SALFORD CITY COUNCIL
COUNCIL CONSTITUTION

November 2019
CONSTITUTION OF SALFORD CITY COUNCIL

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Part 1

Summary and Explanation
The Council's Constitution

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

The Constitution is divided into 16 Articles which set out the basic rules governing the council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at Parts 3 to 7 of the Constitution.

What’s in the Constitution?

Article 1 of the Constitution commits the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations. Articles 2–16 explain the rights of citizens and how the key parts of the council operate. These Articles are:

- Members of the council (Article 2)
- Citizens and the council (Article 3)
- The council meeting (Article 4)
- Chairing the council (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- The Executive (Cabinet) (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Area (Community) Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and suspension of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the council operates

Salford City Council is composed of 60 councillors and a City Mayor (‘the City Mayor’).

The City Mayor

Salford’s City Mayor has been elected for a term of office of four years. The City Mayor is democratically accountable to all residents of the city of Salford and has an overriding duty to the whole community, including those who did not vote for him.

Councillors
Salford is divided into 20 electoral wards, each represented by three city councillors. One third of Salford’s councillors are elected three years out of four. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of councillors is to the whole community of the city, but they have a special duty to their ward constituents, including those who did not vote for them.

Councillors and the City Mayor have to agree to follow Salford City Council’s Code of Member Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct. Salford City Council’s Code of Member Conduct is set out at Section A of Part 6 of this Constitution.

All councillors meet together as the council. Meetings of the council are normally open to the public. Here councillors decide the council’s overall policies and priorities and set the budget each year.

**How decisions are made?**

The executive (which in Salford is called the ‘Cabinet’) is made up of the City Mayor (who is elected by all residents) and between two and nine other councillors whom the City Mayor appoints. In relation to most day-to-day decisions the City Mayor delegates decision-making power to individual members of the Cabinet, or to the Chief Executive and other Chief Officers.

To help him oversee the delivery of council services and plans for change, he has appointed two Deputy City Mayors, one of whom is his statutory Deputy as required by legislation. The Deputy Mayors have different portfolios but are both given delegated authority to act in the place of the City Mayor where he is unable to act for any reason, including being out of the City.

Those delegations can be found on the following Council webpages:


When ‘key’ decisions (as defined at Article 13.3) are to be discussed or made, these are published in the council’s forward plan in so far as they can be anticipated. If these key decisions are to be discussed with council officers at a meeting, this will generally be open to the public to attend except where personal or confidential matters are being discussed. The City Mayor, members of the Cabinet and Chief Officers have to make decisions which are in line with the council’s overall policies and budget. If the City Mayor, members of the Cabinet or Chief Officers wish to make a decision which is outside the budget or policy framework, this must be referred to the council as a whole to decide (except in the case of urgency).
Overview and Scrutiny

There are a number of Overview and Scrutiny Committees and Sub-Committees (which in Salford are called the ‘Overview and Scrutiny Board’ and ‘Scrutiny Panels’) who support the work of the City Mayor, members of the Cabinet and the council as a whole. They allow citizens to have a greater say in council matters by holding public enquiries into matters of local interest or concern. These lead to reports and recommendations which advise the City Mayor, members of the Cabinet and the council as a whole on polices, budget and service delivery.

Salford City Council’s Overview and Scrutiny Board and Scrutiny Panels also monitor the decisions of the City Mayor, members of the Cabinet, and Chief Officers. They can ‘call-in’ a decision which has been made by the City Mayor, members of the Cabinet, or key decisions of Officers but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the City Mayor, members of the Cabinet or Chief Officers reconsider the decision. They may also be consulted by the City Mayor, members of the Cabinet, Chief Officers, or the council on forthcoming decisions and the development of policy.

Community Committees

In order to give local citizens a greater say in council affairs, eight Area Committees (which in Salford are called ‘Community Committees’) have been created.

All of the councillors who have been elected in the wards covered by each of Salford’s Community Committees are appointed as voting Members of their Community Committee. In addition each of Salford’s Community Committees has appointed representatives of community groups as non-voting co-opted members who are entitled to make recommendations to the elected members of their Community Committee. All meetings are held in public. Each of the council’s Community Committees has a devolved budget and is responsible for making decisions in relation to this devolved budget.

The council’s staff

The council has people working for it (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure the council acts within the law and uses its resources wisely. Codes of Practice govern the relationship between officers and members of the council and the City Mayor.

Citizens’ rights

Citizens have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the council's own processes. Local advice organisations can advise on an individual's legal rights.
Where members of the public use specific council services, for example as a parent of a school pupil, or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered
- contact a local councillor and the City Mayor about any matter of concern to them
- obtain a copy of the Constitution
- attend meetings of the council and its Committees except where, for example, personal or confidential matters are being discussed
- inspect agendas and reports except those which contain, for example, personal and confidential matters
- participate in Salford City Council’s Public Question Time and contribute to investigations by the Overview and Scrutiny Board and Scrutiny Panels
- find out from the council’s forward plan which key decisions are to be discussed at a meeting, or decided by the City Mayor, members of the Cabinet, or council officers, and when
- attend meetings where key decisions are being discussed or decided
- see reports and background papers and any record of decisions made by the council, the City Mayor, members of the Cabinet, or council officers in accordance with the council’s Access to Information Procedure Rules
- exercise their rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to obtain information held by the council
- complain to the council about any aspect of the service provided by the council and receive a response within the time period set out in the council’s complaints procedures
- complain to the Ombudsman if they think the council has not followed its procedures properly. However they should only do this after exhausting the council’s own complaints process
- complain to the Monitoring Officer if they have evidence which they think shows that a member of the council (including the City Mayor) has not followed its Code of Conduct for members; and
- inspect the council’s accounts and make their views known to the external auditor.

The council welcomes participation by its residents in its work. For further information on your rights as a citizen please access the council’s web site on www.salford.gov.uk. In addition, rights are set out in the Access to Information Procedure Rules at Section B of Part 4 of this Constitution.
Part 2

Articles of the Constitution
Article 1: The Constitution

1.1 Powers of the council

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

1.2 The Constitution

This document, and all its appendices, is the Constitution of Salford City Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

a) Enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.

b) Support the active involvement of citizens in the process of local authority decision-making.

c) Help councillors represent their constituents effectively.

d) Enable decisions to be taken efficiently and effectively.

e) Create a powerful and effective means of holding decision-makers to public account.

f) Ensure that no-one will scrutinise a decision in which they were directly involved.

g) Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions and

h) Provide a means of continually improving the delivery of services to the community.

1.4 Review of the Constitution

The council will monitor and evaluate the operation of the Constitution as set out in Article 15.
Article 2: Members of the council

2.1 Composition and eligibility

a) **Composition:** The council will comprise 60 members, (otherwise called councillors), and the City Mayor. Three councillors will be elected by the voters of each of the 20 wards in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. The elected City Mayor will be elected in accordance with the provisions of Article 2.3.

b) **Eligibility:** Only registered voters of the City of Salford or those living or working in the City, or those who occupy any land or premises in the city, will be eligible to hold the office of councillor or City Mayor.

2.2 Election and terms of councillors

**Election and terms:** The ordinary election of a third of all councillors will be held on the first Thursday in May in each year, except that in 2021 and every fourth year after there will be no regular election. From 2019 the term of office of councillors (except those elected in by-elections) will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Election and term of the City Mayor

**Election and term:** The first election of the City Mayor was held on the 3 May 2012 and the term of office for the City Mayor will be 4 years. Subsequent elections for the City Mayor will be held in every fourth year on the first Thursday in May. The City Mayor will take office on the fourth day after the election and will continue in office until the fourth day after any successor is elected, unless they cease to be the City Mayor. If for any reason the City Mayor is unable to act or the office of City Mayor is vacant, the Deputy City Mayor must act in the City Mayor's place.

2.4 Roles and functions of the City Mayor

2.4.1 Key roles

a) All of Salford City Council’s executive functions are vested in the elected City Mayor. Section 9E(2) of the Local Government Act 2000 (as amended) provides that the City Mayor may determine to exercise any of Salford City Council’s executive functions personally, or may arrange for the exercise of any of the council’s executive functions by:

i) the Cabinet as a whole
ii) another member of the Cabinet
iii) a committee of the Cabinet
iv) an officer of the council or
v) an area committee (which in Salford are called ‘Community Committees’).
b) The City Mayor will carry out the following roles:

i) To be Salford City Council's principal public spokesperson.
ii) To give overall political direction to Salford City Council.
iii) To appoint members of the Cabinet and the Deputy City Mayor.
iv) To chair meetings of members of the Cabinet.
v) To represent Salford City Council on such external bodies as the City Mayor decides.

2.4.2 Rights and duties

a) The City Mayor will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.

b) The City Mayor will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. (For these purposes "confidential" and "exempt" are defined in the Access to Information Rules in Section B of Part 4 of this Constitution).

c) Subject to the Code of Conduct for Members, the common law rule against bias and the council Procedure Rules, the City Mayor has a right to speak and vote on any item before the council.

2.5 Roles and functions of all councillors

2.5.1 Key Roles

a) All councillors will:

i) collectively be the ultimate policy makers
ii) represent their communities and bring their views into the council's decision-making process
iii) effectively represent the interests of their ward and of individual constituents
iv) respond to constituents' enquiries and representations fairly and impartially
v) participate in the governance and management of the council
vi) be available to represent the council on other bodies and
vii) maintain the highest standards of conduct and ethics.
2.5.2 Rights and duties

a) Councillors will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.

b) Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

c) For these purposes ‘confidential’ and ‘exempt’ are defined in the Access to Information Rules in Section B of Part 4 of this Constitution.

d) Subject to the Code of Conduct for members, the common law rule against bias and the Council Procedures Rules, councillors have a right to speak and vote on any item before the council and councillors who are members of a committee have a right to speak and vote on any item before that committee.

2.6 Election of the Ceremonial Mayor (see Article 2.11 below)

Salford has a Ceremonial Mayor who performs a number of civic and ceremonial functions and who also acts as Chair at meetings of the council. The Ceremonial Mayor is chosen and appointed by the council at its Annual Meeting held in May and holds office for a period of one municipal year unless the appointed person ceases to be a councillor during this time. The council will also appoint a Deputy Ceremonial Mayor for the same period. The Deputy Ceremonial Mayor will normally only undertake Ceremonial Mayoral duties in case of emergency or when for whatever reason the Ceremonial Mayor is unable to carry out the role due to being out of the country.

2.7 Conduct

The City Mayor and councillors will at all times observe the council's Code of Conduct for Members at Section A of Part 6 of this Constitution and the Protocol on Member/Officer relations at Section D of Part 6 of this Constitution and comply with any reasonable request of the council's Standards Committee.

2.8 Allowances

The City Mayor and councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out at Part 7 of this Constitution.

2.9 Register of interests

a) Preparation

The council's Monitoring Officer has established and will maintain a register of such financial and other interests of the City Mayor, councillors and co-opted members of the authority, as are specified in the Localism Act 2011 and the Code of
Conduct of Members (‘The Council’s Register of Members’ Interests’). The elected City Mayor, councillors and co-opted members have been, and will be, requested to provide the relevant information and update this as necessary.

b) **Publicity**

In accordance with the requirements of the Localism Act 2011 a copy of the council’s Register of Members’ interests will be published on the council's website and will be available at an identified office of the authority, for inspection by members of the public at all reasonable hours.

### 2.10 Gifts and Hospitality

The council’s Monitoring Officer will maintain a publicly available register of such gifts and hospitality offered to the City Mayor, councillors and co-opted members of the Authority as specified in the Code of Conduct for members. The City Mayor, councillors and co-opted members have been and will be required to notify the Monitoring Officer of any qualifying offer of a gift or hospitality. This will also be displayed on the council website.

### 2.11 Official Opposition

a) The minority party with the largest number of elected members on the council shall be named as the Official Opposition and will assume the role at any time during the Municipal Year.

b) If two or more minority parties have the same number of elected members on the council, the minority party that was previously the Official Opposition shall retain that status.

### 2.12 Seniority of councillors for the appointment of the Ceremonial Mayor

Seniority of councillors is determined as follows:

a) Length of service as a member of Salford City Council, i.e. from April, 1974, plus

b) Length of service as a member of a predecessor authority of Salford City Council, plus

c) Length of service as a member of Greater Manchester Council for one of its wards within Salford, plus

d) The length of any break of service of up to four years, i.e. such breaks are disregarded and service is treated as continuous including the period of such break.
(For the avoidance of doubt, if a member has a break in service of longer than 4 years, then total length of service is the aggregate of (a), (b) and (c) above).

e) The length of service in all cases should be determined in relation to the month in which it started or ended. As election dates vary during the month of May, this will avoid anomalies where one Member might have a gap of four years two days in service and thus lose all such time, whereas another might have a gap of three years 364 days and retain such time.

f) Councillors elected at the same time ranking according to alphabetical order (surname) in accordance with custom and practice.
Article 3: The Council and its Community

3.1 Rights of Members of the Public

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedures Rules in Section B of Part 4 of this Constitution.

a) Voting and Petitions. Residents on the electoral roll for the area have the right to sign a petition to request a referendum for an elected mayor form of Constitution. (Salford City Council held a referendum for an elected mayor form of Constitution in January 2012 as a result of a petition and therefore cannot either be required or choose to hold another such referendum before January 2022).

The council has made provision for the establishment of e-petitions on the council's website.

b) Information. Members of the public have the right to:

i) attend meetings of the council and its committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;

ii) attend meetings of the City Mayor and members of the Cabinet when key decisions are being considered, except when confidential or exempt matters are being discussed and the meeting is therefore held in private;

iii) find out from the forward plan what key decisions will be taken, by whom and when;

iv) see reports and background papers (except where confidential or exempt matters are being reported) and any records of decisions made by the council, the City Mayor, members of the Cabinet, or council officers;

v) inspect the council's accounts and make their views known; and

vi) exercise their rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to obtain information held by the council.

c) Participation. Subject to the provisions set out below, citizens will have a right to participate in meetings which are governed by the Access to Information Rules.
i) **General principles**

Members of the public will only be allowed to address a meeting subject to the approval of the Chair of the meeting.

ii) **Community committees**

Members of the public will only be allowed to address the meeting subject to the approval of the Chair, and may not vote.

iii) **Overview and Scrutiny Board and Scrutiny Panels**

Any person called upon to give evidence to the Overview and Scrutiny Board or Scrutiny Panel will be afforded the opportunity to address the Board or Panel. They will be expected to do so in an appropriate manner and with regard to the council's procedural rules at Part 4 of this Constitution and the principles established in the council's Code(s) of Conduct at Part 6 of this Constitution. The Overview and Scrutiny Board and the Scrutiny Panels can make recommendations as to the appointment of co-opted non-voting members and seek the approval of council thereto.

iv) **Council meetings**

The council will make available a 30 minute public question time during which a member of the public or a group's representative may ask a question or speak on a representation which has been previously notified to the council in accordance with the agreed procedures laid down in the council Procedure Rules (see Section A of Part 4 of this Constitution).

d) **Complaints.** Members of the public have the right to complain to:

   i) the council itself under the council’s complaints scheme

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

   iii) the council’s Monitoring Officer about a perceived breach of the council’s Code of Conduct for members.

3.2 **Responsibilities of members of the public**

Members of the public must not be violent, abusive or threatening to councillors or council officers and must not wilfully harm things owned by the council, members of the council, or officers.
Article 4: The Full Council

4.1 Meanings

a) **Policy Framework.** The Policy Framework means the following plans and strategies:

i) Those required by law to be adopted by the council:

   - Crime and Disorder Reduction Strategy under sections 5 and 6 of the Crime and Disorder Act 1998 (which in Salford is called the “Community Safety Strategy”);
   - Youth Justice Plan under section 40 of the Crime and Disorder Act 1998;
   - Development Plan documents (under section 15 of the Planning and Compulsory Purchase Act 2004) and Plans and Alterations which together comprise the Development Plan under Part 2 of, and Schedule 8 to the Planning and Compulsory Purchase Act 2004;
   - Licensing Authority Policy Statement under section 349 of the Gambling Act 2005;
   - Plan or strategy for the control of the council’s Investments or for determining the council’s minimum revenue provision.

ii) The following plans and strategies, which Salford City Council has determined should be adopted by the council as part of the Policy Framework:

   - Housing Strategy (under section 87 of the Local Government Act 2003)
   - Tenancy Strategy (under section 150 of the Localism Act 2011 – this Strategy has to be adopted by Council)
   - Salford Joint Health and Wellbeing Strategy (under section 116A of the Local Government and Public Involvement in Health Act 2007)
   - Licensing Policy Statement (under section 5 of the Licensing Act 2003)
   - Sustainable Community Strategy (which in Salford is called the “City Plan”);

iii) Such other Plans and Strategies as the council may, from time to time, determine.
b) **Budget.** The Budget includes the function of calculating the council’s estimated expenditure and income and its council tax requirement under section 31A of the Local Government Finance Act 1992 (“the LGFA”), the calculation of a basic amount of council tax and an amount of tax for each valuation band under sections 31B and 36 of the LGFA, and the plans or strategies for the control of the council’s borrowing and capital expenditure.

c) **Housing Land Transfer.** Housing Land Transfer means the approval of adoption of applications (whether in draft form or not) to the Secretary of State for approval of disposal of land used for residential purposes where consent is required under sections 32 or 43 of the Housing Act 1985.

### 4.2 Functions of the council

Only the council will exercise the following functions:

a) Subject to Article 15.2, adopting and changing the Constitution, including the determination of which of the council’s ‘Local Choice’ functions (as defined in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) should be executive functions and which should be non-executive functions.

b) Approving or adopting the budget or any plan or strategy which forms part of the Policy Framework.

c) Amending, modifying, revising, varying, withdrawing or revoking any plan or strategy which forms part of the Policy Framework or relates to the control of the council’s borrowing or capital expenditure (except in the extent that the council has authorised the executive to do so).

d) The approval, for the purposes of public consultation in accordance with regulation 20 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of, alterations to, or the replacement of, a unitary development plan.

e) The approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document.

f) Approving any application to the Secretary of State in respect of any Housing Land Transfer.

g) Determining, as licensing authority, its policy with respect to the exercise of its licensing functions under the Licensing Act 2003, and making revisions to such policy at such times as it considers appropriate.

h) Subject to the urgency procedures contained in the Budget and Policy Framework Procedure Rules at Part 3, Section C of this Constitution, making decisions about any matter in the discharge of a executive function which is covered by the Policy Framework or the budget, where the decision maker is
minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the budget.

i) Agreeing and/or amending the terms of reference for committees, panels etc. and deciding on their composition and making appointments to them.

j) Appointing representatives to outside bodies unless the appointment is an executive function, or has been delegated by the council.

k) Adopting a Members' Allowances Scheme under Article 2.7 of this Constitution.

l) Changing the name of the area.

m) Conferring the Freedom of the City.

n) Appointment of the Head of the Paid Service, Section 151 Officer and Monitoring Officer.

o) Resolving under section 166 of the Gambling Act 2005 not to issue casino premises licenses.

p) Making, amending, revoking, re-enacting or adopting bye-laws or promoting or opposing the making of local legislation or private bills.

q) Making requests for single-member electoral areas;

r) Passing a resolution to change a scheme for elections;

s) Deciding whether to make proposals for a change in governance arrangement as to form of executive, deciding whether the change should be subject to approval in a referendum and passing a resolution to make a change.

t) Making an order giving effect to recommendations made in a community governance review.

u) Duty to make a change in governance arrangements.

v) All local choice functions set out in Section A of Part 3 of this Constitution, which the council decides should be undertaken by itself rather than the executive.

w) To approve prudential borrowing indicators and any amendment.


y) Making determinations in relation to the remuneration of posts whose remuneration is, or is proposed to be, or would become, £100,000 p.a. or above and severance packages of £100,000 and above.
z) Adopting a Code of Conduct for elected and co-opted Members of the council under section 27 of the Localism Act 2011.

All other matters which by law must be reserved to the council.

4.3 Council meetings

There are three types of council meeting:

a) The Annual Meeting
b) Ordinary Meetings
c) Extraordinary Meetings

and they will be conducted in accordance with the council Procedure Rules in Section A of Part 4 of this Constitution.

4.4 Responsibility for functions

The council will allocate responsibilities for and maintain a record in Part 3 of this Constitution setting out the responsibilities for the discharge of:

a) the council’s functions which are not the responsibility of the executive
b) the council’s ‘Local Choice’ functions which are not the responsibility of the executive.
Article 5: Chairing Meetings of the Council

Role of the Ceremonial Mayor

5.1 Role and function of the Ceremonial Mayor

a) The Chair of the council shall be the Ceremonial Mayor and will be elected annually by the council.

b) The Ceremonial Mayor, or in their absence the Ceremonial Deputy Mayor, will have the following roles and functions:

1) To uphold and promote the purposes of the Constitution.

2) To preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of councillors and in the interests of the community.

3) To ensure that the council meeting is the forum for the debate of matters of interest and concern to the local community and the main place at which members who are not in the Cabinet are able to hold the City Mayor and Members of the Cabinet to account.

4) To promote public involvement in the council’s activities.

5) To attend such Civic and ceremonial functions for the council as determined to be appropriate and deliverable within the resources allocated to this function by the council.

c) In extreme circumstances due to unavailability of the Ceremonial Mayor, the Ceremonial Deputy Mayor may undertake duties on behalf of the Ceremonial Mayor.

d) The Ceremonial Deputy Mayor will not normally undertake civic duties at the same time as the Ceremonial Mayor excepting where a major civic event requires the attendance of both the Ceremonial Mayor and the Ceremonial Deputy Mayor.

e) The council by a simple majority may pass a vote of no confidence in the Chair of the meeting and upon this being carried by the council, the council may appoint from its membership, a Chair for either the remainder of the meeting, or for the remainder of the municipal year.
Article 6: Overview and Scrutiny Committees
(Hereinafter referred to as the Overview and Scrutiny Board and Scrutiny Panels)

6.1 Appointment

The council will appoint a politically-balanced Overview and Scrutiny Board and four politically balanced Scrutiny Panels set out below to discharge the functions conferred by section 9F of the Local Government Act 2000 (as amended).

a) The Overview and Scrutiny Board

b) Four Scrutiny Panels
   - Children’s Scrutiny Panel
   - Health and Social Care Scrutiny Panel
   - Community and Neighbourhoods Scrutiny Panel (the Designated Crime and Disorder Scrutiny Committee)
   - Growth and Prosperity Scrutiny Panel

The specific remit and Terms of Reference of the above Overview and Scrutiny Board and Scrutiny Panels are set out in Section E of Part 3 of this Constitution.

6.2 General role and powers and duties

Within their Terms of Reference, Overview and Scrutiny Board and Scrutiny Panels will:

a) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council’s functions.

b) Make reports and/or recommendations to the full council, the City Mayor, Members of the Cabinet, or any policy, joint or Community Committee in connection with the discharge of any of the council’s functions.

c) Make reports and/or recommendations to the full council, the City Mayor, or Members of the Cabinet on any matter affecting the council’s area or its inhabitants.

b) Exercise the right to call-in ‘executive’ decisions made but not yet implemented by the City Mayor, Members of the Cabinet, or key decisions of an officer or under joint arrangements, and to recommend that the decision be reconsidered by the person who made it.

e) Arrange for its function under a) above as regards any decision to be exercised by the full council.
Require the City Mayor, Members of the Cabinet or officers of the council to attend before it to answer questions, and invite other persons to attend.

Appoint one or more sub-committees and arrange for the discharge of any of its functions by such a sub-committee.

### 6.3 Specific functions

#### a) Policy development and review.

The Overview and Scrutiny Board and Scrutiny Panels may:

i) make recommendations to the council, the City Mayor and Members of the Cabinet as to the development of the council’s Budget and Policy Framework by in-depth analysis of policy issues

ii) conduct research, community and other consultation in the analysis of policy issues and possible options

iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options

iv) question the City Mayor, Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area and

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

#### b) Scrutiny.

The Overview and Scrutiny Board and Scrutiny Panels may:

i) review and scrutinise the decisions made by and performance of the City Mayor, Members of the Cabinet, and/or Committees and council officers both in relation to individual decisions and over time

ii) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas

iii) question the City Mayor, Members of the Cabinet, and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects

iv) make recommendations to the City Mayor, Members of the Cabinet, and/or appropriate Committees and/or the council arising from the outcome of the scrutiny process.

v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview
and Scrutiny Board and Scrutiny Panels and local people about their activities and performance, and

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

c) **Support.** Strategic Directors will provide the necessary support for the Overview and Scrutiny Board and Scrutiny Panels.

d) **Annual Report.** The Overview and Scrutiny Board and Scrutiny Panels must report annually to full council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 6.4 Crime and Disorder Scrutiny Committee

a) The Community and Neighbourhoods Scrutiny Panel will be designated as Salford City council’s Crime and Disorder Scrutiny Committee. Its responsibilities will include:

- To review or scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions (as carried out by the Salford Crime and Disorder Partnership (‘CDRP’)).

- To make reports and recommendations to the council or the City Mayor and members of the Cabinet with respect to the discharge of those functions.

b) **Responsible authorities’ include:**

- Salford City Council
- Every provider of probation services operating within Salford in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to be a responsible authority.
- The Chief Constable of Greater Manchester Police.
- The Greater Manchester Combined Authority
- The Salford Clinical Commissioning Group.

c) **‘Crime and Disorder Functions’ are:**

- Reducing crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment) and
- Combating the misuse of drugs, alcohol and other substances in the area and reduction of re-offending in the area.
6.5 Health and Social Care Scrutiny Panel

a) The Health and Social Care Scrutiny Panel will be designated as the Health Scrutiny Committee. Its responsibilities will include:

- To review and scrutinise any matter relating to the planning, provision and operation of the health service in Salford City council’s area.
- To make reports and recommendations to a “responsible person” on any matter it has scrutinised.

b) ‘Responsible person’ includes:

- ‘relevant NHS body’, means an NHS body, other than a Special Health Authority, which is prescribed for those purposes in relation to Salford City Council

- ‘Relevant health service provider’, means a body or person which:
  i) provides services in pursuance of arrangements made:
    • by the National Health Service Commissioning Board or a Clinical Commissioning Group under section 3, 3A, 3B or 4 or Schedule 1, of the National Health Service Act 2006 (as amended) (‘the NHS Act 2006’)
    • by Salford City Council for the purpose of the exercise of its functions under or by virtue of section 2B or 6C(1) or Schedule 1 of the NHS Act 2006, or
    • by the National Health Service Commissioning Board, Salford Clinical Commissioning Group or Salford City Council by virtue of section &A of the NHS Act 2006, and
  ii) is prescribed, or is of a description prescribed, for those purposes in relation to the authority.

6.6 Proceedings of the Overview and Scrutiny Board and Scrutiny Panels

The Overview and Scrutiny Board and Scrutiny Panels will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Section E of Part 4 of this Constitution.

6.7 Scrutiny Officer

The council will designate one of their officers to act as the council’s scrutiny officer who will discharge the following functions pursuant to section 9FB of the Local Government Act 2000 (as amended):

a) to promote the role of the council’s Overview and Scrutiny Board and Scrutiny Panels;
b) to provide support to the council’s Overview and Scrutiny Board and Scrutiny Panels and the members of those committees;

c) to provide support and guidance to:

  i) members of the Cabinet
  ii) officers of the council

in relation to the functions of the council’s Overview and Scrutiny Board and Scrutiny Panels.
Article 7: The Executive (the Cabinet)

7.1 City Mayor

The City Mayor may carry out all of the council's functions which are not the responsibility of any other part of the council, whether by law or under this Constitution (hereinafter referred to in this Constitution as Salford City Council's ‘executive functions’). The City Mayor is responsible for the allocation and discharge of all executive functions and may decide how executive functions are to be exercised. The conferring of any delegated power does not prevent the City Mayor from personally exercising these functions himself.

All key decisions are reserved to the City Mayor.

In Salford the City Mayor may exercise these functions in consultation with Cabinet.

7.2 Cabinet

Salford City Council’s Cabinet will consist of:

- A elected mayor (the City Mayor) and
- At least two but not more than nine councillors appointed to the Cabinet by the City Mayor (one of whom will be appointed by the City Mayor to act as Deputy City Mayor).

7.3 The City Mayor

a) Term of Office

i) The term of office of Salford’s City Mayor is four years from the 5 May 2016, unless before that date, the City Mayor resigns or otherwise ceases to hold office.

ii) The second election to the office of Salford’s City Mayor will take place on the ordinary day of election of Salford City councillors in 2020.

iii) If there is a ‘casual vacancy’ in the office of Salford’s City Mayor (as defined by The Local Authorities (elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012), an election to fill the vacancy shall be held in accordance with the elected Mayor Regulations.

b) Roles and functions. The City Mayor will carry out the following roles:

i) be Salford City Council’s principal public spokesperson.

ii) To give overall political direction to Salford City Council.
iii) To appoint the Deputy City Mayor and the other Members of the Cabinet.

iv) To decide on the Scheme of Delegation of Salford City Council’s executive functions.

v) To chair meetings of the Cabinet.

vi) To represent Salford City Council on such external bodies as the City Mayor decides.

c) **When is the City Mayor treated as a member of the council?** Pursuant to Section 9H of the Local Government Act 2000 (as amended) the general position is that, unless the law expressly provides otherwise, any reference in a statute to a ‘member’ or a ‘councillor’ does not include an ‘elected mayor’. Examples of where the law expressly provides that a reference to a ‘member of the council’ includes an ‘elected mayor’ are Chapter 7 of the Localism Act 2011 and section 2(2B) of Local Government Act 1972. As a result, the City Mayor is treated as a ‘member’ of Salford City Council in the following situations:

i) The City Mayor is subject to the same rules about qualification and disqualification as any other councillor.

ii) The City Mayor must follow the rules about ‘disclosable pecuniary interests’ set out in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and comply with the council’s Code of Conduct for members set out at Section A of Part 6 of this Constitution.

iii) The City Mayor may be a member of, attend and speak at any meeting of the council, its Committees and sub-committees, (except the Standards Committee and the Overview and Scrutiny Board and Scrutiny Panels). The City Mayor may only speak at the Overview and Scrutiny Board and a Scrutiny Panel or Standards Committee when invited to do so and may not vote at those meetings.

iv) If the City Mayor is a member of a political group, this will be taken into account when calculating seat allocations on Committees and sub-committees of which they are a member, if they have to reflect the political composition of the council as a whole in accordance with the Local Government and Housing Act 1989.

v) The City Mayor is subject to the Members’ Allowances Scheme set out in Part 7 of the Constitution.

### 7.4 Deputy City Mayor

a) The City Mayor will appoint one of the members of the Cabinet to act as Deputy City Mayor.
b) The Deputy City Mayor will hold office until the end of the term of office of the City Mayor unless before that date:

i) they resign from office; or 
ii) they are no longer a member of Salford City Council for any reason; or 
iii) they are removed from office by the City Mayor.

c) Where a vacancy occurs in the office of Deputy City Mayor, the City Mayor must appoint another person to that role.

d) If for any reason:

i) the City Mayor is unable to act; or 
ii) the office of City Mayor is vacant;

the Deputy City Mayor must act in place of the City Mayor.

e) If for any reason:

i) the City Mayor is unable to act, or the office of City Mayor is vacant; and 
ii) the Deputy City Mayor is unable to act, or the office of Deputy City Mayor is vacant;

the Cabinet must act in the City Mayor's place, or must arrange for a member of the Cabinet to act in their place.

7.5 Other Cabinet members

a) In addition to the Deputy City Mayor, the City Mayor will appoint between one and eight further Cabinet Members to hold such Portfolios as the City Mayor shall determine from time to time. Only councillors may be appointed to the Cabinet. There may be no co-optees, deputies nor substitution of Cabinet Members. Neither the Ceremonial Mayor nor the Deputy Ceremonial Mayor may be appointed to the Cabinet. Cabinet Members may not be members of the Overview and Scrutiny Board or a Scrutiny Panel.

b) Subject to Article 7.2 the size and composition of the Cabinet will be solely a matter for the City Mayor to decide. The City Mayor may choose to appoint Councillors from any political group on the council or those not in a political group. The Cabinet need not reflect the political balance of the council as a whole. The City Mayor will report appointments of Cabinet members and their respective Portfolios to full council and the Monitoring Officer as and when they are made.
c) A Cabinet Member will hold office until the end of the City Mayor’s term of office unless before that date

i) they resign from office; or

ii) they are no longer a member of Salford City Council for any reason; or

iii) they are removed from office by the City Mayor.

d) The City Mayor is able to appoint and dismiss Cabinet Members as desired. However, any changes should be reported by the City Mayor to the Monitoring Officer and to the next meeting of full council.

7.6 Responsibility for functions

a) Under the “elected Mayor and Cabinet” form of arrangement, all of Salford City Council’s executive functions are vested in the City Mayor. Section 9E(2) of the Local Government Act 2000 (as amended) provides that the City Mayor may determine to exercise any of Salford City council’s executive functions personally, or may arrange for the exercise of any of the council’s executive functions by:

i) the Cabinet as a whole;

ii) another member of the Cabinet;

iii) a Committee of the Cabinet;

iv) an officer of the council; or

v) a Community Committee.

b) The Monitoring Officer will maintain the City Mayor’s Register of the Delegation of Executive Functions, setting out whether the City Mayor himself, an individual Cabinet Member, a committee of the Cabinet, a council officer, a Community Committee, or joint arrangements, are responsible for the exercise of particular executive functions.

7.7 Conflicts of interest

a) Where the City Mayor has:

i) chosen to exercise an executive function of the council him/herself; and

ii) a conflict of interest arises in respect of any matter to be dealt with by the City Mayor in the course of exercising that executive function:

The City Mayor will arrange for the executive function to be delegated to another person or body who does not have a conflict of interest in order for that other person or body to deal with the matter.

b) If a conflict of interest arises in respect of an executive function which has been delegated by the City Mayor to an individual Cabinet Member, the City Mayor will exercise the function himself/herself or make arrangements for another person or body who does not have a conflict of interest to take the delegated decision in respect of such item.
c) If a conflict of interest arises in respect of an executive function which has been delegated by the City Mayor to a Committee of the Cabinet or a council officer, the City Mayor will exercise the function himself/herself or make arrangements for another person or body who does not have a conflict of interest to take the delegated decision in respect of such item.
Article 8: Regulatory Panels and other Committees

8.1 Regulatory panels and other committees

The council will appoint the panels and committees set out below to discharge the functions described in Section C of Part 3 of this Constitution.

- Licensing and Safety Regulatory Panel
- Planning and Transportation Regulatory Panel
- Licensing Committee
- Electoral Matters Committee
- Workforce Panel
- Employers’ Forum
- Audit and Accounts Committee

These committees/panels will conduct their proceedings in accordance with Article 13 and the Council Procedure Rules in Section A of Part 4 of this Constitution.

8.2 Health and Wellbeing Board

a) The council will establish a Health and Wellbeing Board to discharge the functions described in Part 3 of this Constitution.

b) The Health and Wellbeing Board will be composed of:

- the City Mayor
- at least one councillor appointed by the City Mayor
- the Strategic Director People
- the Director of Public Health
- one representative appointed by the Local Healthwatch organisation
- one representative appointed by the Salford Clinical Commissioning Group
- one representative of the NHS Commissioning Board
- such other persons, or representatives of such persons, as the council considers appropriate (provided that in the case of appointments after the Board is established the council first consults the Board)
- such additional persons as the Board considers appropriate.

8.3 Advisory committees

The council may appoint an advisory committee to advise the council or the City Mayor and Cabinet in relation to any matter relating to the discharge of their functions.
Article 9: The Standards Committee

9.1 Standards Committee

The council will appoint a Standards Committee.

9.2 Composition

a) Membership

The Standards Committee will be composed as follows:

- Eight councillors allocated to the political groups on the council in accordance with the principles of political balance.
- Two co-opted independent members, who are not councillors, nor officers of the council.

The Localism Act 2011 requires local authorities to appoint at least one Independent Person specifically to assist the Monitoring Officer in dealing with allegations against elected members. Independent Persons are not members of a Standards Committee and are different from co-opted Independent Members. The Council has appointed three independent persons.

b) Co-opted Independent Members

- Co-opted independent members will not be entitled to vote at meetings.

c) Chairing the Committee

The Council will appoint one of the co-opted independent members as Chair of the committee. In the absence of the appointed Chair, the committee will be chaired by the other independent member, and in the absence of both independent members will be chaired as determined by the committee.

d) Quorum

The quorum for the Standards Committee shall be three voting members and the chair.

9.3 Role and Functions

The council has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the council’s Standards Committee has the following role and functions:

a) Promoting and maintaining high standards of conduct by the City Mayor, councillors, co-opted members and church and parent governor representatives.
b) Assisting the City Mayor, councillors, co-opted members and church and parent governor representatives to observe the council’s Code of Conduct for Members.

c) Advising the council on the adoption, revision or replacement of the council’s Code of Conduct for Members and the council’s Arrangements for dealing with Complaints that council Members have failed to comply with the council’s Code of Conduct for Members (‘the council’s Arrangements’).

d) Monitoring the operation of the council’s Code of Conduct for Members and the council's Arrangements.

e) Advising, training or arranging to train the City Mayor, councillors and co-opted members and church and parent governor representatives on matters relating to the council’s Code of Conduct for Members and other issues relating to Standards and Conduct.

f) To determine in accordance with the council’s Arrangements whether the City Mayor or a council member has failed to comply with the council’s Code of Conduct for Members and, if so, to determine what action (if any) to take.

g) To delegate such of the council’s powers as can be delegated to take decisions in respect of a council Member (including the City Mayor) who is found on a hearing held in accordance with the council’s Arrangements to have failed to comply with the council’s Code of Conduct for Members (‘the Subject Member’), such actions to include:

   i) Publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member’s conduct.

   ii) Reporting the findings of the Standards (Hearing) Sub-Committee to council for information.

   iii) Recommendation to council that the Subject Member should be censured.

   iv) Recommendation to the Subject Member’s Group Leader (or in the case of ungrouped members to council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the council for a recommended period.

   v) Recommendation to the City Mayor that the Subject Member should be removed from the Cabinet, or removed from their Portfolio responsibilities.

   vi) Instructing the Monitoring Officer to arrange training for the Subject Member.
vii) Recommendation to council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the council.

viii) Withdrawal of facilities provided to the Subject Member by the council, such as a computer, website and/or e-mail and Internet access.

ix) Placing such restrictions on the Subject Member's access to council staff, buildings or parts of buildings as may be reasonable in the circumstances.

h) To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the council’s Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:

i) considers that granting the dispensation is in the interests of persons living in the council’s area, or

ii) considers that it is otherwise appropriate to grant a dispensation.

i) To determine appeals against the Monitoring Officer’s decision on the grant of dispensations.

j) To consider and monitor the following reports:

   (i) Local Government and Social Care Ombudsman Decisions and Annual reviews letters

   (ii) Corporate Governance reports as appropriate.
Article 10 Area (Community) Committees

10.1 Community Committees

The council may appoint Area Committees (which in Salford are called 'Community Committees') as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making.

10.2 Community Committees - form, composition and function

The council will appoint the eight Community Committees as set out below:

a) Claremont and Weaste Community Committee (Claremont and Weaste and Seedley Wards).

b) East Salford Community Committee (Broughton, Irwell Riverside and Kersal Wards).

c) Eccles Community Committee (Barton, Winton and Eccles Wards).

d) Irlam and Cadishead Community Committee (Irlam and Cadishead Wards).

e) Little Hulton and Walkden Community Committee (Little Hulton, Walkden North and Walkden South Wards).

f) Ordsall and Langworthy Community Committee (Ordsall and Langworthy Wards).

g) Swinton Community Committee (Swinton South, Swinton North and Pendlebury Wards).

h) Worsley and Boothstown Community Committee (Worsley and Boothstown and Ellenbrook Wards).

10.3 Membership of Community Committees

All of the councillors who have been elected in the wards covered by each of Salford's Community Committees are appointed as voting members of their Community Committee. In addition each of Salford's Community Committees has appointed representatives of community groups as non-voting co-opted members who are entitled to make recommendations to the elected members of their Community Committee.
10.4 Terms of Reference

Community Committees are intended to:

- provide a focus for the interests and concerns of local people
- contribute towards the strategic development of an area, reflecting local views

and to agree an annual set of priorities:

- Decide upon the use of local Devolved Budgets within criteria set by the Council, other funders and in support of priorities contained in the Community Action Plan.
- Review and monitor the delivery of local services.
- Support partnership working and promote community involvement in the delivery of services.
- Inform the Neighbourhood Partnership Board (NPB) of the priorities from the perspective of the community.
- Refer issues of concern about service delivery to the NPB when other routes to resolve have been exhausted.
- Ensure that the Community Committee is broadly representative of its community and promote engagement of unrepresented groups.

10.5 Delegations

The council and the City Mayor will include details of the non-executive and executive delegations to Community Committees in Section D of Part 3 of this Constitution. The delegations to Community Committees will set out which are non-executive and which are executive, budgets and any limitations on the delegations.

10.6 Conflicts of interest membership of Community Committees and the Overview and Scrutiny Board or Scrutiny Panels.

a) Conflict of interest. If the Overview and Scrutiny Board or Scrutiny Panels is scrutinising specific decisions or proposals in relation to the business of the Community Committee of which the councillor concerned is a member, then the councillor may not speak or vote at the Overview and Scrutiny Board or Scrutiny Panel unless a dispensation to do so is given by the Standards Committee.

b) General policy reviews. Where the Overview and Scrutiny Board or a Scrutiny Panel is reviewing policy generally the Member must declare an interest before the relevant agenda item is reached, but need not withdraw.
Article 11 - Joint Arrangements

11.1 Joint Arrangements

a) Salford City Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or to advise the council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities. The political balance requirements apply to such appointments if the council has 3 or more seats on the Joint Committee.

b) The City Mayor may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.

c) Where (b) above applies, and except as set out at (d) below, the City Mayor may only appoint Cabinet Members to a Joint Committee and those Cabinet Members need not reflect the political composition of the local authority as a whole.

d) The City Mayor may appoint members to a Joint Committee from outside the Cabinet where

- the Joint Committee is discharging a function in relation to five or more authorities or
- the function discharged is a function which is required by statute to be discharged by a Joint Committee or
- the Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the City Mayor may appoint to the Joint Committee any councillor who is a Member for a ward which is wholly or partly contained within the area.

In these circumstances the political balance requirements do not apply to such appointments.

11.2 Access to information

a) The Access to Information Rules in Section B of Part 4 of this Constitution apply.

b) If all the members of a Joint Committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

c) If the Joint Committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.
11.3 Delegation to and from other local authorities

a) The council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

b) The City Mayor may delegate executive functions to another local authority or the executive of another local authority.

11.4 Contracting out

The council (for functions which are non-executive functions) and the City Mayor (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements, where the contractor acts as the council’s agent under usual contracting principles, provided there is no delegation of the council’s discretionary decision making.

11.5 Joint Committees

a) Joint arrangements will include Salford City Council’s participation in the following Joint Committees:

- AGMA Executive Board, and its Commissions and sub-committees (including the Statutory Functions Committee)
- Transport for Greater Manchester Committee
- AGMA Joint Scrutiny Pool
- Joint Committee for the Joint Waste Development Plan Document for Greater Manchester
- Parking and Traffic Regulations outside London Adjudication Joint Committee
- Bus Lane Adjudication Service Joint Committee
- Manchester Area Pollution Advisory Council (MAPAC)
Article 12: Officers

12.1 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 council will engage persons, who will be designated Chief Officers and shall include a Director of Children’s Services and a Director of Adult’s Services (in Salford the ‘Strategic Director, People’) and a Director of Public Health for the posts designated as Chief Officers in Part 8 of this Constitution.

c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The council will designate the following posts as shown:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Post</th>
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<tbody>
<tr>
<td>Head of Paid Service</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Chief Finance Officer (Section 151 Officer)</td>
<td>Chief Finance Officer</td>
</tr>
</tbody>
</table>

Such posts will have the functions described in Article 12.2 - 12.4 below.

d) Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

12.2 Functions of the Head of Paid Service

a) Discharge of functions by the council. The Head of Paid Service will report to full council on the manner in which the discharge of the council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

b) Restrictions on posts. The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.
12.3 Functions of the Monitoring Officer

a) Salford City Council - Monitoring Officer Protocol

General Introduction to Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Salford City Council.

The current responsibilities of the Monitoring Officer role rest with the City Solicitor who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so s/he will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

The main functions of the Monitoring Officer at Salford City Council are:

1. To report to the Council and to the City Mayor and Executive in any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
2. To investigate any matter, which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
3. To act as the principal adviser to the authority's Standards Committee;
4. To act as the principal adviser to the authority's Independent Member(s);
5. To maintain the register of members' interests;
6. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
7. To have responsibility for responding to complaints to the Local Government and Social Care Ombudsman
8. To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on the City Mayor, Members and Officers:

1. Complying with the law (including any relevant Codes of Conduct);
2. Complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
3. Making lawful and proportionate decisions; and
4. Complying with the Council's Constitution and Procedure Rules
5. Generally, not taking action that would bring the Council, their offices or professions into disrepute
6. Communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters
The main statutory references for the Monitoring Officer's functions are set out in the Appendix.

