but the Independent Person must be consulted at various stages in the complaints process:

1. The Independent Person should be consulted on an allegation and should be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss under Paragraph 5.3 (other than where it does not raise a standards matter) or to Take No Action under Paragraph 5.4.
2. As to whether to undertake a formal investigation.
3. Before the Hearing Sub-Committee.

- 3.3 An elected member who is the subject of a Standards Complaint is entitled to process / procedural advice from an Independent Person, and any request shall be made via the Monitoring Officer.

If the elected member requires any other form of support, a request can be made through Democratic Services. Advice on this is available on the Members Sharepoint site.

## **4. Making a Complaint/Withdrawing a Complaint**

- 4.1 Complaints alleging a breach of the Councillor Code of Conduct should be made in writing using the complaint form and sent to David Hollis, Monitoring Officer, Sheffield City Council, Town Hall, Sheffield S1 2HH or email [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk). The complaint form is available from:-

- Website - <http://www.sheffield.gov.uk/home/your-city-council/councillors>
- Email - [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk)
- Phone - Democratic Services on 0114 273 4015

- 4.2 If you need advice or assistance in submitting a complaint concerning an elected member, please contact Sarah Hyde in Democratic Services (email [sarah.hyde@sheffield.gov.uk](mailto:sarah.hyde@sheffield.gov.uk) or phone 0114 273 4015).
- 4.3 Details of the complaint, including the name of the complainant, will be shared with the Member. The complainant can request at section 2 of the complaint form for their identity to be kept confidential. Requests for confidentiality will be considered by the Monitoring Officer, in consultation with the Independent Person, and the complainant will be informed in writing of the outcome. In the interest of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We are unlikely to withhold your identity unless there are exceptional circumstances; for example, that you can demonstrate that you will suffer significant harm or distress as a result of disclosure. In exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.
- 4.4 Anonymous complaints will not be considered.
- 4.5 The complainant can withdraw their complaint at any time by informing the Monitoring Officer in writing. The Monitoring Officer will confirm this in writing with the complainant within 5 working days and also inform the Member that the complaint has been withdrawn.
- 4.6 The Monitoring Officer will make a complaint in their own name only if (a) they are the subject of, or witness to, the behaviour complained of; (b) they are of the view that they are the most appropriate person to make the complaint; or (c) where a complaint has been withdrawn. In cases (b) and (c), the Monitoring Officer will only do so where, in their opinion, substantial concerns have been raised such that it is in the public interest to continue with the complaint and the Monitoring Officer is satisfied that the Member can properly and fairly present their case.
- 5.0 Acknowledging the Complaint/Rejecting a Complaint/Informing the Member**
- 5.1 The Monitoring Officer will acknowledge receipt of the complaint in writing within 5 working days, with details of how the complaint will be dealt with and providing a copy of this Procedure and the Code of Conduct.

- 5.2 If necessary, the Monitoring Officer will clarify any matters with the complainant as soon as possible before the Member is informed.
- 5.3 The Monitoring Officer also reserves the right to reject a complaint if it is considered to be trivial, vexatious, repetitious, not a standards matter or a general misuse of the opportunity. The complainant will be informed of the reasons why a complaint has been rejected.
- 5.4 The Monitoring Officer may also at this point Take No Action in accordance with the circumstances listed in paragraph 6.6.
- 5.5 The Member will be informed in writing that a complaint has been made about them within 5 working days of receipt of the complaint or clarification under to paragraph 5.2. This will include the name of the complainant (unless the Monitoring Officer has agreed to the complainant's request that their name is kept confidential) and details of the complaint. They will also receive a copy of this Procedure and the Code of Conduct. To assist the Monitoring Officer in assessing the complaint, the Member will be invited to submit within 10 working days a written statement of fact and any other representations in response to the complaint. Members will not be notified of complaints that are rejected under paragraph 5.3.
- 5.6 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee that an accepted complaint has been received and provide a summary of the complaint. If he considers it appropriate, the Monitoring Officer may also inform the Chief Executive.
- 5.7 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council of the name of the Member and details of the complaint. The Clerk will also be kept informed of the progress and the outcome of the complaint.

## **6. Assessment by the Monitoring Officer**

- 6.1 Before assessment of the complaint, it may be necessary for the Monitoring Officer to request further information or clarification from the complainant and/or Member and, where necessary, obtain other available information, such as the minutes of a meeting.
- 6.2 The Monitoring Officer, in consultation with the Independent Person, will consider (a) the complaint, any remedy sought by the complainant, any written statement of fact and representations submitted by the Member and any other information obtained; (b) whether the Member was acting in their official capacity and that the Code of Conduct does apply; (c) if

the allegation constitutes a potential breach of the Code of Conduct;  
and (d) would consideration of the complaint be in the public interest;  
and then take one of the following courses of action:-

1. Take no action
2. Take other action through informal resolution
3. Refer the matter for investigation
4. Refer the matter to the Hearing Sub-Committee

6.3 The complainant and the Member will be informed in writing within 10 working days of the outcome and the reasons for the decision.

6.4 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip, Chair of the Audit and Standards Committee and, where the Monitoring Officer considers it appropriate, the Chief Executive, of the assessment decision. Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council.

6.5 Where a complaint is not referred for investigation, the Monitoring Officer will seek to deal with the matter within 8 weeks.

6.6 Take No Action

6.6.1 It is likely that no action will be taken where:-

- A significant amount of time has elapsed since the events which are the subject of the complaint.
- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

6.7 Take Other Action Through Informal Resolution

6.7.1 Informal resolution may be the simplest and most cost effective way of resolving the complaint and without determining if an actual breach of the Code has taken place. It may be appropriate where:

- The Monitoring Officer considers that this is the most effective way of resolving the matter to the complainant's satisfaction;
- The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures;
- The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct;
- The conduct complained of appears to the Monitoring Officer not to require a formal sanction;
- The complaint appears to reveal a lack of guidance, protocols and procedures within the District or Parish/Town Council;
- The complaint consists of allegations and retaliatory allegations between councillors;
- The complaint consists of allegations about how formal meetings are conducted; and
- The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.7.2 The Monitoring Officer, in consultation with the Independent Person, may take any of the following actions:-

- Take such steps as they think appropriate to prevent a future breach of the Code, including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

- 6.7.3 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to the Hearing Sub-Committee.
- 6.8 Refer the Matter for Investigation
- 6.8.1 It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.
- 6.8.2 If a complaint has been referred for investigation, the Monitoring Officer, in consultation with the Independent Person, will appoint a person to undertake the investigation and this may be either a Council Officer or an outside agent, depending on the complexity and subject of the complaint.
- 6.8.3 The Investigating Officer will inform the complainant and Member of the process and proposed timescale of the investigation. The investigation may involve interviewing both parties and possibly other witnesses, together with reviewing any relevant documentation or paperwork.
- 6.8.4 The Investigating Officer will prepare a draft report on the outcome of the investigation and provide the complainant and Member with a copy for review and comment.
- 6.8.5 The Investigating Officer will submit a final version of the report to the Monitoring Officer that will make a finding that either (a) there has been a breach of the Code of Conduct or (b) there has not been a breach of the Code of Conduct. The final report will also be sent to the complainant and Member.
- 6.8.6 The Monitoring Officer will submit the Investigating Officer's report to the Hearing Sub-Committee.
- 6.8.7 An investigation will be completed within 12 weeks of a referral by the Monitoring Officer. The Hearing Sub-Committee will meet within two months of the final report being submitted to the Monitoring Officer.
- 6.9 Refer the matter to the Hearing Sub-Committee
- 6.9.1 The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is evidence to support a breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.
-

6.9.2 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to the Hearing Sub-Committee.

## **7. Hearing Sub-Committee**

7.1 The Hearing Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

7.2 The Sub-Committee will meet within two months of completion of an Investigation Report or of a referral by the Monitoring Officer to consider the allegation.

7.3 The Sub-Committee will meet in public unless it decides that all or part of the meeting should be held in private in accordance with the Access to Information Procedure Rules in the Council's Constitution.

7.4 In advance of the Hearing, there may be a pre-hearing process to allow matters at the Hearing to be dealt with more fairly and economically.