**Working Arrangements**

It is important that the City Mayor, Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore, that the City Mayor, Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, the City Mayor, Members and Chief Officers (Senior Management Team) are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

1. be alerted by the City Mayor, Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

2. have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, City Mayor, Deputy City Mayors, Cabinet, Committee meetings Lead Members and/or Strategic Directorate (or equivalent arrangements);

3. have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council, City Mayor, Deputy City Mayors, Cabinet, Committee meetings Lead Members and/or Strategic Directorate (or equivalent arrangements); in carrying out any investigation(s) have unqualified access to any information held by the Council and to the City Mayor or any member or officer who can assist in the discharge of his/her functions;

4. ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

5. meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

6. report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the City Mayor, the Head of Paid Service and Chief Finance officer;
7. in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;

8. have an appropriate relationship with the City Mayor, Statutory Deputy City Mayor, Deputy City Mayor, the Chairs of Committees and the Leader of the Opposition with a view to ensuring the effective and efficient discharge of Council business;

9. develop effective working liaison and relationship with the Local Government and Social Care Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Head of Service;

10. maintain and keep up-to-date relevant statutory registers for the declaration of members’ interests, gifts and hospitality;

11. give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Independent Person(s)/Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) if, in the opinion of the Monitoring Officer, there is a serious breach of Salfords Council’s Code of Conduct for Members;

12. in consultation, as necessary, with the City Mayor, Cabinet, Independent Member(s), Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;

13. subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;

14. oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Audit and Accounts Committee on compliance with the Code;

15. advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;

16. appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.
17. To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, the City Mayor, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

18. The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal;

19. Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response;

20. In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;

21. In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority;

22. Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief executive and the Director of Finance & Corporate Business, s/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation;

23. The Monitoring Officer is available for the City Mayor, Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Standing Orders, policy framework, terms of reference, scheme of delegations etc);

24. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.
Sanctions for Breach of Salford's Council's Code of Conduct for Members and this Protocol

Complaints about any breach of Salford City Council's Code of Conduct for Members must be referred to the Monitoring Officer. Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader and/or Chief Whip of the Political Group. Complaints about any breach of this Protocol by an Officer may be referred to the relevant Chief Officer and/or the Chief Executive.

25. The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for inspection by members, officers and the public.
12.4 Functions of the Chief Finance Officer

a) Ensuring lawfulness and financial prudence of decision-making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full council, or to the City Mayor in relation to an executive function, and the council’s external auditor if it is considered that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the council is about to enter an item of account unlawfully. S/he will also make a report under this section if it appears that the expenditure of the authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.

b) Administration of financial affairs. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

c) 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.

d) 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 the City Mayor and will support and advise councillors and officers in their respective roles.

12.5 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 the opinion of these officers sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with the Code of Conduct for Employees set out in Section C of Part 6 of this Constitution and the Protocol on Officer/Member Relations set out in Section D of Part 6 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out in Section F of Part 4 of this Constitution.
Article 13: Decision making

13.1 Responsibility for decision making

a) The Monitoring Officer will issue and keep up-to-date a record of what part of the council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

b) The City Mayor may determine to exercise any of the executive functions of the council personally, or may arrange for the exercise of any of the council’s executive functions by:

i) the Cabinet as a whole
ii) another member of the Cabinet
iii) a Committee of the Cabinet
iv) an officer of the council
v) a Community Committee

The Monitoring Officer will maintain the City Mayor’s Register of the Delegation of the council’s executive functions which will be available for public inspection and which will be published on the council’s website.

13.2 Principles of decision making

Decisions of the council will be made in accordance with the following principles:

a) Proportionality (meaning the action must be proportionate to the results to be achieved).

b) Due consultation and the taking of appropriate professional advice from officers.

c) Respect for Human Rights.

d) A presumption in favour of openness.

e) Clarity of aims and desired outcomes.

f) Due consideration to be given to alternative options.

g) Reasons for the decisions to be given, provided there is no breach of confidentiality.

h) Wednesbury reasonableness, i.e. the decisions must be reasonable, having regard to all relevant matters and in disregard of all non-relevant matters.
13.3 Types of decision

a) Decisions reserved to council

Decisions relating to the functions listed in Article 4.2 will be made by the full council and not delegated.

b) Key decisions

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 state that a key decision means "an executive decision which is likely:

1) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or

2) to be significant in terms of effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority."

The council have fixed this figure at £350,000, a level which the council may review from time to time

A decision maker may only make a key decision in accordance with the requirements of the Access to Information Procedures Rules set out in Section B of Part 4 of this Constitution.

13.4 Decision making by the council

Subject to Article 13.7, the council meeting will follow the council Procedure Rules set out in Section A of Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Overview and Scrutiny Board and Scrutiny Panels

The Overview and Scrutiny Board and Scrutiny Panels will follow the Scrutiny Procedure Rules set out in Section E of Part 4 of this Constitution when considering any matter.

13.6 Decision making by other committees and sub-committees established by the council

Subject to Article 13.7 other council Committees etc. will follow those parts of the council Procedure Rules set out in Section A of Part 4 of this Constitution as apply to them.
13.7 Decision making by council bodies acting as tribunals

The council, the Cabinet, its committees, sub-committees or panels, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations accruing to, or the criminal responsibility of, any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.8 Decision making of the City Mayor and members of the Cabinet

Individual members of the Cabinet will exercise their delegated authority in respect of the council’s executive functions in accordance with the City Mayor’s Register of the Delegation of Executive Functions (as amended from time to time). The City Mayor and Members of the Cabinet will comply with the requirements of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 and as set out in the Access to Information Procedure Rules at Part 4, Section B of this Constitution.

13.9 Decision making by officers

Officers will exercise their delegated authority in respect of the council’s non-executive functions in accordance with the Scheme of Delegation to Officers that is set out at Section F of Part 3 of this Constitution and other provisions of this Constitution. Officers will exercise their delegated authority in respect of the council’s executive functions in accordance with the City Mayor’s Register of the Delegation of Executive Functions (as amended from time to time), the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012, and other provisions of this Constitution. Officers are required to publish details of decisions taken.
Article 14: Finance, Contracts and Legal Matters

14.1 Financial Management

The management of the council's financial affairs will be conducted in accordance with the Financial Rules set out in the council's Financial Regulations at Section A of Part 5 of this Constitution.

14.2 Contracts

Every contract made by the council will comply with the Contract Procurement Rules set out in Section B of Part 5 of this Constitution.

14.3 Legal proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where the Monitoring Officer considers that such action is necessary to protect the council's interests in accordance with the Council's Scheme of delegation in Part 3 of the Constitution.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the Monitoring Officer or some other person duly authorised by him/her unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

Any ‘Relevant Contract’ (as defined the Contract Procedure Rules at Section B of Part 5 of this Constitution) entered into on behalf of the Local Authority shall be made in writing. Such contracts must either be signed by at least two duly authorised officers of the authority or made under the Common Seal of the council and attested by at least one authorised officer. Any contract with a value exceeding £75,000 must be made under the Common Seal of the council attested by at least one authorised officer.

14.5 The Common Seal of the Council

The Common Seal of the council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Chief Finance Officer or the Monitoring Officer or any other officer authorised by either of them.
Article 15: Review and Revision of the Constitution

15.1 Duty to monitor and review the Constitution

a) The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and will ensure it is available for inspection by members, officers and the public.

Protocol for monitoring and review of the Constitution by Monitoring Officer

b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1) observe meetings of different parts of the member and officer structure
2) undertake an audit trail of a sample of decisions
3) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders
4) compare practices in this authority and other comparable authorities, or national examples of best practice
5) take such other action as considered appropriate.

15.2 Changes to the Constitution

a) Approval

Changes to the Constitution must be approved by the full council after consideration of the proposals by the Monitoring Officer and in accordance with the Council Procedure Rules in Section A of Part 4 of this Constitution, PROVIDED THAT minor amendments which do not materially affect the Constitution will be the sole decision of the Monitoring Officer.

b) Change from an elected Mayoral form of Executive to a Leader and Cabinet form of Executive or vice versa

The council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up any proposals and must comply with the requirements of the Local Government Act 2000 (as amended). (Salford City Council held a referendum for an elected mayor form of Constitution in January 2012 as a result of a petition and therefore the council cannot either be required or choose to hold another such referendum before January 2022).
Article 16: Suspension, interpretation and publication of the Constitution

16.1 Suspension of the Constitution

a) Limit to suspension

The Articles of this Constitution may not be suspended. The rules specified below may be suspended to the extent permitted within those rules and the law.

b) Procedure to suspend

If rules are to be suspended by council, a motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the results to be achieved taking account of the purposes of the Constitution set out in Article 1.

c) Rules capable of suspension

With the exception of those council Procedure Rules set out at Section A of Part 4 of this Constitution which are marked by an asterisk (**), any rule may be suspended at Council meetings either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting.

16.2 Interpretation

a) Except as otherwise provided and subject to 16.2(b) below, the ruling of the Monitoring Officer on the interpretation of the Constitution shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

a) The Monitoring Officer will make available a copy of this Constitution to each existing Member of the authority and to each newly elected Member upon delivery to him/her of that individual's declaration of acceptance of Office on the Member first being elected to the council.

b) The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries, and other appropriate locations and can be purchased by members of the local press and public on payment of a reasonable fee.

c) The Monitoring Officer will ensure that the Constitution is accessible via the council's internet site and is updated as necessary.
PART 3

RESPONSIBILITY FOR FUNCTIONS
Introduction

Part 3 of Salford City Council’s Constitution sets out who is responsible for the various functions of the council.

The Local Government Act 2000 (as amended) divides Salford City Council’s functions into the following categories:

1. Executive Functions

By virtue of section 9D(2) of the Local Government Act 2000, every council function is an ‘executive’ function (i.e. the function is to be the responsibility of Salford’s City Mayor), unless a statute says differently or the function is identified as a ‘non-executive’ function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The City Mayor may determine to exercise any of the ‘executive’ functions of Salford City Council personally, or may arrange for the exercise of any of Salford City Council’s ‘executive’ functions by:

(i) The Cabinet or
(ii) Another member of the Cabinet or
(iii) A committee of the Cabinet or
(iv) An officer of Salford City Council or
(v) An Area Committee (referred to in Salford as a ‘Community Committee’).

2. Council (Non-Executive) Functions

‘Non-executive’ functions are the responsibility of Salford City Council, which may decide to delegate their discharge to a council committee, Joint Committee or Community Committee. They can also be delegated to a Council Sub-Committee or a council officer.

There are some non-executive functions that can only be the responsibility of Salford City Council and cannot be delegated to another body. These are set out at Part 2, Article 4 of this Constitution.

3. Local Choice Functions

Some of Salford City Council’s functions are ‘local choice functions’. This means that the council can decide whether the function is to be the responsibility of the City Mayor (an ‘executive function’) or the responsibility of the council (a ‘non-executive function’). Section 3, Part A sets out Salford City Council’s ‘local choice functions’, designates them as ‘executive’ or ‘non-executive’, and shows who is authorised to discharge them.
CONTENTS

Section A  Local Choice Functions
Section B  Executive Functions
Section C  Council (Non-Executive) Functions
Section D  Community Committees
Section E  Overview and Scrutiny Board and Scrutiny Panels
Section F  Scheme of Delegation of Non-Executive Functions to Chief Officers and List of Salford City Council’s Statutory and Proper Officers
SECTION A

Responsibility for Local Choice Functions

This table has been compiled in accordance with the provisions of Regulation 3(1) of, and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (‘the Regulations’). Schedule 2 to the Regulations lists those ‘functions which may be (but need not be) the responsibility of an authority’s executive’, otherwise known as ‘Local Choice Functions’. The council has decided that these functions should be the responsibility of the responsible body listed below.

<table>
<thead>
<tr>
<th>Function</th>
<th>Executive or Non-Executive</th>
<th>Decision Maker</th>
<th>Further Delegation</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Executive</td>
<td>City Mayor</td>
<td>To be determined by the City Mayor</td>
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<td>2</td>
<td>Non-Executive</td>
<td>Appropriate appeals panel (see Annex 1 below)</td>
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<td>3</td>
<td>Non-Executive</td>
<td>City Solicitor</td>
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<td>4</td>
<td>Non-Executive</td>
<td>City Solicitor</td>
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<td>5</td>
<td>Non-Executive</td>
<td>City Solicitor</td>
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<td>6</td>
<td>Non-Executive</td>
<td>Full Council</td>
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<td>Function</td>
<td>Executive or Non-Executive</td>
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<td>7</td>
<td>Any function relating to contaminated land</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>8</td>
<td>The discharge of any function relating to the control of pollution or the management of air quality</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>9</td>
<td>The service of an abatement notice in respect of a statutory nuisance</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>10</td>
<td>The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the city</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>11</td>
<td>The inspection of the authority's area to detect any statutory nuisance</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>12</td>
<td>The investigation of any complaint as to the existence of a statutory nuisance</td>
<td>Executive</td>
<td>City Mayor</td>
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<tr>
<td>13</td>
<td>Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land</td>
<td>Executive</td>
<td>City Mayor</td>
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<tr>
<td>14</td>
<td>Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>Function</td>
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<td>15</td>
<td>Making agreements for the execution of highway works (S278 Highways Act 1980)</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>16A</td>
<td>The appointment of any individual</td>
<td>Executive</td>
<td>City Mayor</td>
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<td>a) to any office other than an office in which he is employed by the authority;</td>
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<td>b) to anybody other than (i) The Authority (ii) A joint committee of two or more authorities; or</td>
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<td>c) to any committee or Sub-committee in connection with such a body</td>
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<td>to outside bodies in connection with executive functions and the revocation of any such appointment</td>
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<td>16B</td>
<td>Non-Executive</td>
<td>Full Council</td>
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<td>or more authorities;</td>
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<td>Non-Executive</td>
<td>Chief Executive</td>
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<td><strong>The making of agreements</strong></td>
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<td><strong>disposal of those authorities</strong></td>
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<td>18</td>
<td>Executive</td>
<td>City Mayor</td>
<td>To be determined by</td>
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<td><strong>Any function of a local</strong></td>
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<td>Appeals</td>
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<td>Decision-Making Body</td>
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</tbody>
</table>
| 1 | To determine:  
a) appeals where payments of the National Non-Domestic Rate would cause hardship,  
b) appeals in relation to Discretionary Rate Relief, and  
c) appeals to reduce amount of council Tax payable | Executive | **Lead Member designated by the City Mayor** |  |
| 2 | To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services | Executive | **Procurement Board** |  |
| 3 | To determine appeals by market traders where the traders licence has been revoked | Non-Executive | **Licensing Panel** |  |
| 4 | To determine any other appeals referred to an Appeals Panel against any decision made by or on behalf of Salford City Council | Executive | **Appropriate Chief Officer** |  |
| 5 | To determine appeals against dismissal | Non-Executive | **Employers Forum** |  |
SECTION B

Responsibility for Executive Functions

The City Mayor may determine to exercise any of the executive functions of Salford City Council personally, or may arrange for the exercise of any of the council’s executive functions by:

i) The Cabinet; or

ii) Another member of the Cabinet; or

iii) a committee of the Cabinet; or

iv) an officer of the council; or

v) The elected members of the council who are the voting members of an Area Committee (referred to in Salford as a ‘Community Committee’).

A) The Monitoring Officer will establish and maintain the City Mayor’s Register of Delegations, which will record the City Mayor’s delegation of the discharge of Salford City Council’s executive functions from time to time. The fact that the City Mayor has delegated the discharge of an executive function to the Cabinet, another member of the Cabinet, a committee of the Cabinet, an officer of the council or a Community Committee, does not prevent the City Mayor from discharging such functions personally.

B) Officers and individual members of the Cabinet may discharge the executive functions delegated to them by the City Mayor in the City Mayor’s Register of Delegations, subject to the terms of the delegation.


C) Where joint arrangements are established with one or more local authorities and/or their executives to exercise functions which are executive functions, any joint committee appointed in accordance with those arrangements may, subject to the terms of those arrangements, discharge those executive functions.

D) Where executive functions are delegated by the City Mayor to be discharged by another local authority or the Executive of another local authority, that authority or executive may discharge such functions (subject to the terms of the delegation), but this will not prevent the City Mayor discharging such functions personally.
NOTES

By an Operating Agreement dated 1 April 2011, the discharge of the following executive functions of Salford City Council has been delegated to the Transport for Greater Manchester (Joint) Committee:

a) carrying out actions to facilitate the performance by local traffic authorities of their duty to manage road traffic on their own roads and facilitating the same on other local authorities’ roads pursuant to sections 16 and 17 (except for subsections 17(2) and (3)) of the Traffic Management Act 2004; and

b) preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads, and arranging for the giving of practical training to road users pursuant to sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.
Summary of the Executive functions to be discharged by Chief Officers

Below is a summary of the City Mayor’s register of executive decisions delegated to chief officers and further information in relation to delegations to officers. If any of the information below conflicts with any provision of the City Mayor’s register of executive decisions delegated to chief officers then the said register shall take precedence.

For the purposes of the City Mayor’s scheme of delegation to Chief Officers the term “Chief Officer” means:

a) Chief Executive (Head of Paid Service)
b) City Solicitor (Monitoring Officer)
c) Strategic Director, Place
d) Strategic Director, People
e) Chief Finance Officer (Section 151 Officer)
f) Director (s) Public Health
g) Director of Service Reform and Development.

Pursuant to the City Mayors powers under section 9E of the Local Government Act 2000 (as amended) the register of delegations sets out the executive functions delegated to Chief Officers:


Head of Paid Service
To the extent permitted by law, any executive function not being a key decision may be exercised by the Head of Paid Service notwithstanding its delegation to another Chief Officer.

People (Adults, Children and Education)
Any function of the executive falling within the portfolio of the Strategic Director, People including functions relating to:
(a) Adult Social Care;
(b) Children and Families Services;
(c) Educational Improvement;

Service Reform and Development
Any function of the executive falling within the portfolio of the Director of Service Reform and Development including functions relating to:
(a) Finance management;
(b) Workforce and Change;
(c) Legal and Democratic Services;
(d) Digital Transformation;
(e) Policy, Strategy and Partnerships;
(f) Commercialisation.
(g) Human Resources

**Place (Growth and Regeneration)**
Any function of the executive falling within the portfolio of the Strategic Director, Place including functions relating to:
(a) Development of Place;
(b) Economy of Place;
(c) Management of Place;
(d) Housing and Landlord Services.

**Director Public Health**
Any function of the executive falling within the portfolio of the Director relating to Public Health.

**Chief Finance Officer (Section 151 Officer)**
The officer designated as the Chief Finance Officer (and his/her team under his/her direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements in connection with the discharge of executive functions delegated.

**City Solicitor (Monitoring Officer)**
The officer occupying the post of City Solicitor (and members of his/her team under his/her direction) is authorised to do all things necessary to perform legal services in connection with the discharge of executive functions delegated.
For the avoidance of doubt the conferring of the function on the officer occupying the post of City Solicitor is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation s/he is engaged in.

**Delegation of executive functions to other officers**
Other Officers must not take Non Key Decisions involving expenditure or savings over £25,000 as set out in the Budget and Policy Framework Procedure Rules, unless they have delegated authority from the relevant Chief Officer. (Part 4 Section C of the Constitution).

**General provisions governing delegations to officers and executive members**
The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the city council's articles, procurement regulations, financial regulations and any other provision of the constitution.
Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant Council policy or Government guidance. Reference to any act, order or regulation etc. is deemed to be a reference to any modification or re-enactment thereof.

Where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the City Mayor, their deputies or Cabinet Member then each Chief Officer shall, in exceptional circumstances, have authority to take key decisions within their directorate. Before exercising such exceptional authority, the Chief Officer must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer, the Chief Executive, the relevant Cabinet Member and the relevant scrutiny chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal report to the City Mayor at the next meeting of Cabinet and of the relevant scrutiny committee.

It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the Council for the exercise of his / her delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him / her in the discharge of functions do so in accordance with the provisions of this constitution and do not exceed the limits of any authorisation made to them must be consistent with the council's budget and policy framework and in accordance with any policy, plan or criteria adopted by the City Mayor.

For the avoidance of doubt, any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.

If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution, he / she shall immediately refer it to the City Solicitor and to the City Mayor, who shall be entitled to call for a report on the matter to himself and as necessary, to the Cabinet.

For the avoidance of doubt, an officer who has delegated authority to make a decision, may, where he / she considers it necessary in the particular circumstances, refer the matter for decision by the City Mayor/relevant Lead Member;

The City Mayor or relevant Lead Member may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Cabinet.

All delegated officers and the City Mayor should seek and obtain appropriate professional advice from those employed or otherwise engaged by the city council for that purpose in connection with the matter under consideration. Any report made by officers to the City Mayor and as necessary, the cabinet should state whether or not such advice has been obtained.
Property and Regeneration Panel

Terms of Reference

The City Mayor has retained executive responsibility for strategic regeneration matters and for property matters, as outlined below and may take these decisions in consultation with Cabinet Members at the Property/Regeneration Panel.

The quorum for the Property and Regeneration Panel will be three members.

Responsibilities

1. All acquisitions of land, or property with the exception of those which have a value of less than £150,000 and are delegated to officers.

2. All disposals of land, or property, with the exception of those which have a value of less than £150,000 and are delegated to officers, including:
   
   I. Where (i) the Council has been required by law to publicly advertise the proposed disposal (e.g. public open space) and (ii) one, or more objections to the proposed disposal has been received;

   II. Which are not subject to a competitive process;

   III. Which are for less than the best consideration reasonably obtainable, where the Chief Financial Officer on receipt of a valuation from a qualified valuer estimates that the difference between the consideration to be received by the Council and the best consideration reasonably obtainable exceeds 10%;

   IV. Which fall within the description of novel, or contentious;

   V. Concerning charitable land.

3. All matters relating to the regeneration, urban renewal and generally improving the infrastructure of Salford.
SECTION C

Responsibility for Non-Executive Functions

To discharge non-executive functions which are not reserved to full Council alone, the Council has established the following ordinary committees.

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning and Transportation Regulatory Panel</td>
<td>15 members of the council and one co-opted non-voting member</td>
</tr>
<tr>
<td>Licensing and Safety Regulatory Panel</td>
<td>15 members of the council</td>
</tr>
<tr>
<td>Licensing Committee</td>
<td>15 members of the council (same membership as the Licensing and Safety Regulatory Panel)</td>
</tr>
<tr>
<td>Electoral Matters Committee</td>
<td>All members of the council</td>
</tr>
<tr>
<td>Audit and Accounts Committee</td>
<td>Eight members of the council and two co-opted non-voting members</td>
</tr>
<tr>
<td>Workforce Panel</td>
<td>11 Members of the Council</td>
</tr>
<tr>
<td>Employer’s Forum</td>
<td>14 members of the council</td>
</tr>
<tr>
<td>Health and Wellbeing Board</td>
<td>Membership as set out at Article 8.2 of Part 2 of this Constitution</td>
</tr>
</tbody>
</table>

The terms of reference of these committees and their delegated powers are set out in the following pages.
Responsibility for Council functions

Planning and Transportation Regulatory Panel

Membership

Membership of the Planning and Transportation Regulatory Panel will be 15 members of the council, appointed in accordance with the principles of political balance and one co-opted non-voting member representing disabled interests.

Members of the Planning and Transportation Regulatory Panel will be appointed by the council.

The Quorum shall be four members of the Planning and Transportation Regulatory Panel.

Responsibilities

A. Functions relating to town and country planning and development control

To exercise all duties and powers relating to the functions of the Council as a Local Planning Authority and a Hazardous Substances Authority, including, and in addition:

1. Power to determine applications for planning permission;
2. Power to determine applications to develop land without compliance with conditions previously attached;
3. Power to grant planning permission for development already carried out;
4. Power to decline to determine application for planning permission;
5. Duties relating to keeping the Planning Register;
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person;
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights;
8. Power to enter into agreement regulating development or use of land and to modify or discharge the same;
9. Power to issue a certificate of existing or proposed lawful use or development;
10. Power to serve a completion notice;
11. Power to grant consent for the display of advertisements;
12. Power to authorise entry into land;
13. Power to require the discontinuance of a use of land;
14. Power to serve a planning contravention notice, breach of condition notice or stop notice;
15. Power to issue a temporary stop notice;
16. Power to issue an enforcement notice;
17. Power to apply for an injunction restraining a breach of planning control;
18. Power to determine applications for hazardous substances consent, and related powers
19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or Phase II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject;
20. Power to require proper maintenance of land;
21. Power to determine application for listed building consent, and related powers;
22. Power to determine applications for conservation area consent;
23. Duties relating to applications for listed building consent and conservation area consent;
24. Power to serve a building preservation notice, and related powers;
25. Power to issue listed building enforcement notices;
26. Powers to acquire a listed building in need of repair and to serve a repairs notice;
27. Power to apply for an injunction in relation to a listed building;
28. Power to execute urgent works;
29. Power to enter land in Part 2 of the brownfield land register.

Note: All the functions above are delegated to the Strategic Director Place except:

i) determination of applications relating to ‘Major Development’ within the meaning of the Town and Country Planning (Development Management Procedure) Order 2010 where:

   a) the application includes the erection of more than 50 dwellings OR
   b) the number of dwellings is not to be fixed on determination of the application and the application relates to a site that is greater than 2 hectares in area OR
   c) the application includes development (other than residential development) with a gross external floorspace of more than 2,500 square metres or where the site is greater than 2 hectares in area OR
   d) the application consists of minerals or waste developments (other than proposals relating exclusively to existing operational development).

ii) the function of determining applications relating to all development (including Major Development) which:

   a) is a proposal which would have to be referred to the Secretary of State; OR
   b) is a proposal by Salford City Council alone or jointly with others or which affects an interest in land held by Salford City Council and there are objections to the proposal; OR
c) the Strategic Director is minded to approve the application and objections to the application have been received from more than five separate premises; OR

d) A member of the council in whose ward the planning application is situated requests in writing to the Assistant Director Planning that the application be determined by the Planning and Transportation Regulatory Panel, providing reasons why the application may not accord with the development plan, and the Assistant Director in consultation with the Chair agrees that the issue is so significant that it requires a Panel decision.

iii) where the matter is the subject of an express limitation imposed by the Council or this constitution.

B. Miscellaneous Functions relating to highways

To exercise all duties and powers relating to the functions of the Council as a Local Highway Authority, Local Planning Authority and a Local Traffic Authority, including, and in addition:

1. Power to create footpath, bridleway or restricted byway by agreement (*);
2. Power to create footpaths, bridleways and restricted byways (*);
3. Duty to keep register of information with respect to maps, statements and declarations;
4. Power to stop up footpaths, bridleways and restricted byways (*);
5. Power to make a rail crossing extinguishment order (*);
6. Power to make a special extinguishment order (*);
7. Power to divert footpaths, bridleways or restricted byways (*);
8. Power to make a rail crossing diversion order (*);
9. Power to make a special diversion order (*);
10. Power to make a Site of Special Scientific Interest diversion order (*);
11. Duty to assert and protect the rights of the public to use and enjoyment of highways;
12. Duty to serve notice of proposed action in relation to obstruction;
13. Power to apply for variation of order under Section 130B of the Highways Act 1980;
14. Power to authorise temporary disturbance of surface of footpath, bridleway, or restricted byway;
15. Powers relating to the removal of things so deposited on highways as to be a nuisance;
16. Power to extinguish certain public rights of way (*);
17. Duty to keep a definitive map and statement under review;
18. Power to include modifications in other orders;
19. Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981;
20. Power to prepare map and statement by way of consolidation of definitive map and statement;
21. Power to designate footpath as cycle track;
22. Power to extinguish public right of way over land acquired for clearance;
23. Power to make applications for orders for stopping up or diversion of highway (*);
24. Power to authorise stopping up or diversion of footpaths, bridleways, or restricted byways (*);
25. Power to extinguish public rights of way over land held for planning purposes (*);
26. Power to enter into agreements with respect to means of access;
27. Power to provide access in absence of agreement;
28. Power to permit deposit of builder’s skips on highway;
29. Power to license planting, retention and maintenance of trees etc. in part of highway;
30. Power to authorise erection of stiles etc. on footpaths or bridleways;
31. Power to license works in relation to buildings etc. which obstruct the highway;
32. Power to consent to temporary deposits or excavations in streets;
33. Power to dispense with obligation to erect hoarding or fence;
34. Power to restrict the placing of rails, beams etc. over the highway;
35. Power to consent to construction of cellars etc. under street;
36. Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators;
37. Power to grant a street works licence;
38. Power to grant permission for provision etc. of services, amenities, recreation & refreshment facilities on highway and related powers;
39. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.

Note: The functions that are marked with an asterisk (*) above are delegated to the Strategic Director Place after consultation with the relevant Lead Member. All other functions above are delegated to the Strategic Director Place. In both instances the delegation is subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

C. Functions relating to Trees and Hedgerows

To exercise all duties and powers in relation to trees and hedgerows functions of the Council, including, and in addition:

1. Powers relating to the preservation of trees (*);
2. Powers relating to the protection of important hedgerows;
3. Powers relating to complaints about high hedges;
4. Powers in relation to all the duties and obligations of the Council in relation to Common Land and/or Village Greens.

Note: Functions marked with an asterisk (*) above are delegated to the Strategic Director Place unless it is the function of confirming/deciding not to confirm a Tree Preservation Order in respect of which representations from either objectors or supporters from more than five separate premises have been received and not
withdrawn at the date of determination. All other functions above are delegated to the Strategic Director Place. In both instances the delegation is subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

D. Functions relating to Commons Registrations

To exercise all duties and powers relating to the functions of the Council as a Commons Registration Authority, including, and in addition:

1. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -
   (a) an exchange of lands effected by an order under Section 19(3) or Paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981; or
   (b) an order under Section 147 of the Enclosure Act 1845.

2. Power to register variation of rights of common (*);

3. Functions relating to the registration of common land and town or village greens (*);

4. Power to apply for an enforcement order against unlawful works on common land;

5. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference;

6. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.

Note: The functions that are marked with an asterisk (*) above are delegated to the Strategic Director Place after consultation with the relevant Lead Member. All other functions above are delegated to the Strategic Director Place. In both instances the delegation is subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

E. Conditions etc. and Enforcement

To exercise all duties and powers relating to the following functions of the Council:

1. The functions of:
   a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of the functions set out in Sections, A, B, C and D above, and
   b) determining any other terms to which any such approval, consent, licence, permission or registration is subject.

2. The function of determining whether, and in what manner, to enforce:
a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned in Sections A, B, C and D above, and

b) any contravention of failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.

3. The function of:
   a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned at Sections A, B, C and D above, or any condition, limitation or term to which it is subject; or
   b) revoking any such approval, consent, licence, permission or registration.

4. The function of determining:
   a) whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned at Sections A, B, C and D above (*); and
   b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge (*).

Note: The function that is marked with an asterisk (*) above is delegated to the relevant officer in consultation with the Chair of the Planning and Transportation Regulatory Panel. All other functions above are delegated to the same officer who has been delegated the power to approve, consent, licence, permit or register in the exercise of any of the said functions. In both instances the delegation is subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

Delegation

In exercising the above powers and responsibilities, the Planning and Transportation Regulatory Panel and, unless the Planning and Transportation Regulatory Panel or this Constitution provides otherwise, the relevant officer shall have delegated powers to make decisions and act on behalf of Salford City Council, PROVIDED THAT neither the Planning and Transportation Regulatory Panel nor the relevant officer shall exercise their delegated powers (but shall submit recommendations to the council) in relation to any item which the council calls in for determination.
LICENSING AND SAFETY REGULATORY PANEL

Membership

Membership of the Licensing and Safety Regulatory Panel will be 15 members of the council, appointed in accordance with the principles of political balance.

Members of the Licensing and Safety Regulatory Panel will be appointed by the council.

The Quorum shall be four members of the Licensing and Safety Regulatory Panel.

Responsibilities

1. Licensing and Registration Functions

To exercise all duties and powers in relation to the following functions for the Council:

1. Power to issue licences authorising the use of land as a caravan site (‘site licences’);
2. Power to license the use of moveable dwellings and camping sites;
3. Power to license hackney carriages and private hire vehicles;
4. Power to license drivers of hackney carriages and private hire vehicles;
5. Power to license operators of hackney carriages and private hire vehicles;
6. Power to register pool promoters;
7. Power to grant track betting licences;
8. Power to license inter-track betting schemes;
9. Power to grant permits in respect of premises with amusement machines;
10. Power to register societies wishing to promote lotteries;
11. Power to grant permits in respect of premises where amusements with prizes are provided;
12. Power to institute proceedings for failing to provide for safety of children at entertainments;
13. Power to license sex shops and sexual entertainment venues;
14. Power to license performances of hypnotism;
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis;
16. Power to license pleasure boats and pleasure vessels;
17. Power to license market and street trading;
18. Duty to keep list of persons entitled to sell non-medicinal poisons;
19. Power to register and license premises for the preparation of food;
20. Power to license scrap yards;
21. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds;
22. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds;
23. Power to license premises for the breeding of dogs;
24. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business;
25. Power to register animal trainers and exhibitors;
26. Power to license zoos;
27. Power to license dangerous wild animals;
28. Power to license the employment of children;
29. Power to approve premises for the solemnisation of marriages and civil partnerships;
30. Power to license persons to collect for charitable and other causes;
31. Power to grant consent for the operation of a loudspeaker;
32. Power to sanction use of parts of buildings for storage of celluloid;
33. Power to register motor salvage operators;
34. Duty to enforce Chapter 1 and regulations made under it (section 10(3) of the Health Act 2006);
35. Power to authorise officers (section 10(5) of the Health Act 2006);
36. Functions relating to fixed penalty notices (Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760);
37. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368));
38. Power to make order identifying place as a designated public place for purposes of police powers in relation to alcohol consumption;
39. Power to make or revoke an order designating a locality as an alcohol disorder zone.

Notes:
- Function 28 above is delegated to the Strategic Director People;
- Function 29 above is delegated to the City Solicitor;
- Functions 38 and 39 above are not delegated to any officer;
- All other functions above are delegated to the Strategic Director Place.
- In all instances these delegations to officers are subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

2. Functions relating to health and safety at work

<table>
<thead>
<tr>
<th>Function</th>
<th>Provision of Act or Statutory Instrument</th>
<th>Delegation to Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health &amp; Safety at Work etc. Act 1974, to</td>
<td>Strategic Director Place</td>
</tr>
<tr>
<td></td>
<td>Part I of the Health &amp; Safety at Work etc. Act 1974</td>
<td>Strategic Director Place</td>
</tr>
</tbody>
</table>

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the extent that those functions are discharged otherwise than in Salford City Council’s capacity as an employer

3. **Appeals**

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>To determine appeals by market traders where the trader’s licence has been revoked</td>
<td>Licensing Panel</td>
</tr>
<tr>
<td></td>
<td>To determine any other appeals referred to the Licensing and Safety Regulatory Panel against any decision made by or on behalf of Salford City Council</td>
<td>Licensing Panel</td>
</tr>
</tbody>
</table>

4. **Conditions etc and Enforcement**

<p>| | | |</p>
<table>
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</table>
|   | The functions of:  
   a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of the functions set out in Sections, 1, 2 and 3 above, and  
   b) determining any other terms to which any such approval, consent, licence, permission or registration is subject | Officer relevant to the function |
|   | The function of determining whether, and in what manner, to enforce  
   a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned in Sections 1, 2 and 3 above  
   b) any contravention of failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject | Officer relevant to the function |
|   | The function of  
   a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned at Sections 1, 2 | Officer relevant to the function |
and 3 above, or any condition, limitation or term to which it is subject, or
b) revoking any such approval, consent, licence, permission or registration

<table>
<thead>
<tr>
<th>4</th>
<th>The function of determining</th>
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<tbody>
<tr>
<td></td>
<td>a) whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned at Sections 1, 2 and 3 above; and</td>
</tr>
<tr>
<td></td>
<td>b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge</td>
</tr>
</tbody>
</table>

Officer relevant to the function in consultation with the Chair of the Licensing and Safety Regulatory Panel

Delegation

In exercising the above powers and responsibilities, the Licensing and Safety Regulatory Panel and, unless the Licensing and Safety Regulatory Panel directs otherwise, the relevant officer shall have delegated powers to make decisions and act on behalf of Salford City Council.

Note

The Licensing and Safety Regulatory Panel may refer items to the council for determination.
LICENSING COMMITTEE

Membership

Membership of the Licensing Committee will be 15 members of the council, appointed in accordance with the principles of political balance and one co-opted non-voting member.

Members of the Licensing Committee will be appointed by the council and the membership will be the same as the Licensing and Safety Regulatory Panel.

The Quorum shall be four members of the Licensing Committee.

Responsibilities

1. To discharge the functions of Salford City Council as licensing authority under the Licensing Act 2003, with the exception of any function conferred on the council under section 5 of the Licensing Act 2003 (Statement of Licensing Policy).

2. Without prejudice to the generality of the above, the Licensing Committee may arrange for the sub-delegation of functions to Sub-Committee(s) established by it or (subject to the exceptions in section 10(4) of the Licensing Act 2003) or to an Officer of the licensing authority.

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub-Committee (Licensing Panel)</th>
<th>Further Delegation to Council Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>In cases of police objection</td>
<td>If no objection made delegation to Strategic Director Place</td>
</tr>
<tr>
<td>Application for personal licence with unspent convictions</td>
<td>In cases of police objection</td>
<td>If no objection made delegation to Strategic Director Place</td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If relevant representation made and not withdrawn</td>
<td>If no relevant representation made delegation to Strategic Director Place</td>
</tr>
<tr>
<td>Application for provisional</td>
<td>If relevant</td>
<td>If no relevant</td>
</tr>
<tr>
<td></td>
<td>statement</td>
<td>representation made and not withdrawn</td>
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<tr>
<td>5</td>
<td>Application to vary premises licence/club premises certificate</td>
<td>If relevant representation made and not withdrawn</td>
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<tr>
<td>6</td>
<td>Application to vary designated premises supervisor</td>
<td>In cases of police objection</td>
</tr>
<tr>
<td>7</td>
<td>Application for transfer of premises licence</td>
<td>In cases of police objection</td>
</tr>
<tr>
<td>8</td>
<td>Applications for interim authority</td>
<td>In cases of police objection</td>
</tr>
<tr>
<td>9</td>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
</tr>
<tr>
<td>10</td>
<td>Decision to object when Salford City Council is a consultee and not the relevant authority considering the application</td>
<td>All cases</td>
</tr>
<tr>
<td>11</td>
<td>Decision about police objection to temporary event notice</td>
<td>All cases</td>
</tr>
<tr>
<td>12</td>
<td>Decisions on applications for minor variations</td>
<td>All cases</td>
</tr>
</tbody>
</table>

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3. To discharge the functions of Salford City Council as licensing authority under the Gambling Act 2005, and Regulations made there under with the exception of any function conferred on the council under sections 166 and 349 of the Gambling Act 2005.

4. Without prejudice to the generality of the above the Licensing Committee may arrange for the sub-delegation of the functions to Sub-Committee(s) established by it or (subject to the exceptions in section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Full Council</th>
<th>Sub-Committee of Licensing and Safety Regulatory Panel (Licensing Panel)</th>
<th>Further Delegation to council officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Three year licensing policy</td>
<td>Yes</td>
<td></td>
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<tr>
<td>2 Policy not to permit casinos</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Fee setting (when appropriate)</td>
<td></td>
<td></td>
<td>Strategic Director Place</td>
</tr>
<tr>
<td>4 Application for premises licences</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn delegation to Strategic Director Place</td>
<td></td>
</tr>
<tr>
<td>5 Application for variation to a licence</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn delegation to Strategic Director Place</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
<th>Application for a transfer of a licence</th>
<th>Where representations have been received from the Commission</th>
<th>Where no representations have been received from the Commission delegation to Strategic Director Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Application for a provisional statement</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations/representations have been withdrawn delegation to Strategic Director Place</td>
</tr>
<tr>
<td>8</td>
<td>Review of a premises licence</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Application for club gaming/club machine permits</td>
<td>Where objections have been made and not withdrawn</td>
<td>Where no objections made/objections have been withdrawn delegation to Strategic Director Place</td>
</tr>
<tr>
<td>10</td>
<td>Cancellation of club gaming/club machine permits</td>
<td>Yes</td>
<td></td>
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<tr>
<td>11</td>
<td>Applications for other permits</td>
<td>Strategic Director Place</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Cancellation of licensed premises gaming machine permits</td>
<td>Strategic Director Place</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Consideration of Temporary Use Notice</td>
<td>Strategic Director Place</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Decision to give a counter notice to a Temporary Use Notice</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
5. To establish one or more sub-committees consisting of three members of the Licensing Committee.

**Note**

Where the Licensing Committee is unable to discharge any function delegated to it because of the number of members who are unable to take part in the consideration or discussion of any matter or vote on any question, the Licensing Committee must refer the matter back to the council as licensing authority and the licensing authority must discharge the function.
ELECTORAL MATTERS COMMITTEE

Membership

The Electoral Matters Committee is a non-executive committee of the council.

Membership of the Electoral Matters Committee will be all the elected Members of the council.

The Quorum shall be three Members of the Electoral Matters Committee.

Responsibilities

To discharge the functions relating to elections set out in Schedule 1(D) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 including and in addition:

1. Duty to appoint an electoral registration officer;
2. Power to assign officers in relation to requisitions of the registration officer;
3. Duty to appoint returning officer for local government elections;
4. Duty to provide assistance at European Parliamentary election;
5. Duty to divide constituency into polling districts;
6. Power to divide electoral divisions into polling districts at local government elections;
7. Powers in respect of holding of elections;
8. Power to pay expenses properly incurred by electoral registration officers;
9. Duty to declare vacancy in office in certain cases;
10. Duty to give public notice of a casual vacancy;
11. Power to submit proposals to the Secretary of State for an order for pilot schemes for local elections in England and Wales;
12. Duties relating to publicity (Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007);
13. Duties relating to the notice to Electoral Commission (Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007).

Notes:

- Functions 1, 3, 5, 6 and 11 above are not delegated to any officer;
- All other functions above are delegated to the Chief Executive subject to an exception where the matter is the subject of an express limitation imposed by the Council or this constitution.

Referred to make recommendations

1. To make recommendations to council on:
1.1 the duty to consult on change of scheme for elections under Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007.

1.2 changing the name of an electoral area under Section 59 of the Local Government and Public Involvement in Health Act 2007.

1.3 Functions relating to community governance under the Local Government and Public Involvement in Health Act 2007.
AUDIT AND ACCOUNTS COMMITTEE

Membership

Membership of the Audit and Accounts Committee will be eight members of the council, appointed in accordance with the principles of political balance, together with two independent non-voting co-opted members. The Chair of the Audit and Accounts Committee shall not be a member of the majority political group.

Members of the Audit and Accounts Committee will be appointed by the council. All Cabinet members and the City Mayor will not be eligible to sit on the Audit and Accounts Committee. The Lead Member for Finance and Customer Services or such other Lead Member as designated by the City Mayor from time to time will be authorised to attend meetings of the Committee but not vote.

The Quorum shall be three members of the Audit and Accounts Committee.

Responsibilities

The powers and responsibilities of the Audit and Accounts Committee fall in the areas described below:

Purpose

1. The audit committee is a key component of Salford City Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

2. The purpose of the audit committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

3. To review the council’s corporate governance arrangements against the good governance framework including the ethical framework and consider annual governance reports and the local code of governance.

4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit’s opinion on the overall adequacy and effectiveness of the council’s framework of governance, risk management and control.

6. To consider the council’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

7. To consider the council’s framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

8. To monitor the effective development and operation of risk management in the council.

9. To monitor progress in addressing risk-related issues reported to the committee.

10. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

11. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

12. To monitor the counter-fraud strategy, actions and resources.

13. Where appropriate to refer matters of concern to the Overview and Scrutiny Board or the relevant scrutiny panel (in accordance with their responsibilities).

**Internal audit**

14. To approve the internal audit charter.

15. To review proposals made in relation to the provision of internal audit services and to make recommendations.

16. To approve the risk-based internal audit plan, including internal audit’s resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

17. To approve significant interim changes to the risk-based internal audit plan and resource requirements.

18. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

19. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

20. To consider reports from the head of internal audit on internal audit’s performance during the year, including the performance of external providers of internal audit services. These will include:

   a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.

   b) Regular reports on the results of the Quality Assurance and Improvement Programme.

   c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
21. To consider the head of internal audit’s annual report:
   a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
   b) The opinion on the overall adequacy and effectiveness of the council’s framework of governance, risk management and control together with the summary of the work supporting the opinion as these will assist the committee in reviewing the Annual Governance Statement.

22. To consider summaries of specific internal audit reports as requested.

23. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

24. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

25. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.

26. To support the development of effective communication with the head of internal audit. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with committee.

External audit

27. To support the independence of external audit through consideration of the external auditor’s annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments.

28. To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance.

29. To consider specific reports as agreed with the external auditor.

30. To comment on the scope and depth of external audit work and to ensure it gives value for money.

31. To commission work from internal and external audit.

32. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial reporting

33. To review the annual statement of accounts. Specifically, 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.
34. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

**Accountability arrangements**

35. To report to full council on an annual basis on the committee’s performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

36. To publish an annual report on the work of the committee to the Cabinet.

**Delegation**

In exercising the above powers and responsibilities, the Audit and Accounts Committee shall have delegated power to make decisions and act on behalf of the council.