7.5 The complainant and Member will be given the opportunity to attend the Hearing. The Monitoring Officer, any Investigating Officer and Independent Person will also attend. The procedure at the Hearing will include:-

- The complainant and the Member having the opportunity to ask questions of the Investigating Officer
- Making findings of fact
- Deciding if there has been a breach of the Code of Conduct
- Considering the remedies/sanctions available if there is a finding that the Member has breached of the Code of Conduct

7.6 Full details of the pre-hearing and hearing process are set out in the Procedure at Hearings. The Member and complainant will be provided with a copy of the Procedure.

### **7.7 A Finding of No Breach of the Code of Conduct**

7.7.1 If the Sub-Committee finds that the Member did not breach the Code of Conduct no further action will be taken in respect of the complaint. However, the Sub-Committee can make a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general (e.g. proposed changes to internal procedures or training for Members).

7.8 A Finding of a Breach of the Code of Conduct

7.8.1 If the Sub-Committee, having heard any further representations from the Member, finds that a breach of the Code of Conduct has occurred, they may make any of the following recommendations and may specify to whom they wish them to be directed:-

- Recommending to the Council or to Committees that he/she be removed from any or all Committees or Sub-Committees of the Council and from any external appointments made by the Council.
- Instructing the Monitoring Officer to arrange training for the Member.
- In a case where the breach relates to use of the Council's IT systems, that the Member's access to those systems is withdrawn.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

7.8.2 The Monitoring Officer will inform the complainant and the Member of the outcome from the Sub-Committee hearing in writing within 10 working days.

7.8.3 The findings and decision of the Sub-Committee will be also be available on the Council's website and copies will be supplied to the Chief Executive, Leaders of all the political Groups and the Group Whips.

7.8.4 Where the matter relates to a Parish or Town Councillor, the Clerk of that Council will be informed of the outcome of a Hearing.

**8. Appeals**

8.1 There is no right of appeal for the complainant or Member against a decision of the Monitoring Officer or Hearing Sub-Committee.

8.2 If the complainant feels that the Council has failed to follow the Complaints Procedure (as set out within this Procedure document), or has taken too long to look into the matter or has acted in a way that is maladministration, then they may make a complaint to the Local Government and Social Care Ombudsman (<http://www.lgo.org.uk/make-a-complaint/how-to-complain> or phone 0300 061 0614).