**Note**

The committee may itself determine not to exercise its delegated powers and may instead make recommendations to council.
WORKFORCE PANEL

Membership

The Workforce Panel is a non-executive committee of the Council.

The Workforce Panel consists of 11 members of Council, appointed in accordance with the principles of political balance.

The Quorum shall be three members of the Workforce Panel.

Responsibilities

1. To establish at the appropriate time panels of members to act as appointment panels for the appointment of Chief Officers and such Deputy Chief Officers as the panel determine.

2. To establish at the appropriate time two sub-committees to act as an investigating and disciplinary committee and an appeals committee in relation to disciplinary proceedings against the Chief Executive, the Monitoring Officer and the Chief Finance Officer.

3. To determine collective and corporate terms and conditions of staff.

4. To approve major department staffing and organisational reviews.

5. To determine the establishment and re-grading of posts at Local Scale Band E and above and below £100,000 per annum.

6. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.

7. To determine HR policies and strategies.

8. To make recommendations to council in relation to the annual Pay Policy Statement and any amendments to such statement.

9. To make recommendations to council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 per annum or more, and in relation to proposed severance packages with a value of £100,000 or more.

Delegation

In exercising the above powers and responsibilities, the committee shall have delegated power to make decisions and act on behalf of the Council except in relation to delegations 7 and 8 or any matter where:
a) the Head of the Paid Service determines the matter should be considered by full Council or

b) the Council has resolved to determine the matter.

**Note**

The committee may itself determine not to exercise its delegated powers and instead make recommendations to council.
EMPLOYER’S FORUM

Membership of the Employer’s Forum will be 14 members of the council (appointed in accordance with the principles of political balance).

Responsibilities

1. To act as the employer’s Side of the Local Joint Consultative Committee (LJCC). All 14 members of the Employer’s Forum will be invited to attend meetings of the LJCC. In accordance with the Constitution of the LJCC the quorum for meetings of the LJCC will be 3 members from the Employer’s Side of the LJCC and 3 members from the Staff Side of the LJCC.

2. To establish sub-committees to act as an appeals body in relation to employees’ appeals.

Note

A sub-committee established by the Employer’s Forum as an appeals body consisting of at least three members and no more than five of which at least one must be a member of the opposition.
HEALTH AND WELLBEING BOARD

1. To encourage, for the purpose of advancing the health and wellbeing of people in Salford, persons who arrange for the provision of any health or school care services in Salford to work in an integrated manner.

2. To provide such advice, assistance or other support as appropriate for the purpose of encouraging partnership arrangements under section 75 of the National Health Service Act 2006 between the Salford City Council and NHS bodies in connection with the provision of health and social care services.

3. To encourage persons who arrange for the provision of health-related services (i.e. services which are not health or social care services but which may have an effect on the health of individuals) to work closely with the Board and with persons providing health and social care services.

4. To exercise the functions of Salford City Council and its partner Clinical Commissioning Groups in preparing a joint strategic needs assessment under section 116 of the Local Government and Public Involvement in Health Act 2007 and a joint health and well-being strategy under section 116A of that Act.

5. To give the council the opinion of the Board on whether the council is discharging its duty to have regard to the joint strategic needs assessment and joint health and well-being strategy in discharging the council’s functions.

6. To exercise such other council functions which are delegated to the board by the council or the City Mayor.

7. To appoint such sub-committees or joint sub-committees as the board considers appropriate.
SECTION D: RESPONSIBILITY FOR FUNCTIONS BY AREA (COMMUNITY COMMITTEES)

Pursuant to Article 10 of Part 2 of this Constitution, the council has established the following Area Community Committees (referred to in Salford as ‘Community Committees’).

a) Claremont and Weaste Community Committee (Claremont and Weaste and Seedley Wards).

b) East Salford Community Committee (Broughton, Irwell Riverside and Kersal Wards).

c) Eccles Community Committee (Barton, Winton and Eccles Wards).

d) Irlam and Cadishead Community Committee (Irlam and Cadishead Wards).

e) Little Hulton and Walkden Community Committee (Little Hulton, Walkden North and Walkden South Wards).

f) Ordsall and Langworthy Community Committee (Ordsall and Langworthy Wards).

g) Swinton Community Committee (Swinton South, Swinton North and Pendlebury Wards).

h) Worsley and Boothstown Community Committee (Worsley and Boothstown and Ellenbrook Wards).

Membership

Pursuant to Article 10.4 of Part 2 of this Constitution, Membership of each Community Committee includes all local ward councillors as voting members of the Community Committee. In addition one nominated representative (or their named substitute) from any Recognised Community Group (RCG) may be appointed as a non-voting Co-Opted Member of a Community Committee. The decision as to whether or not a group qualifies as a RCG is a matter for the council to determine and the appointment of co-opted members of a Community Committee will be approved by council.

The quorum for meetings of a Community Committee will be three voting members of the Community Committee (i.e. three members of the Community Committee who are elected members of the council for the wards concerned).
Responsibilities

Community Committees are intended to:

- provide a focus for the interests and concerns of local people
- contribute towards the strategic development of an area, reflecting local views
- agree an annual set of priorities
- decide upon the use of local devolved budgets within criteria set by the council, other funders and in support of priorities contained in the Community Action Plan
- review and monitor the delivery of local services
- support partnership working and promote community involvement in the delivery of services
- inform the Neighbourhood Partnership Board (NPB) of the priorities from the perspective of the community
- refer issues of concern about service delivery to the NPB when other routes to resolve have been exhausted
- ensure that the Community Committee is broadly representative of its community and promote engagement of unrepresented groups.

Delegations

Non-Executive Functions

Full council has not yet delegated any of Salford City Council’s non-executive functions to Salford’s Community Committees. (Non-executive functions include regulatory functions such as planning decisions and licensing as well as nominations to outside bodies).

Executive Functions

The City Mayor shall determine from time to time the executive functions of Salford City Council that may be exercised by Salford’s Community Committees and will set out these functions in the City Mayor’s Register of the Delegation of Executive Functions.
SECTION E

OVERVIEW AND SCRUTINY COMMITTEES

(Referred to in Salford as ‘the Overview and Scrutiny Board and Scrutiny Panels’)

Pursuant to Article 6 of Part 2 of this Constitution, the council has established the following Overview and Scrutiny Committees (referred to in Salford as ‘the Overview and Scrutiny Board and Scrutiny Panels’) to discharge the functions set out in Section 9F of the Local Government Act 2000 (as amended) and in Article 6 of Part 2 of this Constitution.

a) An Overview and Scrutiny Board and

b) Four Scrutiny Panels:

- Children’s Scrutiny Panel
- Health and Social Care Scrutiny Panel
- Community and Neighbourhoods Scrutiny Panel
- Growth and Prosperity Scrutiny Panel

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>MEMBERSHIP</th>
<th>REMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview and Scrutiny Board</td>
<td>Eleven council members</td>
<td>1. Co-ordinating the work of the Scrutiny Panels</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Scrutinising corporate services</td>
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<td></td>
<td></td>
<td>3. Conducting a programme of value for money scrutiny studies</td>
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<td></td>
<td></td>
<td>4. Considering reports from the Audit and Accounts Committee.</td>
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<td>5. Scrutinising overall budget matters and all other financial matters.</td>
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<td>6. To receive reports from the Scrutiny Panels on a six monthly basis</td>
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<td></td>
<td>7. To consider requests for scrutiny reviews under the Councillor Call</td>
</tr>
</tbody>
</table>
| **Children’s Scrutiny Panel** | **Twelve Council Members** | 1. Children in Need  
2. Integrated Looked after children  
3. Early Intervention  
4. Children’s Safeguarding  
5. Integrated Youth Support (including Youth Offending Service)  
6. Complex Needs Inclusion  
7. Complex Needs Special Educational Needs  
8. School Provider  
9. Starting Life Well  
10. Transforming Learning  
11. Skills and Work  
12. BSF and Primary School Place Planning Programmes  
13. Partnerships and Commissioning (including the Children and Young People’s Trust)  
14. To scrutinise the council’s business plan and budget in this functional area. |
| **Health and Social Care Scrutiny Panel** | **Twelve Council Members** | 1. Health, Public Health and Social Care Integration and performance thereafter  
2. Commissioning Hub  
3. Major Health reconfiguration  
4. Overview of Health and Wellbeing Board in promoting Integration  
5. Supporting People  
6. Services for independent living – |
<table>
<thead>
<tr>
<th>Community and Neighbourhoods Scrutiny Panel</th>
<th>Twelve Council Members</th>
<th>care on call, sheltered housing, supported tenancies</th>
</tr>
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<tbody>
<tr>
<td></td>
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<td>7. Adult Safeguarding</td>
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<td>8. Integrated Teams</td>
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<td>9. Provider Services</td>
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<td>10. Personalisation and care management</td>
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<td>11. Asylum Seekers and Refugees</td>
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<td>12. Welfare rights and debt advice</td>
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<td>13. To review and scrutinise any matter relating to the planning provision and operation of the health service in the Salford area.</td>
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<td></td>
<td>14. To scrutinise the council’s business plan and budget in this functional area.</td>
</tr>
<tr>
<td>Growth and Prosperity Scrutiny Panel</td>
<td>Twelve Council Members</td>
<td>1. Physical regeneration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Business investment and programmes</td>
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<td></td>
<td></td>
<td>3. Planning, Housing and Transport</td>
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Growth and Prosperity Scrutiny Panel

- Physical regeneration
- Business investment and programmes
- Planning, Housing and Transport
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<td>strategy and delivery</td>
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<td>4.</td>
<td>Pendleton PFI</td>
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<td>5.</td>
<td>Urban Vision</td>
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<td>6.</td>
<td>Housing: (Derive, SALIX client and private)</td>
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<td>7.</td>
<td>Environmental sustainability</td>
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<td>8.</td>
<td>Climate change</td>
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<td>9.</td>
<td>To discharge Salford City Council’s scrutiny functions as a lead local flood authority</td>
</tr>
<tr>
<td>10.</td>
<td>To scrutinise the council’s business plan and budget in this functional area.</td>
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SECTION F

SALFORD CITY COUNCIL’S SCHEME OF DELEGATION OF THE COUNCIL’S NON-EXECUTIVE FUNCTIONS TO CHIEF OFFICERS AND LIST OF SALFORD CITY COUNCIL’S STATUTORY AND PROPER OFFICERS
CONTENTS

Chapter 1 – General

1.1 Introduction

1.2 General delegations of non-executive functions to all Chief Officers

1.3 Statutory and Proper Officer Functions

Chapter 2 - Delegations to individual Chief Officers, and list of Salford City Council’s Statutory Officers and Proper Officers

2.1 Chief Executive

2.2 City Solicitor

2.3 Strategic Director, People

2.4 Strategic Director, Place

2.5 Director of Service Reform and Development

2.6 Chief Finance Officer

2.7 Director of Public Health

2.8 Assistant Director Human Resources
DELEGATION OF NON-EXECUTIVE FUNCTIONS TO OFFICERS

Introduction

1.1 General principles applying to the exercise of delegated non-executive powers by officers

1. Officers may only exercise the delegated non-executive powers in this scheme in accordance with:

   a) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice
   
   b) the council’s Constitution, Standing Orders and the Financial Regulations of the council
   
   c) the revenue and capital budgets of the council, subject to any variation thereof which is permitted by the council’s Financial Regulations.

2. Officers may not exercise delegated non-executive powers where:

   a) the matter is reserved to the council by law or by the council’s Constitution
   
   b) the matter is a function which cannot by law be discharged by an officer
   
   c) the council, a committee or sub-committee has determined that the matter should be discharged other than by an officer.

3. Subject to paragraph 1 above, officers may not exercise delegated non-executive powers in a way contrary to the Budget and Policy Framework of Salford City Council.

4. Before exercising delegated non-executive powers, on matters of significance to a particular ward or wards, officers should consult, where practicable, the relevant ward councillors.

5. An officer with the delegated power to make a decision may, where if considered necessary, refer the matter for decision by full council or by the relevant council committee. Delegated officers should refer matters to the relevant council committee as they consider appropriate having regard to the following factors:

   a) Whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by councillors.
b) Whether a councillor, applicant or other person with a significant interest has requested that the matter be determined by committee.

c) Whether there is evidence that the public or councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it should be determined by councillors.

d) Whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by councillors.

e) The need for consistency of approach in the council’s decision-making process.

f) Whether there are any specific national or local policy or (in relation to development control decisions only) development plan implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by councillors.

g) Whether the legal consequences of the matter are of such significance that it should be considered by councillors.

6. The delegated non-executive powers of officers set out in this Scheme may be exercised by other officers of Salford City Council authorised by the officer with the delegated power to act on their behalf and in their name, provided the administrative procedures are in place to record the authorisation and to record and administer the decisions so taken. The delegated officer remains responsible for and accountable to Salford City Council for the exercise of the delegated powers.

7. Where an officer has delegated authority to discharge non-executive functions by virtue of any other provision of this Constitution, or a specific decision of the council, a council committee, or sub-committee, whether made before or after the adoption of this Scheme, the absence of that delegation from this Scheme shall not be treated as preventing the exercise of that delegation.

8. Where in relation to an item before the council or a council committee, an officer is given specific authority to determine a particular matter the officer should ensure that there is an appropriate audit trail to evidence such determination.

9. All delegated officers should seek and obtain appropriate professional advice from those employed by Salford City Council for that purpose. Any report made by officers to councillors should record whether or not such advice has been obtained.
1.2 General delegations of non-executive functions to all Chief Officers of Salford City Council

Salford City Council has agreed to delegate the following non-executive functions to all Chief Officers of the council. For the purposes of this Section 1.2, the term ‘Chief Officers’ includes all of the following officers of Salford City Council:

a) Chief Executive
b) City Solicitor
c) Strategic Director, People
d) Strategic Director, Place
e) Chief Finance Officer
f) Director(s) of Public Health
g) Director of Service Reform and Development

General Functions

In circumstances where the following functions of Salford City Council are non-executive functions the council delegates to all Chief Officers the power:

1. To determine fees and charges (where there is an express power to charge) in consultation with the appropriate Cabinet Member.

2. To reduce elements of fees and charges for individual events or items whereby such action will increase, overall, the income to the council.

3. To agree, in consultation with the appropriate Cabinet Member, increases in fees and charges.

4. To serve statutory notices or orders and/or to arrange for the execution of work consequent on non-compliance with such notices or orders in relation to aspects of their service in consultation, where appropriate, with the Chief Executive.

Financial

5. To agree payments not exceeding £1,000 in cases of maladministration in consultation with the monitoring officer.

6. To maintain a departmental register of interests in which is recorded any hospitality or gifts which are accepted by an employee in accordance with paragraph 16 of the Code of Conduct for Employees set out at Section C of Part 6 of this Constitution, or any personal interest which is declared by an employee in accordance with paragraph 8 of the Code of Conduct for Employees.
Human Resources

7. The filling of vacant posts within approved establishments (except Chief Officer and Deputy Chief Officer posts) in consultation with the Chief Executive.

8. Determination of requests for agency workers for a period not exceeding 3 months in consultation with the Chief Executive.

9. Establishment of additional posts at grades up to and including Spinal Column Point 52 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post by the Chief Executive.

10. Determination of requests or recommendations for honoraria for a period not exceeding 3 months in consultation with the Chief Executive.

11. The determination of applications for paid and unpaid leave in accordance with Salford City Council’s agreed policies and procedures.

12. Determination of extensions of sickness allowance in consultation with the Chief Executive.

13. Determination of casual or essential car users allowances to officers in consultation with the Chief Executive.

14. Determination of the payment of removal expenses, lodging allowances or travelling allowances.

15. Determination of staff grievances up to stage 2 of the council’s grievance procedure.

16. Discipline, suspension and/or dismissal of employees.

Miscellaneous

1.3 Role of Salford City Council’s statutory and proper officers

The designations of Salford City Council’s Chief Officers as the ‘Statutory’ or ‘Proper’ officers of the council are set out in italics in the following Chapter 2.

In the absence of the nominated Proper Officer, the role shall be carried out by their nominated deputy.

In the absence of any identified post holder, the Proper Officer shall be the Chief Executive.

All delegations to Salford City Council’s Statutory and Proper Officers are subject to compliance with the law, the council’s Constitution, its standing orders, financial regulations and other policies and procedures.
Chief Executive

Head of Paid Service

The Chief Executive is designated as Salford City Council’s Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are listed in Article 12.2 at Part 2 of the Constitution and include to report to the council where necessary setting out proposals with respect to the co-ordination of the council’s functions, the number and grades of staff required and the organisation, appointment and proper management of the council’s staff.

Electoral Registration Officer

The Chief Executive is the Electoral Registration Officer for any constituency or part of a constituency coterminous with or situated in the City of Salford for the purpose of Section 8(2)(a) of the Representation of the People Act 1983.

Returning Officer

The Chief Executive is the Returning Officer for the election of the Mayor and the Councillors of Salford City Council for the purpose of Section 35 of Representation of the People Act 1983.

The Chief Executive is the Returning Officer for the purpose of Rules 44 (receipt from Returning Officer of the names of persons elected to Salford City Council) and 46 (Receipt from Returning Officer of election documents) of the Local Elections (Principal Areas) Rules 1986, and the Proper Officer for the purpose of Rule 48 (Retention of election documents and making them available for public inspection) of the Local Elections (Principal Areas) Rules 1986.


Local Government Act 1972

The Chief Executive is the Proper Officer of Salford City Council for the purposes of the following sections of the Local Government Act 1972:

<table>
<thead>
<tr>
<th>(i)</th>
<th>Sections 83</th>
<th>Witness and receipt of declaration of acceptance of office</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii)</td>
<td>Section 84</td>
<td>Receipt of written declaration of resignation of office</td>
</tr>
<tr>
<td>(iii)</td>
<td>Section 88(2)</td>
<td>Convening of meeting of council to fill casual vacancy in office of Ceremonial Mayor</td>
</tr>
<tr>
<td>(iv)</td>
<td>Section 89(1)(b)</td>
<td>Receipt of notice of casual vacancy from two local government electors</td>
</tr>
</tbody>
</table>
Local Government and Housing Act 1989

The Chief Executive is the Proper Officer of Salford City Council for the purposes of sections 15, 16 and 17 of the Local Government and Housing Act 1989 (receipt of notice relating to political groups).

Proper Officer

The Chief Executive is the Proper Officer of Salford City Council for the purpose of any enactment, unless the council or this Constitution designates another officer for the purpose of a specific enactment.

NON-EXECUTIVE FUNCTIONS

Salford City Council has agreed to delegate the following non-executive functions to the Chief Executive.

General functions

In circumstances where the following functions of Salford City Council are non-executive functions the council delegates to the Chief Executive the power:

1. To discharge any function of the council which has not been specifically delegated to another officer or a Committee or otherwise reserved by full council, and may direct any Chief Officer not to exercise a delegated function in special circumstances unless they are required to do so by law.

2. To take any action which is required as a matter of urgency in the interests of the council, in consultation with the City Mayor, if time permits.

3. To take preliminary steps to protect the rights and interests of the council subject to consultation with the City Mayor in relation to any Bill or Statutory Instrument or Order in Parliament.

4. To nominate, appoint and remove, in consultation with the City Mayor, council representatives on the board of companies, trusts and other bodies (including those companies, trusts and other bodies on which the council has representatives who have been nominated by other bodies, such as AGMA) and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
Functions in relation to elections

To discharge the following functions of the council relating to parliamentary, local government and European parliamentary elections and referenda:

a) power to assign officers in relation to requisitions of the registration officer under section 52(4) of the Representation of the People Act 1983
b) duty to provide assistance at European Parliamentary elections under section 6(7) and (8) of the European Parliamentary Elections Act 2002
c) powers in respect of holding of elections under section 39(4) of the Representation of the People Act 1983
d) power to pay expenses properly incurred by electoral registration officers under section 54 of the Representation of the People Act 1983
e) power to fill vacancies in the event of insufficient nominations under section 21 of the Representation of the People Act 1985
f) duty to declare vacancy in office in certain cases under section 86 of the Local Government Act 1972
g) duty to give public notice of a casual vacancy under section 87 of the Local Government Act 1972;
h) duties relating to publicity, under sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007
i) duties relating to notice to Electoral Commission, under sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.

Human Resources

5. To administer the scheme of members’ allowances, and to update such allowances annually in line with the formula agreed by the council.

IN CONSULTATION WITH THE ASSISTANT DIRECTOR HUMAN RESOURCES:

6. Agree in consultation with the Chief Officer Appointment Panel, starting salaries on appointment of Chief Officers.

7. Without prejudice to the power of individual Chief Officers in relation to the assignment of posts up to and including Spinal Column Point 52(Grade 5C), to determine in consultation with the appropriate Chief Officer the establishment and re-grading of posts up to and including Local Scale Band F, unless there is a disagreement between the Chief Executive and the appropriate Chief Officer about the proposals or, where the proposals have corporate significance, in which cases the matter shall be determined by the Workforce Panel.

8. To determine any honoraria paid to employees of Salford City Council.

9. To implement and adopt nationally negotiated decisions on conditions of service and pay awards.

10. To exercise the functions of Salford City Council in relation to pensions.
11. In consultation with the relevant Chief Officer, to determine applications for voluntary early retirement (including compassionate early retirement), voluntary severance and flexible retirement and to determine discretionary payments/awards in connection with such applications in accordance with Salford City Council’s policies.

12. To be the person specified to determine disputes in the first instance arising from the decisions of Salford City Council as scheme employer under the Local Government Pension Regulations 1997.

13. To authorise the appointment of consultants and professional advisors.

Miscellaneous

Local Government Act 1974

The Chief Executive is the Proper Officer of Salford City Council for the purposes of section 30(5) of the Local Government Act 1974 (Notice of Local Government and Social Care Ombudsman’s Report).
The City Solicitor is designated as Salford City Council’s Monitoring Officer for the purposes of section 5 of the Local Government and Housing Act 1989. The functions of the Monitoring Officer are listed in Article 12. 3 in Part 2 of this Constitution and include:

a) Report on contraventions or likely contraventions of any enactment or rule of law.

b) Report on any maladministration or injustice where the Ombudsman has carried out an investigation.

c) Appointment of a Deputy.

d) Power to delegate functions of the Monitoring Officer.

e) Establish and maintain the Register of Members’ Interests.

f) Maintain, monitor and review the council’s Constitution.

g) Support the council’s Standards Committee.

h) Promote and maintain high standards of conduct.

i) Granting of dispensations.

j) Advise on whether Cabinet decisions are within the council’s Budget and Policy Framework.

k) Provide advice on vires issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.

Local Government Act 1972

The Monitoring Officer is the Proper Officer of Salford City Council for the purposes of the following sections of the Local Government Act 1972:

<table>
<thead>
<tr>
<th>(i)</th>
<th>Section 96</th>
<th>Officer to whom general notices and recording of disclosures of interests under section 94 should be given</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii)</td>
<td>Section 99 and Schedule 12</td>
<td>To give notice and send summonses in respect of any council meeting.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Section 100(B)(2), 100(B)(7)(c), 100(C)(2), 100(D)(1)(a) and (5)(a), 100(F)(2)</td>
<td>Access to Meetings and Documents</td>
</tr>
<tr>
<td>(iv)</td>
<td>Section 100(G)</td>
<td>To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like</td>
</tr>
<tr>
<td>(v)</td>
<td>Section 115(2)</td>
<td>Receipt of money due from officers</td>
</tr>
<tr>
<td>(vi)</td>
<td>Section 146(a) and (b)</td>
<td>Declarations and certificates with regard to securities</td>
</tr>
<tr>
<td>(vii)</td>
<td>Section 210(6) and (7)</td>
<td>Functions in respect of charities</td>
</tr>
<tr>
<td>(viii)</td>
<td>Section 223</td>
<td>To authorise officers of Salford City Council who are not admitted solicitors to appear in Magistrates' Courts on behalf of Salford City Council</td>
</tr>
<tr>
<td>(ix)</td>
<td>Section 229(5); Section 233 Section 234(1); Section 236(9) and (10) and Section 238</td>
<td>The officer to certify photographic copies of documents; the officer to receive documents required to be served on Salford City Council, the officer to authenticate documents on behalf of Salford City Council.; the officer to certify copies of bylaws</td>
</tr>
<tr>
<td>(x)</td>
<td>Schedule 12, paragraphs 4(2)(b), 4(3)</td>
<td>Receipt of notices regarding address to which summons to meeting is to be sent</td>
</tr>
<tr>
<td>(xi)</td>
<td>Schedule 14, paragraph 25(7)</td>
<td>The officer responsible for the certification of true copies of resolutions</td>
</tr>
</tbody>
</table>

Senior Information Risk Owner (SIRO)

*The Monitoring Officer is the Senior Information Risk Owner (SIRO) for Salford City Council.*
Clerk to the Independent Education Appeals Panel

The Monitoring Officer is designated as Salford City Council’s Clerk to the Independent Education Appeals Panel and authorised to appoint lay members to serve on the Panel.

School Appeals

Council delegates to the Monitoring Officer

To make arrangements for appeals against exclusion of pupils.

To make arrangements for school admission appeals.

To make arrangements for appeals by governing bodies.


The Monitoring Officer is designated as the Senior Responsible Officer on behalf of Salford City Council in relation to Part 1 of the Regulation of Investigatory Powers Act 2000.

The Monitoring Officer is responsible for approving and authorising officers to act as:

a) An Authorising Officer in relation to Part 2 of the Regulation of Investigatory Powers Act 2000, and


Proper Officer

The Monitoring Officer is the Proper Officer of Salford City Council for the following purposes:

a) For the Registration of Births, Deaths and Marriages under the Registration Services Act 1953, and Regulations 1989 to 1994 (or to nominate in writing another officer to be the Proper Officer).

b) For Access to Information under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

c) For the purposes of section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (the officer to certify copies of any resolution, order, report or minutes of proceedings of Salford City Council as evidence in legal proceedings).
d) For the purposes of the Civil Evidence Act 1995 (the officer to certify council records for the purposes of admitting the document in evidence in civil proceedings).

e) For the purposes of the Local Government (Contracts) Act 1997 (the officer to give certification of relevant powers to enter into contracts).

f) For the purposes of the duty to notify the Information Commissioner of any changes to Salford City Council’s notification under section 20 of the Data Protection Act 1998.

NON-EXECUTIVE FUNCTIONS

Salford City Council has agreed to delegate the following non-executive functions to the City Solicitor

General functions

In circumstances where the following functions of Salford City Council are non-executive functions the council delegates to the City Solicitor:

1. To authorise, any claims or legal proceedings on behalf of Salford City Council, in any case where such action is necessary to give effect to decisions of the Council or where the Monitoring Officer considers that such action is necessary to protect the Council's interests, where the proceedings are not of a routine nature or where the proceedings could result in significant risk to the Council, this will be in consultation with the Chief Executive and/or the Chief Finance Officer. Any decision taken under this provision must be reported to the City Mayor. In addition settle, if appropriate, and in the interests of Salford City Council, any actual or threatened legal proceedings up to a value of £150,000.00, provided that nothing in this delegation authorises the agreement of a severance package of £150,000 or above.

2. To settle, if appropriate, and in the interests of Salford City Council, any actual or threatened legal proceedings up to a value of £5,000 having considered legal advice and above £5,000 having considered legal advice and in consultation with the relevant Cabinet Member or Chair of a Council Committee. In relation to any actual or threatened legal proceedings in connection with or incidental to terms and conditions of employment (including the termination of employment) the Council delegates to the Monitoring Officer the power, having considered legal advice, to settle such claims, if appropriate, in the interests of Salford City Council up to a value of £5,000 and above £5,000 (having considered legal advice) in consultation with the Chair of the Workforce Panel, provided that nothing in this delegation authorises the agreement of a severance package of £100,000 or above.

3. To arrange for the recovery of debts due to Salford City Council by way of legal proceedings and the levying of distress
4. To arrange for the provision of all legal or other expert advice in connection with legal proceedings and/or legal representation required for and on behalf of Salford City Council.

5. To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of Salford City Council under statutory powers.

6. To complete all property transactions and contractual arrangements where terms have been agreed.

7. Under section 60 of the County Courts Act 1984, to authorise officers of Salford City Council to conduct actions on behalf of the Council in the County Court before a district judge in respect of:

   a) the recovery of possession of houses and other property belonging to the council.

   b) the recovery of any rent, mesne profits, damages or other sum claimed by the council in respect of the occupation by any person of such a house.

Miscellaneous

STRATEGIC DIRECTOR PEOPLE

Children Act 2004

The holder of the post of Strategic Director People is the statutory officer of Salford City Council for the purposes of section 18 of the Children Act 2004.

Local Authority Social Services Act 1970

The holder of the post of Strategic Director People is the statutory officer for the purposes of section 6 of the Local Authority Social Services Act 1970 as amended.

NON-EXECUTIVE FUNCTIONS

Salford City Council has agreed to delegate the following non-executive functions to the Strategic Director People.

Human Resources

1. To arrange the secondment of teachers and other education service staff to promote the provision of an efficient and effective education service.

2. To authorise requests for special days of school closures (e.g. in relation to training days).

Miscellaneous

3. Power to license the employment of children (pursuant to Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963).

ASSISTANT DIRECTOR HUMAN RESOURCES

Proper Officer

For the purposes of Section 2 of the Local Government and Housing Act 1989 (the Officer to hold on deposit the list of politically restricted posts and provision of certificates as to whether a post is politically restricted.

Salford City Council has agreed to delegate the following non-executive functions to the Assistant Director Human Resources in consultation with the Head of Paid Service.

1. To determine any honoraria paid to employees of Salford City Council.

2. To implement and adopt nationally negotiated decisions on conditions of service and pay awards.

3. To exercise the functions of Salford City Council in relation to pensions.

4. In consultation with the relevant Chief Officer to determine applications for voluntary early retirement (including compassionate early retirement) voluntary.
severance and flexible retirement and to determine discretionary payments/awards in connection with such applications in accordance with Salford City Council policies

5. To be the person specified to determine disputes in the first instance arising from the Salford City Council as scheme employer under the Local Government Pension Regulations 1997.

6. To authorise the appointment of consultants and professional advisers.
STRATEGIC DIRECTOR PLACE

NON-EXECUTIVE FUNCTIONS

Salford City Council has agreed to delegate the following non-executive functions to the Strategic Director Place.

General Planning and Highways Functions

In circumstances where the following functions of Salford City Council are non-executive functions, the council delegates to the Strategic Director Place the power:

1. To discharge the functions of Salford City Council as Local Planning Authority (within the meaning of section 1(2) of the Town and Country Planning Act 1990) and other functions of the council under the Building Act 1984, Planning (Hazardous Substances) Act 1990 and the Flood Management Act 2010 and regulations thereunder except where the matter is:

   • reserved to full council by statute or this Constitution; or
   • delegated exclusively to the Planning and Transport Regulatory Panel; or
   • delegated to a Joint Committee responsible for either the Joint Waste Development Plan Document; or for the Minerals Development Plan Document
   • the subject of an express limitation imposed by the council, or the Planning and Transport Regulatory Panel, or this Constitution.

2. To take any urgent action in relation to planning, hazardous substances, flood management and building control which is not expressly delegated in this Constitution subject to any such action taken under this power being reported to the next ordinary meeting of the appropriate committee.

3. To authorise officers to enter land or premises, to inspect, to investigate and to exercise any other related powers in accordance with the council’s functions as local planning authority and the council’s functions under the Building Act 1984 and its Regulations and any other functions delegated to the Strategic Director Place.

4. To authorise the taking of legal proceedings in connection with non-compliance with any statutory notice, and to exercise any other available remedies in connection with the same.

5. To authorise the taking of legal proceedings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. To issue decision notices in respect of any application for planning, conservation area or listed building consent upon receipt of an indication from the Secretary of State that they do not require that application to be referred to him/her, such notices to reflect the decision which the council has already indicated that it is minded to take on the application concerned.

8. To respond to planning consultations relating to matters outside Salford City Council and all other requests relating to planning conservation areas, listed building, nationally significant infrastructure projects and any other plans and proposals, and all other matters of a planning nature in accordance with approved planning policies of Salford City Council.

9. To take decisions on applications to determine whether planning permission is required.

10. To exercise the powers of Salford City Council as Local Planning Authority (within the meaning of section 1(2) of the Town and Country Planning Act 1990) and to carry out works in default under the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990.

11. To exercise the powers of Salford City Council as Hazardous Substances Authority (within the meaning of section 1 of the Planning (Hazardous Substances) Act 1990) and to issue notices pursuant to section 24 of that Act and to authorise the taking of injunctive proceedings under section 26AA of that Act.

12. To exercise the powers of Salford City Council as local highways authority and road traffic authority and to administer and enforce all relevant legislation relating to the council’s functions as local highways authority and road traffic authority, including the authorisation of legal proceedings and the authorisation of officers to enter land and premises and exercise any powers in pursuance of the council’s functions as local highways authority and road traffic authority.

**Environmental Protection**

13. Duty to enforce Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to section 10(3) of the Health Act 2006.

14. Power to authorise officers to act in matters arising under Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to section 10(5) of the Health Act 2006.

15. To exercise the council’s functions relating to fixed penalty notices pursuant to paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 and the Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760).
16. Power to transfer enforcement functions to another enforcement authority pursuant to the Smoke-Free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).

**Health and Safety at Work Functions**

17. Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

**Highways**

18. Power to create footpath, bridleway or restricted byway by agreement (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 25 of the Highways Act 1980 ('the 1980 Act').

19. Power to create footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 26 of the 1980 Act.

20. Duty to keep register of information with respect to maps, statements and declarations under section 31A of the 1980 Act.

21. Discharge of Salford City Council’s functions in relation to the power to grant permission for provision etc. of services, amenities, recreations & refreshment facilities on highway, under sections 115E and 115F of the 1980 Act (but subject to the referral of objections/representations to any section 115E proposals to the Planning and Transport Regulatory Panel).

22. Duty under section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under section 115E of the 1980 Act.

23. Discharge of Salford City Council’s enforcement functions under section 115K of the 1980 Act in relation to the council’s power to grant permissions under section 115E of the 1980 Act.

24. Power to stop up footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 118 of the 1980 Act.

25. Power to make a rail crossing extinguishment order (subject to consultation with the Lead Member for Planning and Sustainable Development under section 118A of the 1980 Act.

26. Power to make a special extinguishment order (subject to consultation with the Lead Member for Planning and Sustainable Development under section 118B of the 1980 Act.
27. Power to divert footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 119 of the 1980 Act.

28. Power to make a rail crossing diversion order (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 119A of the 1980 Act.

29. Power to make a special diversion order (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 119B of the 1980 Act.

30. Power to require applicant for order to enter into agreement under section 119C(3) of the 1980 Act.

31. Power to make SSSI diversion order (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 119D of the 1980 Act.

32. Duty to assert and protect the rights of the public to use and enjoyment of highways under section 130 of the 1980 Act.


34. Power to apply for variation of order under section 130B of the 1980 Act.

35. Power to authorise temporary disturbances of surface of footpath, bridleway or restricted byway under section 135 of the 1980 Act.

36. Power to permit deposit of builder’s’ skips on highway under sections 139 and 140 of the 1980 Act.

37. Power to license planting, retention and maintenance of trees etc. in part of highway under section 142 of the 1980 Act.

38. Power to authorise erection of stiles etc. on footpaths or bridleways under section 147 of the 1980 Act.

39. Powers relating to the removal of things so deposited on highways as to be a nuisance under section 149 of the 1980 Act.

40. Power to grant a licence for scaffolding and other structures which obstruct the highway under section 169 of the 1980 Act.

41. Power to consent to temporary deposits or excavations in streets under section 171 of the 1980 Act.

42. Power to dispense with obligation to erect hoarding or fence under section 172 of the 1980 Act.
43. Power to restrict the placing of rails, beams etc. over highways under section 178 of the 1980 Act.

44. Power to consent to construction of cellars etc. under the street under section 179 of the 1980 Act.

45. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators under section 180 of the 1980 Act.

46. Power to extinguish certain public rights of way (subject to consultation with the Chair of the Planning and Transport Regulatory Committee) under section 32 of the Acquisition of Land Act 1981.

47. Duty to keep a definitive map and statement under review under section 53 of the Wildlife and Countryside Act 1981.

48. Power to include modifications in other orders under section 53A of the Wildlife and Countryside Act 1981.


53. Power to consider and (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) to make applications for an Order to authorise stopping up or diversion of highway under section 247 of the Town and Country Planning Act 1990.

54. Power to authorise stopping up or diversion of footpath, bridleway or restricted byway (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 257 of Town and Country Planning Act 1980.

55. Power to extinguish public rights of way over land held for planning purposes (subject to consultation with the Chair of the Planning and Transport Regulatory Panel) under section 258 of the Town and Country Planning Act 1980.

56. Power to enter into agreements with respect to means of access under section 35 of the Countryside and Rights of Way Act 2000.
57. Power to provide access in absence of agreement under section 37 of the Countryside and Rights of Way Act 2000.


Commons Registration

59. Power to register common land or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under section 19 (3) of paragraph 6(4) od Schedule 3 to the Acquisition of Land Act 1981, or an order under section 147 of the Enclosure Act 1845.

60. Power to register variation of rights of common

61. To discharge the council’s functions relating to the registration of common land and town or village greens pursuant to Part 1 of the Commons Act 2006 and the Commons (Registration of Town or village Greens) (Interim Arrangements) (England) Regulations 2007 or subsequent legislation.

62. To consider and determine, in consultation with the relevant Executive Lead Member, objections and representations in respect of the proposed granting of licences under section 115E of the Highways Act 1980 (provision of amenities on highways).

Licensing and Registration Functions

63. Under the Licensing Act 2003:

   a) To grant an application for personal licence where no police objection is made.

   b) To grant an application for personal licence with unspent convictions where no police objection is made.

   c) To grant an application for premises licence/club premises certificate where no relevant representation made.

   d) To grant an application for provisional statement where no relevant representation made.

   e) To grant an application to vary premises licence/club premises certificate where no relevant representation made.

   f) To grant or refuse an application for a minor variation to premises licence/club premises certificate (in consultation with the Chair of the Licensing Committee).
g) To grant an application to vary designated premises supervisor only where no police objection made and in all other cases.

h) To approve any request to be removed as designated premises supervisor.

i) To grant an application for transfer of premises licence only where no police objection made and in all other cases.

j) To grant applications for interim authority only where no police objection made and in all other cases.

k) To make a decision as to whether a complaint/representation is irrelevant, frivolous, vexatious etc.

64. **Under the Gambling Act 2005:**

   a) To approve an application for premises licence where either no representations are received or where any representations have been withdrawn.

   b) To approve an application for a variation to a license where either no representations are received or any representations have been withdrawn.

   c) To approve an application for a transfer of a license where no representations are received from the Commission.

   d) To approve an application for a provisional statement where either no representations are received or any representations have been withdrawn.

   e) To approve an application for club gaming/club machine permits either where no objections are made or any objections have been withdrawn.

   f) To approve applications for permits.

   g) To cancel licensed premises gaming machine permits.

   h) To consider Temporary Use Notice.

65. Fee setting under the Gambling Act 2005 and the Gambling (Premises License Fees) (England and Wales) Regulations 2007 in consultation with the Chair of the Licensing and Safety Regulatory Panel and the relevant Lead Member and to produce a monitoring report for the information of the Licensing and Safety Regulatory Panel.
66. **Under the Betting Gaming and Lotteries Act 1963:**

To discharge Salford City Council’s functions under the Betting Gaming and Lotteries Act 1963 (as saved for certain purposes by the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2008 ‘the Gambling Act Order’):

a) Power to register pool promoters under Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(c) of the Gambling Act Order).

b) Power to grant track betting licences under Schedule 3 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(d) and 4 of the Gambling Act Order).

c) Power to license inter-track betting schemes under Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(e) of the Gambling Act Order).

d) Power to grant permits in respect of premises with amusement machines under Schedule 9 to the Gaming Act 1968 (as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order).

e) Power to register societies wishing to promote lotteries under Schedule 1 to the Lotteries and Amusements Act 1976 (as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order).

f) Power to grant permits in respect of premises where amusements with prizes are provided under Schedule 3 to the Lotteries and Amusements Act 1976 (as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order).

**Miscellaneous Licensing and Registration Functions**

67. Power to issue licenses authorising the use of land as a caravan site (‘site licences’) under Section 3(3) of the Caravan Sites and Control of Development Act 1960.

68. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.

69. Power to license hackney carriages and private hire vehicles:

a) as to hackney carriages, under the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875, and Section 15 of the Transport Act 1985; and Sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;

b) as to private hire vehicles, under Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976


72. Power to renew the licenses of sex shops and sex cinemas under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

73. Power to license performances of hypnotism under the Hypnotism Act 1952.


75. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.


77. Duty to keep list of persons entitled to sell non-medicinal poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.

78. Power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990.

79. Power to license scrap yards under Section 1 of the Scrap Metal Dealers Act 1964.


81. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999.

82. Power to register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.

83. Power to license zoos under Section 1 of the Zoo Licensing Act 1981.
84. Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.

85. Power to license persons to collect for charitable and other causes under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.

86. Power to grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.

87. Power to sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.


PROPER OFFICER

The Strategic Director Place is the Proper Officer for

1. Section 234(2) of the Local Government Act 1972 (Statutory Notices)

2. All sections of the Local Authorities Cemetry Order 1977 (as amended)

3. All relevant sections of the Highways Act 1980 in relation to deposits of certificates or copies and provisions in relation to the private street works code

4. All relevant sections of the Building Act 1984 in relation to repairs of drains and dangerous emergency measures


4. S149 (Stray dogs) of the Environmental Protection Act 1990 Planning

The Non Executive functions of Salford City Council in relation to planning that have been delegated to the Strategic Director, Place are set out in Part 3 Section C 'Responsibility for Council functions - Planning and Transportation Regulatory Panel'. 'Part 1, Functions relating to Town and Country Planning and Development Control' and 'Part 3, Functions Relating to Trees and Hedgerows' and in Part 3 Section A ‘Responsibility for Local Choice Functions’, paragraphs 15 and 17.
The Chief Finance Officer is designated as Salford City Council’s Chief Finance Officer for the purposes of section 151 of the Local Government Act 1972. The functions of the Chief Finance Officer are listed in Article 12.4 in Part 2 of this Constitution and include:

a) Responsibility for the proper administration of Salford City Council’s financial affairs, systems and procedures; under section 151 of the Local Government Act 1972.


c) The requirement under section 114 of the 1988 Act to nominate a properly qualified member of staff to deputise should the Chief Finance Officer be unable to perform their statutory duties under section 114 personally.

NON-EXECUTIVE FUNCTIONS

Salford City Council has agreed to delegate the following non-executive functions to the Chief Finance officer:

1. To determine appeals against the decisions of officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.

2. In consultation with the relevant Lead Member and the Monitoring Officer, to consider the application to the Greater Manchester Pension Fund of prospective admission bodies where the council would be the scheme employer, and to determine the basis of their admission.

To consider and determine the application of any of the council’s discretions under a Greater Manchester Pension Fund admission agreement where the council is the scheme employer.

3. Determine appropriate arrangements for the reimbursement of expenditure incurred by staff in exercise of council duties.

4. To discharge the functions of the ‘Responsible Financial Officer’ under the Accounts and Audit (England) Regulations 2011, including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of Salford City Council at the end of the year to which it relates and of the council’s income and expenditure for that year.
5. To discharge the functions of Salford City Council under the Accounts and
Audit (England) Regulations 2011 (with the exception of Regulations 4(3), 6(4)
and 8(3).
DIRECTOR OF PUBLIC HEALTH

The holder of the post of Director of Public Health shall discharge the statutory responsibilities of the Director of Public Health under section 73A(1) of the National Health Service Act 2006, and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

1. Provide the public, elected Members of Salford City Council and officers of Salford City Council with expert, objective advice on health matters.

2. Discharge Salford City Council’s duty under section 2B of the Health and Social Care Act 2006 to take such steps as the council considers appropriate for improving the health of the people in its area, including:

   a) providing information and advice
   b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way)
   c) providing services or facilities for the prevention, diagnosis or treatment of illness
   d) providing financial incentives to encourage individuals to adopt healthier lifestyles
   e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment
   f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement
   g) making available the services of any person or any facilities
   h) providing grants or loans (on such terms as Salford City Council considers appropriate).

3. Discharge any of the Secretary of State’s public health protection or health improvement functions that s/he delegates to Salford City Council, either by arrangement or under regulations, including those services mandated by regulations made under section 6C of the Health and the National Health Service Act 2006.

4. Ensure that plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising.

5. Exercise Salford City Council’s functions in planning for, and responding to emergencies that present a risk to public health.

6. Discharge Salford City Council’s functions in relation to dental public health under section 111 of the National Health Service Act 2006.
7. Discharge any functions imposed on Salford City Council in relation to joint working with the prison service under section 249 of the National Health Service Act 2006.

8. Prepare an annual report on the health of the population of Salford City Council under section 73(B)(5) of the Health Service Act 2006.

9. Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the population of Salford City Council, address the public health outcomes framework and tackle local priorities as set out in Salford’s Health and Wellbeing Strategy.