## **9. Reports**

9.1 An annual report and half yearly interim report will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.

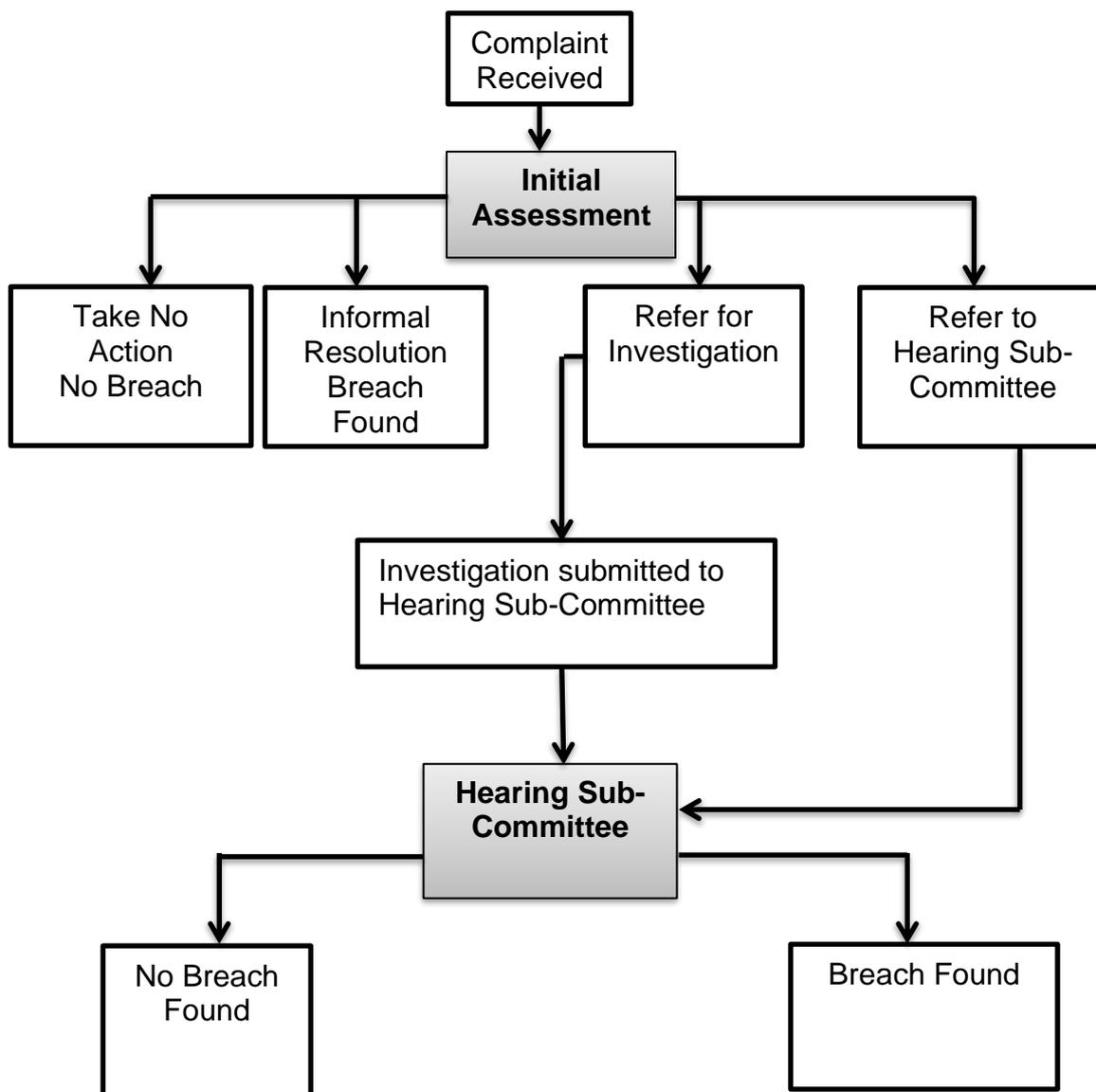
## **10. Data Protection**

10.1 Complaints will be handled in the strictest confidence at all times. We will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it. However, when a complaint is considered at a Hearing Sub-Committee, then any information will be dealt with in accordance with the Access to Information Procedure Rules in the Council's Constitution.

10.2 Complaints records will be stored safely and securely. Records of the number of complaints received, the outcomes and the subject Members, will be kept for so long afterwards as we consider it may be required to deal with any questions or complaints about the service which we provide. Personal information about the complainant and details of the complaint itself will be deleted after 7 years unless we elect to retain it for a longer period in order to comply with our legal and regulatory obligations.

## **11. Review and Changes to the Procedure**

11.1 The Monitoring Officer will review the Procedure annually, in consultation with the Independent Persons, and submit a report on any proposed changes to the Audit and Standards Committee for consideration. In accordance with the Constitution, any changes will require final approval at Full Council.



If a breach is found, the following options are available:

- Recommending to the Council or to Committees that he/she be removed from any or all Committees or Sub-Committees of the Council and from any external appointments made by Full Council.
- Instructing the Monitoring Officer to arrange training for the Member.
- In a case where the breach relates to use of the Council's IT systems, that the Member's access to those systems is withdrawn.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website. (**only after Hearing Sub-Committee**)
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

# Public involvement in decision making at Sheffield City Council

How to ask and present public questions, statements & petitions

## What is this for?

This Scheme is issued by the Monitoring Officer (Council Procedure Rule 15 in the Council's Constitution refers). Any questions of interpretation of this Scheme will be decided by the Monitoring Officer in consultation with the Director of Policy and Democratic Engagement.

This is a short guide which summarises how you can get involved in democratic meetings in Sheffield, specifically Full Council, Policy Committees and their Sub-Committees, Governance Committee and Audit and Standards Committee. We have recently worked with citizens to review and reform our approach and the guidance below sets out how anyone in Sheffield can ask and present public questions, statements and petitions in our meetings.

This guidance contains detail on public questions and statements. There is a separate published scheme for petitions: [petitions\\_guidance.pdf \(sheffield.gov.uk\)](#)

There is a different approach to public questions in Local Area Committee meetings.