10. To ensure that public health and population health care advice is provided to the National Health Service.

11. To discharge the functions of Salford City Council in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.

12. To ensure that plans are in place to tackle the causes of ill health and reduce health inequalities in Salford.

13. To produce a Joint Strategic Needs Assessment that sets out the current health and wellbeing needs of the population of Salford City Council.

14. To ensure that an effective Health and Wellbeing Board operates as a Committee of Salford City Council and fully meets statutory requirements of section 194 of the Health and Social Care Act 2012 and partnership aspirations.

15. To support the Health and Wellbeing Board to produce and implement a Joint Health and Wellbeing Strategy.

16. To be responsible for Salford City Council’s public health response as a responsible authority under the Licensing Act 2003.

17. To discharge Salford City Council’s function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where Salford City Council provides or commissions a maternity or child health clinic.

Proper Officer

The Director of Public Health is the proper officer of Salford City Council for the following purposes:

18. To authorise the Consultants in Communicable Disease Control of Public Health England and/or their deputies to act on behalf of Salford City Council as proper officer in the exercise of statutory functions relating to the control of
infections and other disease and food poisoning under the Public Health
(Control of Diseases Act) 1984, Food Safety Act 1990 and any other relevant
legislation.

19. To act on behalf of Salford City Council as proper officer for the purposes of
section 47 of the National Assistance Act 1948 and Section 1 of the National
Assistance (Amendment) Act 1951.

20. To authorise on behalf of Salford City Council appropriate port Medical
Officers in the exercise of the statutory functions relating to the control of
infectious and other diseases and food poisoning under the Public Health
(Control of Diseases Act) 1984, Food Safety Act 1990 and any other relevant
legislation.
PART 4

Rules of Procedure
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Section A

Council Procedure Rules

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1. **Interpretation and Chair’s Ruling**

1.1 These council Rules of Procedure (‘the Rules’) apply to meetings of the full council and, where appropriate, to meetings of committees and sub-committees. None of these Rules apply to meetings of the Executive (referred to in Salford as the ‘Cabinet’).

1.2 References in these Rules:

   (i) to the Ceremonial Mayor, include the Ceremonial Deputy Mayor or any other Member acting in their absence;
   (ii) to the City Mayor, include the Deputy City Mayor or any other Member acting in their absence;
   (iii) to the Chair of any council committee or sub-committee, include the appointed deputy Chair or any other Member acting in their absence.

1.3 References in these Rules to the Chair shall include the Ceremonial Mayor and the Ceremonial Deputy Mayor when they are acting in their capacity as the Chair of the council.

1.4 These Rules should be read in conjunction with other parts of the council’s Constitution.

1.5 ***These Rules are subject to any statute or enactment whether passed before or after these Rules came into effect.

1.6 The ruling of the Chair on the application and interpretation of these Rules is final.

2. **Suspension and amendment of Rules**

2.1 ***With the exception of the Rules marked by an asterisk (***) , any Rule may be suspended at council meetings either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

2.2 Rules may be changed by council either at the Annual Meeting or on a proposal of the Monitoring Officer or by a motion on notice made at council.

3. **Ceremonial Mayor and Ceremonial Deputy Mayor**

3.1 ***The Ceremonial Mayor will be elected, and the Ceremonial Deputy Mayor will be appointed at the Annual Meeting of Council.

3.2 ***If the Office of Ceremonial Mayor becomes vacant during a Municipal Year it will be filled at the next council meeting (or, if a vacancy arises within 14
days before the next council meeting, it will be filled at the next following council meeting).

3.3 The Ceremonial Mayor will chair meetings of the council. In the Ceremonial Mayor’s absence the Ceremonial Deputy Mayor will chair the meeting. In the absence of both the Ceremonial Mayor and the Ceremonial Deputy Mayor, the Council will appoint another Member to chair the meeting.

3.4 The council, by a 75% majority, may pass a vote of no confidence in the Ceremonial Mayor and upon this being carried by the council, the council may appoint from its membership a new Ceremonial Mayor for either the remainder of the meeting or the remainder of the municipal year.

3.5 Any power or duty of the Ceremonial Mayor may, in the absence of the Ceremonial Mayor, be exercised by the Member presiding at the meeting.

4. **Political Groups and Leaders**

4.1 A political group will be treated as constituted when the Monitoring Officer has received a notice in writing signed by two or more members of the council stating:

a) that the Members who have signed it wish to be treated as a political group

b) the name of the political group

c) the name of one member of the political group who has signed the notice and who is to act as its leader.

4.2 ***The notice may specify the name of one other member of the political group who has signed the notice and who is authorised to act in the place of the leader of the political group. (This authorised member is referred to as ‘the representative’).***

4.3 ***The leader of the political group may be changed by a further notice in writing to the Monitoring Officer signed by a majority of the members of the political group.***

4.4 ***The name of the political group and of the representative (see Rule 4.2) may be changed by a further notice in writing to the Monitoring Officer signed by the leader of the political group or a majority of the members of the political group.***

4.5 ***A member of the council is to be treated as a member of a political group if they have:

a) signed a notice in accordance with Rule 4.1 or
b) given the Monitoring Officer a notice in writing, signed by them and by the leader (or representative) of the political group or by a majority of members of the political group, stating that they wish to join the political group.

4.6 **A person is to be treated as having ceased to be a member of a political group when:

   a) they have ceased to be a Member of the council
   
   b) they have notified the Monitoring Officer in writing that they no longer wish to be treated as a member of the political group
   
   c) they have joined another political group
   
   d) the Monitoring Officer receives a notice in writing signed by a majority of members of the political group stating that they no longer wish them to be treated as a member of it.

4.7 **No person shall be treated as a member of more than one political group at any given time.

4.8 The Monitoring Officer will keep and maintain a record of the current membership of each political group.

4.9 The leader of the second largest political group or combination of political groups (as chosen by the members of the political group/s) will be known as the Leader of the Opposition.

5. **Establishment of Committees and Sub-Committees**

5.1 Subject to Rules 5.2 to 5.9 below, the council may establish such Committees as it considers necessary to carry out the work of the Council and may refer to those Committees such matters as are considered appropriate.

5.2 The Council shall establish a Standards Committee, the composition of which will be in line with Article 9 of Part 2 of this Constitution.

5.3 The Council shall establish a Health and Well-being Board in accordance with section 194 of the Health and Social Care Act 2012, the composition of which will be in line with Article 8.2 of the Constitution.

5.4 The Council shall establish a Planning and Transportation Regulatory Panel.

5.5 The Council shall establish a Licensing and Safety Regulatory Panel.

5.6 The Council shall establish a Licensing Committee with not less than 10 and not more than 15 Members.
5.7 The Council shall establish 8 Community Committees as Area Committees in accordance with Article 10 of this Constitution.

5.8 The Council shall appoint an Electoral Matters Committee, an Audit and Accounts Committee, a Workforce Panel and an Employer's Forum.

5.9 The Council shall establish Overview and Scrutiny Committees (referred to in Salford as ‘the Overview and Scrutiny Board and Scrutiny Panels’) in accordance with Part 3, Section E of this Constitution.

5.10 Committees may establish Sub-Committees, subject to the approval of the Council, to carry out the work of the Committee and may refer to those Sub-Committees such matters as are considered appropriate. Committees may also establish ad hoc Sub-Committees to consider any specific matter referred to them.

5.11 ***Subject to Rules 5.11 and 5.12 where a matter is referred to a Committee or Sub-Committee, the decision of the Committee must be approved by full Council before it becomes effective.

5.12 ***Except in relation to those decisions which by statute must only be taken by the full Council, the Council may delegate powers to Committees or Sub-Committees. Where a matter has been delegated to a Committee, the Committee may further delegate the matter to a Sub-Committee unless the Council otherwise directs.

5.13 ***Where a matter is delegated in accordance with Rule 5.12 above, the decisions of the Committee or Sub-Committee do not require approval by the Council (or Committee) unless the delegation has been previously withdrawn in relation to the particular item.

6. Membership of Committees and Sub-Committees and Joint Authorities and Joint Committees.

6.1 In relation to committees the Annual Meeting of council will:

   a) subject to Rule 5 above, determine the number of members to serve on them
   b) allocate seats on them to the political groups in accordance with the principles of political balance and
   c) appoint named members to them giving effect to the wishes (where expressed) of each political group.

6.2 ***Appointments to all sub-committees will be made by their parent committees in accordance with:

   a) the principles of political balance (as to the allocation of numbers of seats) and
b) the wishes of the political groups (as to individual appointments).

6.3 Members serving on sub-committees are not required to be members of the parent committee.

6.4 Where the council is entitled to seats on a Joint Authority or on a Joint Committee with another local authority or local authorities, appointments to such seats will be made by the council.

6.5 Where the council is entitled to three or more seats on a Joint Authority or Joint Committee ('relevant Joint Authority/Joint Committee'), the council in making appointments will:

a) allocate seats on them to the political groups in accordance with “the principles of political balance”, and

b) appoint members to them giving effect to the wishes (where expressed) of the relevant political group.

6.6 "The principles of political balance are:

a) That not all seats on the committee, sub-committee or relevant Joint Authority or Joint Committee ('the body') are allocated to the same political group

b) That the majority of seats on the body are allocated to a political group holding the majority of seats on the council

c) That, subject to (a) and (b) above, the total number of seats held by each political group on all committees of the council taken as a whole is proportionate to that group’s membership of the council

d) That, subject to (a) and (c) above, the number of seats held by each political group on individual bodies is proportionate to that group’s membership of the council.

6.7 Where a political group wishes to change one of its appointed members on a committee or sub-committee, the council or parent committee shall give effect to that political group’s wishes.

6.8 Where there is a change in the political balance of the council, the allocation of seats on committees and sub-committees will be reviewed and changes made:

a) to reflect the new political balance and

b) the wishes of the political groups.

6.9 Any Scrutiny Panel discharging education functions shall also contain, as voting members, two elected representatives of parent governors; one
appointed representative each of the Church of England, the Roman Catholic Church, the Free Churches, and the Jewish Faith.

6.10 Non-voting co-opted members may be appointed by:

a) The council, to serve on its committees and

b) committees to serve on their sub-committees.

7. **The City Mayor and the Cabinet**

The City Mayor will appoint between two and nine councillors to the Cabinet (one of whom will be appointed by the City Mayor to act as Deputy City Mayor).

8. **Chairs and Deputy Chairs**

8.1 The council will appoint Chairs and (where required) Deputy Chairs of ordinary committees, the Overview and Scrutiny Board and Scrutiny Panels, and Advisory Committees.

8.2 Chairs and (where required) Deputies of sub-committees of committees will be appointed by the parent committee.

8.3 The council may at any time remove a Chair or Deputy of a committee.

8.4 Where there is a vacancy for Chair, the Deputy Chair will act as Chair until the council fills the vacancy.

8.5 Where there are vacancies for both Chair and Deputy, the committee or sub-committee will appoint one of its members to be a temporary Chair until the vacancy is filled by the council.

8.6 Written notice of the resignation of a Chair or Deputy will be effective on receipt by the Monitoring Officer.

8.7 If the Chair and Deputy are disqualified from acting, are absent, or decline to act as Chair, the meeting will appoint another member to chair the meeting. If that member has to leave, another member should be appointed.

8.8 A joint meeting should appoint a member to chair the meeting.

9. **Dates and timings of council meetings**

9.1 Subject to Rules 9.2 to 9.4 the Head of Paid Service is responsible for determining the schedule of and convening all meetings.

9.2 The Annual Meeting of Council will take place at Salford Civic Centre on the third Wednesday in May unless otherwise agreed by council.
9.3 ***A meeting of the council will take place between the earlier of the date of the last precept received by the authority and 10 March each year in order to calculate the council tax requirement and set the council tax.

9.4 Dates and times of ordinary meetings of the council will be agreed by the council at the Annual Meeting. The council will ordinarily meet in the months of March, May, July, September, November and January.

9.5 Council meetings will start at 9.30a.m. unless otherwise determined by the Chair.

9.6 ***Those listed below may request the Head of Paid Service to call extraordinary council meetings:

a) The council by resolution.

b) The Ceremonial Mayor (as Chair of the Council).

c) The Monitoring Officer.

d) any five members of the council if they have signed a requisition presented to the Ceremonial Mayor and they have refused to call a meeting or have failed to do so within seven days of the presentation of a requisition.

9.7 Meetings of committees and sub-committees will be convened by the Head of Paid Service in consultation with the Chair.

10. **Notices of and summons to meetings**

10.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules at Section B of Part 4 of the Constitution. At least five clear days before a meeting the Monitoring Officer will send a summons signed by her or him by post to every member of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. The summons shall include the following as appropriate:

a) Receipt of petitions.

b) Public question time (30 minutes in total).

c) Minutes of the previous meeting.

d) Declarations of interest.

e) Statement of the City Mayor.

f) Proposals and recommendations of council committees and Regulatory Panels.

g) General questions or comments to the City Mayor.

h) Questions and comments to nominated spokespersons of Joint Authorities and Joint Committees in accordance with Rule 21.
i) Notices of Motion.

j) Any other specified business.

10.2 The order of business shall be as set out in the agenda and in Rule 13, and (subject to any statutory requirements) may be varied by decision of the council.

11. Quorum

11.1 The minimum number of voting members necessary for business to be dealt with at each meeting (the ‘Quorum’) is as follows:

- Council: 16
- Committees (with more than 12 members): 5
- Committees (with 12 or fewer members): 3

Joint meetings* Relevant Quorum from each Committee

- Sub-Committees: 3

Joint meetings* 3 from each Sub-Committee

(*In determining that a Quorum for a Joint Meeting is present, a member who sits on more than one of the committees/ sub-committees involved shall be counted towards each individual Quorum).

11.2 If, during the course of a meeting, the number of members present falls below the Quorum the meeting cannot continue and any outstanding business will be carried forward to the next meeting.

12. Duration of meetings of full Council

Unless the majority of members present vote for the meeting to continue, any meeting of full Council that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Ceremonial Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

13. Order of business

13.1 All council meetings, except extraordinary meetings, will commence with public question time (30 minutes in total) where questions which have been previously notified to the council will be put to the City Mayor.

13.2 Subject to Rules 13.1, 13.4, 13.5 and 13.6, the agenda and order of business for meetings will be determined by the Monitoring Officer in consultation with the appropriate Chair and chief officers.

13.3 The order of business may be altered at the meeting.
13.4 Business at the Annual Meeting of the Council will consist of:

   a) Election of the Ceremonial Mayor and appointment of the Deputy Ceremonial Deputy Mayor.

   b) Appointment of the Overview and Scrutiny Board, Scrutiny Panels, a Standards Committee, a Planning and Transportation Regulatory Panel, a Licensing and Safety Regulatory Panel, a Licensing Committee, an Audit and Accounts Committee, a Workforce Panel, a Health and Wellbeing Board and such other committees as the Council considers appropriate to deal with the matters which are neither reserved to the council nor are executive functions as set out in Part 3 of this Constitution.

   c) Appointment of representatives.

   d) Approval of dates of meetings.

   e) Any other business specified in the summons to the meeting.

13.5 The business at all ordinary council meetings will consist of:

   a) If the Ceremonial Mayor and Ceremonial Deputy Mayor are absent, to appoint a person to chair the meeting.

   b) Receipt of petitions/communications.

   c) Public question time.

   d) Any announcements or special business (including the submission of any urgent business) introduced by the Chair.

   e) Disclosure by members of ‘Disclosable Pecuniary Interests’ (as defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012), and members’ ‘Personal Interests’ in accordance with paragraph 12.1 of Salford City Council’s Code of Conduct for Members.

   f) Approval of the minutes of the last meeting as a correct record.

      (The Chair will move that the minutes be approved and, if so approved, will sign them as a correct record. There will be no discussion on the minutes except as to their accuracy).

   g) Statement of the City Mayor.

   h) Any business remaining from previous meetings.

   i) General questions to the City Mayor under Rules 20.1(a) and 20.2.
j) Minutes of Council Committees and questions to Committee Chairs under Rules 20.1(b) and 20.3.

k) Questions to nominated spokespersons of Joint Authorities and Outside Bodies under Rule 21.

l) Notices of Motion submitted under Rule 19 (to be dealt with in their order of receipt by the Monitoring Officer).

m) Any other business specified in the summons to the meeting.

14. Public Question Time

14.1 The council will hold a public question time of up to 30 minutes at each meeting of full Council during which questions or representations which have previously been notified to the council will be put to the City Mayor.

14.2 Every question or representation must be notified, in writing, to the Monitoring Officer by 4.00pm on the day (usually a Friday) which is 12 days before the council meeting, or correspondingly earlier if any of the 12 days are Bank Holidays. Each question or representation must give the name and address of the questioner. The City Mayor will determine which Member of the council will respond to a public question.

14.3 The Monitoring Officer may reject a public question if it:

- is not about a matter for which the local authority has a responsibility or which affects the Salford City Council
- is defamatory, frivolous or offensive
- is substantially the same as a question which has been put at a meeting of the council in the past six months or
- requires the disclosure of confidential or exempt information.

14.4 The Monitoring Officer will determine which public questions should be included on the council agenda, and will give formally recorded reasons for excluding any public questions. The Monitoring Officer will send a copy of any public questions included on the council agenda to the City Mayor, who will determine which Member of the council will respond to each public question. Copies of all public questions will be circulated to all Members and will be made available to the public attending the meeting.

14.5 Any member of the public who submits a public question to council will be required to comply with the council’s rules of debate, as follows:

a) A member of the public shall only ask the public question that has been approved by the Monitoring Officer in accordance with Rule 14.4 above.

b) A member of the public shall stand when speaking (unless prevented by illness or infirmity) and shall speak to the Chair.
c) If the Chair speaks or stands, the member of the public speaking shall immediately sit down and not interrupt while the Chair is speaking or standing.

d) A member of the public shall be permitted the time required to read out the question they have submitted.

e) The City Mayor shall determine which Member of the council will reply to a public question.

f) The member of the public putting the original public question may, within a five minute allowance, make a comment/ask a supplementary question but only in respect of the reply given by the City Mayor (or other Member of the council who responds to the public question).

g) The City Mayor or other appropriate Member of the council may make a final comment.

15. Notices of Motion to Council

15.1 Notice

Except for the motions which can be moved without notice under Rule 16.1, every Notice of Motion shall be in writing or e-mail and delivered to the Monitoring Officer by 4.00pm on the Friday which falls 12 days before the Council meeting. (If this Friday is a Bank Holiday, Notices of Motion will be accepted up to 4.00pm on the previous day (Thursday).

15.2 Notices of Motion must be signed by the proposer and one other Member of the council.

15.3 The Monitoring Officer will number each Notice of Motion in the order in which it is received, and provided it is in order will publish the Notice of Motion together with a record of the time and date of its receipt, in a register open to public inspection.

15.4 Motions must either be about matters which affect the council or the interests of the city or its residents, provided that no such Motion may seek to take a decision in respect of a matter which is the responsibility of the City Mayor or Cabinet Members (other than to make a recommendation).

15.5 Following consultation with the Monitoring Officer the Chair may:

a) exclude from the council agenda any motion which they consider to be out of order or

b) amend any motion subject to the agreement of the proposer.
15.6 The Monitoring Officer shall set out in the council agenda all valid Notices of Motion in the order in which they were received.

15.7 When the proposer of a motion is unable to attend the Council meeting, they may write to the Chair authorising another Member who signed the motion to move it. If no such authority has been given, the motion falls.

16. **Motions without Notice at Council**

16.1 The following motions may be moved without notice.

   a) To appoint a Member to chair the meeting at which the motion is moved.
   b) To approve or correct the minutes of the previous meeting.
   c) To change the order of business in the agenda.
   d) To combine debates on items on the agenda.
   e) To move committee minutes.
   f) To withdraw any motion or amendment (by the mover).
   g) To go to the next business.
   h) To put the question immediately to a vote.
   i) To adjourn the debate.
   j) To adjourn the meeting.
   k) That a meeting of full council continue beyond three hours in duration.
   l) To exclude the public and press during consideration of confidential business in accordance with the council’s Access to Information Procedure Rules.
   m) To not hear a Member further under Rule 23.2 or to exclude them from the meeting under Rule 23.3.
   n) To suspend a particular council Procedure Rule (See Rule 2.1).

16.2 A Member may not move any of the motions in Rule 16.1 more than once at a meeting. If a motion under Rule 16.1 is not carried, it cannot be moved again on the same item unless the Chair decides the circumstances have changed significantly.
17. **Previous Decisions and Motions (Six Months’ Rule)**

17.1 Decisions of the council made within the last six months may not be changed, unless a Notice of Motion has been given and signed by at least 20 Members.

17.2 A motion or amendment in similar terms to one that has been rejected at a meeting of council in the past six months cannot be moved, unless this rule is suspended.

18. **Council: Rules of Debate**

18.1 **Respect for the Chair**

   a) A Member or officer shall stand when speaking (unless prevented by illness or infirmity) and shall speak to the Chair.

   b) If two or more Members or officers stand, the Chair shall call on one to speak and the other(s) shall sit.

   c) While a Member or officer is speaking, the others shall remain seated unless raising a point of order or personal explanation.

   d) If the Chair stands, the Member or officer speaking shall immediately sit down and no Member or officer shall interrupt while the Chair is standing.

18.2 **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.

18.3 **Right to require motion in writing**

   Unless Notice of the Motion has already been given, the Chair may require it to be written down and handed to him or her before it is discussed.

18.4 **Seconder’s speech**

   When seconding a motion or an amendment, a Member may reserve their speech until late in the debate.

18.5 **Content and length of speeches**

   Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes (where the Member is moving a motion) or 5 minutes (in all other cases).
18.6 **When a Member may speak again**

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

a) to speak once on an amendment moved by another Member

b) to move a further amendment if the motion has been amended since they last spoke

c) if their speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried)

d) in exercise of a right to reply

e) on a point of order and

f) by way of a personal explanation.

18.7 **Amendments to motions**

a) 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 (iii) to (iv) is not to negate the motion.

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

c) If an amendment is lost, other amendments may be moved to the original motion.

d) 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 may be moved.

e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
18.8 **Alteration of motion**

a) A Member may alter a motion of which they have given notice with the consent of the meeting. The meetings consent will be signified without discussion.

b) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meetings consent will be signified without discussion.

c) Only alterations which could be made as an amendment may be made.

18.9 **Withdrawal of motion**

A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meetings consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.10 **Right of 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) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

c) The mover of the amendment has no right of reply to the debate on their amendment.

18.11 **Motions which may be moved during debate**

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

a) to withdraw a motion (by the mover)

b) to amend a motion

c) to proceed to the next business

d) that the question be now put

e) to adjourn a debate

f) to adjourn a meeting

g) that the meeting continue beyond three hours in duration
h) to exclude the public and press in accordance with the council’s Access to Information Procedure Rules and

i) to not hear a Member named under Rule 23.2 or to exclude them from the meeting under Rule 23.3.

18.12 **Closure motions**

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

i) to proceed to the next business

ii) that the question be now put

iii) to adjourn a debate or

iv) to adjourn a meeting.

b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they 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 seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply before putting his or her motion to the vote.

d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18.13 **Point of order**

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Council Rule of Procedure or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

18.14 **Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.
19. Voting

19.1 Majority

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

19.2 Chair’s casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

19.3 Show of hands

Unless a recorded vote is demanded under Rule 19.4, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded vote

If three Members present at the meeting 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.

19.5 Right to require individual vote to be recorded

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

19.6 Voting on appointments

If there are more than two people nominated for any one position to be filled and there is not a clear majority 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.

20. Questions by Members

20.1 Length of questions by Members

No questions by Members (either with or without notice) under Rule 20 or Rule 21 may exceed 5 minutes.

20.2 On reports of the City Mayor and Cabinet Members or Council Committees
a) A Member of the council may ask the City Mayor a question without notice upon an item of a report of the City Mayor or of a Member of the Cabinet when that item is being received or under consideration by council.

b) A Member of the council may ask the Chair of a council committee a question without notice upon an item of a report of the committee when that item is being received or under consideration by council.

20.3 Questions on notice at full Council

Subject to Rule 20.5, a Member of the council may ask the City Mayor a question on any matter in relation to which the Council has powers or duties, or which affects Salford, and which is the responsibility or the City Mayor or a Member of the Cabinet, and may ask the Chair of a committee, a question on any matter in relation to which the Council has powers or duties, or which affects Salford, which falls within the terms of reference of committee or sub-committee.

20.4 Questions on notice at committees and sub-committees

Subject to Rule 20.5 a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the council has powers or duties, or which affects Salford, and which falls within the terms of reference of that committee or sub-committee.

20.5 Notice of Questions

Wherever practicable when a Member wishes to ask a question under Rules 20.3 or 20.4 they should either:

a) Give at least 48 hours notice in writing of the question to the Monitoring Officer; or

b) If the question relates to urgent matters, seek the consent of the person to whom the question is to be put and give notice of the content of the question to the Monitoring Officer at least two hours prior to the start of the meeting.

20.6 Response

An answer may take the form of:

a) A direct oral answer.

b) Where the desired information is contained in a publication of the council or other published work, a reference to that publication.

c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
20.7 **Supplementary question**

A Member asking a question under Rule 20.2 or 20.3 may ask one supplementary question without notice of the Member to whom the first question was asked or may make one comment on the answer given by the Member to whom the question was asked. The supplementary question, or the comment, must arise directly out of the original question or the reply.

21. **Questions at Council about Joint Authorities or Joint Committees**

21.1 A Member may put a written question to the nominated spokesperson of the following Joint Authorities and Joint Committees about any matter which relates to the work of that authority:-

a) The Greater Manchester Combined Authority.
b) The Greater Manchester Police and Crime Panel
c) The Greater Manchester Waste Disposal Authority.
d) The Transport for Greater Manchester Committee.

21.2 Wherever practicable when a Member wishes to ask a question under Rule 21.1 they should submit a copy of their question to the council’s nominated spokesperson and to the Monitoring Officer no later than 48 hours prior to the meeting.

21.3 The question will be put, the nominated spokesperson will present their reply, there may then be a debate, following which the nominated spokesperson will have a right of reply.

22. **Minutes**

22.1 **Signing the minutes**

The Chair will sign the minutes of the proceedings of a meeting of full Council at the next suitable meeting. The Chair will move that the minutes of the previous meeting of full Council will be signed as a correct record. The only part of the minutes that can be discussed is their accuracy and matters arising.

22.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes 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 a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.
22.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

23. **Exclusion of public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section B of Part 4 of this Constitution or Rules 2.4 and 2.5 below.

24. **Conduct at Meetings**

24.1 If the Chair calls the meeting to order Members shall be silent.

24.2 If a Member behaves improperly or offensively or deliberately obstructs business, the Chair may direct the Member to be silent.

24.3 If the Member continues such behaviour the Chair may direct either that the Member leaves the meeting or that the meeting be adjourned for a specified period.

24.4 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If the interruption continues, the Chair may order their removal from the meeting.

24.5 If there is a disturbance which interrupts proceedings, or makes business impossible, the Chair may call for the room to be cleared of those making the disturbance, and may adjourn the meeting for as long as necessary.

24.6 Members of the council, officers and members of the public shall not permit mobile telephones, pagers, or other such devices with audible operating signals, to be brought into council, committee or sub-committee meetings unless the audible call function is muted for the duration of the meeting.

25. **Recording, Filming, Photographing and other reporting of Meetings**

Where the public are admitted to council, committee or sub-committee meetings, then audio recording, filming, photographing or other reporting of proceedings may take place in accordance with Rule 3.2 of Section B of Part 4 of this Constitution.

26. **Notification and Declaration of Interests**

26.1 In this rule, and where relevant, Rule 27:

• ‘Disclosable Pecuniary Interest’ means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code.

• ‘Member of the council’ includes a co-opted voting Member.

• ‘personal interest’ for the purposes of Rule 26.2 means an interest described in paragraph 11 of the Code, and for the purpose or Rule 25.3 and Rule 27 means an interest described in paragraph 11 or 12.2 of the Code.

• ‘prejudicial interest’ means an interest described in paragraph 13.1 of the Code.

26.2 Members of the council must:

a) within 28 days or their election or appointment to office, or

b) in the case of Members in office on 18 July 2012, within two months of the adoption of the Code

notify the Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their personal interests.

26.3 Where a Member of the council is present at a meeting and has a disclosable pecuniary interest or, subject to paragraphs 12.4 to 12.6 of the Code, a personal interest in any matter to be considered at the meeting, they must disclose the interest to the meeting.

27. Non-participation and withdrawal in the case of disclosable pecuniary interests and prejudicial interests

Where a Member of the council has a disclosable pecuniary interest or, subject to paragraphs 13.3 and 13.4 of the Code, a prejudicial interest in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.
Part 4

Section B

ACCESS TO INFORMATION

PROCEDURE RULES
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ACCESS TO INFORMATION PROCEDURE RULES

1. **Scope**

1.1 Except as otherwise indicated, Rules 3 to 13 (inclusive) and Rule 25 apply to all meetings of the council, the Overview and Scrutiny Board, Scrutiny Panels, Community Committees, the Standards Committee, Regulatory Panels and other non-executive Committees, and meetings of the Executive (which in Salford is referred to as the ‘Cabinet’) and Committees of the Cabinet (together called “meetings”). Rules 15 to 22 (inclusive) **and 24** apply exclusively to executive decisions, meetings of the Cabinet (including meetings of Committees of the Cabinet) and documents in the possession of or under the control of the executive part of the Council.

1.2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. **Definitions**

   In these rules:

   a) ‘decision-maker’ means the decision-making body by which, or the individual by whom a decision is taken

   b) ‘the decision-making body’ includes the Cabinet or a committee of the Cabinet

   c) ‘executive decision’ means a decision made or to be made by a decision-maker in connection with the discharge of a function which is the responsibility of the executive part of the council

   d) ‘key decision’ has the meaning given in Rule 15

   e) ‘political adviser or assistant’ means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989

   f) ‘private meeting’ means a meeting, or part of a meeting, during which the public are excluded under Rule 10

   g) ‘public meeting’ means a meeting which is open to the public in accordance with Rule 3.

3. **Rights to attend and report on meetings**

3.1 Members of the public may attend all meetings (as defined in paragraph 1.1), subject only to the exceptions in Rule 10.

3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:
(a) filming, photographing or making an audio recording of proceedings at a meeting;

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or

(c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting, but may be provided outside or after the meeting).

A copy of the Council’s protocol concerning the filming, photographing, audio recording or other reporting by the public of proceedings at Council meetings is available from Democratic Services, Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA.

4. Notices of meetings

4.1 The council will give at least five clear days notice of any meeting by posting details of the meeting at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and on the council’s website.

4.2 Where the meeting is convened at shorter notice, notice will be posted at the time the meeting is convened.

5. Access to agenda and reports before the meeting

5.1 Subject to Rule 11, a copy of the agenda and any report for a meeting will be available for public inspection at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and on the council’s website.

5.2 Any document which is required by Rule 5.1 to be available for public inspection must be available for at least five clear days before the meeting except that:

a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened and

b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda.

6. Supply of copies

6.1 The council will supply copies of:

a) any agenda and reports which are open to public inspection
b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda

c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.

6.3 The council will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

7. **Access to minutes etc after the meeting**

7.1 The council will make available at the council’s offices and on the council’s website as soon as reasonably practicable after a meeting copies of the following:

a) the minutes of all meetings, and records of decisions taken, together with reasons, at meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information

b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record

c) the agenda for the meeting

d) reports relating to items when the meeting was open to the public.

7.2 The above documents will be retained by the council and be open to inspection for six years after the meeting.

8. **Background papers**

8.1 **List of background papers**

The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
a) disclose any facts or matters on which the report or an important part of the report is based and

b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

The council will make available for public inspection at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and (in the case of executive documents) on the council’s website one copy of each of the documents on the list of background papers. Such papers will be available from the time the report (to which they are background papers) is available until four years after the date of the meeting.

9. Summary of public’s rights

A written summary of the public’s rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA.

10. Exclusion of access by the public to meetings

10.1 Confidential information - requirement to exclude public

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

10.2 Meaning of confidential information

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

10.3 Exempt information – discretion to exclude public

The public may be excluded from meetings by a resolution passed by the meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

10.4 Meaning of exempt information

a) Exempt information means information falling within the following descriptions (subject to any notes as listed):
<table>
<thead>
<tr>
<th>Description</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.  Information relating to any individual</td>
<td>Information within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</td>
</tr>
<tr>
<td>2.  Information which is likely to reveal the identity of any individual</td>
<td>Information within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</td>
</tr>
</tbody>
</table>
| 3.  Information relating to the financial or business affairs of any particular person (including the authority holding that information) | Information within paragraph 3 is not exempt information if it is required to be registered under:  
(a) the Companies Act 1985  
(b) the Friendly Societies Act 1974  
(c) the Friendly Societies Act 1992  
(d) the Industrial and Provident Societies Acts 1965 to 1978  
(e) the Buildings Societies Act 1986 or  
(f) the Charities Act 1993  
Subject to the above, information within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority, or a Minister of the Crown, and employees of, or office holders under, the authority

Information within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Information within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes:
   a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   b) to make an order or direction under any enactment

Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.
11. **Exclusion of access by the public to reports**

11.1 If the Monitoring Officer thinks fit, the council may exclude access by the public to the whole or any part of any reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public.

11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1:

   a) every copy of the whole report or part of a report must be marked "Not for Publication" and
   
   b) there must be stated on every copy of the report:
      
      i) that it contains confidential information; or
   
      ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

12. **Business containing exempt information**

12.1 A member of the public may request the chief officer who wrote a report to be considered at any meeting of the council, its committees or the Cabinet to:

   a) recommend that an item of business containing exempt information should be taken in public and / or,

   b) allow them to inspect the report or any background document to a report.

12.2 Such a request must be made:

   a) in the case of the meeting of the Cabinet or committee of the Cabinet where notice has been published under Rule 20.3, at least 6 clear days before the meeting and

   b) in any other case, at least 48 hours before the meeting.

12.3 If such a request is refused, the chief officer must give a reason for the decision together with details of the appeal procedure under Rule 13.1.

12.4 A decision by a chief officer under Rule 12.3 will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

13. **Public rights of appeal**

13.1 The procedure for appealing against a chief officer's decision in accordance with Rule 12.3 is as follows:
a) The appellant must write to the Head of Paid Service giving details of the item concerned together with the reason(s) for their request at least 24 hours before the meeting in question. The time of receipt of the appeal must be recorded as any received after this time will be invalid.

b) The appeal will be dealt with in private as the first item on the agenda.

c) Initially, only the chief officer (or representative) who refused the original request, the Head of Paid Service’s representative and the Members concerned may be present.

d) The chief officer will report the matter to the meeting giving their reasons for the decision and Members will be allowed to ask questions.

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

f) The appellant will give their reason(s) for the request and Members will be allowed to ask questions of the appellant and the chief officer but having regard to the confidentiality of the item.

g) Both parties will withdraw and the meeting will then consider and determine the appeal.

13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 2 hours before), the following procedural timetable will apply:

a) The appellant must submit the appeal in writing to the Head of Paid Service within 10 working days of the refusal by the chief officer.

b) The relevant body will determine the appeal within 8 weeks of its receipt.

14. Application of rules to the Cabinet

Rules 15 to 24 (inclusive) apply exclusively to executive decisions, meetings of the Cabinet, and committees of the Cabinet, and documents in the possession or under the control of the executive. Rules 3 to 13 (inclusive) and 25 also apply to meetings of the Cabinet and its committees.

15. Key Decisions

15.1 A ‘key decision’ means an executive decision which is likely:

a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates or
b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

15.2 For the purposes of (a) above Salford City Council has determined that 'significant' expenditure or savings are expenditure or savings (including the receipt of loss of income or capital receipts) in excess of £350,000.

16. Publicity and procedure in connection with key decisions

16.1 Subject to Rule 17 (general exception) and Rule 18 (special urgency), where a decision-maker intends to make a key decision that decision must not be made unless at least 28 clear days before it is made:

a) a document is published containing the information set out in Rule 16.2 and

b) that document is made available at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and published on the council’s website.

16.2 The document published under Rule 16.1 must state:

a) that a key decision is to made on behalf of the council

b) the matter in respect of which the decision is to be made

c) where the decision-maker is an individual, that individual's name and title and, where the decision-maker is a body, it’s name and a list of its members

d) the date on which, or the period within which, the decision is to be made

e) a list of documents submitted to the decision-maker for consideration in respect of the matter

f) the address from which, subject to any prohibition or restriction on their disclosure, copies or extracts of any document listed are available

g) that other relevant documents may be submitted to the decision-maker and

h) the procedure for requesting details of those documents (if any) as they become available.

16.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant, but should contain particulars of the matter to be decided.
17. **General exception**

17.1 Subject to Rule 18 (special urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, the decision may still be made, but only if:

a) the Monitoring Officer has informed each Member of the Overview and Scrutiny Board (if the decision is one within the remit of the Overview and Scrutiny Board) or otherwise each member of the relevant Scrutiny Panel, by notice in writing of the matter about which the decision is to be made;

b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and published it on the council’s website; and

c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b).

17.2 As soon as reasonably practicable after the Monitoring Officer has complied with Rule 17.1(a) and (b), they must make available at the Council’s offices at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council’s website.

18. **Special urgency**

18.1 Where the date by which a key decision must be made, makes compliance with Rule 17 impracticable, the decision may only be made where the decision-maker may obtain agreement from:

a) (Dependant on within whose remit the decision lies) the Chair of the Overview and Scrutiny Board or the Chair of the relevant Scrutiny Panel or

b) if there is no such person, or if the Chair is unable to act, the Ceremonial Mayor or

c) where there is no Chair of the Overview and Scrutiny Board or relevant Scrutiny Panel, or Ceremonial Mayor, the Deputy Ceremonial Mayor

that the making of the decision is urgent and cannot reasonably be deferred.

18.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 18.1, the decision-maker must make available at the offices of the council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred and publish that notice on the Council’s website.
19. **Reports to Council**

19.1 **When a Overview and Scrutiny Board or Scrutiny Panel can require a report**

Where an executive decision has been made and:

a) was not treated as a key decision and

b) The Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or otherwise the relevant Scrutiny panel are of the opinion that the decision should have been treated as a key decision

the Overview and Scrutiny Board or the relevant Scrutiny Panel (as appropriate) may require the City Mayor, or a Member of the Cabinet, or the Cabinet to submit a report to Council within such reasonable period as the committee may specify (which shall normally be the next scheduled meeting of the council).

19.2 **City Mayor and Cabinet’s report to council**

A report under Rule 19.1 must include details of:

a) the decision and the reasons for the decision;

b) the decision-maker by whom the decision was made; and

c) if the City Mayor and/or a Member of the Cabinet and/or the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

19.3 **Reports on special urgency decisions**

The City Mayor or the Monitoring Officer will submit reports to the Council on executive decisions taken in the circumstances set out in Rule 18 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

20. **Procedures prior to private meetings**

20.1 The Cabinet and any committee of the Cabinet (‘the decision-making body’) must meet in public except to the extent that the public are excluded under Rule 10.

20.2 A ‘private meeting’ means a meeting, or part of a meeting, of the decision-making body during which the public are excluded.
20.3 At least 28 days before a private meeting, the decision-making body, or the Monitoring Officer acting on its behalf, must make available at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and publish on the council’s website a notice of its intention to hold the meeting or part of the meeting in private and a statement of the reasons for the meeting to be held in private.

20.4 At least five clear days before a private meeting, the decision-making body or the Monitoring Officer acting on its behalf must make available at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and publish on the council’s website a notice which must include:

a) a statement of the reasons for the meeting to be held in private

b) details of any representations received by the decision-making body about why the meeting should be open to the public, and

c) a statement of its response to any such representations.

20.5 Where the date by which a meeting must be held makes compliance with these procedures impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from:

a) the Chair of the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or the Chair of the relevant Scrutiny Panel or

b) if there is no such person, or if the Chair is unable to act, the Ceremonial Mayor or

c) where there is no Chair or Ceremonial Mayor, the Deputy Ceremonial Mayor

that the meeting is urgent and cannot reasonably be deferred.

20.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 19.5 to hold a private meeting, it must make available at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and publish on the council’s website, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

21. **Recording of executive decisions made at meetings**

21.1 As soon as reasonably practicable after any meeting of the Cabinet or a committee of the Cabinet at which an executive decision was made, the Monitoring Officer must ensure that a written statement is produced for every executive decision made which includes the following information:
a) a record of the decision and the date it was made;

b) a record of the reasons for the decision;

c) details of any alternative options considered and rejected;

d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and

e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

22. Recording of executive decisions made by individuals

22.1 As soon as reasonably practicable after an individual Member has made an executive decision, that Member must produce or instruct the Monitoring Officer to produce a written statement of that executive decision which includes the information specified in Rule 22.3.

22.2 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement including the information specified in Rule 22.3.

22.3 The statement referred to in Rule 22.1 and Rule 22.2 should include:

a) a record of the decision including the date it was made

b) a record of reasons for the decision

c) details of any alternative options considered and rejected when making the decision

d) a record of any conflict of interest declared by any Cabinet Member who is consulted by the Member or officer which relates to the decision and

e) in respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service.

22.4 Any written statement produced in accordance with this Rule 22, and any report considered by the individual Member of officer relevant to a decision will be available for public inspection at the offices of the Council at Salford Civic Centre, Chorley Road, Swinton, Salford, M27 5DA and on the council’s website.

22.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.
23. **Recording of non-executive decisions made by individuals**

23.1 As soon as reasonably practicable after an officer has made a non-executive decision of the type in Rule 23.2, the officer must produce a written statement including the information specified in Rule 23.3.

23.2 The non-executive decisions referred to in Rule 23.1 are those taken:

(a) under a specific express authorisation; or

(b) under a general authorisation and the effect of the decision is to—

   (i) grant a permission or licence;
   (ii) affect the rights of an individual; or
   (iii) award a contract or incur expenditure which materially affects the Council’s financial position.

23.3 The statement referred to in Rule 23.1 should include -

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected when making the decision;

(d) where the decision is taken under a specific express authorisation, the name of any member of the Council who has declared a conflict of interest in relation to the decision.

23.4 Any written statement produced in accordance with this Rule will be available for public inspection at the Council's offices and on the Council's website.

23.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

24. **Overview and Scrutiny Board and Scrutiny Panels Access to Documents**

24.1 Rights to copies

Subject to Rule 24.3 below, a member of the Overview and Scrutiny Board or a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:

a) any business transacted at a meeting of the Cabinet or its committees or

b) any decision taken by an individual Member of the Cabinet or
c) any decision made by an officer in accordance with executive arrangements.

24.2 Where a member of the Overview and Scrutiny Board or a Scrutiny Panel requests a document under Rule 24.1, the Cabinet must provide the document as soon as reasonably practicable and any case no later than 10 clear working days after the Cabinet receives the request.

24.3 **Limit on rights**

A member of the Overview and Scrutiny Board or a Scrutiny Panel will not to entitled to:

a) any document that is in draft form

b) any document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in the committee’s programme of work or

c) any document containing the advice of a political adviser or assistant.

24.4 Where the Cabinet determines that a member of the Overview and Scrutiny Board or a Scrutiny Panel is not entitled to a copy of a document requested, it must provide the Overview and Scrutiny Board or the relevant Scrutiny Panel with a written statement setting out its reasons for that decision.

25. **Additional rights of access for members**

25.1 Subject to Rule 25.3, any document which:

a) is in the possession or under the control of the Cabinet, and

b) contains material relating to any business to be transacted at a public meeting

must be available for inspection by any Member of the Council for at least 5 clear days before the meeting except that:

(i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened and

(ii) where an item is added to the agenda at shorter notice, such a document must be available for inspection when the item is added to the agenda.

25.2 Subject to Rule 25.3, any document which is in the possession or under the control of the Cabinet, and contains material relating to:

a) any business transacted at a private meeting;
b) any decision made by an individual Member in accordance with executive arrangements, or

c) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any Member of the council when the meeting concludes or, where an executive decision is made by an individual Member or officer, immediately after the decision has been made, and in any event no later than 24 hours after the conclusion of the meeting or the decision being made.

25.3 Rules 25.1 and 25.2 do not require a document to be available for inspection if:

a) it contains advice provided by a political adviser or assistant, or

b) it appears to the Monitoring Officer to disclose exempt information under paragraphs 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4) or

c) it appears to the Monitoring Officer to disclose exempt information under paragraph 3 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4), but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract.

25.4 The above rights are in addition to any other right that a Member of a local authority may have.

26. Rights of Members - ‘Need to Know’

26.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and Sub-Committees and public meetings of the Cabinet (even though they are not a member of those bodies) where they can demonstrate a “need to know” in order to perform their duties as Members.

26.2 Subject to Rule 26.3 below, the circumstances where a “need to know” will be treated as arising will include:

a) Where the matter relates to a sub-committee or a committee of which the Member is a member

b) Where the matter relates to a committee of the Cabinet where the Member is a Cabinet Member

c) Where the matter is within the remit of the Overview and Scrutiny Board or a Scrutiny Panel of which the Member is a member
d) Where the full Council is required to approve the decisions or recommendations of committees, sub-committees or the Cabinet

e) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Council

f) Where the matter relates specifically to a Member’s own ward.

26.3 There will not be a ‘need to know’ if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.

26.4 A Member wishing to see confidential or exempt council, committee, sub-committee, or Cabinet documents or to attend the confidential part of a meeting should make written application to the Monitoring Officer, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform their duties.

26.5 Where access to documents or a meeting is refused by the Monitoring Officer, there will be a right of appeal to the relevant body.

26.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.
Part 4

Section C

Budget and Policy Framework Procedure Rules
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Rule 7    Virement and In-Year Changes to the Budget
Rule 8    In-Year Changes to Policy Framework
Rule 9    Call-in of Decisions Outside the Budget or Policy Framework
1. **Adoption of the Budget and Policy Framework**

The council will be responsible for the adoption of its Budget and Policy Framework, as set out in Article 4. Once a budget or a plan/strategy forming part of the Policy Framework is in place, it will be the responsibility of the City Mayor, Members of the Cabinet and Chief Officers to implement it.

2. **Process for developing the Framework**

The process by which the budget and a plan/strategy forming part of the Policy Framework shall be developed is:

a) The City Mayor will publish through the Forward Plan or otherwise a timetable for making draft proposals to Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework, and the arrangements for any consultation after publication of initial draft proposals.

b) The City Mayor will then publish initial draft proposals for the plan/strategy or budget in order to seek the views of local stakeholders, as appropriate, and in a manner suitable to the matter under consideration. Any representations made to the City Mayor shall be taken into account in reviewing the initial draft proposals, and shall be reflected in any report dealing with them.

c) The draft proposals of the City Mayor, revised to take account of any representations, shall be referred to the Overview and Scrutiny Board for consideration which may if it considers it appropriate refer the proposals to the relevant Scrutiny Panel. The Scrutiny Panel and Overview and Scrutiny Board shall, if it considers it appropriate, again canvass the views of local stakeholders, including Area (‘community’) Committees, and having particular regard not to duplicate any consultation carried out by the City Mayor. The Scrutiny Panels shall report back to the Overview and Scrutiny Board and the Overview and Scrutiny Board shall report to the City Mayor on the outcome of its deliberations.

d) Having considered the report of the Overview and Scrutiny Board the City Mayor/Members of the Cabinet, if they consider it appropriate, may amend the draft proposals before submitting them to the Council for consideration. The City Mayor will also report to Council on how it has taken into account any recommendations from the Overview and Scrutiny Board.
3. **Procedure for conflict resolution - plans and strategies**

3.1 This procedure applies in relation to those plans and strategies forming the Policy Framework of the council as set out in Article 4.01(a) of Part 2 of this Constitution and to any plan/strategy for the control of the council's borrowing and capital expenditure. Paragraphs 3.2 to 3.5 below have been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

3.2 Where the City Mayor has submitted a draft plan or strategy to the council for its consideration and, following consideration of that draft plan or strategy, the council has any objections to it, the council must take the action set out in paragraph 3.4.

3.3 Where an amendment to a draft plan or strategy has been submitted at council under Council Procedure Rules, the City Mayor may indicate on behalf of the executive that they accept the amendment. In these circumstances, the amendment will be regarded as incorporated in the draft strategy before Council and not (for the purposes of this rule) as an objection to it.

3.4 Subject to 3.3 above, before the council:

   a) amends the draft plan or strategy;

   b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

   c) adopts (with or without modification) the plan or strategy;

       it must inform the City Mayor of any objections which it has to the draft plan or strategy and must give to the City Mayor instructions requiring the reconsideration, in the light of those objections, of the draft plan or strategy submitted to it.

3.5 Where the council gives instructions in accordance with paragraph 3.4, it must specify a period of at least five working days beginning on the day after the date on which City Mayor receives the instructions on behalf of the executive within which the City Mayor may:

   a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy") with the executive's reasons for any amendments made to the draft plan or strategy, to the council for the council's consideration or

   b) inform the council of any disagreement that the executive has with any of the council’s objections and the executive’s reasons for any such disagreement.

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3.6 When the period specified by the council, referred to in paragraph 3.5 has expired, the council must in its deliberations take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive’s reasons for those amendments, any disagreement that the executive has with any of the council’s objections and the executive’s reasons for that disagreement, which the City Mayor submitted to the council, or informed the council of, within the period specified.

3.7 Where the council proposes to:

a) amend the draft plan or strategy or, if there is one, the revised plan or strategy

b) approve, for the purpose of its submissions to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy of which any part is required to be so submitted or

c) adopt with modifications the plan or strategy

and that plan or strategy, with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or the revised plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided by a two-thirds majority of Members present and voting on the question.

4. Procedure for Conflict Resolution - Revenue Budget

4.1 This procedure applies to estimates and calculations relating to the revenue budget and council tax. Paragraphs 4.2 to 4.5 below have been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

4.2 Where, before 11 March (section 30 of the LGFA 1992) in any financial year, the City Mayor submits to the council for its consideration in relation to the following financial year:

a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31 to 37 of the Local Government Finance Act 1992

b) estimates of other amounts to be used for the purposes of such a calculation or

c) estimates of such a calculation

and following consideration of those estimates or amounts the council has any objections to them, it must take the action set out in paragraph 4.3.

4.3 Before the council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph
4.2(a), it must inform the City Mayor of any objections which it has to the executive’s estimates or amounts and must give to their instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the council’s requirements.

4.4 Where the council gives instructions in accordance with paragraph 4.3, it must specify a period of at least five working days beginning on the day after the date on which the City Mayor receives the instructions on behalf of the executive within which the City Mayor may:

a) submit a revision of the estimates or amounts as amended by the executive (‘revised estimates or amounts’), which have been reconsidered in accordance with the council’s requirements, with the executive’s reasons for any amendments made to the estimates or amounts, to the council for the Council’s consideration; or

b) inform the council of any disagreement that the executive has with any of the council’s objections and the executive’s reasons for any such disagreement.

4.5 When the period specified by the council, referred to in paragraph 4.4 has expired, the council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 4.2(a) take into account:

a) any amendments to the estimates or amounts that are included in any revised estimates or amounts

b) the executive’s reasons for those amendments

c) any disagreements that the executive has with any of the council’s objections, and

d) the executive’s reasons for that disagreement

which the City Mayor submitted to the council, or informed the council of, within the period specified.

4.6 Where the council, for the purposes of the calculations, proposes to use estimates or amounts (‘the different estimates or amounts’) which are not in accordance with the executive’s estimates or amounts or revised estimates or amounts, the question of whether to use the different estimates or amounts must be decided by a two-thirds majority of Members present and voting on the question.
5. **Decisions outside the Budget or Policy Framework**

   a) Subject to the provisions of paragraph 7 (virement) and paragraph 8 (Changes to Policy Framework) the executive (the City Mayor, committees of the Cabinet, individual Members of the Cabinet, and any officers discharging executive functions), may only take decisions which are in line with the Budget and Policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the council subject to paragraphs 6 and 7 below.

   b) If the executive (the City Mayor, committees of the Cabinet, individual Members of the Cabinet or any officers discharging executive functions) want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and is not authorised by paragraph 7 (virement) or Financial Regulations then the decision must be referred by that body or person to the council for decision. If the advice of the Monitoring Officer is that the decision would be contrary to the Policy Framework and is not authorised in accordance with paragraph 8, then the decision must be referred by that person or body to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 (Urgent decisions outside the policy framework) shall apply.

6. **Urgent decisions outside the Policy Framework**

   a) The executive (the City Mayor, a committee of the Cabinet, an individual Member of the Cabinet or an officer discharging executive functions), may take a decision which is contrary to the council's Policy Framework if the decision is a matter of urgency. However, the decision may only be taken:

   1) if it is not practical to convene a quorate meeting of the full council; and

   2) if the Chair of the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or otherwise the relevant Scrutiny Panel agrees that the decision is a matter of urgency.

   The reasons why (I) it is not practical to convene a quorate meeting of full Council and (II) the Chair of the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or otherwise the relevant Scrutiny Panel consents to the decision being taken as a matter of urgency must be noted on the Record of Decision. In the absence of the Chair of the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board), or
relevant Scrutiny Panel the consent of the Chair of another Scrutiny Panel shall be sufficient.

b) The decision-making body or person will provide a full report to the next available council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7. **Virement and In-Year changes to the budget**

7.1 Each directorate will be allocated a budget amount as their share of the annual revenue budget approved by the council. Steps taken by the executive (the City Mayor, a committee of the Cabinet, a member of the Cabinet or officers discharging executive functions) shall not exceed those budget amounts or any specific budget head within those amounts, subject to paragraphs 7.4 and 7.5 below.

7.2 A revenue virement is deemed to be

- A transfer of budget from non pay to pay budgets or vice versa
- A transfer of budget to meet a contractual long-term commitment
- A transfer of budget between distinct service area (for example from highway services to cultural services)
- A transfer for a different purpose to that set out in the approved budget and business plan

7.3 A capital virement is deemed to be movement of budget between approved capital schemes.

7.4 The person set out below shall be entitled to vire across budget heads or budget amounts as follows:

a) a Chief Officer may vire between budget heads under their control and within their directorates £150,000 in any financial year.

b) the Member(s) of the Cabinet for a relevant service area(s) may, with the approval of the relevant Lead Member, vire between budget heads within their control sums of £150,000 and over, up to £350,000 in any financial year.

c) the City Mayor may vire sums up to £1,000,000 between the budget amounts of different directorates in any financial year.
d) the Chief Finance officer shall be responsible for authorising all virements from the central inflation and contingency provision to other service budgets.

e) any virement must be notified to the Chief Finance Officer and virements of above £150,000 must be reported for information to the next meeting of the Overview and Scrutiny Board.

f) any revenue virement above £1,000,000 will require the approval of full Council.

g) Virements within the capital programme of above £350,000 up to £2,000,000 are subject to the approval of the lead member for financial and support services in consultation with the Chief Finance Officer.

7.5 a) The City Mayor may apply reserves in-year by use of reserves (in addition to the use of reserves planned in the budget calculations), provided that such use of reserves does not exceed £1 million (£1,000,000) in aggregate in a financial year and the Chief Finance Officer has certified in writing that such use of reserves would not cause the Council’s overall reserves to fall below a prudent level.

b) Any such use of reserves shall be reported to the next meeting of Council.

c) Any application reserves in excess of the limit in (a) above shall require the approval of full Council.

8. **Changes to Policy Framework**

The responsibility for agreeing the Policy Framework lies with the council and decisions by the executive (the City Mayor, a committee of the Cabinet, an individual Member of the Cabinet or an officer discharging executive functions) must be in line with it. No changes to any plan/strategy within the Policy Framework may be made by those bodies or individuals without the approval of the council except to the extent that the council have given a delegation to the executive (the City Mayor, a Committee of the Cabinet, an individual Member of the Cabinet or an officer discharging executive functions) to make such changes.

9. **Scrutiny of Decisions outside the Budget or Policy Framework**

a) Where the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) or (if otherwise) the Scrutiny Panel is of the opinion that a decision of the executive (the City Mayor, an individual Member of the Cabinet, a committee of the Cabinet or an officer) is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the council's budget, then it will seek advice from the Monitoring Officer and/or the Chief Finance Officer.
b) In respect of functions which are the responsibility of the executive, the Monitoring Officer’s report and/or Chief Finance Officer’s report shall be to the City Mayor and Cabinet, with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the City Mayor and Cabinet must meet to decide what action to take in respect of such report and to prepare a report to (1) Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure and (2) to the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) (or if otherwise) the relevant Scrutiny Panel if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is, or would be, contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) (or if otherwise) the relevant Scrutiny Panel may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the council has met and considered the matter. The Council shall meet within seven working days of the request by the Overview and Scrutiny Board (if the decision lies within the remit of the Overview and Scrutiny Board) (or if otherwise) the relevant Scrutiny Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The council may either:

i) endorse the decision or proposal of the decision making body or person as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the council be minuted and circulated to all Councillors in the normal way or

ii) amend the Budget or policy concerned to encompass the decision or proposal of the decision making body or person and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way or

iii) where the council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing Framework to accommodate it, it shall require the decision making body or person to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.
Section D

SCRUTINY PROCEDURE RULES
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1. **Establishment and Membership**

1.1 Salford City Council will establish an Overview and Scrutiny Board and four Scrutiny Panels as set out in Article 6 of this Constitution and will appoint to them as it considers appropriate from time to time.

1.2 The Overview and Scrutiny Board shall comprise eleven elected Members of the council and each Scrutiny Panel shall comprise twelve elected Members of the council.

1.3 All Salford councillors except the City Mayor and Members of the Cabinet may be members of the Overview and Scrutiny Board or a Scrutiny Panel. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

1.4 Chairs of Overview and Scrutiny Board and Scrutiny Panels will be appointed by the council.

1.5 The Children’s Scrutiny Panel will deal with the scrutiny role relating to any education function of the council. Its membership shall include the following voting representatives:

- One Church of England Diocesan representative
- One Roman Catholic Diocesan representative
- One representative from the Free Churches
- One representative from the Jewish faith
- Two parent-governor representatives

1.6 When the Children’s Scrutiny Panel deals with matters not relating in whole or in part to any education functions which are the responsibility of Salford’s executive, the representatives in 1.5 above shall not vote, although they may stay in the meeting and speak.

1.7 The Community and Neighbourhoods Scrutiny Panel shall be Salford City Council’s Crime and Disorder Committee, pursuant to section 19 of the Police and Justice Act 2006.

1.8 The Health and Social Care Scrutiny Panel will discharge Salford City Council’s health scrutiny functions, pursuant to section 244 of the National Health Service Act 2006 and Regulations 21, 22, 23, 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

1.9 The council is a lead local flood authority by virtue of section 6(7) of the Flood and Water Management Act 2010 and is therefore required to ensure that the Council’s scrutiny arrangements include arrangements for the scrutiny of flood risk management pursuant to section 9FH of the Local Government Act 2000. The Growth and Prosperity Scrutiny Panel shall discharge the council’s flood risk scrutiny functions.
1.10 Without prejudice to (e) and (g) above, Overview and Scrutiny Board and Scrutiny Panels shall be entitled to recommend to council the appointment of up to two people as non-voting co-optees, provided that a majority of the members of the Overview and Scrutiny Board and Scrutiny Panels are elected members of Salford City Council.

2. **Terms of Reference**

The general and specific role of the Overview and Scrutiny Board and Scrutiny Panels will be as set out in Article 6 of Part 2 of this Constitution and Section E of Part 3 of this Constitution.

3. **Meetings of the Overview and Scrutiny Board and Scrutiny Panels**

There shall be at least 10 ordinary meetings of the Overview and Scrutiny Board and each Scrutiny Panel in each council cycle. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of the Overview and Scrutiny Board shall be called by the Head of Paid Service at the request of the Chair of the Overview and Scrutiny Board, by any three members of the Overview and Scrutiny Board. An extraordinary meeting of a Scrutiny Panel shall be called by the Head of Paid Service at the request of the Chair of the relevant Scrutiny Panel or, by any three members of that Scrutiny Panel or the Monitoring Officer.

4. **Quorum**

The quorum for the Overview and Scrutiny Board or a Scrutiny panel will be three members.

5. **Work Programme**

5.1 The Overview and Scrutiny Board and Scrutiny Panels will be responsible for setting their own work programme and in doing so they shall take into account the wishes of Members on the Overview and Scrutiny Board or Scrutiny Panel who are not Members of the largest political group on the council.

5.2 The Overview and Scrutiny Board and Scrutiny Panels shall also respond, as soon as their work programme permits, to requests from the council and the City Mayor and Members of the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Board or the Scrutiny Panel shall report their findings and any recommendations back to the City Mayor and Members of the Cabinet and/or Council. The council and/or the City Mayor and Members of the Cabinet shall consider the report of the Overview and Scrutiny Board or Scrutiny Panel at the next available meeting.
6. Matters Referred by Councillors to Overview and Scrutiny Board and Scrutiny Panels

6.1 Any member of the Overview and Scrutiny Board may refer to the Overview and Scrutiny Board any matter which is relevant to the functions of the Overview and Scrutiny Board and any member of a Scrutiny Panel may refer to that Scrutiny Panel any matter which is relevant to the functions of that Scrutiny Panel by giving notice in writing to the Monitoring Officer.

6.2 Any Member of Salford City Council may refer to the Overview and Scrutiny Board or Scrutiny Panel of which they are not a member any matter which is relevant to the functions of that Overview and Scrutiny Board or that Scrutiny panel by giving notice in writing to the Monitoring Officer.

6.3 Any Member of Salford City Council who is not a member of the Community and Neighbourhoods Scrutiny Panel (being the designated Crime and Disorder Committee) may refer to that Panel any local crime and disorder matter (as defined in Rule 6.8) by giving notice in writing to the Monitoring Officer.

6.4 On receipt of a notice under Rule 6.1, 6.2 or 6.3, the matter will be included on the agenda for, and discussed at, a meeting of the relevant Overview and Scrutiny Board or Scrutiny Panel or Sub-Committee.

6.5 In considering whether to exercise the power in Rule 6.2 or 6.3, the Member must have regard to any guidance issued by the Secretary of State and any protocol issued by Salford City Council in connection with this power.

6.6 In considering whether or not to exercise any of its powers in relation to the matter referred under Rule 6.2 or 6.3 the Overview and Scrutiny Board or Scrutiny Panel may have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers. If the Overview and Scrutiny Board or a Scrutiny Panel decides not to exercise any of those powers in relation to the matter, it must notify the Member of the decision and the reasons for it.

6.7 Where the Overview and Scrutiny Board or a Scrutiny Panel exercises its power to make a report or recommendation to the council or the City Mayor or Member(s) of the Cabinet on any matter referred to it by a Member under Rule 6.2 or 6.3 the Overview and Scrutiny Board or a Scrutiny Panel must provide the Member who referred the matter with a copy of the report or recommendation (subject to Rule 10).

6.8 Under Rule 6.3 a 'local crime and disorder matter', in relation to a Member, means a matter concerning:

a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or

b) the misuse of drugs, alcohol and other substances
which affects all or part of the ward for which the Member is elected or any person who lives or works in the ward.

The determination of whether a matter is a ‘local crime and disorder matter’ under Rule 6.8 above shall be made by the Chair of the Overview and Scrutiny Board or relevant Scrutiny Panel in consultation with the Monitoring Officer.

6A Matters referred to the Health and Social Care Scrutiny Panel by Local Healthwatch

6A.1 The Local Healthwatch organisation or Local Healthwatch contractor may refer any matter relating to the planning, provision and operation of the health service in Salford to the Health and Scrutiny Panel in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

7. Policy Review and Development

7.1 The role of the Overview and Scrutiny Board and Scrutiny Panels in relation to the development of the council’s budget and policy framework is set out in the Budget and Policy Framework Rules.

7.2 In relation to the development of the council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Board and Scrutiny Panels or Sub-Committees may make proposals to the City Mayor or to Member(s) of the Cabinet for developments in so far as they relate to matters within their terms of reference.

7.3 The Overview and Scrutiny Board and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

8. Reports and Recommendations of Overview and Scrutiny Board and Scrutiny panels

8.1 This rule applies where the Overview and Scrutiny Board or a Scrutiny Panel makes a report or recommendation to the Council or to the cabinet, except in relation to a crime and disorder matter or a health scrutiny matter.

8.2 The Overview and Scrutiny Board or Scrutiny Panel may publish the report or recommendations.
8.3 The Overview and Scrutiny Board or Scrutiny Panel must by notice in writing require the **Council** or the **Cabinet**:

a) to consider the report or recommendation
b) to respond to the Overview and Scrutiny Board or Scrutiny Panel indicating what (if any) action the **Council** or the **Cabinet** propose to take
c) if the Overview and Scrutiny Board or Scrutiny Panel has published the report or recommendation to publish the response
d) if the committee provided a copy of the report or recommendation to a Member under Rule 6.7 to provide the Member with the response
e) to do all of the above within four weeks of receiving the report or recommendations or (if later) the notice.

8.4 It is the duty of the council, or the Cabinet to which a notice is given under Rule 8.3 to comply with the requirements specified in the notice.

**8A Reports and Recommendations - ‘partner authorities’**

8A.1 This rule applies where the Overview and Scrutiny Board or a Scrutiny Panel makes a report or recommendation to the Council, or the City Mayor, or Member(s) of the Cabinet (otherwise then by virtue of subsection 1(b) or 3(a) of section 19 of the Police scrutiny (local scrutiny of crime and disorder matters) and the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to:

a) The council’s area, or
b) The inhabitants of the council’s area.

For the purposes of Rule 8A a ‘relevant partner authority’ means:

- The Greater Manchester Waste Disposal Authority.
- The Greater Manchester Combined Authority.
- The Salford Clinical Commissioning Group (CCG).
- The National Health Service Commissioning Board.
- Any provider of probation services operating within Salford in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate with responsible authorities.
- Any youth offending team established under section 9 of the Crime and Disorder Act 1998 operating within Salford.
- Any National Health Service Trust or NHS Foundation Trust which provides services within Salford.
- The English Sports Council.
- The Environment Agency.
- The Health and Safety Executive.
- The Historic Buildings and Monuments Commission.
- The Homes and Communities Agency.
- The Chief Executive of Skills Funding.
- The Museums Libraries and Archives Council.
• Natural England.
• The Secretary of State, but only in relation to:
  o Their functions under section 2 of the Employment and Training Act 1973 (arrangements with respect to obtaining etc. employment or employees)
  o Functions which they have as highway authority by virtue of section 1 of the Highways Act 1980,
  o Functions which he/she has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
  o Their functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England).

8A.2 The Overview and Scrutiny Board or a Scrutiny Panel may by notice in writing to the relevant partner authority (accompanied by the report/recommendations) require that authority to have regard to the report or recommendation in question in exercising their functions.

8A.3 The relevant partner authority must comply with the requirement in the notice to have regard to the report/recommendations.

8B Reports and Recommendations - ‘risk management authorities’

8B.1 This rule applies where the council’s Growth and Prosperity Scrutiny Panel is discharging the council’s scrutiny functions as a lead flood authority pursuant to section 9FH of the Local Government Act 2000.

a) For the purposes of Rule 8B the following are ‘risk management authorities’:

• The Environment Agency
• A Water Company (as defined by Part 2 of the Water Industry Act 1991).

b) The risk management authorities listed at Rule 8 B.1(a) must comply with a request made by the Council’s Growth and Prosperity Scrutiny Panel for:

i) information

ii) a response to a report.

9. Publication of Reports or Recommendations and Responses

Where a report or recommendation of the Overview and Scrutiny Board or a Scrutiny Panel, or a response of the council, or the City Mayor, or Member(s)
of the Cabinet, is published pursuant to Rule 8.2 or 8.3(c), and is provided to a Member of the council or relevant partner authority under Rule 6.7 or 8A.2, or to a risk management authority under Rule 8B, any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Section 21D of the Local Government Act 2000.

10. Consideration of Scrutiny Reports by the City Mayor and Member(s) of the Cabinet

10.1 Where the Overview and Scrutiny Board or a Scrutiny Panel prepares a report for consideration by the City Mayor in relation to a matter where the City Mayor has not delegated decision making power to an individual Cabinet Member, then the Overview and Scrutiny Board or a Scrutiny Panel will submit a copy of their report to that Cabinet Member for consideration. At the time of doing so, the Overview and Scrutiny Board or Scrutiny Panel shall serve a copy on the Head of Paid Service and the City Mayor. The City Mayor/Lead Member shall consider the report and respond in writing to the Overview and Scrutiny Board or Scrutiny Panel within 4 weeks of receiving it. A copy of their written response to it will be sent to the Head of Paid Service and the City Mayor/Lead Member may if required will attend a future meeting of the Overview and Scrutiny Board or Scrutiny Panel to respond.

10.2 Where the Overview and Scrutiny Board or Scrutiny Panel prepares a report for consideration by the City Mayor in relation to a matter where the City Mayor has delegated decision making power to an individual Cabinet Member, then the Overview and Scrutiny Board or a Scrutiny Panel will submit a copy of that report to that Cabinet Member for consideration. If the Cabinet Member with the delegated decision making power does not accept the recommendations of the Overview and Scrutiny Board or Scrutiny Panel then they must refer the matter to the City Mayor for review before exercising their decision making power and responding to the report in writing to the Overview and Scrutiny Board or Scrutiny Panel. The Cabinet Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Board or Scrutiny Panel within (four) weeks of receiving the report. A copy of their written response to it shall be sent to the Head of Paid Service and to the City Mayor for their consideration and they may if required attend a future meeting to respond.

11. Rights of Overview and Scrutiny Board and Scrutiny Panels Members to Documents

11.1 In addition to their rights as councillors, members of Overview and Scrutiny Board and Scrutiny Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section B of Part 4 of this Constitution.

11.2 Nothing in this paragraph 11 prevents more detailed liaison between the City Mayor or Member(s) of the Cabinet and Overview and Scrutiny Board and Scrutiny Panels as appropriate depending on the particular matter under consideration.
12. **Rights of Cabinet Members**

Subject to the provisions of the council’s Code of Conduct for Members and without prejudice to the rights of Cabinet Members under Rule 13.4, Cabinet Members may attend meetings of the Overview and Scrutiny Board and Scrutiny Panels including parts of the meeting where exempt items are being discussed and shall be entitled to receive the agenda for the meeting (including exempt matters) and to speak, give evidence and answer questions at the invitation of the committee.

13. **Members and Officers Giving Account**

13.1 The Overview and Scrutiny Board and Scrutiny Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

a) any particular decision or series of decisions

b) the extent to which the actions taken implement council policy; and/or

c) their performance

and it is the duty of those persons to attend if so required.

13.2 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Board or Scrutiny Panel shall in consultation with the Member or officer arrange an alternative date for attendance.

14. **Attendance by Others**

The Overview and Scrutiny Board and Scrutiny Panels may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend.

15. **Community and Neighbourhoods Scrutiny Panel – Special Provisions**

15.1 In this paragraph

a) the ‘responsible authorities’ are:

i) Salford City Council
ii) every provider of probation services operating within Salford in pursuance of arrangements under Section 3 of the Offenders Management Act 2007 which provide for it to co-operate with responsible authorities

iii) the Chief Constable of Greater Manchester Police

iv) Salford Clinical Commissioning Group.

b) the ‘co-operating persons or bodies’ are:

i) every local probation board within Salford

ii) every provider of probation services operating within Salford in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate under this subsection with the responsible authorities

iii) any National Health Service Trust established under Part 1 of the National health Service and Community Care Act 1990 which manages a hospital, establishment or other facility within Salford

iv) any NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and standards) Act 2003 within Salford

v) any governing body of a school, within the meaning of section 4(1) of the Education Act 1996, within Salford maintained by the Salford local education authority

vi) any proprietor of an independent school, within the meaning of section 463 of the Education Act 1996 within Salford

vii) any proprietor of an alternative provision Academy that is not an independent school within Salford

viii) any proprietor of a 16 to 19 Academy within Salford;

ix) any governing body of an institution within the further education sector, as defined in section 91 of the Further and Higher Education Act 1992 within Salford

x) any private registered provider of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) in Salford.

c) ‘crime and disorder functions’ mean the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the environment) and combating the misuse of drugs, alcohol and other substances in the area and the reduction of re-offending in the area.

d) ‘local crime and disorder matter’ has the meaning set out in paragraph 6.9 above.

15.2 The Community and Neighbourhoods Scrutiny Panel may make reports and recommendations to the council, or to the City Mayor, or to Member(s) of the Cabinet, as appropriate, with respect to the discharge by any of the responsible authorities of their crime and disorder functions or with respect to any local crime and disorder matter.
15.3 The Community and Neighbourhoods Scrutiny Panel may require the attendance before it of an officer and employee of a responsible authority or of a co-operating person or body in order to answer questions, provided that reasonable notice of the intended date of attendance has been given to that person.

15.4 The Community and Neighbourhoods Scrutiny Panel may make a request in writing to the responsible authorities or the co-operating persons or bodies for information relating to:

a) the discharge, or decisions or actions taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or

b) local crime and disorder matters in relation to which the committee has functions under Section 19 of the Police and Justice Act 2006.

15.5 Where the Community and Neighbourhoods Scrutiny Panel makes a request for information under paragraph 15.4, the responsible body of co-operating person or body must provide the information:

a) no later than the date indicated in the request, unless some or all of the information cannot be reasonably provided by that date, in which case it must be provided soon as reasonably possible;

b) excluding personal data unless (subject to (c) below) the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers;

c) excluding information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities or the co-operating persons or bodies.

15.6 Where the Community and Neighbourhoods Scrutiny Panel makes a report or recommendations to the local authority with respect to a local crime and disorder matter, it must provide a copy of the report and recommendations to such of the responsible authorities or co-operating persons or bodies, as it thinks appropriate.

15.7 Where the Community and Neighbourhoods Scrutiny Panel provides a report or recommendation to a responsible body or a co-operating person or body in respect of a local crime and disorder matter, the responses to such report or recommendations shall be in writing and submitted to the Panel within a period of 28 days from the date of the report or recommendation or, if not reasonably practicable, as soon as reasonably possible thereafter.

The Health and Social Care Scrutiny Panel may review and scrutinise any matter relating to the planning, provision and operation of the health service in Manchester in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

16. Call-in

16.1 When a decision in connection with the discharge of an executive function is made by the City Mayor, a Member of the Cabinet, the Cabinet, a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the City Mayor, or a Community Committee, or under joint arrangements, the decision shall be published, as soon as reasonably practicable by the Monitoring Officer both at the offices of the council at Salford Civic Centre Chorley Road, Swinton, Salford, M27 5DA and on the council’s website, in accordance with Rules 20 and 21 of the Council’s Access to Information Procedure Rules at Section B of Part 4 of this Constitution. All Members of the council will be sent copies of the records of all such decisions within the same timescale by the Monitoring Officer.

16.2 The record of the decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, as from 4.00 pm on the fifth day after the day on which the decision is published, unless within this time it is called in for scrutiny.

16.3 Subject to 16.5 below, where

i) a decision in connection with the discharge of an executive function has been made by the City Mayor, or a Member of the Cabinet, or the Cabinet, or a Committee of the Cabinet and published in accordance with paragraphs 16.1 and 16.2 above; or

ii) a ‘key decision’ (as defined at paragraph 15 of the Access to Information Procedure Rules set out at Part 4, Section B of this Constitution) has been taken by an officer with delegated authority from the City Mayor, or a Community Committee, or under joint arrangements and published in accordance with paragraphs 16.1 and 16.2 above;

the decision:

if it is within the remit of the Overview and Scrutiny Board may be called in for scrutiny by a the Overview and Scrutiny Board if the Chair of the Overview and Scrutiny Board, or any two Members of the Overview and Scrutiny Board or any three Members of the Council submit a notice in writing to the Monitoring Officer within the five day period giving reasons why the decision should be scrutinised.

if it is within the remit of a Scrutiny Panel may be called in for scrutiny by the relevant Panel if the Chair of the Panel or any two Members of the Panel or any three Members of the Council submit a notice in writing to the Monitoring
Officer within the five day period giving reasons why the decision should be scrutinised.

16.4 The Monitoring Officer shall then notify the decision-taker of the call-in. Any item which is called-in will be placed on the agenda for the next meeting of the Overview and Scrutiny Board or relevant Scrutiny Panel. The relevant Strategic Director and/or Member(s) of the Cabinet shall have the right to attend the meeting to explain the reasons for the decision and to respond to comments made at the meeting subject in the case of Members of the Cabinet to the provisions of the Council’s Code of Conduct for Members.

16.5 A decision may not be called-in if the Overview and Scrutiny Board or Scrutiny Panel has already made recommendations to the decision-taker and those recommendations have been accepted by the decision-maker either in whole or without significant addition or modification.

16.6 Where a decision has been called-in by two Members of the Overview and Scrutiny Board or relevant Scrutiny Panel, or three Members of Council, and none of those Members attend, the Overview and Scrutiny Board or Scrutiny Panel may at its discretion determine not to scrutinise the decision.

16.7 If, having considered the decision (which consideration must be completed within 21 days of the date on which the decision was called-in), the Overview and Scrutiny Board or relevant Scrutiny panel is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. Matters should normally only be referred to full Council if the Overview and Scrutiny Board or relevant Scrutiny Panel considers the decision to be contrary to the policy framework of the council or contrary to or not wholly in accordance with the budget.

16.8 If the decision is referred back to the decision maker they shall then reconsider and may amend the decision or not, before adopting a final decision which will come into force immediately.

16.9 If following an objection to the decision, the Overview and Scrutiny Board or Scrutiny Panel does not either refer the matter back to the decision making person or body or refer the matter to full Council or determines under 16.6 above not to scrutinise the matter, the decision shall take effect on the date of the Overview and Scrutiny Board or Scrutiny Panel’s meeting.

16.10 If the matter was referred to full Council and the council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the council does object, it has no locus to make decisions in respect of an executive decision unless is it contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the council will refer any decision to which it objects back to the decision making person or body, together with the council’s views on the decision. That decision
making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

16.11 If the council does not refer the decision back to the decision making body or person, the decision will become effective at the date of the council meeting.

17. **Call-in and Urgency**

17.1 The call-in procedure set out above shall not apply where the decision being taken by the elected Mayor or a Cabinet Member or an officer is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the residents of Salford. The record of the decision, and the notice by which it is made public shall state whether in the opinion of the decision making person or body (having considered the advice of the Head of Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer), the decision is an urgent one, and therefore not subject to call-in. The Chair of the Overview and Scrutiny Board (where the matter is within the remit of the Overview and Scrutiny Board) (or if otherwise) the relevant Scrutiny Panel must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the absence of the Chair, the Ceremonial Mayor’s consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee’s consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.

17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17.3 Where a decision is exempted from call-in, it will become effective immediately or (if later) as soon as the agreement of the Chair of the Overview and Scrutiny Board or relevant Scrutiny Panel (or the Ceremonial Mayor / Head of Paid Service, if appropriate) has been obtained.

18. **The Party Whip**

When considering any matter in respect of which a member of the Overview and Scrutiny Board or relevant Scrutiny Panel is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
19. **Procedure at Overview and Scrutiny Board and Scrutiny Panels Meetings**

19.1 The Overview and Scrutiny Board and Scrutiny Panels shall consider the following business:

a) minutes of the last meeting
b) declarations of interest (including whipping declarations)
c) consideration of any matter referred to the Board or Panel as the case may be for a decision in relation to call in of a decision
d) responses of the City Mayor or Member(s) of the Cabinet to reports of the Overview and Scrutiny Board or the Scrutiny Panel as appropriate.
e) the business otherwise set out in the agenda for the meeting.

19.2 Where the Overview and Scrutiny Board or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the Board or Panel may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak
b) that those assisting the committee by giving evidence be treated with respect and courtesy and
c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Overview and Scrutiny Board or relevant Scrutiny Panel shall prepare a report, for submission to the Cabinet and/or council as appropriate and shall make its report and findings public.

20. **Matters within the remit of more than one Scrutiny Panel/overlapping with Overview and Scrutiny Board**

Where the Overview and Scrutiny Board or a Scrutiny Panel conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Panel (or in the case of a Scrutiny Panel the Overview and Scrutiny Board), then the committee conducting the review shall invite the Chair of the other committee (or their nominee) to attend its meetings when the matter is being reviewed.
1. **Recruitment and Appointment**

1.1 **Declarations**

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

   b) No candidate so related to a councillor, the City Mayor, or senior officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

1.2 **Seeking support for appointment**

   a) Subject to paragraph (c), the council will disqualify any applicant who directly or indirectly seeks the support of any councillor or the City Mayor for any appointment with the council. The content of this paragraph will be included in any recruitment information.

   b) Subject to paragraph (c), no councillor or the City Mayor will seek support for any person for any appointment with the council.

   c) Nothing in paragraphs (a) and (b) above will preclude a councillor or the City Mayor from giving a written reference for a candidate for submission with an application for appointment.

2. **Recruitment of Head of Paid Service and Chief Officers**

2.1 Where the council proposes to appoint the Head of Paid Service or a chief officer (other than on an acting basis) and it is not proposed that that appointment be made exclusively from among their existing officers, the council or its Workforce Panel will establish a committee or sub-committee to act as the appointment panel.

2.2 The appointment panel will:

   a) draw up a statement specifying the duties of the post concerned and a specification of the qualifications or qualities to be sought in the person to be appointed

   b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it

   c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
2.3 The appointment panel will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.

2.4 Where the council propose to appoint the Head of the Paid Service or a chief officer (other than on an acting basis) exclusively from amongst their existing officers the council or its Workforce Panel will establish a committee or sub-committee which will make arrangements in connection with the appointment.

3. **Appointment of Head of Paid Service**

3.1 The full council will approve the appointment of the Head of Paid Service, Section 151 Officer and Monitoring Officer, following the recommendation of such an appointment by a committee or sub-committee of the council. That committee or sub-committee must be politically balanced and include at least one Member of the Cabinet.

3.2 The full council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 to these rules has been completed.

4. **Appointment of Chief Officers and Designated Deputy Chief Officers**

4.1 A committee or sub-committee of the council will appoint chief officers (apart from the Head of Paid Service, Section 151 Officer and Monitoring Officer) and such deputy chief officers as the council may from time to time designate. That committee or sub-committee must be politically balanced and include at least one Member of the Cabinet.

4.2 An offer of employment as a chief officer or designated deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.

5. **Appointment of Other Deputy Chief Officers**

5.1 In relation to deputy chief officer posts other than those designated under 4.1 above, the Workforce Panel will determine whether appointments to such posts should be made by an all officer panel or a mixed panel of officers and Members.

5.2 An offer of employment as a deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.
6. Other Appointments

6.1 Officers below deputy chief officer
Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or an officer nominated by them and may not be made by councillors.

6.2 Assistants to political groups
Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary Action

7.1 No disciplinary action may be taken in respect of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer provided that this does not preclude the suspension of the officer on full pay for the purpose of investigating the alleged misconduct and such suspension does not constitute disciplinary action; any such suspension must terminate no later than the expiry of 2 months beginning on the day on which the suspension takes effect.

7.2 Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the council’s disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

8. Dismissal

8.1 Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the council’s disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

8.2 Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of or in relation to, the dismissal of the Head of Paid Service, a chief officer or a deputy chief officer, that committee or sub-committee must include at least one Member of the Cabinet.

8.3 Where a committee or sub-committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the full Council must approve any recommendation of dismissal before notice of dismissal is given.

8.4 The Council must appoint a panel (“the Panel”) under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer in accordance with the procedure set out in Annex 2.
8.5 The full Council may not approve any recommendation of dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer without first taking into account, in particular:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

8.6 Notice of dismissal of the Head of Paid Service, a chief officer or a deputy chief officer must not be given until the procedure set out in Annex 3 has been completed.

9. Further to the above the following definitions apply:

- ‘Chief Officers’ include ‘statutory chief officers’ and ‘non-statutory chief officers’ as defined in section 2 of the Local Government and Housing Act (‘the 1989 Act’).
- ‘Deputy Chief Officer’ has the same meaning as in section 2 of the 1989 Act.
- ‘Senior Officer’ means an officer on spinal column point 32 or above.
ANNEX 1

APPOINTMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

1. This procedure applies to the appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers (‘relevant officers’) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

2. In this procedure, ‘appointor’ means, in relation to the appointment of a relevant officer, the Committee, Sub-Committee or panel making the appointment, or, in the case of the appointment of the Head of Paid Service, making a recommendation to the Council.

3. An offer of an appointment as a relevant officer must not be made by the appointor until:

   a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.

   b) the proper officer has notified every Member of the Cabinet of:

      i) the name of the person to whom the appointor wishes to make the offer

      ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer

      iii) the period within which any objection to the making of the offer is to be made by the City Mayor on behalf of the Cabinet to the proper officer

   c) either:

      i) the City Mayor has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither they nor any Member of the Cabinet has any objection to the making of the offer

      ii) the proper officer has notified the appointor that no objection was received by them within that period from the City Mayor or

      iii) the appointor is satisfied that any objection received from the City Mayor within that period is not material or is not well-founded.
4. The ‘proper officer’ for the purposes of paragraph 3 will be the Assistant Director (HR)
ANNEX 2

1. This procedure applies to the appointment of the Panel to advise the full Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (‘relevant officers’) and has been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

2. The Council must invite independent persons appointed under Section 28(7) of the Localism Act 2011 (“the 2011 Act”) to be considered for appointment to the Panel, with a view to appointing at least two independent persons to the Panel.

3. In paragraph 2, “independent person” means any independent person who has been appointed by the Council or, where there are fewer than two independent persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

4. Subject to paragraph 5, the Council must appoint to the Panel independent persons who have accepted an invitation issued under paragraph 2, in the following order of priority:

   (a) an independent person who has been appointed by the Council and who is a local government elector in the Council’s area;
   (b) any other independent person who has been appointed by the Council;
   (c) an independent person who has been appointed by another authority or authorities.

5. The Council may appoint more than two independent persons.

6. The Council must appoint the Panel at least 20 working days before the full Council meets to consider whether or not to approve a proposal to dismiss a relevant officer.

7. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as an independent person under the 2011 Act.
ANNEX 3

DISMISSAL OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

1. This procedure applies to the dismissal of the Head of Paid Service, chief officers and deputy chief officers (‘relevant officers’) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

2. In this procedure, ‘dismissor’ means, in relation to the dismissal of a relevant officer, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

3. Notice of the dismissal of a relevant officer must not be given by the dismissor until:

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

   b) the proper officer has notified every Member of the Cabinet of:

      i) the name of the person who the dismissor wants to dismiss

      ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer and

      iii) the period within which any objection to the dismissal is to be made by the City Mayor on behalf of the Cabinet to the proper officer and

   c) either:

      i) the City Mayor has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither they nor any other Member of the Cabinet has any objection to the dismissal

      ii) the proper officer has notified the dismissor that no objection was received by him within that period from the City Mayor or

      iii) the dismissor is satisfied that any objection received from the City Mayor within that period is not material or well-founded.

4. The ‘proper officer’ for the purposes of paragraph 3 will be the Assistant Director (HR).
PART 5

Financial Regulations
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1. **Status of financial regulations**

1.1 Financial regulations provide the framework for managing the council’s financial affairs. They apply to every member and officer of Salford City Council and anyone in the private or public sector that acts on its behalf.

1.2 Under Section 151 of the Local Government Act 1972 the designated officer shall make arrangements for the proper administration of the authority’s financial affairs. The section 151 officer for Salford City Council is the Chief Finance Officer.

1.3 The regulations identify the financial responsibilities of the council, City Mayor, cabinet, and Overview and Scrutiny Board members, Audit & Accounts Committee, the Chief Executive, the Monitoring Officer, the Chief Finance Officer, and other chief officers. A record should be kept when cabinet members and chief officers have delegated decision-making to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the chief officer in the regulations should be read as referring to them.

1.4 Throughout these financial regulations, the title Chief Finance Officer will be used to denote the designated Section 151 officer of the council ‘Chief Finance Officer’ (as required by the Local Government Finance Act 1972).

1.5 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the council and/or to the cabinet and/or to the Audit and Accounts Committee.

1.6 It is the responsibility of each chief officer to ensure that all staff in their service group are aware of the existence and content of the council’s Financial Regulations and other internal regulatory documents and that they comply with them. Chief officers must also ensure that staff are aware that the Financial Regulations and detailed financial procedures are available to view on the council’s intranet site.

1.7 The Chief Finance Officer is responsible for providing advice and guidance to reinforce the Financial Regulations that members, officers and others acting on behalf of the council are required to follow.
2 Salford scheme of delegation to schools

2.1 This scheme sets out the financial and administrative arrangements between the council and the schools that are maintained by it.

2.2 The roles of governing bodies, head teachers and officers of the council are recognised within the scheme.

2.3 The scheme includes the financial procedures to be followed by both the individual schools and the authority in the management of the schools. It also clarifies the roles of both parties.

2.4 The scheme can be found at: http://www.salford.gov.uk/delegationscheme.htm

2.5 Section 48 of the School Standards and Framework Act 1998 requires Local Authorities to publish their scheme of delegation including the date of the scheme and the date of any revisions to that scheme.

2.6 The approved scheme will continue to be available on the council’s intranet.
3 Financial management

3.1 Financial management standards

3.1.1 All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues, ensuring everyone is clear about the standards to which they are working, and that controls are in place to ensure that these standards are met.

3.1.2 The financial management standards should be promoted throughout the council, monitored and reviewed, and regular comparisons of performance indicators and benchmark standards reported to the cabinet and council.

Responsibilities of the Chief Finance Officer

3.1.3 To ensure the proper administration of the financial affairs of the council.

3.1.4 To set financial management standards and to monitor compliance with them.

3.1.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the council.

3.1.6 To advise on the key strategic controls necessary to secure sound financial management.

3.1.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of chief officers

3.1.8 To promote the financial management standards, as set by the Chief Finance Officer within their service groups and to ensure adherence to the standards and practices, liaising as necessary with the Chief Finance Officer.

3.1.9 To promote sound financial practices in relation to the standards, performance and development of staff in their service groups.

3.2 Managing expenditure

3.2.1 These regulations are also referred to as ‘discretionary spending principles’.

3.2.2 In order to ensure that discretionary expenditure within the council is closely monitored no expenditure should be committed with suppliers, unless.