Public questions, statements and petitions as described in this guide are not permitted at meetings of the Planning and Highways Committee, which has different arrangements for speaking at meetings: [Committee details - Planning and Highways Committee | Sheffield City Council](#)

If you want more information or advice and support, please contact [committees@sheffield.gov.uk](mailto:committees@sheffield.gov.uk)

## Purpose of public questions, statements and petitions

The citizens of Sheffield have a right, set out in the Council's constitution, to participate in the meetings of Sheffield City Council, our Committees and other Council bodies by asking public questions, making statements or bringing forward petitions.

They are one of the means for the public to hold the Council to account, to get items on public record, or to raise public attention to an opportunity or issue.

We welcome and want to encourage greater citizen involvement in our city's democracy and are committed to ensuring that any citizen can raise a public question (or petition) and to providing an accurate and timely response that answers the question or issue raised.

Public questions are one way in which citizens can engage. They are a mechanism for respectfully engaging in the remit or agenda of a meeting, not a mechanism for engaging in detail or individual complaints or issues, they are not intended for engaging in debate or conversation.

## Ways to get involved

You can participate in a Council or Committee meeting by asking a question or making a statement. All questions and statements must be submitted to us in advance at [publicquestions@sheffield.gov.uk](mailto:publicquestions@sheffield.gov.uk)

- **Written questions** – At Council meetings these must be about matters relating to the City of Sheffield or the services provided by the Council. At Committee meetings they must relate to the remit of the Committee (any matter for which the Committee has responsibility).
- **Supplementary questions** – Arising directly out of the original question or the response.
- **Questions** – On matters relating to the published agenda for a specific Council or Committee meeting or on matters that could not be known by the deadline for written questions.
- **Statement** - On any matter within the remit of the Council or the Committee or in specific reference to agenda items.

Written questions and their responses will be published in advance of the meeting and will not be read out at the meeting. Other questions may be asked or statements made verbally at the meeting but must still be submitted in advance.

There are clear deadlines for submission of questions and statements which are set out in the tables below for Council and Committee meetings. If you do not meet these deadlines your question or statement will be deferred to the next meeting of that committee, unless you withdraw your submission.

The tables also give detail on how questions and statements are dealt with at and after the meetings.

## Word limits

- There is a 200 word limit for all written questions, supplementary questions, verbal questions and statements. A person may ask a question and any related sub-questions as long as it is within the 200 word limit.
  - A written question may have multiple parts and that will be considered as 1 question as long as it is within the 200 word limit.
  - Any pre-amble or introductory remarks must be included in the 200 word limit.
- There is a maximum of two participations per person in any council meeting (i.e. Full Council, Policy Committees. Governance Committee or Audit and Standards Committee). A participation means a written question relating to the remit of the Council or Committee (plus a supplementary question) OR a question relating to the agenda or matters which could not be known when the agenda is published OR a statement OR a petition. For example:
  - 1 question or set of linked questions (max 200 words in total) & 1 agenda-related question (max 200 words)
  - 1 statement (max 200 words) and 1 agenda-related question (max 200 words)
- A person cannot submit more than one statement per meeting.

## Time limits

- A period of up to one hour is allocated at each ordinary meeting of the Council for all questions, statements and petitions.
- A period of up to 30 minutes is allocated at each ordinary Committee meeting for all questions, statements and petitions.
- The Chair will try and order questions in an appropriate way to bring balance and fairness and to ensure a fair representation of the issues and voices heard at our meetings.
- The order for receiving public participations within the allocated time is:
  - Petitions;
  - Questions relating to the agenda of the specific Full Council meeting;
  - Supplementary questions to written questions relating to the remit of Full Council;
  - Statements.

- There may be situations where some questions and/or statements are not able to be presented in the meeting due to the time limit. Where this occurs, a written response will be sent to participants within 10 clear working days of the meeting and will be published.

Petitions will be treated separately to public questions, but within the same time allocation on the agenda.

## How you can participate in meetings

We want to make it as easy as possible for everyone to get involved in our democratic meetings. But we know that physically attending a committee meeting at a specific time of day can be difficult if you are at work, school, or if you have caring responsibilities. It can also be more difficult if you have a disability. And for some people asking a question in front of lots of other people can be an intimidating thing to do.

So, we have listened and made a number of changes to make public questions, statements and presenting petitions more accessible. This includes:

- **Written questions** – you can submit a written question and receive a written response without having to attend a meeting at all
- **Virtual questions and statements** – you can ask verbal questions and make statements remotely (via Teams or equivalent)
- **Having your question or statement read out for you** – you can request for a verbal question or statement be made on your behalf (eg. a nominated person or by an officer)
- You will also still be able to attend a Council meeting in person, as you can now.

## What can public questions and statements cover?

We encourage questions and statements on most issues, but they must relate to matters that are within the Council's responsibility or which affect the city or its citizens.

If you are asking a question at one of the council's committees, your question must be within the remit of that committee. There is information about each committee's remit on its page on our website, which can be accessed here: [Committee structure | Sheffield City Council](#). If you are not sure which committee your question should be asked at, please contact us at [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

Full Council can take questions on any matter that is within the Council's responsibility or which affects the city or its citizens.

There are some other restrictions that public questions and statements are subject to. They must not relate to:

- judicial or quasi-judicial matters;
- individual planning/licence/grant applications or appeals;
- identifiable officers or Members of the Council;
- confidential matters of the type referred to in Schedule 12A to the Local Government Act 1972;
- matters which are repetitious, including questions which are substantially the same as questions asked at other meetings of the Council or Committees within the previous six months; or
- matters of an irrelevant, defamatory, frivolous or offensive nature or a general misuse of the opportunity.

The Monitoring Officer may ask you to reword your question or statement or advise the Chief Executive that it should not be allowed if it does not meet these requirements or if it is longer than the 200 word limit.

## Freedom of Information (FOI)

The Information Commissioner's advice is that "*Councils may permit members of the public to raise questions, either orally or in writing, at council meetings. These questions also should not be treated as requests for information under FOIA or under the EIR*".

- This does not mean that public questions can be used to bypass the FOI procedure.
- It means that legitimate questions will not be rejected on the basis that they should have been submitted as FOI requests.
- But it also means that the questioner cannot expect an answer as full or as detailed as they would get with an FOI response or obtain information that might be exempted under FOI.

## Council employees

Council employees of the City Council may not ask questions where they relate directly or indirectly to their employment and where there are other more appropriate channels of communication, unless previously authorised by the appropriate Strategic Director in advance of the meeting and a copy of such authorisation has been passed to the Head of Democratic Services before the meeting in question.

## Pre-election Restrictions on Publicity (PERP)

Public questions will not normally be accepted for meetings held during the pre-election period and will, instead, be deferred to the next meeting of the committee after the election.

The pre-election period is the period, for both local and national elections, from the notice of election being published until polling day. It is a period of heightened sensitivity and local authorities are required to take additional care in the issuing of publicity of all forms to avoid anything that could give rise to a perception of favouring one candidate or political party. The restrictions cover communications and the use of council resources.

The normal business of the Council can and should continue during the PERP period, including the holding of meetings and continuing to take decisions, but particularly controversial or contentious issues should normally be deferred to a later agenda.

Public questions throughout the year, including the pre-election period, are often concerned with matters that are politically contentious. Asking such questions is not, in itself, likely to be a breach of PERP. However, providing responses to those questions, which would be prepared by officers, and given by Elected Members in a meeting administered, facilitated and resourced by council officers using taxpayers' money, could be considered to be a breach of the PERP guidance issued by the government.

## Full Council

<b>Who attends?</b>	All 84 Councillors. Full Council is chaired by the Lord Mayor.
<b>What is the meeting for?</b>	<p>Sets the overall direction of the Council.</p> <p>Some important decisions can only be taken at Full Council, such as setting the Council's budget and deciding the Council's overall policies.</p> <p>The Council appoints the Leader and at its Annual Meeting in May appoints Councillors to serve on its Committees. It also appoints representatives to serve on joint bodies and external organisations.</p>
<b>How often are they?</b>	Six meetings a year plus Budget Council (March) and AGM (May), usually on a Wednesday afternoon. There are no public questions or statements at the AGM.
<b>How can I watch it?</b>	<p>In person - the Public Gallery in the Town Hall Council Chamber can accommodate 50 persons. An overspill area will be provided in the event that more than 50 members of the public attend – the webcast of the meeting will be live streamed to that room</p> <p>Public-i - <a href="https://sheffield.public-i.tv/core/portal/home">https://sheffield.public-i.tv/core/portal/home</a></p>