3.2.3 Prior approval to spend has been sought by the respective Assistant Director or Service Director within the Service group and an email showing this authorisation has been received and retained stored for audit purposes.
3.2.4 An official order has been placed with the respective supplier ensuring that a transparent financial audit trail is in place and a commitment is recorded in the respective budget of the council’s accounts.

3.2.5 Further details of discretionary spending principles can be found on the council’s intranet.

**Responsibilities of the Chief Finance Officer**

3.2.6 To review on a regular basis and submit any proposed changes required to council.

**Responsibilities of chief officers**

3.2.7 To promote the discretionary spend principles to staff.

3.2.8 To ensure adherence to the discretionary spend principles.

**3.3 Revenue budget monitoring and control**

3.3.1 Budget management ensures that once the council has approved the budget, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

3.3.2 By continuously identifying and explaining variances against budgetary targets, the council can identify changes in trends and resource requirements at the earliest opportunity. The council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it. It is illegal for an authority to budget for a deficit.

3.3.3 For the purposes of budget management, a budget will normally be the planned income and expenditure for a service area or cost centre.

3.3.4 Budget managers should be responsible only for income and expenditure that they can influence and accept accountability for their budgets.

**Responsibilities of the Chief Finance Officer**

3.3.5 To establish an appropriate framework of budgetary management and control that ensures that:

- Budget management is exercised within annual cash limits unless the cabinet agrees otherwise
• Each chief officer has available timely information on income and expenditure on each budget, which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.

3.3.6 Within the framework, to:

• ensure that nominated budget managers receive regular reports that assist with the monitoring of expenditure.
• determine the nature, content and type of the reports to be provided.

3.3.7 To administer the council’s scheme of virement.

3.3.8 To submit a report and action plan to the Overview and Scrutiny Board the cabinet and, if necessary, to the council, in consultation with the relevant chief officer, where a chief officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

3.3.9 To prepare and submit budget control reports to the Overview and Scrutiny Board and cabinet on the council’s projected income and expenditure compared with the budget on a regular basis.

Responsibilities of chief officers

3.3.10 To maintain budgetary control within their service groups

3.3.11 To ensure that all income and expenditure is properly recorded and accounted for.

3.3.12 To ensure that a budget manager is nominated for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

3.3.13 To require that budget managers certify their responsibility for their allocated budget and are held accountable for the management of their cost centres.

3.3.14 To ensure that budget managers review their budgets and reports provided in a timely manner, giving them the opportunity to query expenditure and prevent inaccurate payments being made to suppliers.

3.3.15 To ensure that spending remains within the service’s overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

3.3.16 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
3.3.17 Where required, to prepare and submit to the Overview and Scrutiny Board and, if necessary, the cabinet, reports on the service’s projected expenditure compared with its budget, in consultation with the Chief Finance officer.

3.3.18 To ensure compliance with the scheme of virement.

3.4 Scheme of virement

3.4.1 The scheme of virement is intended to enable the cabinet, Chief Officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the council and, therefore, to optimise the use of resources.

3.4.2 The Chief Finance officer administers the process within guidelines set by the council. Any variation from this scheme requires the approval of the council. The overall budget is agreed by the cabinet and approved by the council. Chief Officers and budget managers are, therefore, authorised to incur expenditure in accordance with the estimates that make up the budget having regard to discretionary spending principles and rules. The rules below cover virement; i.e. switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA’s Service Expenditure Analysis or, for capital, a scheme within the capital programme.

3.4.3 Virement does not create additional overall budget liability. Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own budgets.

3.4.4 In exceptional circumstances in a particular year, the council may implement a scheme for the carry forward of under spends by service groups. Any such carry forwards shall be dealt with under the regulations applying to reserves.

Responsibilities of the Chief Finance Officer

3.4.5 To approve any virements from the central inflation and contingency provisions to other service budgets.

Responsibilities of chief officers

3.4.6 A Chief Officer may exercise virement on budgets under his or her control for up to authorised levels, currently up to but not including £100,000 on any one budget-head during the year, following notification to the Chief Finance Officer.
3.4.7 Amounts of £100,000 or greater require the approval of the service Lead Member and the Lead Member for Finance and Customer Services, following a report that must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years.

3.4.8 A virement of an amount that would qualify as a key decision requires approval by the cabinet.

3.4.9 To agree with the other relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer’s level of service activity.

3.4.10 No virement relating to a specific financial year should be made after 31 March in that year.

3.4.11 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that the amount is used in accordance with the purposes for which it has been established.

3.5 Accounting Policies

3.5.1 The Chief Finance Officer is responsible for the preparation of the council’s statement of accounts, for each financial year ending 31 March, in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

3.5.2 It is important that systems of internal control are in place that ensures that financial transactions are lawful, and suitable policies are adopted and applied consistently.

3.5.3 Proper accounting records are to be maintained and financial statements are prepared which present fairly the financial position of the council and its expenditure and income.

Responsibilities of the Chief Finance Officer

3.5.4 To adopt suitable accounting policies and to ensure that they are applied consistently.

3.5.5 To publish the accounting policies in the statement of accounts, which is prepared as at 31 March each year.

Responsibilities of chief officers

3.5.6 To adhere to the accounting policies and guidelines approved by the Chief Finance Officer.
3.6 Accounting records and returns

3.6.1 Maintaining proper accounting records is one of the ways in which the council discharges its responsibility for stewardship of public resources. The council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the council’s resources.

3.6.2 All cabinet members, finance staff and budget managers should operate within the required accounting standards and timetables.

3.6.3 The council’s transactions, material commitments and contracts and other essential accounting information should be recorded completely, accurately, and on a timely basis.

3.6.4 Prime documents should be retained in accordance with legislative and other requirements.

Responsibilities of the Chief Finance Officer

3.6.5 To determine the accounting procedures and records for the council.

3.6.6 To arrange for the compilation of all accounts and accounting records under his or her direction.

3.6.7 To comply with the following principles when allocating accounting duties:

- Separating the duties of providing information about sums due to or from the council and calculating, checking and recording these sums from the duty of collecting or disbursing them.
- Employees with the duty of examining, checking or authorising transactions must not themselves be engaged in processing these transactions.

3.6.8 To advise the Audit & Accounts committee on the making of proper arrangements for the audit of the council’s accounts in accordance with the relevant year’s Accounts and Audit Regulations (as amended).

3.6.9 To be responsible for certifying the accuracy and content of grant claims.

3.6.10 To ensure that all claims for funds including grants are made by the due date and to specify the arrangements for the submission of grant claims.

3.6.11 To prepare and publish the audited accounts of the council for each financial year, in accordance with the statutory timetable and with the requirement for the council to approve the statement of accounts before the deadline set in the relevant year’s Accounts and Audit Regulations (as amended).
3.6.12 To prepare and publish other statutory financial data (including, for example, lists of expenditure greater than £500).

3.6.13 To administer the council’s arrangements for under and over-spendings to be carried forward to the following financial year.

3.6.14 To ensure the proper retention of financial documents for the current year plus six preceding years, in accordance with the requirements set out in the council’s document retention schedule.

**Responsibilities of Chief Officers**

3.6.15 To consult and obtain the approval of the Chief Finance Officer before making any changes to accounting records and procedures.

3.6.16 To comply with the principles outlined in paragraph 3.6.7 when allocating accounting duties.

3.6.17 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

3.6.18 To supply information required enabling the statement of accounts to be completed in accordance with guidelines issued by the Chief Finance Officer.

3.6.19 To ensure the proper retention of financial documents for the current year plus six preceding years, in accordance with the requirements set out in the council’s document retention schedule.

3.7 **The annual statement of accounts**

3.7.1 The council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The council is responsible for approving the statutory annual statement of accounts.

3.7.2 The council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs, as per the requirement of the Local Government Act 1972. For Salford City Council, that officer is the Chief Finance Officer (Section 151 Officer ‘Chief Finance Officer’).

3.7.3 The council’s statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting* (the Code) (CIPFA/LASAAC).

**Responsibilities of the Chief Finance Officer**

3.7.4 To select suitable accounting policies and to apply them consistently.

3.7.5 To make judgements and estimates that are reasonable and prudent.
3.7.6 To comply with the Code.

3.7.7 To sign and date the statement of accounts, stating that it presents fairly the financial position of the council at the accounting date and its income and expenditure for the year ended the 31 March.

3.7.8 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

**Responsibilities of Chief Officers**

3.7.9 To comply with accounting guidance provided by the Chief Finance Officer and to supply the Chief Finance officer with information when required.
4 Financial planning

4.1 Performance plans

4.1.1 The council plans its activities through a series of plans. At the strategic level is the City Plan. At the operational level, each service group prepares an annual business plan, supported by team business plans where appropriate.

Responsibilities of the Chief Finance Officer

4.1.2 To contribute to the development of corporate and service targets and objectives and performance information.

4.1.3 To ensure that systems are in place for financial data that measures activity and collects accurate information for use as performance indicators.

4.1.4 To ensure that financial performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of Chief Officers

4.1.5 To contribute to the development of corporate and service targets and objectives and performance information.

4.2 Format of the budget

4.2.1 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

4.2.2 The format should comply with all legal requirements; CIPFA’s Service Accounting Code of Practice and reflect the accountabilities of service delivery.

Responsibilities of the Chief Finance Officer

4.2.3 To advise the City Mayor on the format of the budget that is to be presented for approval by the council.

Responsibilities of chief officers

4.2.4 To comply with accounting guidance provided by the Chief Finance Officer.
4.3 **Budgets and medium-term planning**

4.3.1 The council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively over the medium term and develop systems to enable its scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the council’s plans and policies.

4.3.2 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the council. Budgets (spending plans) are needed so that the council can plan, authorise, monitor, and control the way money is allocated and spent.

4.3.3 Medium-term planning (or a three to five year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the council is always preparing for events in advance.

4.3.4 A system should be in place to identify future service demands and pressures. Budget managers should be consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the cabinet for their budgets and the level of service to be delivered.

4.3.5 A monitoring process should be in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

**Responsibilities of the Chief Finance Officer**

4.3.6 To prepare and submit reports on budget prospects for the cabinet, including resource constraints set by the government. Reports should take account of medium-term prospects, where appropriate.

4.3.7 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the council, and after consultation with the cabinet and chief officers.

4.3.8 To prepare and submit reports to the cabinet on the aggregate spending plans of service groups and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.

4.3.9 To advise on the medium-term implications of spending decisions.

4.3.10 To encourage the best use of resources and value for money by working with chief officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
4.3.11 To advise the council on cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of chief officers

4.3.12 To prepare forecasts of income and expenditure, in consultation with the Chief Finance Officer for key service influences upon medium-term financial planning.

4.3.13 To prepare budgets that are consistent with any relevant cash limits, with the council’s annual budget cycle and with guidelines issued by the cabinet. The Chief Finance Officer in accordance with the council’s general directions should prescribe the format.

4.3.14 To obtain a financial comment from an appropriate accountant within Finance for inclusion on any report provided to members that has expenditure implications.

4.3.15 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

4.3.16 In consultation with the Chief Finance officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate service group.

4.3.17 When drawing up draft budget requirements, to have regard to:

- Spending patterns and pressures revealed through the budget monitoring process
- Legal requirements
- Policy requirements as defined by the council in the approved policy framework
- Initiatives already under way.

4.4 Staffing budgets

4.4.1 Staff costs are the largest item of expenditure for most council services. Building a budget that reflects staffing requirements and workforce planning is critical to the accuracy of the budget overall.

Responsibilities of the Chief Finance Officer

4.4.2 To ensure that an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.

4.4.3 To ensure that procedures are in place for forecasting staffing requirements and cost.

4.4.4 To ensure that budget provision exists for all existing and new employees.
4.4.5 To act as an advisor to Chief Officers and Lead Members on areas such as National Insurance and pension fund matters (where this does not come into conflict with the Financial Services Act), as appropriate.

**Responsibilities of chief officers**

4.4.6 To produce an annual staffing budget.

4.4.7 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

4.4.8 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

4.4.9 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

4.4.10 To ensure that the Chief Finance Officer is immediately informed if the staffing budget is likely to be materially over or under spent.

4.4.11 To be responsible for maintaining adequate personal records of staff and other employees working in their service group.

**4.5 Resource allocation**

4.5.1 A mismatch often exists between available resources and desired resources. A common scenario is that available resources are not adequate to fulfil need/desire. Therefore needs/desires must be prioritised and resources allocated fairly, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods, and materials.

**Responsibilities of the Chief Finance Officer**

4.5.2 To advise on available sources of finance, such as grants from central government and any borrowing requirements.

4.5.3 To assist in the allocation of resources to budget managers.

**Responsibilities of Chief Officers**

4.5.4 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective, and economic way.

4.5.5 To ensure that:

- Resources are acquired in accordance with the law and using an approved authorisation process.
- Resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for.
• Resources are securely held for use when required.
• Resources are used with the minimum level of waste, inefficiency, or loss for other reasons.

4.5.6 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

4.6 **Capital programme**

4.6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the council, such as land, buildings, and major items of plant, equipment, or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

4.6.2 The government allows councils to borrow what is prudent, affordable and sustainable. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

4.6.3 The annual programme of capital expenditure is proposed by the City Mayor, alongside the revenue budget, and requires approval by the council.

4.6.4 Expenditure on individual capital schemes is subject to the approval of the relevant Lead Member and the Lead Member for Finance and Customer Services before tenders are let or acquisitions completed.

4.6.5 A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the cabinet and council as part of the annual review process for determining the three year Capital Investment Strategy.

4.6.6 The council’s partner Urban Vision Partnership Ltd is responsible for development and implementation of asset management plans.

**Responsibilities of the Chief Finance Officer**

4.6.7 To prepare capital expenditure and funding proposals jointly with chief officers and the Chief Executive and to report them to the cabinet for consideration. The cabinet will make recommendations on the capital expenditure and funding proposals to the council.

4.6.8 To prepare and submit reports to the Overview and Scrutiny Board and cabinet on the projected expenditure and available funding compared with the approved programme. The report shall highlight significant projected variances on individual schemes.

4.6.9 To propose to cabinet a prioritisation of capital schemes proposed against available resources.
4.6.10 To ensure that payments to contractors are only made based on a certificate signed by the architect, engineer, or responsible supervising officer.

4.6.11 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The Chief Finance officer, having regard to government regulations and accounting requirements, will determine the definition of 'capital'.

4.6.12 To examine the pre-tender procedures, interim and final accounts of a contract to be satisfied that the accounts are accurate.

**Responsibilities of Chief Officers**

4.6.13 To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.

4.6.14 To nominate an officer to be responsible for the management of each capital scheme. The officer will monitor progress in conjunction with expenditure and comparison with approved budget.

4.6.15 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Finance Officer.

4.6.16 To prepare regular reports to their Lead Member reviewing the capital programme provisions for their services.

4.6.17 To ensure that adequate records are maintained for all capital contracts showing clearly the state of the account between the council and the contractor.

4.6.18 To ensure that all extras or variations to an approved contract are authorised in writing by the responsible supervising officer.

4.6.19 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Lead Member and the Lead Member for Finance and Customer Services.

4.6.20 To ensure that the responsible officer informs the Lead Member of any contract that has been delayed by more than one sixth of the contract period.

4.6.21 To prepare and submit reports to the City Mayor of any expected variation in or where additional funding is to be sought for any variation in cost.

4.6.22 To comply with the scheme of virement.

4.6.23 To refer all claims received from contractors in respect of matters not clearly within the terms of the relevant contract to the Chief Finance Officer and/or Monitoring Officer for consideration.
4.6.24 To ensure that the appropriate technical officer prepares a detailed final account of the contract including all relevant documents.

4.6.25 To ensure that credit arrangements, such as leasing agreements, are only entered into with the prior approval of the Chief Finance Officer and, if applicable, approval of the scheme through the capital programme. Only the Chief Finance Officer, or an officer so authorised on their behalf, must sign credit agreements.

4.6.26 To consult with the Chief Finance Officer and, to seek the Lead Member and the Lead Member for Finance and Customer Services and/or City Mayor approval where the Chief Officer proposes to bid for grants to be issued by government departments and other external bodies to support expenditure that has not been included in the current year's capital programme or future years' Capital Investment Strategy.

4.7 Maintenance of reserves

4.7.1 Reserves should be maintained in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.

4.7.2 The Chief Finance Officer must make a recommendation to council on the adequacy of the proposed level of general reserves and the council must take this report into account in deciding the level of council tax.

4.7.3 Reserves are maintained as a matter of prudence. They enable the council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Responsibilities of the Chief Finance Officer

4.7.4 To conduct a risk-based assessment of the level of reserves. To advise the City Mayor and/or the council on prudent levels of reserves for the council, and to take account of the advice of the external auditor in this matter.

4.7.5 To authorise the creation of any earmarked reserves.

4.7.6 Each year, to consider the introduction of a scheme of carry forward of budget variances and, if appropriate, to propose such a scheme to cabinet. Any such scheme will be managed as a reserve in accordance with this section.

Responsibilities of Chief Officers

4.7.7 To establish, in consultation with the City Mayor and the Chief Finance Officer, the purpose and permitted usage of earmarked reserves, including any allowed carry forwards.
4.7.8 To ensure that reserves are used only for the purposes for which they were intended, and with the approval of the Chief Finance officer.
5  Financial governance

5.1  Governance

5.1.1 Governance is about being open and honest with people by doing the right things, in the right way, for the right people in an accountable manner. It comprises of the systems, processes, cultures and values by which local government bodies are directed and controlled and through which they account to, engage with, and where appropriate, lead their communities.

5.2  Risk management

5.2.1 Risk management is the overall responsibility of the Chief Executive and the Corporate Management Team. The risk management processes are overseen by the Audit and Accounts Committee.

5.2.2 Key requirements for managers are set out in the risk management strategy which can be found on the council’s intranet. In addition, the roles and responsibilities at different levels are set out within the risk management strategy.

Responsibilities of the Chief Finance Officer

5.2.3 To prepare and promote the council’s risk management strategy and agree the process with the Audit and Accounts Committee.

5.2.4 To develop risk management controls in conjunction with other chief officers and ensure that risk management is embedded within the authority, including advising service groups on arrangements for safeguarding assets, risk avoidance and insurance.

5.2.5 To offer insurance cover to schools.

5.2.6 To effect corporate insurance cover, through external insurance cover and internal funding, and to negotiate all terms of policies, and claims in consultation with other officers, where necessary.

5.2.7 To manage any insurance fund that the council may establish.

Responsibilities of Chief Officers

5.2.8 To notify the representative of the Chief Finance Officer immediately of any loss, liability or damage that may lead to a claim against the council, and to refrain from commenting on liability.

5.2.9 To co-operate with claims and incident investigation by providing any information or explanation required by the Chief Finance officer or the council’s insurers and loss adjusters in order to investigate and settle claims or incidents.
5.2.10 To take responsibility for risk management, having regard to advice from the Chief Finance officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).

5.2.11 To ensure that there are regular reviews of risk within their service groups, to minimise the exposure to risk and to inform the Chief Finance officer of any proposed initiatives to reduce the exposure to risk.

5.2.12 To notify the Chief Finance officer promptly of all new risks, properties or vehicles that require insurance, and of any alterations affecting existing insurances.

5.2.13 To consult the Chief Finance officer and the Monitoring Officer on the terms of any indemnity that the council is requested to give.

5.2.14 To ensure that employees, or anyone covered by the council’s insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

5.3 **Internal controls**

5.3.1 The council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

5.3.2 The council has statutory obligations, and, therefore, requires internal controls to identify, meet, and monitor compliance with these obligations.

5.3.3 The council faces a wide range of financial, administrative, and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

5.3.4 The system of internal control is established in order to provide measurable achievement of:

- Efficient and effective operations
- Reliable financial information and reporting
- Compliance with laws and regulations
- Risk management

5.3.5 The council maintains a Code of Corporate Governance which explains in detail the controls in place to ensure sound governance within the council.

**Responsibilities of the Chief Finance Officer**

5.3.6 To assist the council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity, and compliance with laws and regulations.
5.3.7 To arrange, at least annually, a review of the effectiveness of the governance framework, including the system of internal audit and the system of internal control. To publish the result of this review should in the council’s Annual Governance statement.

5.3.8 To maintain an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

Responsibilities of Chief Officers

5.3.9 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

5.3.10 To review existing controls in the light of changes affecting the council and to establish and implement new ones in line with guidance from the Chief Finance Officer. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

5.3.11 To ensure staff have a clear understanding of the consequences of lack of control.

5.4 Internal audit

5.4.1 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities ‘make arrangements for the proper administration of their financial affairs’. The Accounts and Audit (England) Regulations 2011 (as amended) specifically require that ‘a relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control’.

5.4.2 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. (Public Sector Internal Audit Standards).

5.4.3 The Head of Audit has direct access to Chief Officers, the Chief Executive, all levels of management, the Chair of the Audit and Accounts Committee and the City Mayor.

Responsibilities of the Chief Finance Officer

5.4.4 To maintain the independence of internal audit in its planning and operation
5.4.5 To ensure that internal auditors have the authority to:

- Access council premises at all times
- Access all assets, records, documents, correspondence, and control systems
- Receive any information and explanation considered necessary concerning any matter under consideration
- Require any employee of the council to account for cash, stores, or any other council asset under his or her control
- Access records belonging to third parties, such as contractors and voluntary bodies, when required
- Direct access to Chief Officers, the Chief Executive, the City Mayor, the Cabinet and the Audit and Accounts Committee.

5.4.6 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

**Responsibilities of Chief Officers**

5.4.7 To ensure that internal auditors are given access at all times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

5.4.8 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

5.4.9 To consider and respond promptly to recommendations in audit reports.

5.4.10 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

5.4.11 To notify the Chief Finance Officer and Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the council’s property or resources. Pending investigation and reporting, the chief officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

5.4.12 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Audit prior to implementation.

5.5 **External Audit**

5.5.1 The council’s appointed external auditors have a responsibility to review and report upon:

- the financial aspects of the council’s corporate governance arrangements
- the council’s financial statements
- aspects of the council’s arrangements to manage its performance.
Responsibilities of the Chief Finance Officer

5.5.2 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

5.5.3 To ensure there is effective liaison between external and internal audit.

5.5.4 To work with the external auditor, and to advise the council, Cabinet and chief officers on their responsibilities in relation to external audit.

5.5.5 To advise the council on arrangements for the appointment of external auditors.

Responsibilities of Chief Officers

5.5.6 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

5.5.7 To ensure that all records and systems are up to date and available for inspection.

5.6 Preventing fraud and corruption

5.6.1 The council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the council.

5.6.2 The council’s expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

5.6.3 The council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the council with integrity and without thought or actions involving fraud and corruption.

5.6.4 Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the council or who are corrupt.

5.6.5 Internal procedures are in place and operate effectively to prevent the use of the council’s services for money laundering.

Responsibilities of the Chief Finance Officer

5.6.6 To develop and maintain an anti-fraud and anti-corruption policy and advise on anti-fraud and anti-corruption strategies and measures.

5.6.7 To ensure that legislation, including the Public Interest Disclosure Act 1998, is adhered to.
5.6.8 To ensure that all suspected irregularities are reported to the Head of Audit, and the Audit and Accounts Committee, and to ensure that all suspected irregularities are investigated in accordance with the council’s anti-fraud and anti-corruption policy.

5.6.9 To appoint a Money Laundering Reporting Officer (‘MLRO’) to receive disclosures from employees of money laundering activity.

**Responsibilities of Chief Officers**

5.6.10 To ensure that all suspected irregularities are reported to the Head of Audit.

5.6.11 To investigate, following the council’s disciplinary procedures, where the outcome of an audit investigation indicates improper behaviour.

5.6.12 To ensure that where financial impropriety is discovered, the Chief Finance Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the matter is referred to the monitoring officer who will refer it to the police. The police will determine with the Crown Prosecution Service whether any prosecution will take place.

5.6.13 To ensure that staff members comply with the corporate requirement to register interest and gifts and hospitality.

5.6.14 Where it is known or suspected that money laundering activity is taking or has taken place, or there are concerns that there is staff involvement in a matter that may amount to a prohibited act under the legislation, this must be disclosed immediately to the MLRO.
6 Assets

6.1 Security of assets

6.1.1 The council holds assets in the form of land, property, vehicles, plant, equipment, machinery, furniture, hardware, software, information and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Responsibilities of the Chief Finance Officer

6.1.2 To ensure that an asset register is maintained in accordance with good practice for all fixed assets. The function of the asset register is to provide the council with information about fixed assets so that they are:

- Safeguarded
- Used efficiently and effectively
- Adequately maintained.

6.1.3 To receive the information required for accounting, costing, and financial records from each chief officer.

6.1.4 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting.

Responsibilities of Chief Officers

6.1.5 The Strategic Director Place is responsible for ensuring that a property database (asset register) is maintained in a form approved by the Chief Finance Officer for all land and buildings owned and occupied by the council.

6.1.6 The Property Services Team within Urban Vision maintains the asset register. All chief officers shall similarly maintain for their service group a database in approved form of plant and machinery and moveable assets currently owned or used by the council. Any use of property by a service group or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities, and duration of use.

6.1.7 The asset register should record the service group responsible, purpose for which the building is held, location, extent and plan reference, cost, particulars of nature of interest and rents payable and particulars of tenancies granted.
6.1.8 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the chief officer in consultation with the Chief Finance Officer, has been established as appropriate.

6.1.9 To ensure the proper security of all buildings and other assets under their control.

6.1.10 To ensure that all members and staff accept responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that their use is legal, is properly authorised, and achieves best value.

6.1.11 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a report by the Strategic Director Place.

6.1.12 To pass title deeds to the Monitoring Officer who is responsible for custody of all title deeds.

6.1.13 To ensure that assets are used only for the proper purposes of the council and not subject to personal use by an employee without proper authority.

6.1.14 To ensure assets are available for use when required.

6.1.15 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the council.

6.1.16 To ensure that the service group maintains a register of moveable assets in accordance with arrangements defined by the Chief Finance Officer.

6.1.17 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

6.1.18 To consult the Chief Finance Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

6.1.19 To ensure cash holdings on premises are kept to a minimum. A maximum limit for cash holding will be agreed with the Chief Finance Officer.

6.1.20 To ensure that keys to safes and similar receptacles are kept secure; loss of any such keys must be reported to the appropriate chief officer as soon as possible.
6.1.21 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Chief Finance Officer, the Deputy City Mayor decides otherwise.

6.1.22 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.

6.1.23 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the council in some way.

6.1.24 In respect of information systems and assets, to ensure compliance with the council's corporate information security policy and legislative requirements.

6.2 **Inventories (stocks and stores)**

6.2.1 The council holds stocks and stores of consumable or relatively low value assets (compared to those recorded in asset register considered in section 6.1). Owing to their portable nature, such assets are vulnerable to loss or theft.

6.2.2 It is important that the council maintains adequate inventories to document the possession, purchase, issue and return (where applicable) of such items.

**Responsibilities of the Chief Finance Officer**

6.2.3 To advise chief officers on the form in which inventories should be kept.

6.2.4 To advise chief officers on the disposal of stocks and stores.

6.2.5 To account for inventories in accordance with proper practice.

**Responsibilities of Chief Officers**

6.2.6 To make arrangements for the care and custody of stocks and stores in the service group. Attractive and portable items such as computers, cameras, and video recorders can be identified with security markings as belonging to the council.
6.2.7 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical inspection (at least on an annual basis). All discrepancies should be investigated and pursued to a satisfactory conclusion. Stocks in excess of normal requirements shall only be maintained in special circumstances, with the appropriate chief officer’s approval.

6.2.8 To maintain inventories with an adequate description of consumables and low value assets, their levels, issue, purchase and return.

6.2.9 To carry out an annual check of all items on the inventory in order to verify location, review the condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.

6.2.10 To provide the Chief Finance Officer with certified stocktaking schedules and other such information as required.

6.2.11 To investigate and remove from the council’s records (i.e. write off) discrepancies as necessary, in consultation with the Chief Finance Officer.

6.2.12 To approve the write off, or disposal, of redundant stocks and equipment in consultation with the Chief Finance Officer. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Finance Officer it is decided otherwise in a particular case.

6.2.13 To make sure that assets are only used in the course of the council’s business, unless the chief officer concerned has given permission otherwise.

6.3 Asset disposal

6.3.1 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable, or unnecessary resources should be disposed of in accordance with the law and the regulations of the council.

Responsibilities of the Chief Finance Officer

6.3.2 To issue guidelines representing best practice for disposal of assets.

6.3.3 To ensure appropriate accounting entries are made to remove the value of disposed assets from the council’s records and to include the sale proceeds if appropriate.
Responsibilities of Chief Officers

6.3.4 To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

6.3.5 To ensure that income received for the disposal of an asset is properly banked and coded.

6.3.6 To ensure that assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

6.3.7 To ensure that disposal procedures protect staff involved in the disposal from accusations of personal gain.

6.4 Treasury management

6.4.1 Treasury management is the management of the organisation's cash flows, its banking, money market and capital market transactions and loan management; the effective control of risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

6.4.2 The council’s money must be properly managed in a way that balances risk with return, but with overriding consideration being given to the security and liquidity of the council’s capital sum.

6.4.3 See also section 6.5 Banking and cash.

Responsibilities of Chief Finance Officer

6.4.4 To ensure that the council’s treasury management activities comply with the CIPFA Code of Practice on Treasury Management in the Public Services, with the council’s Treasury Management Policy and Strategy Statement, and with its twelve Treasury Management Practices (TMPs) and supporting schedules.

6.4.5 To submit for approval by Council the council’s Treasury Management Policy and Strategy for the forthcoming year. To manage and report on Treasury Management activities in compliance with the Treasury Management Policy and Statement and the Treasury Management Practices.

6.4.6 To ensure that all investments of money are made in the name of the council or in the name of nominees approved by the council.
6.4.7 To ensure that all securities that are the property of the council or its nominees, and the title deeds of all property in the council’s ownership, are held by the Chief Finance Officer.

6.4.8 To act as the council’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the council.

6.4.9 To effect the borrowing and investments of the council in such a manner as to comply with the CIPFA Code of Practice on Treasury management in the Public Services and the council’s Treasury Management Policy Statement and Strategy, and Treasury Management Practices.

Responsibilities of Chief Officers

6.4.10 To ensure that loans are not made to third parties, and that financial interests are not acquired in any companies, joint ventures, or other enterprises, without the approval of the Chief Finance Officer.

6.5 Banking and cash

6.5.1 See also section 6.4 Treasury management.

6.5.2 The council’s banking arrangements underpin all its financial activities. Efficient processes ensure that the council can conduct its business.

6.5.3 By its nature, cash is the most vulnerable of assets and strong controls are essential to ensure its security.

6.5.4 All payments made, by whatever method, from the council’s main bank accounts shall be ordered only on the authority, or delegated authority, of the Chief Finance Officer.

6.5.5 Cheques drawn on the council’s main bank account shall bear the facsimile signature of the Chief Finance Officer, or may be signed in manuscript by the Chief Finance Officer or such principal officers authorised to sign.

Responsibilities of Chief Finance Officer

6.5.6 To be responsible for the operation and supervision of all main bank accounts.

6.5.7 To ensure that satisfactory arrangements are made for the safe custody and use of cheques.

6.5.8 To approve arrangements for the operation of subsidiary bank accounts and cash imprests.
6.5.9 To approve the opening or closing of any bank account.

6.5.10 To provide employees of the council, as considered appropriate, with cash or bank imprest accounts to meet minor expenditure on behalf of the council. To prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

6.5.11 To reimburse imprest holders as often as necessary to restore the imprest, but normally not more often than monthly.

6.5.12 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

Responsibilities of Chief Officers

6.5.13 To operate bank accounts in accordance with any instructions issued by the Chief Finance Officer. Payments shall be limited to minor items of expenditure and such other items as the Assistant Director Finance may approve.

6.5.14 To ensure that any account does not become overdrawn. To report immediately to the Chief Finance Officer if this occurs.

6.5.15 To ensure that employees operating a subsidiary bank account or bank or cash imprest account:

- obtain and retain vouchers to support each payment from the account. Where appropriate, an official receipted VAT invoice must be obtained
- make adequate arrangements for the safe custody of the account.
- record transactions promptly
- reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
- provide the Chief Finance Officer with a certificate of the value of the account held at the 31 March each year
- produce upon demand by the Chief Finance Officer cash and all vouchers to the total value of an imprest amount
- ensure that a float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.
6.5.16 To ensure that an officer leaving the council’s employment or otherwise ceasing to be entitled to hold an imprest advance accounts to the Chief Finance Officer for the amount advanced to him or her.

6.5.17 To maintain a central record of all subsidiary bank accounts and bank and cash imprest accounts within their respective service groups in a form agreed with the Chief Finance Officer.

6.6 Trust funds and funds held for third parties

6.6.1 Officers of the council from time to time act as trustees of funds by virtue of their official position. On other occasions, officers are required in the course of their duties assist in handling funds for third parties, for example where vulnerable people need assistance.

6.6.2 Such funds need to be managed with the same level of diligence as the council’s own resources. The sensitivity of handling someone else’s money adds a dimension of risk.

Responsibilities of Chief Finance Officer

6.6.3 To hold trust securities etc.

6.6.4 To advise on the management of trust funds and third party funds as required.

Responsibilities of Chief Officers

6.6.5 To ensure that officers acting as trustees deposit securities etc relating to the trust with the Chief Finance Officer, unless the deed otherwise provides.

6.6.6 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance Officer, and to maintain written records of all transactions.

6.6.7 The accounts relating to all council trust funds in respect of which members and officers are trustees by reason of their office and who are a majority in the number of the trustees shall be kept according to the directions of the Chief Finance Officer.

6.6.8 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
Financial systems and procedures

7.1 General

7.1.1 Service groups have many systems and procedures relating to the control of the council's assets, including purchasing, costing, and management systems.

7.1.2 Service groups are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

7.1.3 The Chief Finance Officer has a professional responsibility to ensure that the council's financial systems are sound and should therefore be notified of any new developments or changes prior to their implementation.

Responsibilities of the Chief Finance Officer

7.1.4 To make arrangements for the proper administration of the council's financial affairs, including to:

- issue advice, guidance and procedures for officers and others acting on the council's behalf
- determine the accounting systems, form of accounts and supporting financial records
- establish arrangements for audit of the council's financial affairs and all other operational systems and procedures.
- approve any new financial systems to be introduced
- approve any changes to be made to existing financial systems.

Responsibilities of Chief Officers

7.1.5 To ensure that systems:

- hold sufficient data and provide sufficient information to enable the council's objectives, targets, budgets, and plans to be formulated and monitored.
- communicate performance information to the appropriate managers on an accurate, complete, and timely basis
- provide early warning of deviations from target, plans, and budgets that require management attention
- comply with the corporate information security policy.

7.1.6 To ensure that accounting records are properly maintained and held securely.
7.1.7 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Finance Officer.

7.1.8 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

7.1.9 To incorporate appropriate controls to ensure that, where relevant:

- All input is genuine, complete, accurate, timely and not previously processed
- All processing is carried out in an accurate, complete and timely manner
- Output from the system is complete, accurate, and timely

7.1.10 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

7.1.11 To ensure there is a documented and tested Business Continuity Plan to allow information system processing to resume quickly in the event of an interruption.

7.1.12 To ensure that systems are documented and staff trained in operations.

7.1.13 To consult with the Chief Finance Officer before changing any existing system or introducing new systems.

7.1.14 To establish a scheme of delegation identifying officers authorised to act upon the chief officer’s behalf in respect of payments, income collection, and placing orders, including variations, and showing the limits of their authority.

7.1.15 To supply lists of authorised officers both electronically and written, with specimen signatures where appropriate and their delegated limits, to the Chief Finance Officer together with any subsequent variations.

7.1.16 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems.

7.2 Income

7.2.1 Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted, banked properly, and reconciled. It is preferable to obtain income in advance of supplying goods or services as this improves the council’s cash flow and also avoids the time and cost of administering debts.
Responsibilities of the Chief Finance Officer

7.2.2 To approve arrangements for the collection of all income due to the council and to approve the procedures, systems and documentation for its collection.

7.2.3 To control the system for the issue and dispatch of collection fund accounts for the council.

7.2.4 To order and supply to service groups all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.

7.2.5 To agree the submission of reports for the write-off of bad debts to the Lead Member for Finance and Customer Services for approval, as appropriate in line with the scheme of delegation of the council.

7.2.6 To keep a record of all sums written off and to adhere to the requirements of the Accounts and Audit Regulations (as amended).

7.2.7 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

7.2.8 To ensure that appropriate accounting adjustments are made following write-off approval. It should be noted that once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

7.2.9 The Chief Finance Officer shall have the right to inspect any documents connected with contracts, leases and other arrangements entered into on behalf of the council.

Responsibilities of Chief Officers

7.2.10 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly (at least annually), in line with corporate policies.

7.2.11 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable and, further, to separate the responsibility for reconciliation (of amounts due with amounts collected) as far as is practicable.

7.2.12 To issue official receipts or to maintain other documentation for income collection. Receipts should identify the name of the payer, their address, and the service for which the payment is made, and where appropriate the unique council income reference number.
7.2.13 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

7.2.14 To hold securely receipts, tickets and other records of income for the appropriate period.

7.2.15 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

7.2.16 To ensure that cheques made payable to a third party and endorsed in favour of the council are not accepted as payment for any debt except as authorised by the Chief Finance Officer.

7.2.17 To ensure that income is paid fully and promptly into the appropriate council bank account in the form in which it is received. All cheques received must be appropriately recorded to ensure that they can be linked to paying in slips. This will allow returned cheques to be traced. Appropriate budget (cost centre/ internal order, general ledger, VAT income code) details should be recorded on paying-in slips to facilitate general ledger analysis. Money collected and deposited must be reconciled to the bank account on a regular basis. No deduction is to be made from income, save to the extent that the Chief Finance Officer may specifically authorise.

7.2.18 To ensure income is not used to cash personal cheques or other payments.

7.2.19 To supply the Chief Finance Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Finance Officer to record correctly the sums due to the council and to ensure accounts are sent out promptly. To do this, chief officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the Chief Finance Officer. Chief officers have a responsibility to assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor. Only up to approved levels of cash can be held on the premises.

7.2.20 To keep a record of every transfer of money between employees of the council. The receiving officer must sign for the transfer and the transferor must retain a copy.

7.2.21 To obtain the approval of the Lead Member for Finance and Customer Services when writing off debts.
7.2.22 To notify promptly the Chief Finance Officer of all monies due to the council under contracts, leases, and other arrangements entered into on behalf of the council.

7.2.23 To take effective action to pursue non-payment within defined timescales and relevant legislation.

7.2.24 To notify the Chief Finance Officer of outstanding income relating to the previous financial year as soon as possible after the 31 March in line with the timetable determined by the Chief Finance Officer.

7.3 Ordering and paying for work, goods and services

7.3.1 Public money should be spent with demonstrable probity and in accordance with the council’s policies.

7.3.2 Authorities have a statutory duty to achieve best value, in part through economy and efficiency. The council’s procedures should help to ensure that services obtain value for money from their purchasing arrangements.

7.3.3 These regulations should be read in conjunction with the council’s code of practice on tenders and contracts (Contractual Standing Orders).

General

7.3.4 Every officer and member of the council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers, and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the council, in accordance with appropriate codes of conduct.

7.3.5 Requests for goods and services must be in a form approved by the Chief Finance Officer. Official orders must be issued for all work, goods or services to be supplied to the council, except for supplies of utilities, payments emanating from feeder systems, periodic payments such as rent or rates, petty cash purchases, purchase card purchases, or other exceptions specified by the Chief Finance Officer.

7.3.6 Each request or requisition for goods or services must conform to the guidelines approved by the council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Finance Officer.
Apart from petty cash, and other payments from advance accounts, the normal method of payment from the council shall be by BACS or cheque, drawn on the council’s bank account or National Giro account by the Chief Finance Officer. The use of direct debit shall require the prior agreement of the Chief Finance Officer.

Requisitions must not be raised for any personal or private purchases, nor must personal or private use be made of council contracts.

**Responsibilities of the Chief Finance Officer**

To approve the form of official orders and associated terms and conditions.

To carry out such examination of invoices or payment vouchers before payment is made as deemed advisable.

Provide approval for any compensation payments.

To make payments from the council’s funds on the chief officer’s authorisation that the expenditure has been duly incurred in accordance with Financial Regulations.

To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

To make payments to contractors on the certificate of the appropriate chief officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified. The certificate should be accompanied by a VAT invoice, or an authenticated receipt, to ensure that payment is not made unless a valid VAT document has been received, checked, coded and certified for payment.

To organise an efficient system for the payment of invoices by the most economical means.

To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

To encourage suppliers of goods and services to receive payment by BACS.

To ensure compliance with HMRC regulations relating to VAT and the Construction Industry Tax Scheme.
7.3.19 To ensure that processes be in place to maintain the security and integrity of data for transacting business electronically under e-business/ e-commerce and electronic purchasing arrangements.

Responsibilities of Chief Officers

7.3.20 To ensure all orders for goods and services are placed using the council’s accounting system, other than the exceptions specified in para 6.3.5.

7.3.21 To ensure that orders are only used for goods and services provided to the service group. Individuals must not use official orders to obtain goods or services for their private use.

7.3.22 The Chief Finance Officer should be supplied with invoice and creditor details by such a date as to facilitate prompt payment of creditors (within the period stated).

7.3.23 To ensure that only those staff authorised by him or her authorise orders. To maintain an up-to-date list of such authorised staff, identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money principles should underpin the council's approach to procurement. Value for money should always be achieved.

7.3.24 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. A different officer from the person who authorised the order should where possible, carry out this check. Appropriate entries should then be made in inventories or stores records.

7.3.25 To ensure that payment is not made unless a proper VAT invoice or an authenticated receipt has been received, checked, coded and certified for payment, confirming:

- receipt of goods or services
- that the invoice has not previously been paid
- that expenditure has been properly incurred and is within budget provision
- that prices and arithmetic are correct and accord with quotations, tenders, contracts, or catalogue prices
- correct accounting treatment of tax
- that the invoice is correctly coded
- that the invoice is correctly addressed
- that discounts have been taken where available
- that appropriate entries will be made in accounting records.
7.3.26 To ensure that two authorised members of staff are involved in the ordering, receiving, and payment approval process. If possible, a different officer from the person authorising the order, and in every case, a different officer from the person checking an invoice, should authorise the invoice.

7.3.27 To ensure that the service group maintains and reviews periodically a list of staff approved to authorise invoices in line with the council’s discretionary spend policy. Names of authorising officers together with details of the limits of their authority shall be maintained by the Chief Finance Officer.

7.3.28 To ensure that, payments are not made on a photocopied or faxed invoice, statement or document other than the formal invoice. Authenticated original documents should be used wherever possible but if copy invoices have to be used it is essential that checks are made to ensure no duplication of payments are made by checking financial postings on the supplier account and respective budget.

7.3.29 Any instances of these being rendered should be reported to the Head of Audit. Under no circumstances should invoices be amended by officers, suppliers should be contacted to provide an amended invoice.

7.3.30 To ensure that the service group obtains value for money from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Chief Finance Officer, which are in line with value for money principles and contained in the council’s Standing Orders for tenders and contracts.

7.3.31 To subject purchases, where appropriate, to competitive quotation or tender using appropriate support from the Procurement Team. These will comply with the Standing Orders.

7.3.32 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Finance Officer and where appropriate, their agreement to contract documentation. This is because of the potential impact on the council’s borrowing limits, to protect the council against entering into unapproved credit arrangements, and to ensure that value for money is being obtained.

7.3.33 To notify the Chief Finance Officer of outstanding expenditure relating to the previous financial year as soon as possible after the 31 March in line with the year-end timetable determined by the Chief Finance Officer.
7.3.34 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Chief Finance Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors’ tax status.

7.3.35 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

7.4 Purchasing Cards

7.4.1 Purchasing cards are widely used by both public and private sector organisations. They can provide an efficient means of ordering and paying for goods and services. Specific benefits include:

- reducing procurement costs
- faster delivery times
- controlled spending
- up to date management information
- empowering employees

7.4.2 Purchasing cards are used throughout the council for purchasing. Detailed guidance is available in the purchasing card manual which can be found on the council’s intranet.

Responsibilities of the Chief Finance Officer

7.4.3 To administer and co-ordinate the operation of purchasing cards on behalf of the council in accordance with the purchasing card manual and Discretionary Spend Policy.

Responsibilities of Chief Officers

7.4.4 To control the use of purchasing cards in accordance with the purchasing card manual.

7.4.5 In particular it should be ensured that expenditure incurred using a purchasing card is subject to the same checks as other expenditure.

7.5 Payments to employees and members

7.5.1 Staff costs are the largest item of expenditure for most council services. It is, therefore, important that payments are accurate, timely, made only where they are due for services to the council, accurately and completely recorded and accounted for, and that payments accord with individuals’ conditions of employment.
7.5.2 It is also important that Members’ allowances are authorised in accordance with the scheme adopted by the council.