	<b>Deadlines</b>	<b>What happens at the meeting</b>	<b>What happens after the meetings</b>
<b>Written questions relating to the remit of Full Council</b>	<ul style="list-style-type: none"> <li>• Questions must be submitted by 9.00 am, six clear working days before the scheduled Full Council meeting.</li> <li>• Written question responses will be published one clear working day before the meeting and circulated to the questioner and all Members of the Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Questioner may attend the meeting in person or on screen.</li> <li>• Written questions and answers will not be read out in the meeting as they are published online in advance of the meeting.</li> </ul>	

	<b>Deadlines</b>	<b>What happens at the meeting</b>	<b>What happens after the meetings</b>
<b>Supplementary questions</b>	<ul style="list-style-type: none"> <li>Supplementary questions must be submitted in writing by 9.00 am on the working day before the meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Supplementary questions may be asked verbally (in person / on screen / by a nominated person) or be read out by an officer,</li> <li>Questioners must not add any wording to their submitted question.</li> <li>The Leader of the Council or relevant Policy Committee Chair reserves the right of reply to supplementary questions.</li> </ul>	<ul style="list-style-type: none"> <li>Written responses to supplementary questions will be published within 10 clear working days from the date of the meeting.</li> </ul>
<b>Questions relating to the agenda of Full Council</b>	<ul style="list-style-type: none"> <li>Questions must be submitted by 9.00 am, two clear working days before the scheduled Full Council meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Questions may be asked verbally (in person / on screen / by a nominated person) or be read out by an officer,</li> <li>Questioners must not add any wording to their submitted question.</li> <li>Responses to be provided by the Leader of the Council or the relevant Policy Committee Chair at the meeting if possible or in writing afterwards.</li> </ul>	<ul style="list-style-type: none"> <li>Written responses to all verbal questions will be provided in writing and published within 10 clear working days from the date of the meeting.</li> </ul>

	Deadlines	What happens at the meeting	What happens after the meetings
<b>Statements</b>	<ul style="list-style-type: none"> <li>• Statements relevant to the remit of Full Council must be submitted by 9.00 am, six clear working days before the scheduled Full Council meeting.</li> <li>• Statements relating to the published agenda for a specific Full Council meeting or on matters that could not be known by the deadline for written questions must be submitted by 9.00 am, two clear working days before the scheduled Full Council meeting.</li> <li>• All statements will be published online the working day before the Full Council meeting and circulated to all Members of the Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Statement may be read in person, on screen, by a nominated person or by an officer.</li> <li>• Participants must not add any wording to their submitted statement.</li> <li>• No commitment to responding to a statement, the Lord Mayor or relevant Policy Committee Chair reserves the right of reply.</li> </ul>	

## Committees

<p><b>Who attends?</b></p>	<p>Elected Councillors proportionate to the overall make-up of the Council.</p> <p>Most Committees have between 7 and 13 Members and have a chair and deputy chair.</p>
<p><b>What is the meeting for?</b></p>	<p>Policy Committees and Sub-Committees are responsible for developing policy, scrutinising and reviewing performance, and making decisions aligned to their remit.</p> <p>Governance Committee is responsible keeping the Council’s constitution and arrangements for the committee system of governance under review.</p> <p>Audit and Standards Committee oversees and assesses risk management and promotes good Councillor conduct.</p> <p>Committee responsibilities are set by Full Council. Details of the remit of each Committee can be found on the Committee webpages: <a href="#">Committee structure   Sheffield City Council</a></p>
<p><b>How often are they?</b></p>	<p>Policy Committees have six meetings a year, Strategy and Resources Policy Committee and Finance Committee meet monthly.</p> <p>Governance Committee have seven meetings a year.</p> <p>Audit and Standards Committee have nine meetings a year.</p>
<p><b>How can I watch it?</b></p>	<p>In person – our Committees are all held in-person and are open to the public. Meetings are normally held at Sheffield Town Hall</p> <p>Committee meetings are also live webcast via Public-I - <a href="https://sheffield.public-i.tv/core/portal/home">https://sheffield.public-i.tv/core/portal/home</a></p>