Responsibilities of the Chief Finance Officer

7.5.3 To satisfy themselves that proper arrangements and controls are in place to ensure the following:

- Secure and reliable payment of salaries, wages, compensation, or other emoluments to existing and former employees on the due date.
- All appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.
- The council complies with employment law and Inland Revenue regulations.
- Accurate and timely payment of tax, NI, pensions and other deductions.
- Payment of all travel and subsistence claims or expenses.
- Payment of members’ and officers travel or other allowances upon receiving the prescribed form, duly completed and authorised. Car and other expenses shall be paid in accordance with the provision of the council’s approved scheme.
- Adequate arrangements for administering pension matters on a day-to-day basis.
- Appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Schedule.

7.5.4 Where they consider that any of the arrangements referred to in paragraph 7.5.3 do not meet the required standard, to instruct the Employee Services team accordingly.

Responsibilities of Chief Officers

7.5.5 To ensure appointments are made in accordance with the regulations of the council and approved establishments, grades and scale of pay and that adequate budget provision is available.

7.5.6 To ensure that checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced, and eligible to work.

7.5.7 To ensure that all time records are in the form prescribed or approved by the payroll team. To ensure that all prime documents required for the preparation of the payroll are forwarded to Employee Services within the agreed timetable.
7.5.8 To notify the Employee Services team of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required.

7.5.9 To record any absences from duty due to sickness or other reasons on the online system.

7.5.10 To ensure that adequate and effective systems and procedures are operated, so that:

- payments are only made to bona fide employees
- payments are only made where there is a valid entitlement
- conditions and contracts of employment are correctly applied
- car mileage claims are submitted on a monthly basis. Claims that are three months or more old will be returned to the employee and will require authorisation from the relevant Strategic Director before the payment can be made
- employees’ names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

7.5.11 To send an up-to-date list of the names of officers authorised to sign records to the Chief Finance Officer together with specimen signatures. The Chief Finance Officer should also be provided with the signatures of Employee Services officers and officers authorised to sign timesheets and claims.

7.5.12 To ensure that payroll transactions are processed only through the payroll system. Chief officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue and Customs applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Operational Manager, Employee Services.

7.5.13 To review expense reports to ensure that travel and subsistence claims made by employees are for authorised journeys and expenses properly and necessarily incurred, and that allowances are properly payable by the council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and the Chief Finance Officer should be informed where appropriate.

7.5.14 To ensure that the payroll team is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

7.5.15 Any proposal to change the existing method of payment for a particular group or groups of employees shall be discussed internally with the chief officer(s) concerned and the Trade Union(s) to which the majority of the employees belong, before any change is made.
Responsibilities of members

7.5.16 To submit claims for members’ travel and subsistence allowances using the prescribed form on a monthly basis and, in any event, within one month of the year-end.

7.5.17 To submit claims only in accordance with the Members Allowance Scheme within the council’s Constitution.

7.6 Taxation

7.6.1 Like all organisations, the council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is, therefore, very important for all officers to be aware of their role.

Responsibilities of the Chief Finance Officer

7.6.2 To ensure there are controls in place to complete all HM Revenues and Customs returns regarding PAYE.

7.6.3 To annually undertake a ‘partial exemption calculation’.

7.6.4 To complete a monthly electronic return of VAT inputs and outputs to HM Revenues and Customs.

7.6.5 To provide monthly returns to the HM Revenues and Customs regarding the construction industry tax deduction scheme.

7.6.6 To maintain up-to-date guidance for council employees on taxation issues.

7.6.7 To complete any other tax returns as required.

7.6.8 To ensure that all taxable transactions are identified, properly carried out and accounted for within stipulated timescales.

Responsibilities of Chief Officers

7.6.9 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs regulations.

7.6.10 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
7.6.11 To ensure that all persons employed by the council are added to the council’s payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

7.6.12 To follow any guidance on taxation issued by the Chief Finance Officer.

7.7 **Trading accounts and business units**

7.7.1 Trading accounts and business units have become more important as local authorities have developed a more commercial culture.

**Responsibilities of the Chief Finance Officer**

7.7.2 To advise on the establishment and operation of trading accounts and business units.

**Responsibilities of Chief Officers**

7.7.3 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

7.7.4 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

7.7.5 To ensure that each business unit prepares an annual business plan.
8 External arrangements

8.1 Partnerships

8.1.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others, such as public agencies, private companies, community groups, and voluntary organisations.

Responsibilities of the Chief Finance Officer

8.1.2 To advise on the key financial controls and funding models for the partnership. They include:

- a scheme appraisal for financial viability in both the current and future years
- risk appraisal and management
- resourcing, including taxation issues
- audit, security and control requirements
- carry-forward arrangements
- dissolution arrangements.

8.1.3 To ensure that the accounting arrangements are satisfactory and that any partnership arrangement (or other innovative structures for service delivery) is underpinned by clear and well documented internal financial controls.

Responsibilities of Chief Officers

8.1.4 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Finance Officer.

8.1.5 To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.

8.1.6 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Chief Finance Officer.

8.1.7 To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.

8.1.8 To ensure that the Chief Finance Officer is consulted on the progress of negotiations and that appropriate approval is granted prior to the conclusion of any negotiations with partner organisations.
8.1.9 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the council.

8.1.10 To ensure that all agreements and arrangements are properly documented.

8.1.11 To provide appropriate information to the Chief Finance Officer to enable a note to be entered into the council’s statement of accounts concerning material items.

8.1.12 To ensure the monitoring of all partnership contracts throughout the duration of those contracts.

8.1.13 To ensure that partners are aware of their responsibilities under the council’s Financial Regulations and Standing Orders for tenders and contracts.

8.1.14 To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

8.2 **External funding**

8.2.1 Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers.

8.2.2 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council.

8.2.3 Funds from external agencies such as the National Lottery and the European Regional Development Fund provide additional resources to enable the council to deliver services to the local community.

8.2.4 In some instances, although the scope for external funding has increased, such funding is linked to tight specifications and conditions.

**Responsibilities of the Chief Finance Officer**

8.2.5 To ensure that all funding notified by external bodies is received and properly recorded in the council’s accounts.

8.2.6 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets and/or capital programmes reflect these requirements.

8.2.7 To ensure that audit requirements are met.
Responsibilities of Chief Officers

8.2.8 To ensure that the Chief Finance Officer is kept informed of all grant offers, terms and conditions.

8.2.9 To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.

8.2.10 To ensure that funds are acquired only to meet the priorities approved in the policy framework by the council.

8.2.11 To ensure that all claims for funds are made by the due date.

8.2.12 To ensure that the project progresses in accordance with the agreed timetable and that all expenditure is properly incurred and recorded.

8.3 Work for third parties

8.3.1 Working for third parties may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is intra vires.

Responsibilities of Chief Finance Officer

8.3.2 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

8.3.3 To maintain a register of all contracts entered into with third parties.

Responsibilities of Chief Officers

8.3.4 To ensure that the approval of the cabinet or Lead Member is obtained before any negotiations are concluded to work for third parties.

8.3.5 To ensure that appropriate insurance arrangements are made.

8.3.6 To ensure that the council is not put at risk from any bad debts.

8.3.7 To ensure that the guidance provided by the Chief Finance Officer on drawn up contracts is used and that the formal approvals process is adhered to.

8.3.8 To ensure that no contract is subsidised by the council without the prior approval of the cabinet or Lead Member.
8.3.9 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

8.3.10 To ensure that the service group/unit has the appropriate expertise to undertake the contract.

8.3.11 To ensure that such contracts do not impact adversely upon the services provided for the council.

8.3.12 To ensure that all contracts are properly documented.

8.3.13 To ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance Officer.

8.3.14 To provide appropriate information to the Chief Finance Officer to enable a note to be entered into the statement of accounts.
PART 5B

Contractual Standing Orders
### A BRIEF GUIDE TO CONTRACT PROCEDURE RULES

In these Rules the following words and expressions will have the following meanings assigned to them:

<table>
<thead>
<tr>
<th>Defined Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award Criteria</td>
<td>Shall mean the criteria by which the Contract is to be awarded to the successful Provider</td>
</tr>
<tr>
<td>Award Decision</td>
<td>Shall mean the procedure by which the Officer is able to decide to award the Contract to a particular Provider/s</td>
</tr>
<tr>
<td>Best Value</td>
<td>Shall mean the duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>Shall mean any councillor appointed to the Cabinet by the City Mayor for the time being, or such Officer as they may duly authorise to act on their behalf or may be authorised to act on their behalf under the Council and Cabinet Scheme of Delegation</td>
</tr>
<tr>
<td>Call-off Contract</td>
<td>Shall mean a Contract awarded under a Framework Agreement or Dynamic Purchasing System</td>
</tr>
<tr>
<td>Contract</td>
<td>Means a formal agreement between the Council and any Contractor made by issue of a letter of acceptance or official order for: the supply of works, goods or services including consultants, a call-off from a framework agreement, an arrangement where no payment is made but there is financial value to the Contractor e.g. a catering concession. It does not include employment and property contracts or grant agreements.</td>
</tr>
<tr>
<td>Contracting Authority</td>
<td>Shall mean Salford City Council or any entity over which Salford City Council has control</td>
</tr>
<tr>
<td>Contractor</td>
<td>Means the party or potential party to a Contract</td>
</tr>
<tr>
<td>Contracts Finder</td>
<td>Shall mean the web-based portal provided for the purpose of publicising contract opportunities under the EU Threshold by or behalf of the Cabinet Office</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Contract Value</td>
<td>Is the total monetary value over its full duration, including any extension options (i.e. not the annual value)</td>
</tr>
<tr>
<td>Contract Register</td>
<td>The Council’s database of all contracts, commissioned activity, purchase orders, framework agreements, and any other legally enforceable agreements with a values exceeding £.5000</td>
</tr>
<tr>
<td>Council</td>
<td>Means Salford City Council</td>
</tr>
<tr>
<td>The Chest</td>
<td>The procurement portal used by the Council <a href="https://www.the-chest.org.uk/">https://www.the-chest.org.uk/</a></td>
</tr>
<tr>
<td>DDN</td>
<td>Delegated Decision Notice. Decisions are either delegated decisions or are decided by the Mayor</td>
</tr>
<tr>
<td>Delegated Authority</td>
<td>The Council’s Executive functions delegated to Chief Officers of the Council</td>
</tr>
<tr>
<td>DPS or Dynamic Purchasing System/</td>
<td>Is an electronic process for commonly used purchases that are generally available and is open throughout the contract period to any new provider that meets the selection criteria</td>
</tr>
<tr>
<td>Flexible Procurement solution</td>
<td></td>
</tr>
<tr>
<td>EU Procurement Rules</td>
<td>Are the Directives and Regulations implemented by the UK to set out the law on public procurement</td>
</tr>
<tr>
<td>EU Thresholds</td>
<td>The relevant financial threshold at which EU Procurement rules are applicable</td>
</tr>
<tr>
<td>European Commission</td>
<td>Shall mean the body responsible for promoting the general interest of the EU by proposing and enforcing legislation as well as by implementing policies and the EU budget</td>
</tr>
<tr>
<td>Exception to Competition</td>
<td>A record held of all contracts awarded without competition because the contract meets one or more of the requirements listed in CSO 10.1</td>
</tr>
<tr>
<td>Framework Agreement</td>
<td>Shall mean an agreement or other arrangement between one or more contracting authorities and one or more economic operators which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the economic operator will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies</td>
</tr>
<tr>
<td>Grant</td>
<td>Shall mean a direct non-commercial financial contribution to a specific</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>Invitation to Tender (ITT)</strong></th>
<th>Shall mean the document to seek tender submissions from providers and contractors invited to provide offers for supply or service contracts.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Key decisions</strong></td>
<td>Key decisions are those which involve spending or savings of £350,000 or more, or which will have a significant effect on communities in two or more wards in the city, and are taken by the City Mayor. The City Mayor will take decisions in excess of £1m taking account of the recommendations of the Procurement Board.</td>
</tr>
<tr>
<td><strong>Light Touch Regime</strong></td>
<td>Shall mean the statutory procedure set out in the Regulations (Regulations 74 to 76) regulating the award of Contracts for services listed in Schedule 3 of the Regulations</td>
</tr>
<tr>
<td><strong>Local Provider</strong></td>
<td>Is any provider that provides works, goods or services from a location within the Greater Manchester area or where a substantial number of any employees working directly on the contract are resident in the Salford area.</td>
</tr>
<tr>
<td><strong>Member</strong></td>
<td>Shall mean any Councillor appointed to the Council for the time being</td>
</tr>
<tr>
<td><strong>Most Economically Advantageous Tender (MEAT)</strong></td>
<td>Shall mean evaluation criteria that reflect the qualitative, technical and sustainable aspects of a Tender submission as well as price, which can be used when reaching a Contract award decision</td>
</tr>
<tr>
<td><strong>Officer</strong></td>
<td>Shall mean employee(s) of the Council</td>
</tr>
<tr>
<td><strong>OJEU</strong></td>
<td>‘OJEU’ is the Official Journal of the European Union which is the publication in which all tenders from the public sector above relevant financial thresholds must be published.</td>
</tr>
<tr>
<td><strong>Procurement Board</strong></td>
<td>The City Mayor has delegated executive responsibilities relating to functions of the Procurement Board to the Lead Member for Finance and Support Services, in consultation with the Members of the Procurement Board, for decisions up to £1m.</td>
</tr>
<tr>
<td><strong>PCR 2015</strong></td>
<td>Public Contracts Regulations 2015. UK legislation rules governing the purchasing activities of “contracting authorities” i.e. bodies governed by public law</td>
</tr>
<tr>
<td><strong>Public Service Mutual</strong></td>
<td>An organisation which has left the Council parent</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>body but continues to deliver public services. Mutuals are organisations in which employee control plays a significant role in their operation.</td>
<td></td>
</tr>
<tr>
<td>RFQ - Request for Quote</td>
<td>Request for quotation shall mean the procurement process to be followed that allows the Officer to seek Quotations from a minimum of three Providers</td>
</tr>
<tr>
<td>Selection Criteria</td>
<td>Shall mean the Authority’s minimum requirements by which the Tenderer is to be assessed as being suitable to be invited to Tender</td>
</tr>
<tr>
<td>Selection Questionnaire</td>
<td>Shall mean the questions to be asked of Candidates to assess their suitability and/or the first stage document of a two-stage procurement process used to assess applications and shortlist Candidates who will be invited to submit a final proposal in every Restricted procedure</td>
</tr>
<tr>
<td>SIRO</td>
<td>Senior Information Risk Owner is the person with overall accountability and responsibility for information governance.</td>
</tr>
<tr>
<td>Social Value</td>
<td>Shall mean additional benefit to the community from a commissioning / procurement process over and above the direct purchasing of Goods, Services and outcomes.</td>
</tr>
<tr>
<td>Standstill Period</td>
<td>Shall mean the minimum ten (10) day period between the notification date of unsuccessful Candidates and the date of contract award</td>
</tr>
<tr>
<td>State Aid</td>
<td>Shall mean any advantage granted by the Council through its resources on a selective basis to any organisations, the result of which could potentially distort competition in the EU.</td>
</tr>
<tr>
<td>Sustainable Procurement</td>
<td>Shall mean the consideration of economic, social and environmental benefits within the procurement process</td>
</tr>
<tr>
<td>Tender</td>
<td>A written offer to supply or purchase goods, execute works or provide services at a stated price.</td>
</tr>
<tr>
<td>Transfer of Undertaking (Protection of Employment) (“TUPE”)</td>
<td>Shall mean the legislation that applies where responsibility for the delivery of Works or Services for the Council is transferred from one organisation to another and where the individuals involved in carrying out the work are transferred to the new employer and which seeks to protect the rights of employees in such transfers</td>
</tr>
<tr>
<td>Whole Life-Cycle Costs</td>
<td>Is an estimate of the total costs of works, goods or services over their life. It is a</td>
</tr>
</tbody>
</table>

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Introduction – Purpose of the Contract Procurement Rules

The contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability, reflect the Council’s priorities and deter corruption.

Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contractual Standing Orders is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:

- Achieve best value for money, including social value
- Furthers its corporate objectives
- Purchases quality goods, services and works

Safeguards its reputation from any implication of dishonesty or corruption Purchasing by the Council, shall incorporate (where appropriate) principles of sustainability, efficiency, quality, social value, best value for money and whole life-cycle costing.

Basic Principles

All procurement, contracting, contract management and disposal procedures must:

- comply with these rules and financial Instructions;
- achieve Best Value;
- be consistent with the highest standards of integrity;
- comply with the relevant Legislation (including the Council’s statutory duties and powers);
- comply with any relevant Council policies;
- support the Council’s corporate and departmental aims; and
- ensure that non-commercial considerations do not influence the award decision.

All Contracts must comply with the following principles of EU and UK procurement law and policy (the “Treaty Principles”):

- free movement of Goods and Services;
- non-discrimination;
- openness and transparency
- equal treatment for all; and proportionality.
Gene
ral Principles – Application and Compliance
No contract may be awarded unless there is a budget allocated and the appropriate
delegated authority has been granted.
These Contract Procurement Rules apply to the purchase by or on behalf of the
Council of works, supplies (goods) and services.
These Contract Procurement Rules apply to all contracts including all purchase
orders, concessions and contractual arrangements entered into by or on behalf of the
Council, except for the specific types of contracts and purchasing methods which are
listed in 3.4.
These Contract Procurement Rules do not apply to:
• contracts of employment which make an individual a direct employee
  of the council, or
• agreements regarding the acquisition, disposal, or transfer of land
  which do not form part of a wider transaction under which the council
  procures works, goods or services (for which financial regulations shall
  apply)
In the event of conflict between the above, the EU Rules will take precedence,
followed by UK legislation, then the Council's Constitution, policies and procedures

Social, Economic, Environmental and Ethical Considerations
In formulating proposals for a services contract, the Authorised Officer must consider
the Public Services Social Value Act implications and whether and to what extent any
ethical, social or environmental aspects of procurement should be taken into account.
For contracts over the EU thresholds, a contract may be awarded in the form of
separate Lots. Where appropriate and always subject to EU law and Public Contract
Regulations, the Authorised Officer should ensure tenders or quotes encourage local
providers, small and medium sized enterprises (SME's) and third sector
organisations such as social enterprises to bid.

Procurement Process for all procurement and contract activity
Officers responsible for purchasing or disposal must comply with these Procedure
rules, Financial Regulations, the Code of Conduct and with all UK and European
Union binding legal requirements. Officers must ensure that any agents, consultants
and contractual partners acting on their behalf also comply

Pre Procurement market engagement
The Officer may, prior to commencing the procurement process, consult potential
Suppliers in general terms about the nature, level and standard of the supply and
Contract and seek market views and intelligence that can be used in the planning
and conduct of the procurement process provided that this does not result in the
violation of the Treaty Principles, prejudice any other interested supplier/s not
consulted and/or have the effect of distorting competition, which might manifest itself
as:
• a conflict of interest;
• evidence of collusion;
• or a situation which it is incapable of being resolved as a result of providing information to other potential Candidates

The Officer shall take appropriate measures to ensure that competition is not distorted during the procurement process, including:
• communicating to all Suppliers any relevant information provided to potential Suppliers consulted as part of market engagement activities; and
• fixing adequate time limits for the receipt of Tenders, once the procurement process has been commenced

The Officer shall take advice from the Procurement Team to ensure that the proposed method of engaging the market or particular potential Suppliers does not preclude them from participating in any subsequent procurement activity so as to ensure that the approach does not undermine Best Value, lead to the award of a dissatisfactory Contract or increase the risk of a procurement legal challenge

Suppliers consulted during market engagement activities shall only be excluded from the procurement process where there are no other means to ensure compliance with this section in its entirety. Potential Candidates must be given the opportunity to prove that their involvement in market engagement activities is not capable of distorting competition. Further advice can be obtained from the Procurement Team

**Procurement and Tender Process**

Before engaging in a tender and/or procurement process all Officers need consider whether there are other suitable alternative options available, as detailed below, these must be used unless it is in the best interests of Salford Council not to do so which should include best value and an auditable reason not to:
• There is any existing internal provision/resource which could be used to deliver the requirements
• Any existing contracts, DPS or framework agreements accessible to the Council may fulfil the requirements
• Collaborative working arrangements
• Alternative delivery vehicles such as Controlled Entities or Public Service Mutuals.

All Officers carrying out procurement and tendering activity must consider the following:
• There is sufficient time given to plan and run the process
• Probity
• Openness and transparency
• Outcomes that deliver sustainability, social value, efficiency and cost savings
• Equality and diversity – that may require an equality impact assessment
• TUPE implications (internal or external) – legal and human resources advice must be taken before proceeding
• Data protection, information security or data processing implications that may require the Senior Information Risk Owner (SIRO) to be notified
• Whole life-cycle costs – ensure that the cost is within the approved current and future budget provision for both capital and revenue expenditure
• Be satisfied that a written and clear specification has been prepared which will form the basis of the contract
• All social value considerations have been captured
• The purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency and cost savings
• Take all necessary legal, financial, procurement and professional advice
• All procurement activity which involves external funding must make reference to the procurement requirements of the funding body
• Ensure that all evaluation criteria including sub-criteria have been determined in advance, put in order of relative importance or weighting and published in the tender documentation. Selection criteria must be relative and proportionate in line with Public Contract Regulations 2015 regulation 42 (6) statutory guidance

Tender documents shall clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the works, services and supplies required by the Council

All procurement processes will be proportionate to the total value of the contract (detailed in Schedule 1 - Financial thresholds and procedures), the nature of the works, goods or services and the Council will produce clear accessible documentation which must be available in electronic format.

All Officers carrying out procurement activity must:
• Complete the procurement e-learning module
• Keep records of all contract award procedures, exemptions and extensions are maintained, with separate files for each purchase of a value of £5,000 or more
• Ensure all new and existing contracts are listed on the contracts register

All Strategic Directors must:
• Ensure that their staff comply with rules outlined in this section 5
• Keep registers of:
  1. contracts completed by signature, rather than by the council’s seal (see Rule 23.1) and arrange their safekeeping on council premises
  2. exemptions recorded (covered in Rule 13), contracts must be completed by signature or by seal (see Rule 23)
• Notify the procurement team of all contractual arrangements valued over £5k, so that they may be entered on to the contracts register (covered in rule 22.2).
**Procurement Board**

Procurement Board will oversee and approve the Council’s procurement policy and strategy.

The Procurement Board will ensure that Council objectives are taken into account in the Procurement Strategy and Policy. In particular this will include the need to reflect the social value agenda (during procurement processes) including getting local people back into work, creating training opportunities, and encouraging inward investment.

Procurement Board will approve and award contracts where the value is £150,000 or above. The Procurement Board will also recommend awards of contracts with a value of £1,000,000 or above to the City Mayor who can then take the decision.

Procurement Board will consider and approve applications for exceptions to contract procurement rules (see Section 13 below)

Procurement Board will receive reports on the rolling annual procurement plan on a quarterly basis

All approvals from procurement board above shall be the subject of a record of decision by the Procurement Board

**Calculating the Contract Value**

The starting point for calculating the contract value for the purposes of Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options)
It is not permissible to disaggregate a contract in order to circumvent the requirements of the EU Rules and/or the Procurement Contract Standing Orders. The procedure for the award of any contract shall depend upon the estimated aggregated value of that contract. The EU Directive/Public Contracts Regulations 2015 on aggregation of contracts shall apply and the artificial splitting of purchase orders or requirements to avoid the application of these Contract Procurement Rules is not permitted.

Where the contract value is in excess of EU Thresholds, EU Procurement Directives apply. Care must be taken to ensure that the most appropriate procedure is used.

The Corporate Procurement Team must be consulted on all contracts over the value of £75,000 with a view to considering what procurement method is most likely to achieve the purchasing objectives. Details of financial thresholds and procedures are specified in Schedule 1.

In the event of conflict between the above, the EU Directives/Public Contracts Regulations 2015 will take precedence, followed by UK legislation, then the Council’s Constitution, the Council’s procurement e-learning module, policies and procedures.

Shared Services
Prior to the Council committing to a shared service arrangement with another public body advice must be sought from Corporate Procurement Team and Legal services.

Collaborative Arrangements
In order to secure best value for money, the council may enter into collaborative procurement arrangements with other local authorities, government departments, public bodies or public service purchasing consortium and may use Framework Agreements let by other local authorities, government departments, public bodies or public service purchasing consortium.

Any contracts entered into through collaboration with or Framework Agreements let by other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exception under these Contract Procurement Rules is required. However, advice must be sought from the shared legal service and/or the Corporate Procurement Team and the correct approval process (Schedule 1).

Financial Thresholds, Opening of Tenders and Quotations
Schedule 1. The Procurement procedure governance is set out in Schedule 1. Every Invitation to Tender (ITT) or request for a quotation (RFQ) above £30,000 must state that a tender or quotation will only be considered if it is received by the specified closing date and time.

All tenders or quotations above £30,000 for each contract must be opened by officers.
appointed by the Authorised Officer at a prescribed time.

The Authorised Officer must keep a record of all tenders and quotations.

**Exceptions to Contractual Standing Orders**

Exceptions to CSO can only be approved when one or more of the following apply:

- Where goods/services/works are only obtainable from one provider and there is no other to allow genuine competition
- The execution of works or the supply of goods or services are controlled by a statutory body
- Delivers Best Value to The Council
- Special education, health or social care contracts, if, it is considered in the Council’s interests and to meet its obligations under relevant legislation
- The execution of works or the supply of goods and services that are required so urgently as not to permit compliance with the requirements of competition.
- Security works where the publication of documents or details in the tendering process could prejudice the security of SCC and Salford Residents
- Procurements made through or on behalf of any consortium, local authority, statutory or similar body provided that tenders or quotations are invited and contracts placed in accordance with national or EU legislation

A Responsible Officer who seeks an exception to Contract Procurement Rules shall do so only in advance and only in exceptional circumstances. Exception from Contract Procurement Rules should not be sought retrospectively.

All exceptions from these Contract Procurement Rules must be fully documented with reasons recorded which demonstrate that the Exception is genuinely required and contract details recorded in the “Exceptions to Competition Log”.

All decisions on Exceptions must take into account:

- Probity
- Best value/value for money principles
- Social value

Approval to exceptions up to a value of £150,000 must be approved by Strategic Director and Lead Member. DDN exception report must be completed and passed to the Procurement Team for information at the next available Procurement Board. Exceptions above £150,000 must be approved by the Procurement Board only. All decisions on exception requires the publication of a Record of Decision.
**Contract Extensions, Variations or Novation**

Where provision is made for an extension within the contract where the value of the contract extension is below £150,000, this should be approved by the appropriate Strategic Director. Where provision is made for an extension in the contract and where the value of the contract extension is £150,000 or above, approval for extension shall be referred to the Procurement Board.

An options appraisal must be undertaken to determine if it represents best value for money to extend the contract and any approval required must be sought in a timely manner.

No extension shall be made until funding has been secured in accordance with the Council’s Financial Regulations or any other similar requirement.

All contract variations must be carried out within the scope of the original contract and must not materially affect or change the contract.

A new procurement will be required if the proposed variation has a material change where one or more of the following are met:

- the variation introduces new conditions which had they been part of the original procurement procedure would have allowed other candidates to be selected to bid or the contract to be awarded to another tenderer
- the variation changes the economic balance in favour of the contractor
- the variation extends the scope of the contract considerably

Contracts with the provision to extend may be extended before the expiry date of the contract where it is in accordance with its original terms and conditions (which must expressly allow for extension) and proves to deliver best value for money.

Where there is no provision to extend within the original contract, all approvals for extensions, shall be referred to the Lead Member and Procurement Board. In any such instance officers should treat the matter as an exception.

For the avoidance of doubt it should be noted that following the expiration or termination of a contract, any re-tendering to continue a service shall comply with Schedule 1 and the thresholds contained therein. A re-tender will therefore be no different from a new tender exercise or quotation exercise and will require authority to proceed.

In the event that a Provider ceases to provide the works, goods or services for any reason then the Authorised Officer must consult with Legal services, the Corporate Procurement team the Strategic Director before novating or assigning the contract to a new Provider.
Declaration of Interest
All Officers, Members and key stakeholders involved in a procurement exercise must declare any conflicts of interests relating to the procurement activity where they, or their spouse or civil partner, or person with whom they are living as husband and wife or civil partner, have a vested interest that could conflict with the best interests of the Council.
Where a conflict of interest exists the Officer shall ensure that appropriate and sufficient mitigation(s) are put in place to ensure that such conflicts do not compromise the outcome of the procurement exercise. Conflict of Interest forms must be signed by all members of the Evaluation Panel.
Officers shall maintain a record of all declarations of interest and mitigations in a procurement exercise as notified by Officers and Members and shall return the declarations of interest record to the Corporate Procurement Team.

Submission, Receipt and Opening of Tenders/Quotations
Candidates must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of tenders. The EU Procedure lays down specific time periods (see guidance in the procurement e-learning module).

All tenders must be returned in accordance with the invitation to tender.

All tender submissions over £30,000 should be received through the CHEST e-tendering portal. Tenders submitted by any other format shall not be considered. All tenders shall be opened at the same time, by an officer appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders.

The authorised officer must not disclose the names of candidates to any staff involved in the receipt or opening of tenders.

Quotations and tenders received after the specified closing date and time will be held on the CHEST (or other portal) unopened until the process has been completed. Once the process has been completed and all the necessary approvals have been passed, the tenderer will be notified at the same time as the successful and unsuccessful tenderers of their late submission.

Clarification Procedures
Seeking clarification of a Tender submission from potential suppliers is permitted with the approval of the Corporate Procurement Team and can be obtained:

- via the Council’s Electronic Tendering System (CHEST);
- at a meeting, provided that a written record is made of the meeting; and
- in a way that is fair, transparent and equal to all Candidates.
All information provided in response to clarification questions received must be shared with all suppliers. Any supplementary information should be given on the same basis.

There must be no significant variation of the procurement documents or standard terms and conditions of contract following such clarification.

Where a post tender negotiation results in a fundamental change to the specification or terms and conditions of contract, the contract must not be awarded but re-tendered.

The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

**Evaluation of Tenders and Quotes**

Prior to accepting a tender or quotation the Authorised Officer must evaluate all tenders and quotations received in accordance with the evaluation criteria issued with the tender documentation.

Tenders and quotes for contracts shall be evaluated on the basis of the most economically advantageous tender (MEAT).

Tenders shall be evaluated by a tender evaluation panel which should comprise of officers having sufficient knowledge and technical ability to enable them to evaluate detailed tenders appropriately.

The Authorised Officer in specific cases, where there is a technical reason for awarding an ICT contract without prior notice may be considered in circumstances where there is an absence of competition for technical reasons or where having different technical characteristic would result in incompatibility must have sufficient knowledge to determine this.

The Authorised Officer must investigate any tender considered to be abnormally low.

All providers who submit a tender or quotation should be notified in writing of their success or failure in a timely manner using the standard documents and offered feedback.

For all tenders covered by the EU procurement rules, the minimum statutory standstill period is required between notification of the award decision and final contract award.

All contracts over £30,000 must be awarded on the Chest e-Procurement Portal and all contracts over £10,000 must also be published on Contracts Finder. All contracts above the EU threshold must also be published in OJEU.

For every contract, framework or DPS agreement over the EU threshold, a written report must be retained which includes details of:

- the winning bid,
- the providers involved,
- results of any selection process,
- the value and subject matter of the contract,
- justification for using any negotiated type procedure,
• any decision not to award,
• reasons for not using electronic communications,
• any conflict of interest,
• reasons for rejecting abnormally low bids

Presentations, demonstrations and site visits
The default position should be not to use presentations. If, however, it is required this must be declared as part of the Award Criteria in the Procurement Documents. Where there is a requirement to hold a presentation, the Officer must consult the Corporate Procurement Team for advice. Where used, all Tenderers must be invited to present or be included in any site visits and the Officer must prepare any questions to be asked of Tenderers in accordance with the Treaty Principles and send to them in advance, unless presentations, demonstrations and site visits will be a key part of a complex procurement route, in which case the Officer may invite only shortlisted Tenderers to participate (a complex procurement route shall mean a restricted, competitive procedure with negotiation, competitive dialogue or innovation partnership, as defined by the Relevant Legislation).

Post Tender and Quotation Negotiations
In the interests of ensuring an open, fair and transparent process, negotiation following receipt of tenders is only permissible in limited circumstances. Advice must be sought from the shared legal service and/or the Corporate Procurement Team.

Award of Contracts and Framework Agreements and Debriefing Tenderers
The Contract Lead Officer (who should be an employee of Salford City Council) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract, and stated in the Invitation to Tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance. Where the value of a Contract is above the relevant EU Threshold, the Contract shall be awarded in accordance with the UK Regulations and in particular the requirements relating to a “Standstill Period prior to the Contract being entered into. All contracts over £5,000 must be awarded on The Chest and all contracts over £25,000 must also be awarded on Contracts Finder. All contracts above the EU threshold must also be published in OJEU. Strategic Directors may accept quotations and tenders received in respect of proposed contracts and Framework Agreements, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts and Framework Agreements that are below £149,999.
For values above £150,000 (but below £1,000,000) or contracts which constitute a Key Decision, approval shall be by the Procurement Board.

For values above £1,000,000 approval shall be by the City Mayor acting on the recommendation of the Procurement Board.

For contracts and Framework Agreements subject to the EU Procedure, the officer must notify all candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful candidate and provide information required by the EU Procedure specifying:

- the name(s) of the successful candidate(s),
- the award criteria and the reasons for the decision
- the score of the candidate being debriefed
- the successful candidate(s)
- the characteristics and relative advantages of the successful tender.

The officer must provide unsuccessful candidates with a period of at least ten days in which to challenge the decision before the officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful candidate then the officer shall not award the contract or Framework Agreement and shall immediately seek the advice of the Shared Legal Service. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 21.8 does not apply to:

- contracts and Framework Agreements that are not subject to the EU Procedure where value is under the EU Threshold and;
- contracts subsequently awarded and called off based on a Framework Agreement that was let in accordance with the EU Procedure.

In such instances officers are recommended to follow best practice principals where possible and follow the OJEU debriefing process prescribed in this rule 21.8.

**Records of Tenders and Contracts**

Regulation 84 PCR2015 states for tenders above OJEU Threshold contracting authorities shall draw up a written report which shall include at least the following:

- the name and address of the contracting authority, the subject-matter and value of the contract, framework agreement or dynamic purchasing system;
- where applicable, the results of the qualitative selection and reduction of numbers pursuant to Public Contracts Regulations 2015, regulation 65 and 66, namely:—
  - the names of the selected candidates or tenderers and the reasons for their selection;
  - the names of the rejected candidates or tenderers and the reasons for their rejection;
- the reasons for the rejection of tenders found to be abnormally low;
- the name of the successful tenderer and the reasons why its tender was selected and, where known;
the share (if any) of the contract or framework agreement which the successful tenderer intends to subcontract to third parties, and

- the names of the main contractor’s subcontractors (if any);

- for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;

- for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;

- where applicable, the reasons why the contracting authority has decided not to award a contract or framework agreement or to establish a dynamic purchasing system;

- where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders;

- where applicable, conflicts of interests detected and subsequent measures taken

A Contracts Register shall be held by the Corporate Procurement Team with details of Contracts, Framework Agreements or Dynamic Purchasing Systems entered into by the Council. It will be the responsibility of the Officer to ensure that details of any Contract entered into provided to the Corporate Procurement Team for entering onto the Contracts Register.

The Officer must ensure that originals and copies of all Tender and Contract documentation adhere to the Council’s retention schedule. The Officer must provide an electronic signed copy of the contract to the Corporate Procurement Team.

**Written Contracts**

The Authorised Officer must ensure every contract and Framework Agreements shall be in writing.

All relevant contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done);
- the provisions for payment (i.e. the price to be paid and when);
- the time, or times, within which the contract is to be performed; and
- the provisions for the council to terminate the contract

The Council’s standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible

The formal advice of the Shared Legal Service must be sought for the following relevant contracts and Framework Agreements:

- where the total value exceeds £75,000
- those involving leasing arrangements
- where it is proposed to use a provider’s own terms or
- those that are complex in any other way.
Sealing
Where contracts or agreements are completed by the council affixing its formal seal, such contracts shall be executed by the fixing of the council’s seal, and must be witnessed by an authorised signatory of the council.

An authorised signatory to attesting the council’s seal shall be one of the following officers, or an officer authorised by them:
- The Monitoring Officer
- The Chief Financial Officer
- The Chief Executive

Every council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

A contract must be sealed where:
- the council may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or
- the total value exceeds £75,000.

Bonds and parent company guarantees
The officer must consult the Chief Financial Officer about whether a Parent Company Guarantee is necessary when a candidate is a subsidiary of a parent company and:
- the total value exceeds £250,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the candidate.

The officer must consult the Chief Financial Officer about whether a bond is needed:
- where the total value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the candidate.

Guidance on the Appointment of Consultants
An Authorised Officer may only appoint external Consultants providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the Authorised Officer.

In line with HMRC IR35 and CIS rules the Authorised Officer must identify the employment status of workers providing works or services in instances including the following:
- Consultancy work
- Self-employed contractors
- The engagement of a worker through a limited company or other body
- The use of a Personal Services Company
The engagement of a Construction Industry Scheme (CIS) registered contractor

**Contract Monitoring and Review**

All contracts which have a value higher than the EU Threshold limits, and which are high risk, are to be subject to monthly formal review with the contractor.

The Strategic Head of Procurement may require that a council-developed Category review process may be applied to all contracts deemed to be high risk, high value, or high profile. This process must be applied at key stages of major procurements.

During the life of the contract, the officer should monitor where appropriate:

- performance
- compliance with specification and contract
- cost
- demonstrable value for money requirements
- user satisfaction and risk management
- continuous improvement
- Social value
All proposed contracts above a value of £75,000 must be referred to the procurement team for consultation and advice.

<table>
<thead>
<tr>
<th>Value</th>
<th>Who may approve to proceed?</th>
<th>Method of invitation</th>
<th>Who may issue invitation?</th>
<th>Who may accept?</th>
<th>T&amp;C’s of Acceptance</th>
<th>Retention policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>£10,000 &amp; below</td>
<td>Strategic Director/Chief Officer</td>
<td>Minimum of one informal quotation</td>
<td>Strategic Director/Chief Officer</td>
<td>Strategic Director/Chief Officer and recorded on a delegated decision notice</td>
<td>Acceptance format approved by the Director of Finance and Corporate Business and Head of Legal Services</td>
<td>n/a</td>
</tr>
<tr>
<td>£10,001 - £30,000</td>
<td>Strategic Director/Chief Officer</td>
<td>A minimum of three written quotations. (Officers are recommended to advertise via The Chest)</td>
<td>Strategic Director/Chief Officer</td>
<td>Strategic Director/Chief Officer and recorded on a delegated decision notice</td>
<td>Acceptance format approved by the Director of Finance and Corporate Business and Head of Legal Services</td>
<td>A record of all invitations issued and received shall be kept and the accepted quote shall be kept for a period of six years from the date of receipt</td>
</tr>
<tr>
<td>£30,001 - £75,000</td>
<td>Procurement Board</td>
<td>Formal sealed tenders, which should be advertised through The Chest. To be returned to Democratic Services</td>
<td>Procurement Board</td>
<td>Procurement Board</td>
<td>Acceptance format shall be made under the Common Seal of the Council via legal services</td>
<td>A record of all invitations issued and received shall be kept and the accepted tender shall be kept for a period of twelve years from the date of receipt</td>
</tr>
<tr>
<td>£75,001 - £150,000</td>
<td>The City Mayor acting on the recommendation of the Procurement Board (except works covered under the capital programme)</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
</tr>
<tr>
<td>Exceeding £1,000,000</td>
<td>The City Mayor acting on the recommendation of the Procurement Board (except works covered under the capital programme)</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
<td>The City Mayor acting on the recommendation of the Procurement Board</td>
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</table>
PART 6

SECTION A

Code of Conduct for Members
Pre-amble to Code of Conduct for Members

1. Introduction

The council is determined to provide excellent local government for the people of the city. It promotes and maintains high standards of conduct by Members and voting co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

2. General principles of conduct for Members and Co-opted Members

The Code and the guidance are based on the following general principles.

2.1 General principles

Members and voting co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.3 Honesty and integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
2.6 **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.7 **Personal judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.8 **Respect for others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.

2.9 **Duty to uphold the law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

2.11 **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3. **Training**

3.1 Each Member must attend training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific committees, for example Development Control or Licensing Committees.

4. **Attendance.**

4.1 The Council considers that attendance at Council meetings is an essential part of the role of elected members in Salford. Members are expected to attend all **Full Council** meetings. If members are unable to attend for any lengthy period, they must have prior authorisation
from the authority. Failure to attend meetings may lead to a member’s term of office being vacated under the provisions of the: Local Government Act 1972.
THE CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

1.1 This Code applies to you as a Member of the council.

1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and/or disqualification from office for a period of up to 5 years. In this Code, ‘meeting’ means any meeting of:

   a) the council

   b) any of the council’s committees or sub-committees, joint committees or joint sub-committees

   c) the Executive or any committee of the Executive.

1.3 ‘Member’ includes the City Mayor, a co-opted Member and an appointed Member.

2. Scope

2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a Member or co-opted Member of the council or an appointed member of a joint committee, and, references to your official capacity are construed accordingly.

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

2.3 Where you act as a representative of the council:

   a) on another relevant authority, including the Greater Manchester Combined Authority, and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority’s code of conduct or

   b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
3. General obligations

3.1 You must not:

a) do anything which may knowingly cause the council to breach the Equality Act 2010

b) bully or be abusive to any person

c) intimidate or attempt to intimidate any person who is or is likely to be:

i) a complainant
ii) a witness or
iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her authority’s code of conduct

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

3.2 You must not:

a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

i) you have the consent of a person authorised to give it

ii) you are required by law to do so

iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person or

iv) the disclosure is:

a) reasonable and in the public interest; and

b) made in good faith and in compliance with the reasonable requirements of the council or

c) prevent another person from gaining access to information to which that person is entitled by law.
3.3 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute.

3.4 You:
   
a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

b) must, when using or authorising the use by others of the resources of your authority:
   
i) act in accordance with the council’s reasonable requirements

ii) ensure that such resources are not used improperly for political purposes (including party political purposes)

c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.5 a) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
   
i) the council’s Chief Finance Officer or

   ii) the council’s Monitoring Officer

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

b) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

4. Duty to Declare Arrears of Non Payment of Council Tax

Any councillor who is two or more months in arrears with their Council Tax payments (even if a liability order hasn’t been granted) has a legal duty to make a declaration. The process of gaining a court order for non-payment can take less than two months to go through so legal action could in theory commence before the statutory period of ‘two months in arrears’ is reached and has to be declared.

Section 106 of the Local Government Finance Act 1992 places a duty on a councillor to declare any failure of payment (as above) if they attend any meeting involved in setting the Council Tax rate for the local
authority. They must abstain from any vote involved in the setting of the Council Tax rate until they are no longer in arrears.

If a councillor fails to make the declaration and/or makes a vote they are not entitled to then they commit an offence. This is subject to a fine of up to £1,000 per breach.
Part 2 - Disclosable Pecuniary Interests

4. Notification of disclosable pecuniary interests

4.1 Within 28 days of becoming the City Mayor or a Member or voting co-opted Member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

4.2 A ‘disclosable pecuniary interest’ is an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in the table below.

4.3 ‘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.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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 (a)</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the council:</td>
</tr>
<tr>
<td></td>
<td>a) under which goods or services are to be provided or works are to be executed and</td>
</tr>
<tr>
<td></td>
<td>b) which has not been fully discharged.</td>
</tr>
<tr>
<td>Any beneficial interest in land which is</td>
<td></td>
</tr>
<tr>
<td>Land Licences</td>
<td>within the area of Salford City Council. Any licence (alone or jointly with others) to occupy land in the area of Salford City Council for a month or longer.</td>
</tr>
<tr>
<td>Corporate Tenancies</td>
<td>Any tenancy where (to your knowledge):</td>
</tr>
<tr>
<td></td>
<td>a) the landlord is the council and</td>
</tr>
<tr>
<td></td>
<td>b) the tenant is a body in which you or your partner has a beneficial interest.</td>
</tr>
<tr>
<td>Securities</td>
<td>Any beneficial interest in securities of a body where:</td>
</tr>
<tr>
<td></td>
<td>a) that body (to your knowledge) has a place of business or land in the area of Salford City Council and</td>
</tr>
<tr>
<td></td>
<td>b) either:</td>
</tr>
<tr>
<td></td>
<td>i) the total nominal value of the securities exceeds £25,000 or one Hundredth of the total issued share capital of that body or</td>
</tr>
<tr>
<td></td>
<td>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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</td>
</tr>
</tbody>
</table>

4.4 For the purposes of the above:

a) ‘A body in which you or your partner has a beneficial interest’ means a firm in which you or your partner is a partner or a body
corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.

b) ‘Director’ includes a member of the committee of management of an industrial and provident society.

c) ‘Land’ excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income

d) ‘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.