	<b>Deadlines</b>	<b>What happens at the meeting</b>	<b>What happens after the meetings</b>
<b>Written questions relating to the remit of the Committee</b>	<ul style="list-style-type: none"> <li>• Questions must be submitted by 9.00 am, six clear working days before the scheduled meeting.</li> <li>• Written question responses will be published one clear working day before the meeting and circulated to the questioner and all Members of the Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Questioner may attend the meeting in person or on screen.</li> <li>• Written questions and answers will not be read out in the meeting as they are published online.</li> </ul>	
<b>Supplementary questions</b>	<ul style="list-style-type: none"> <li>• Supplementary questions must be submitted in writing by 9.00 am on the working day before the meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Supplementary questions may be asked verbally in person / on screen / by a nominated person or read out by an officer.</li> <li>• Questioners must not add any wording to their submitted question.</li> <li>• The Committee Chair reserves the right of reply to supplementary questions.</li> </ul>	<ul style="list-style-type: none"> <li>• Written responses to supplementary questions will be published within 10 clear working days from the date of the meeting.</li> </ul>
<b>Questions relating to the agenda of the Committee</b>	<ul style="list-style-type: none"> <li>• Questions must be submitted by 9.00 am, two clear working days before the scheduled Committee meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Questions may be asked verbally (in person / on screen / by a nominated person) or read out by an officer.</li> </ul>	<ul style="list-style-type: none"> <li>• Written responses to all verbal questions will be provided in writing and published within 10 clear working days from the date of the meeting.</li> </ul>

	Deadlines	What happens at the meeting	What happens after the meetings
		<ul style="list-style-type: none"> <li>• Questioners must not add any wording to their submitted question.</li> <li>• Responses to be provided by the Committee Chair at the meeting if possible or in writing afterwards.</li> </ul>	
<b>Statements</b>	<ul style="list-style-type: none"> <li>• Statements relevant to the remit of the Committee must be submitted by 9.00 am, six clear working days before the scheduled Committee meeting.</li> <li>• Statements relating to the published agenda for a specific Committee meeting or on matters that could not be known by the deadline for written questions must be submitted by 9.00 am, two clear working days before the scheduled Committee meeting.</li> <li>• All statements published online the working day before the Committee meeting and</li> </ul>	<ul style="list-style-type: none"> <li>• Statement may be read in person, on screen, by a nominated person or by an officer.</li> <li>• Participants must not add any wording to their submitted statement.</li> <li>• No commitment to responding to a statement, the Committee Chair reserves the right of reply.</li> </ul>	

	Deadlines	What happens at the meeting	What happens after the meetings
	circulated to all Members of the Committee.		

## Petitions

<b>Where?</b>	A petition can be submitted to the Council, Policy Committees or Sub-Committees, Regulatory Committees and Area Committees.
<b>Details</b>	See the Council's Petition Scheme for rules relating to submitting petitions to Policy Committees: <a href="#">petitions_guidance.pdf (sheffield.gov.uk)</a>

	• Deadlines	• What happens at the meeting	• What happens after the meetings
<b>Petitions</b>	<ul style="list-style-type: none"> <li>• Ordinary Petitions: Notice should be given by 9.00 am at least two working days before the scheduled Full Council or Committee meeting.</li> <li>• Petitions that trigger a Full Council Debate (5000 signatures or more): Notice should be given at least seven working days' before the scheduled Full Council meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Ordinary Petitions: The petition organiser will be given three minutes to present the petition at the meeting.</li> <li>• Debate Petitions: Debate by the Full Council, in public, unless it is a petition asking for a senior Council officer to give evidence at one of the Policy Committees.</li> <li>• Councillors will decide how to respond to the petition.</li> </ul>	<ul style="list-style-type: none"> <li>• Petitions and actions will be published in the Council's petition logs.</li> <li>• The petitions scheme sets out how the Council might respond to the petition.</li> </ul>