5. **Non participation in case of disclosable pecuniary interest**

5.1 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

a) You must not participate in any discussion of the matter at the meeting.

b) You must not participate in any vote taken on the matter at the meeting.

c) If the interest is not registered, you must disclose the interest to the meeting.

d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

5.2 Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by them, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

6. **Offences**

6.1 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
• fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

• fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting

• participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest

• as an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest

• as an executive member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter

• knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

6.2 The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to five years.

Part 3 - Other interests

7. Notification of personal interests

7.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of:

a) this Code being adopted by or applied to your authority or

b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

7.2 You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority
b) any body
   i) exercising functions of a public nature
   ii) directed to charitable purposes
   iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are in a position of general control or management.

c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

8 Disclosure of interests

8.1 Subject to paragraphs 8.4 to 8.7, where you have a personal interest described in paragraph 7.2 above or in paragraph 8.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

8.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision;

8.3 In paragraph 8.2, a relevant person is:
   a) a member of your family or any person with whom you have a close association
   b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors
   c) any person or body in whom such persons have a beneficial interest in class of securities exceeding the nominal value of £25,000
   d) any body of a type described in paragraph 11.2(a) or (b).

8.4 Where you have a personal interest in any business of the council which relates to or is likely to affect a body described in paragraph 7.2(a) or 7.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

8.5 Where you have a personal interest in any business of the council of the type mentioned in paragraph 7.2(c), (gifts and hospitality) you
need not disclose the nature or existence of that interest to the
meeting if the interest was registered more than three years before
the date of the meeting.

8.6 Where you have a personal interest but, by virtue of paragraph 12,
sensitive information relating to it is not registered in your authority’s
register of members’ interests, you must indicate to the meeting that
you have a personal interest, but need not disclose the sensitive
information to the meeting.

8.7 Where you have a personal interest in any business of your authority
and you have made an executive decision in relation to that business,
you must ensure that any written statement of that decision records
the existence and nature of that interest.

9. Non participation in case of prejudicial interest

9.1 Where you have a personal interest in any business of your authority
you also have a prejudicial interest in that business where the interest
is one which a member of the public with knowledge of the relevant
facts would reasonably regard as so significant that it is likely to
prejudice your judgement of the public interest and where that
business:

a) affects your financial position or the financial position of a
   person or body described in paragraph 8.3
b) relates to the determining of any approval, consent, licence,
   permission or registration in relation to you or any person or
   body described in paragraph 8.3.

9.2 Subject to paragraphs 9.3 and 9.4, where you have a prejudicial
interest in any business of your authority:

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

9.3 Where you have a prejudicial interest in any business of the council,
you may attend a meeting but only for the purpose of making
representations, answering questions or giving evidence relating to
the business, provided that the public are also allowed to attend the
meeting for the same purpose, whether under a statutory right or
otherwise and you leave the room where the meeting is held.
immediately after making representations, answering questions or giving evidence.

9.4  
Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:

a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and

c) any ceremonial honour given to members.

d) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;

(e) an allowance, payment or indemnity given to members;

(f) setting council tax or a precept under the Local Government Finance Act 1992.

9.5  
Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

10. Interests arising in relation to Overview and Scrutiny Board and Scrutiny Panels

In any business before the Overview and Scrutiny Board or Scrutiny Panel of the council (or of a sub-committee of such a committee) where:

a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of the authority’s committees, sub-committees, joint committees or joint sub-committees; and

b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may attend the meeting of the Overview and Scrutiny Board or Scrutiny Panel for the purpose of explaining
the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

11 Register of interests

Subject to paragraph 12 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority’s website.

12 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

13 Dispensations

The council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

GIFTS AND HOSPITALITY

Gifts and Hospitality - Guidance for Members

14 General Introduction

Salford City Council’s Code of Conduct for Members (the Code) requires members to notify the Monitoring Officer in writing of a personal interest in any business of the Council where it relates to or is likely to affect the interests of any person from whom the member has received a gift or hospitality with an estimated value of at least £100 (an interest under paragraph 7.2(c) of the Code).

In addition to the obligation to notify under paragraph 7.2(c) of the Code, the Council requires members to notify the Monitoring Officer of
any gifts or hospitality accepted by either themselves or their partner by or on behalf of the elected member in connection with their appointment as an elected member or representative of the Council with an estimated value of at least £100.

It is also a breach of the Code for a member to conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute or for a member to use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

The following protocol aims to assist members in complying with these obligations and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

15 Legal position

The Bribery Act 2010 provides that it is a criminal offence for a member (either personally or through a third party whether for the member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the member to demonstrate that any such advantage has not been corruptly obtained.

16 Gifts and hospitality

Members are advised to treat with caution any offer, gift, or hospitality that is made personally to them in their capacity as an elected member/representative of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the member’s independence should not be compromised e.g. planning or licensing approvals.

The requirements for notification of a personal interest under paragraph 7.2(c) of the Code and any other gifts or hospitality accepted by the member or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 are set out at 18 below. It is recommended that where a member refuses any gift or hospitality offered to them or to their partner in connection with their position as an elected member/representative of the Council, the member should notify the Monitoring Officer of the refusal as soon as reasonably practicable. The Monitoring Officer will maintain a register for this purpose.
Below are some examples regarding acceptance of gifts and hospitality:

16.1 Gifts

Where the gift is of purely token value given to a wide range of people e.g. a pen or key ring, the member should be able to accept such a gift and as it will usually be substantially less than £100 in value there should be no need to register it.

Where the gift is of low value and refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council the member should be able to accept it, and again as it will usually be substantially less than £100 in value there should be no need to register it.

Whilst it may be acceptable to accept a token or gift of low value on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be notified to the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than £100). The Monitoring Officer in consultation with the chair of the Standards Committee will determine whether it is appropriate for the member to retain the gift in question.

16.2 Hospitality

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that the member's judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality with an estimated value of at least £100 should be notified to the Monitoring Officer.

Examples of hospitality which may be acceptable are set out below but depend on the particular circumstances, for example, who is providing the hospitality, why the member is there and the nature of the dealings between the Council, the member and the provider of the hospitality:
- A working meal provided to allow parties to discuss or to continue to discuss business;
- An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Council has contact; or
- Invitations to attend functions where the member represents the Council (opening ceremonies, public speaking events, conferences).

The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements;
- Offers of complimentary theatre and sporting tickets for the member/family or free travel; or
- Paid for corporate invites for evenings out with representatives from a company or firm who have dealings with the Council or who are likely to have dealings in the future.
- Members are again advised to err on the side of caution and if in any doubt as to the integrity of the offer/invite, the member should consult the Monitoring Officer or refuse.

17. Personal and Personal and Prejudicial Interests under paragraph 7.2(c) of the Code

17.1 Registration of a personal interest under paragraph 7.2(c) of the Code and other gifts and/or hospitality

A personal interest under paragraph 7. 2(c) of the Code must be registered:

Within 28 days of the members election or appointment to office whichever is the later.

In addition, members must notify the Monitoring Officer of any gifts or hospitality accepted by them or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 within 28 days of the receipt of the gift or hospitality.

17.2 Disclosure of a personal interest under paragraph 7.2(c) of the Code and other gifts and/or hospitality

When a member attends a meeting of the Council at which the relevant business is considered, the member must disclose their personal interest under paragraph 7.2(c) of the Code where they are aware/ought reasonably to be aware of the existence of the personal interest. The member must disclose to the meeting the existence and nature of that interest at the commencement of consideration of the relevant business or when the interest becomes apparent. Where a member has a personal interest under
paragraph 7.2(c) of the Code they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

17.3 Personal and prejudicial interests under paragraph 7.2(c) of the Code and other gifts and/or hospitality

When disclosing a personal interest under paragraph 7.2(c) of the Code members must also consider whether the personal interest is a prejudicial interest under paragraph 9.1 of the Code. If this is the case, paragraphs 9.2 – 9.5 of the Code apply. Where the personal interest is also a prejudicial interest under paragraph 9.1 of the Code, if the personal interest is not registered and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest within 28 days of the meeting at which the interest was disclosed.

18 Notifications

Notifications of gifts and hospitality should be sent to the Monitoring Officer at the following address. memberservice@salford.gov.uk. A form for this purpose is available from the same address which administers the register on behalf of the Monitoring Officer.

19 The register of members’ interests

Notifications will be included in the register of members’ interests, a copy of which is available for public inspection and is published on the Council’s website (subject to the rules on sensitive interests set out in paragraph 16 of the Code). This register is subject to scrutiny by the Standards Committee and inspection by the Monitoring Officer, Head of Internal Audit and Risk Management and External Auditors.

20 Gifts which cannot be retained

Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the Council or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer and Chair of the Standards Committee.

21 Conclusion

Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear.
21 Review of guidance

This guidance was last reviewed in 2019 and shall be reviewed every 3 years thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.
PART 6

SECTION B

Planning Protocol for Members and Officers
1. Introduction

1.1 The aim of this Planning Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

1.2 No member should be appointed to the Planning and Transportation Regulatory Panel (‘the Panel’) unless they have agreed in writing to take part in training in planning matters, including the operation of this Planning Protocol. No member appointed to the Panel should participate in the business of the Panel until they have attended training in planning matters.

1.3 In this Planning Protocol, the expression ‘planning matter’ means any planning application, development, development proposal or plan within the city of Salford or which materially affects the city and includes the enforcement of planning control. This Planning Protocol sets out the practices and procedures that members and officers of the council should follow whenever they are involved in planning matters in order to comply with the Code of Conduct for Members (as contained within the Council’s Constitution (‘the Code’)) and the Employee Code of Conduct, respectively.

1.4 The sections of this Planning Protocol relating to the declaration of interests also apply to members who are not members of the Panel. In making written representations to the Panel all members must serve only the public interest and should never seek to improperly confer an advantage or disadvantage on any person.

1.5 Planning affects land and property interests, including the value of land and the quality of the environment. Decisions affect people’s daily lives and the private interests of individuals, landowners and developers. The role of the planning system is to regulate the use and development of land in the public interest. Accordingly planning decisions must be seen to be impartial and properly justified. The planning system can only operate effectively if there is trust among the various stakeholders: the public, applicants, developers, members and officers.

1.6 Failure to abide by this Planning Protocol may place the council at risk of proceedings concerning the legality or maladministration of the related decision.

2. Role and conduct of members and officers

2.1 Members and officers have different but complementary roles. Both serve the public but members are accountable to the electorate and officers accountable to the council as a whole.
The main duty of members is to represent their constituents as a whole, including those who did not vote for them. This is especially relevant to planning matters where often decisions are taken against the interests of individuals but for the benefit of the wider community. However, case law has established there may be occasions where the need to uphold public trust and confidence in the impartiality of planning decision making requires a restriction of members’ representative capacity.

The role of members of the Planning Authority is to make planning decisions openly, impartially with sound judgement and for justifiable reasons.

Although members may take into account the views of others they should not discriminate in favour of any particular group or individual or put themselves in a position where they appear to do so.

Members are advised to treat with extreme caution any offer, gift, favour or hospitality that is made to a member personally. Members are referred to the Members’ Code of Conduct.

Officers who are chartered town planners must act in accordance with the Royal Town Planning Institute’s (RTPI) Code of Professional Conduct and breaches of that code may be subject to separate disciplinary action by the Institute. All officers are expected to follow the council’s own Code of Conduct for Employees, or any statutory code which may come into force or be adopted by the council.

Members are free not to follow the advice of the professional officers. Professional officers may also have a change of opinion but this must be on the basis of professional judgement; they must not be allowed to be influenced by members or other officers to change an opinion where this does not genuinely represent their professional view. The council endorses the RTPI’s statement that its members ‘shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions’.

The council has a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters.

Declaration of disclosable pecuniary interests

Part 2 of the Code incorporates the provisions in the Localism Act 2011 concerning the disclosure of pecuniary interests.

A ‘disclosable pecuniary interest’ is fully defined in the Code and includes, in relation to both members and their partners:
- Employment, office trade, profession or vocation.
- Sponsorship.
- Contracts.
- Land.
- Licences.
- Corporate tenancies.
- Securities.

3.3 It is a criminal offence, if a Member without reasonable excuse:

a) fails to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
b) fails to declare a disclosable pecuniary interest at a meeting if it is not on the register
c) fails to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that s/he has disclosed to a meeting
d) participates in any discussion or vote on a matter in which they have a disclosable pecuniary interest
e) knowingly or recklessly provides false or misleading information relating to disclosable pecuniary interests in notifying the Monitoring Officer or in disclosing such interest to a meeting.

3.4 Part 2 of the Code also advises members that, if they are present at a meeting and have a disclosable pecuniary interest in any matter to be considered at that meeting:

- Members must disclose the interest to the meeting whether or not it is registered.
- Members must not participate in any discussion of the matter or in any vote taken on the matter at the meeting and must withdraw from the room of the meeting whilst the matter is being considered.

Members with a disclosable pecuniary interest in a planning matter may apply to the Monitoring Officer for a dispensation to make representations, answer questions or give evidence relating to the relevant planning matter at a meeting, provided that the public are also allowed to attend the meeting for the same reason. Members must declare their interest at any meeting which they attend with a dispensation and must make it clear that their representations are made in a personal capacity rather than in their role as a councillor.
4. Declaration of personal interests

4.1 Part 3, in paragraph 7.1 of the Code states that, in addition to disclosable pecuniary interests, members must also register other personal interests defined in the Code.

4.2 Subject to the circumstances outlined in the Code, where members have a personal interest in any business of the council and attend meetings such as Panel at which the business is considered, they must disclose the existence and nature of that interest at the meeting.

5. Declaration of prejudicial interests

5.1 A member with a personal interest in any business of your authority you may also have a prejudicial interest in that business where the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest. A full definition of 'prejudicial interest' appears in Part 3, paragraph 9.1 of the Code.

5.2 A member with a prejudicial interest must disclose the interest to the meeting and must withdraw from the room where the meeting is held unless s/he is making representations, answering questions or giving evidence relating to the relevant planning matter, provided that the public are also allowed to attend the meeting for the same reason. The member must leave the room immediately after making representations, answering questions or giving evidence and must not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting.

6. Bias and predetermination

6.1 The law on bias and predetermination may apply at times when the member concerned does not have a disclosable pecuniary interest or a personal or prejudicial interest as defined by the Code.

6.2 Predetermination is a principle developed by the courts which has established that a decision taken by a public body is unlawful if the decision maker approaches the decision with a closed mind.

6.3 Section 25 of the Localism Act 2011 applies when a court has to consider whether a decision has been validly made. It provides that a ‘decision taker’ is not to be regarded as having a closed mind just because the decision taker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter that was relevant to the decision. The use of the qualifying words ‘just because’ in Section 25 indicates that some decisions will still be invalid by reason of predetermination.
notwithstanding the enactment of the section, because all the circumstances surrounding the decision have to be taken into account. Regardless of any predisposition of members to determine an application in accordance with their political views and policies, the members of the Panel must approach decision making with an open mind, must listen to the evidence and arguments on both sides and must make decisions with regard to material planning considerations. Members should not have, or appear to have, a closed mind on a planning application prior to its full consideration at the Panel.

6.4 Where bias or predetermination or a risk of the perception of bias or predetermination arises, a member of the Panel who has, or appears to have, closed mind about a planning matter in advance of the Panel should not participate in the decision making part of the meeting. Members may, in their representative capacity, address the Panel on the planning merits of the application for the same period of time as any member of the public with a right to speak. Members should declare that they cannot participate in the decision taking as a result of having a closed mind in advance of the meeting and withdraw as soon as they have addressed the Panel.

7. Development proposed by Salford City Council or a council controlled company or agency

7.1 Planning legislation allows councils, and bodies controlled by them, to submit and determine development proposals which they intend to carry out themselves. These shall be considered in the same way as those put forward by private developers.

7.2 Decisions shall be taken strictly on planning merits and without regard to any financial gain that the council e.g. in its capacity as land owner - may accrue, if the development is allowed. The council should treat such applications on an equal basis with all other applications.

7.3 Members of the Panel who hold a position of control or management in another public authority or are appointed by the council as its representative to another body need to consider their position where such bodies submit planning applications to the council. In such cases the Code provides that members have a personal interest and need only disclose the nature or existence of that interest when they address the meeting on the business which relates to their public authority or other body, unless the interest is a prejudicial interest. Members should always consider whether it is appropriate to regard themselves as having no prejudicial interest in the light of the specific facts.

In addition, because of the appearance of bias, a member should always consider whether it is appropriate to take part in the decision making process. For example, where the member has been or is perceived as being the chief advocate for the
proposal or has had a significant personal involvement in preparing or promoting the proposal by which they may be perceived as being unable to act impartially or determine the proposal purely on its planning merits and in the public interest or has, or appears to have, a closed mind about the application, this would give rise to an appearance of bias. If the circumstances would give rise to potential allegations of bias, members are advised to explain their involvement and not take part in the decision (see paragraph 6.4 above).

8. Development proposals by individual members or officers or persons related to them.

8.1. Serving members or officers should never act as agents for another in pursuing a planning matter to be determined by Salford City Council as local planning authority. If members or officers submit their own proposal to the council they should take no part in the processing and determination of that proposal. The council's Strategic Director Place should be informed of all such proposals as soon as they are submitted.

8.2. Proposals for development by members or officers shall be reported to the Panel and should not be determined under delegated authority unless they relate to the residence of a member or officer and there are no objections to the application.

8.3. Officers should not deal with development proposals and planning applications in which they have a personal interest.

9. Lobbying of and by members

9.1. Lobbying is a necessary and legitimate element of the political and democratic process. Those affected by a development proposal often try to canvass support from one or more members of the Panel. The time for individual members of the Panel to make a decision on a proposal is at the Panel meeting when all the relevant information is available and has been properly considered. Members should not close their minds or give the appearance of having closed their minds, particularly in relation to an external interest or lobby group, prior to the Panel meeting. Members who commit themselves in advance to a fixed view as to how the proposal should be determined should withdraw from the room in which the meeting is held and not participate when the Panel is discussing or voting on the application. They may, in their representative capacity, address the Panel on the planning merits of the application (see paragraph 6.4 above).

(Note: Where a matter is discussed and then deferred from one meeting to another, members may continue to take part in the decision at the second meeting, even if they have expressed views at the first meeting. Members should always keep an open mind and
take into account new information presented at the second meeting when they vote)

9.2 Members are free to listen to a point of view about a particular proposal and to provide procedural advice, (e.g. by referring the person to a particular officer). They should be careful however to reserve their own final judgement on the matter until the Panel meeting.

9.3 Members should not circulate unofficial papers not previously considered by officers at Panel meetings.

9.4 Whilst items are being considered at Panel members should only use their electronic devices to read and make notes on the Panel agenda, so that it is clear they are concentrating on the application under consideration. Members should not use mobile telephones or hand held devices to discuss the progress of an application with any person whilst items are under discussion.

10. Membership of lobbying groups

10.1 If a member is in a position of general control or management of an organisation that has made representations on a particular planning matter then they are likely to have a personal interest under the Code. Such membership may also give rise to a perception of bias or predetermination (see paragraph 6.4 above).

10.2 Whether membership constitutes a prejudicial interest will depend on the individual case. Where their lobby group has expressed a public view on a matter, members must consider whether a member of the public with knowledge of the relevant facts would reasonably regard the member’s judgement of the public interest as prejudiced. In deciding whether they have a prejudicial interest, members should consider:

- the nature of the application
- the nature of their involvement with the organisation
- the publicly expressed views of the organisation
- what the member has said or done in relation to issues relevant to the application.

10.3 A personal interest may also be prejudicial where a member of the council’s Planning Panel becomes aware that a decision in relation to a planning application involves a ‘relevant person’ (such as a child or close friend of the member) as described in Part 3, paragraph 8.2 of the Code (see paragraph 5.1 above)
11. **Pre and post application discussions**

11.1 Members of the Panel need to uphold their position as impartial decision makers and it would not be appropriate for them to take part in pre or post application discussions with applicants, developers or groups of objectors regarding the proposed development, even if they find it desirable as a ward member to attend such meetings. If it is necessary that they do so in order to fulfil some role other than ward member, this should be part of a structured arrangement agreed with a senior planning officer, who will arrange the meeting and the attendance of an officer at the meeting.

11.2 During any pre-application discussions or meetings with the applicant, developers or group of objectors that may take place, it shall be made clear by an officer at the outset that the council will not as a result of anything during the course of such communication - be bound to make a particular decision and further that any views expressed are provisional only and not those of the council.

11.3 A written note shall be made of such pre-application meetings. At least two officers should be present at meetings likely to arouse controversy as to what took place.

12. **Officer reports to committee**

12.1 Officers’ reports to the Panel (except to present and update a report) shall be in writing except in the most exceptional circumstances. Oral reports which are material to the Panel's decision shall be minuted.

12.2 Officers should seek to apply and interpret national and local planning policies in a consistent and objective manner.

12.3 Reports to the Panel shall be accurate and provide all relevant information. They shall contain a reasoned assessment of the proposal and justification of any recommendation. If an officer's recommendation is contrary to the Development Plan the material considerations which justify this shall be set out clearly.

13. **Decisions contrary to officer recommendation**

13.1 Members shall take decisions on planning matters in accordance with the Development Plan (or its statutory replacement) where relevant unless material considerations indicate otherwise. The reason for a contrary decision should be clear and convincing and fully minuted. A decision contrary to officer recommendation must be supported by reasons related to material considerations. Any such decision and its reasons should be minuted.
13.2 A senior officer should be asked to explain to the Panel the implications of a decision contrary to officer recommendation before the decision is taken.

13.3 If the Panel asks for additional planning conditions to be imposed or requests that amendments be made to proposed conditions, officers should prepare the draft condition. Standard conditions may be delegated to officers. Drafting of non-standard conditions which significantly depart from officers’ recommendations as set out in the committee report should be delegated to officers in consultation with the Chair.

14. **Committee site visits**

14.1 A decision to carry out a site visit may be held where a proposal is contentious or complex and the impact is difficult to visualise or assess from the plans or any supporting presentation. The visit is intended to enable members to gain knowledge of the proposal and its physical context.

14.2 Members, objectors and interested parties who are in regular contact with officers about specific applications will be able to obtain information about proposed site visits. Any correspondence from officers relating to a site visit shall identify clearly the purpose of the visit and its form and explain the limited extent to which members can receive representations during a site visit from the local members, applicants, objectors and interested parties. A note shall be taken by officers of any significant events occurring during the site visit.

14.3 While attending site visits members are free to listen to views expressed by the local members, applicants, objectors and other interested parties at the site visit but should not express an opinion on the planning application or on its merits (or otherwise) at the site visit.

14.4 In order to ensure transparency of public dealing by members, members shall keep together as a group and shall not engage individually in discussion with local members, applicants, objectors and other interested parties present at the site visit. Any questions or representations by local members, applicants, objectors and other interested parties shall be made in the presence of the other parties.

15. **Complaints and record keeping**

15.1 Any complaints made about the planning process should be recorded accurately, and would normally be dealt with in accordance with the council’s established Complaints Procedure, unless it is a complaint which is appropriate to be dealt with as a Standards or Conduct issue, in which case it should be reported to the council’s Monitoring Officer in the first instance.
16. Breach of the Members’ Code

16.1 Breaches of the Code and/or this Planning Protocol by members should be reported to the Monitoring Officer.
PART 6

SECTION C

Code of Conduct for Employees
Employee Code of Conduct

Policy and procedure

Salford City Council is operating in an ever-changing and sensitive environment where expectations about quality and standards are high and where accountability is in the spotlight. More than ever before, we are required to work to the highest standards of conduct and monitor our performance to ensure these standards are maintained.

Members of the public are entitled to expect the highest standards of conduct from everyone who works for the council. The Employee Code of Conduct sets out the standards of behaviour the council expects of its employees. It applies to all employees of the council, irrespective of grade or role. The code forms part of your terms and conditions of employment.

If you supervise/line manage other employees you must make sure that they know about and understand the code. If you supervise people who are not employees of the council i.e. agency workers you must make them aware of the code, and make it clear that they are under a duty to follow it.

If the people that you supervise/manage behave in ways that are inconsistent with the code, you must take action.

The Employee Code of Conduct incorporates the “seven principles of public life” identified by the Nolan Committee on Standards in Public Life.

Part one - Standards of conduct

The public is entitled to expect of a local government employee conduct of the highest standard and, where it is part of their duties, to provide appropriate advice to the City Mayor, councillors and fellow employees with impartiality. Public confidence in your integrity would be shaken were the least suspicion to arise that you could be influenced by improper motives.

Your life away from work is normally your personal concern. You should not however put yourself in a position where your job, or the city council’s interests, and your own interests conflict. This includes behaviour which would undermine the council’s confidence or trust in you or that which could harm the council’s reputation.

If you are graded above the pay point SCP 28 (Grade 3A and above) you must not carry out any other business or take up any other additional appointment, paid or unpaid, without the permission of your strategic director. We will not unreasonably prevent you carrying out other employment except where such employment, in the view of the council, conflicts with or reacts
detrimentally to the council’s interests, or in any way weakens public confidence in the conduct of the council’s business.

1.1 Relationships

The City Mayor and councillors: mutual respect between employees, the City Mayor and councillors is essential to good local government. You must not form close personal relationships with the City Mayor or individual councillors as this can damage your working relationship and could be embarrassing.

NB A separate code of conduct also exists for elected Members.

The local community and service users: employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the council. Close personal familiarity between employees and service users can affect impartiality and should, therefore, be avoided.

Contractors/external service providers: all relationships of a business or private nature with external contractors, or potential contractors, should be declared to your manager/immediate supervisor who will maintain a formal record of all such relationships. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors should familiarise themselves with Salford City Council’s financial regulations and standing orders and should ensure that they are complied with in all aspects.

1.2 Disclosure of information

The council’s decision making process must be open and transparent. The law requires that certain types of information must be available to the City Mayor, Members, auditors, government departments, service users and the public. Salford City Council itself may decide to be open about other types of information. Employees must be aware of information which is open and that which is not, and act accordingly. If in doubt about any aspect of this provision you should seek advice from your manager or immediate supervisor.

You should not communicate to the public any information in respect of agendas and reports or committee proceedings, which are designated as ‘not for publication’. Any requests from the public for the disclosure of items designated as ‘not for publication’ should be referred to the Democratic Services team who will advise as to whether or not disclosure is appropriate.
You must treat any information that you have access to with the appropriate level of confidentiality. Information concerning the private affairs of an individual must not, under any circumstances, be supplied to any person unless the consent of that person is first obtained or where such disclosure is required or sanctioned by law. In any event, information should only be provided in response to written requests. You must abide by the rules and procedures of the council on confidentiality, information governance and information security. It is your responsibility to ensure that you understand and comply with these policies.

You must not disclose information which is considered to be commercially sensitive to any person and must follow any policies or rules adopted by the council in respect of such information, particularly relating to competitive tendering.

You must not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

1.3 Appointments and other employment matters

If you are involved in appointing people to posts in the city council you should make sure that that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, you should not be involved in any stages of the selection and recruitment process if you are related to an applicant, or have a close personal relationship.

Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

1.4 Personal interests

You must declare to your manager/immediate supervisor:

- any non-financial interests that you consider could bring about conflict with the authority’s interests
- any financial interests which could conflict with the authority’s interests
- membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

You must not be directly involved in the processing of any type of application for work, services or other matters in which you, or any close relative, have a personal interest. In this event you must inform your manager/immediate supervisor, as soon as you become aware of the application or matter in question.
1.5 Use of council facilities

All employees should recognise that council facilities, equipment or other property are provided to facilitate the conduct of the council’s business. You should have regard to the ownership of intellectual property, including inventions, creative writings and drawings, or copyright. If these items are created as part of your normal course of employment they belong to the city council.

1.6 Corruption

It is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, payment, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity. If an allegation is made, the council has a duty to undertake a thorough investigation and you must prove that any such rewards have not been corruptly obtained. In appropriate cases the police will be asked to investigate the allegations and to take appropriate action.

1.7 Use of financial resources

You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You must strive to ensure value for money to the local community and to avoid legal challenge to the authority. You must always follow our financial regulations and comply with the council’s standing orders.

1.8 Gifts, hospitality and other benefits

Acceptance of hospitality and gifts by employees from anybody or person who have, or may in the future have, dealings of any kind with Salford City Council, could cause suspicion as to the motives involved and leave both the individual and the council vulnerable to criticism.

You therefore must not accept any gift or other benefit offered to you by any person you have provided services to (or their partner or family member) or any person associated with an organisation which has, or wishes to have dealings with us. You must declare any such offer to your service head.

The exception to this rule is where the ‘gift’ is of token value such as a diary, calendar or pen. If there is any doubt about whether a gift should be accepted it should be tactfully but politely declined.

Any gifts which are received directly and without warning should be reported to your strategic director who will be responsible for determining whether the gift should be declined and returned.

All cash or monetary gifts must be refused and as an employee you must not be a beneficiary in a client’s will. If you know that you, your partner or family member, have been made a beneficiary in the will of a service user or former service user you must immediately inform your strategic director.
A modest amount of entertainment is a normal part of public life, but you must not risk undermining public confidence or allow it to appear that you could be improperly influenced in the way you carry out your duties. Hospitality is sometimes offered to employees and should only be accepted if there is a genuine need to represent the council, or to receive or give information.

Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the council should be seen to be represented.

You must obtain your strategic directors approval before accepting any offer of hospitality. Before authorising any offer of hospitality directors should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality, e.g. lettings of contracts etc.

Offers of hospitality or gifts must be refused where there is any potential for suggestions of improper motives or influences being inferred.

1.9 Sponsorship - giving and receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the council wishes to sponsor an event or service, an employee or any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their manager/immediate supervisor who will maintain a formal record of any such interest. Similarly, where the council, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

1.10 Separation of roles during tendering

If you are involved in the tendering process or dealing with contractors, you should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability, openness and confidentiality.

If you are in contractor or client units, you must deal fairly and impartially with all customers, suppliers, other contractors and sub-contractors in accordance with agreed council policies.
If you have access to confidential information on tenders or costs for either internal or external contractors you must not give it to any unauthorised person or organisation.

1.11 Employees facing criminal charges

If you are facing criminal charges you must notify your immediate supervisor/line manager as soon as possible whether you feel the matter is relevant to your employment or not.

Part two - Serving Salford City Council

As employees you owe a duty of loyalty to the council and must not work against the best interests of the council.

Employees serve the public and the city council as one entity. As employees we all have the responsibility to contribute to the overall aims of the organisation, including delivering efficient services and promoting a culture where everyone is treated with dignity and respect.

It is vital that as employees you understand that the public has a right to expect the highest levels of integrity and responsibility from all staff. You must, at all times, act in accordance with the trust that the public is entitled to place in you as an employee of the council.

2.1 Duty of trust

You must, at all times, act in accordance with the trust that the public is entitled to place in you as an employee of the city council.

You are expected to be ready and able, at the agreed times, to carry out your job. Politeness and courtesy should be expressed to the public and to internal and external clients at all times. Customer care and courtesy must be maintained with appropriate professional boundaries.

2.2 Respect for others

All members of the local community, clients and our employees have a right to be treated fairly and equally and with dignity and respect.

You should be aware that your behaviour may inadvertently intimidate or offend other employees, service users or members of the public.

The council is opposed to and will not tolerate all forms of discrimination, harassment, victimisation, and bullying and has procedures in place to deal with complaints of this nature.
2.3 Health, safety and welfare

Salford City Council places a high priority on the health, safety and welfare of all employees, visitors and citizens. Employees have a key role to play in ensuring a safe and healthy work environment is developed and maintained.

Therefore, all employees are expected to co-operate and contribute to this fundamental principle through compliance with the policies, practices, procedures and individual codes of practice, supported through participation in appropriate training and development events.

2.4 External communications

You must not make any statements to the media, or any other public statement which concerns the business of the council, unless you have been authorised to do so. Council employees must clear any communication with the media or the public through the council's communications team.

Council officers must not discuss council business with the press or the public without express permission from their service head. This includes speaking, writing or giving interviews to the media.

No employee should ever, either during the course of their employment or in their private life:

- publicise confidential information gained in the course of their employment
- maliciously undermine the council and it's decisions by adverse or negative comments
- take personal issues concerning their employment to the media
- bring the council into disrepute by the extremity of their views.

As employees you must:

- only deal with the media if you are authorised to do so
- ensure any dealings with the media in an official capacity are appropriate
- follow the rules for contact with the media in a personal capacity and/or in your capacity for other organisations
- not create a false impression that you are authorised to speak for the council if you do not have the authorisation to do so.

If you are a trade union representative, local resident or member of a local action group, you should take care to ensure that any statements you make in such a capacity do not breach this code. The council recognises your right to take part in lawful trade union activity; however this does not extend to a right to make statements that are malicious, untruthful or irrelevant.
By making public comments, for example through the media (social or traditional) you abandon any rights to have your comments treated as private and any intervention by the council may be justified without breaching your right to freedom of expression or a private and family life.

Whenever there are restrictions on what you can communicate to people, or how you should communicate with them, it does not matter whether you are communicating face to face, by telephone, email, through social networking sites, or any other means. The rules apply to all ways of communicating.

Inappropriate comments made on social networking sites (whether you have enabled privacy settings or otherwise) about your employment with the council, the council at large or any employees or former employees of the council could amount to a breach of this code and result in disciplinary action.

Further details can be found in the Communications and Media Policy.

2.5 Political neutrality

Employees serve Salford City Council as a whole. It follows that you must therefore serve the City Mayor and all councillors and not just those of the controlling group, and must ensure that the individual rights of the City Mayor and all councillors are respected.

Subject to the council's conventions, employees may also be required to advise political groups. You must do so in ways which do not compromise your political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of Salford City Council and you must not allow your personal or political opinions to interfere with your work.

Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards relating to political neutrality.

Part three - Reporting wrong doing

Employees have a duty, without fear of recrimination, to report suspicions or knowledge of any wrong-doing you become aware of, for example:

- activities which you believe to be illegal, improper, unethical or otherwise inconsistent with the code
- anything which involves, or you think involves, irregularities with money or other property of the council
- council employees, or other individuals, being involved in potentially fraudulent or corrupt activities, or theft.
You must report any alleged impropriety or breach of procedure to your line manager or strategic director so that the matter may be investigated immediately.

Salford City Council has also introduced a variety of initiatives which are intended to combat fraud, corruption and waste within the authority. It is the duty of anyone who suspects malpractice to report the matter immediately so that it can be investigated.

In addition anyone wishing to remain anonymous can report the suspected irregularity to any of the following:

- **Head of Audit** Phone 607 6958
- **Honesty Action Line** 0808 100 1235 (Freephone)
- **Assistant Director of Human Resources** Phone 793 2000
- **Chief Executive** Phone 793 3400
- **District Auditor** Phone 234 6347
- **Public Concern at Work** Phone 0207 404 6609
- **Any Elected Member of the City Council**
- **Chairman of the Audit and Accounts Committee**
- **Greater Manchester Police**

An online reporting form is available at:

[http://intranet.salford.gov.uk/honestyaction.htm](http://intranet.salford.gov.uk/honestyaction.htm) or you can write to the Head of Internal Audit, Unity House, Salford Civic Centre, Swinton, M27 5AW.

**Part four - Implementation**

It should be noted that this code sets the framework for the standards expected of our employees but is not intended to be a comprehensive or exhaustive list of the rules of behaviour. Conduct or behaviour not explicitly stated within the code may still not be acceptable – if you are unsure you should check.

If you fall below the standards outlined in the code you may be referred into formal disciplinary procedures which could result in the termination of your employment.
You must treat this code seriously and make sure you understand it. If you are not sure about any aspect or the council’s requirements with regards to the conduct of employees then you must speak to your line manager as a matter or urgency.

This code, which supplements the National and Local Conditions of Service, relevant council policies, procedures, and standing orders, is applicable to all employees of the council. However, it should be noted that more detailed complementary information may be required within service groups to suit individual circumstances and situations for example, working with vulnerable clients.
PART 6

SECTION D

Members/City Mayor/Officers Relations Protocol
Protocol on Member/City Mayor/Officer Relationships

1. Introduction

1.1 The purpose of this protocol is to guide Members, City Mayor and officers of the council in their relations with one another.

1.2 Given the variety and complexity of such relations, this protocol does not seek to be exhaustive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.

1.3 This protocol is to a large extent no more than a written-down statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

1.4 This protocol also seeks to reflect the principles underlying the respective codes of conduct which apply to Members, City Mayor and officers. The shared object of these codes is to maintain and enhance the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct by all parties.

2. Respect

2.1 Officers should respect the role of the authority's Members and the City Mayor and treat them with courtesy at all times. The principle also applies to Members and their relationships with officers.

2.2 Both councillors, City Mayor and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.

2.3 Mutual respect between councillors, City Mayor and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.

2.4 If a relationship exists between councillors, City Mayor and officers which could give the appearance of bias, then advice should be sought from the Chief Executive or from the Monitoring Officer.
3. Officer advice to party groups

3.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.

3.2 The support provided by officers can take many forms, ranging from a briefing meeting with a Lead Member, a chairperson or spokesperson prior to a committee meeting, to presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the council, such support is available to all party groups.

3.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members, City Mayor and officers alike. In particular:

a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of council business. Officers must not be involved in advising on matters of party or political business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party or political business are to be discussed.

b) Party group meetings, whilst they form part of the preliminaries to council decision making, are not empowered to make decisions on behalf of the council. Conclusions reached at such meetings do not therefore rank as council decisions and it is essential that they are not interpreted or acted upon as such.

c) Similarly, where officers are providing information and advice to a party group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee, Member or City Mayor when the matter in question is considered.

d) Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.

3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the council. Such persons will not be bound by the ‘National Code of Local Government Conduct’
(in particular the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Members-only meeting.

3.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

3.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive and/or the Monitoring Officer who will discuss them with the relevant group leader.

4. **Support services to members and party groups**

4.1 The only basis on which the council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the council. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity or for private purposes.

5. **Members' access to information and to council documents**

5.1 Members are free to approach any Chief Officer for such information, explanation and advice (about that directorate's functions) as they may reasonably need in order to assist them in discharging their role as Members of the council. This can range from a request for general information about some aspect of a directorate's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the appropriate director.

5.2 As regards the legal rights of Members to inspect council documents, these are covered partly by statute and partly by the common law. The statutory framework includes the Local Government Act 1972 and the Data Protection Acts 1985 and 1998.

5.3 Members have a statutory right to inspect any council document which contains material relating to any business which is to be transacted at a council, committee or sub-committee meeting. This right does not, however, apply to documents relating to certain items which may appear on the exempt agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from counsel and criminal investigations.
5.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the Member properly to perform their duties as a Member of the council. This principle is commonly referred to as the ‘need to know’ principle.

5.5 The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that they have the necessary ‘need to know’. In this respect a Member has no right to ‘a roving commission’ to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the ‘need to know’. The question must initially be determined by the particular director whose directorate holds the document in question with advice from the Monitoring Officer. In the event of dispute, the question falls to be determined by the Monitoring Officer.

5.6 In some circumstances, e.g. a committee member wishing to inspect documents relating to the functions of that committee, a Member’s ‘need to know’ will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), a Member will normally be expected to justify the request in specific terms.

5.7 Whilst the term ‘council document’ is very broad and includes, for example, any document produced with council resources, it is accepted by convention that a Member of one party group will not have a ‘need to know’, and therefore a right to inspect, a document which forms part of the internal workings of another party group.

5.8 Further and more detailed advice regarding Members’ rights to inspect council documents may be obtained from the Monitoring Officer.

5.9 Finally, any council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a Member of the council. This point is emphasised in the ‘Members Code of Conduct’ in the following terms:

A Member must not:

a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so.

b) prevent another person from gaining access to information to which that person is entitled by law.
6. **Officer and Lead Member Relationships**

6.1 It is clearly important that there should be a close working relationship between the Lead Members and other senior officers who report to them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers’ ability to deal impartially with other Members and other party groups.

7. **Correspondence**

7.1 Correspondence, including e-mails (both physical copies and details of contents), between an officer and a Member shall be personal to that Member and shall only be made available to another Member or officer in the following circumstances:

a) Should the Member concerned so request.

b) As a matter of course to the Lead Members or cabinet with responsibility for the subject area.

c) To the City Mayor, the Chief Executive, the Monitoring Officer, the S151 Officer, the chair of the Overview and Scrutiny Board or a Scrutiny Panel (depending on remit) - at their request.

d) To the appropriate Strategic Director - at their request.

e) To another officer dealing with the matter in the absence of the officer named on the face of the correspondence should the need arise.

f) To another officer or Member who is named within the correspondence as assisting in dealing with the matter.

8. **Involvement of ward councillors**

8.1 Whenever a public meeting is organised by the council to consider a local issue, all the Members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the council undertakes any form of consultative exercise on a local issue, the ward Members should be notified at the outset of the exercise.

8.2 If an officer is invited to attend and advise such a public meeting the relevant director may attend in person or designate an appropriate officer to attend.
8.3 The term ‘public meeting’ for the above purpose means a meeting which:

- is convened by one or more councillors, or by one or more officers
- is open to any member of the public, and has been advertised as such.
PART 7

Members’ Allowances Scheme
Introduction

Salford City Council's Members' Allowances Scheme is made under the Local Government and Housing Act 1989 and the Local Government Act 2000 and in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

The above regulations allow councils to decide for themselves the level of allowances for Elected Members including travel and subsistence allowances. However, the council must have regard to the recommendation of an Independent Remuneration Panel in setting the allowances.

The allowances payable to councillors in Salford are set by the Independent Panel on Members’ Allowances which was appointed by the council to undertake a review of allowances in accordance with the Government’s guidance.

The council is required under the above regulations to publish its scheme of allowances for councillors. Details of the council’s current scheme has effect from the date approved by a meeting of Full Council, as set out below and will apply until the scheme is amended or replaced.

https://www.salford.gov.uk/your-council/councillors/members-allowances/special-responsibilities/

Basic allowance

Basic and special responsibility allowances are increased in April each year in accordance with the annual pay settlement for local government employees (administrative, professional, technical and clerical staff).

If a Member’s term of office does not cover the whole of a year, the amount of allowance payable will be proportionate to the actual term served.

The City Mayor and Deputy City Mayor receive the following annual special responsibility allowance.

<table>
<thead>
<tr>
<th>Position</th>
<th>Annual allowance</th>
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</thead>
<tbody>
<tr>
<td>City Mayor</td>
<td>£65,696.87</td>
</tr>
<tr>
<td>Statutory Deputy City Mayor</td>
<td>£33,296.22</td>
</tr>
<tr>
<td>Deputy City Mayor</td>
<td>£33,296.22</td>
</tr>
</tbody>
</table>

In addition to their basic allowance of £11,043.05 an annual special responsibility allowance is payable to those members who have a significant level of other responsibility. Those positions attracting such an allowance and the updated rates are listed below:
Position
Ceremonial Mayor £10,584.15
Lead Members £14,252.50
Executive Support Members £10,688.70
Chairs of Scrutiny Committees and Audit and Accounts Committee £8,909.98
Chair of Planning and Transportation Regulatory Panel £8,909.98
Chair of Licensing and Safety Regulatory Panel £8,909.98
Leaders of the Opposition Groups (with at least three Members) £8,909.98
Representatives of the Transport for Greater Manchester Committee £5,317.18
Co-opted Chair £580.78
Co-opted Member £408.44

The use of this index will be reviewed by the Independent Remuneration Panel.

Membership of other bodies

Members of Salford City Council who are also members of Transport for Greater Manchester (TfGM) will be entitled to basic and special responsibility allowances as appropriate in addition to the city council allowances. The amount of any allowances will be notified directly by those bodies and will be paid by the council.

Where travel and subsistence costs are incurred in connection with attendance at meetings of these bodies, claims should be made on the normal claim form.

Allowances are also payable to members representing the council on the following bodies and these are paid directly by the respective authority/ body:

- The Greater Manchester Combined Authority and any committees thereof, as recommended by the Members Remuneration Panel and agreed by Council
- Local Government Association
- City West Housing Trust
- Greater Manchester Pension Fund

Claims for attendance at the, Greater Manchester Combined Authority, Local Government Association and City West Housing Trust should be made directly to those bodies and not via the city council.
Co-optees’ allowances

Co-opted members of the:
- Children’s Scrutiny Panel
- Health and Social Care Scrutiny Panel
- Planning and Transportation Panel

Are entitled to claim £546 per annum if they chair one of these committees or £408.84 per annum if they are a member of the committee.

If a co-opted member’s term of office does not cover the whole of a year, the amount of allowance payable will be proportionate to the actual term served.

Independent Persons

Independent Persons on the Standards Committee are entitled to claim £408.44 plus an additional £57.00 per half day attendance and £114.00 per full day. The Chair of the Committee may claim an annual allowance of £1,109.00.

The Independent Persons on the Audit and Accounts Committee are entitled to claim an annual allowance of £870.00.

Travel allowances

Car Club

Members are expected to use the SCC car club for business travel. An exception will be made where this is not available, in which case expenses for personal cars can be claimed using the current SCC mileage allowance.

Where councillors or co-opted members use their own vehicle on approved council business, an allowance is payable based on the following rates:

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<tr>
<th></th>
<th>451cc - 999cc</th>
<th>1000cc - 1199cc</th>
<th>1200cc &amp; above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per mile first 8500</td>
<td>58.6</td>
<td>52.2</td>
<td>48.7</td>
</tr>
<tr>
<td>(in pence)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per mile after 8500</td>
<td>17.1</td>
<td>14.4</td>
<td>12.3</td>
</tr>
<tr>
<td>(in pence)</td>
<td></td>
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</table>

Parking

Shall be reimbursed when on SCC business and will not be reimbursed for home to work travel. Parking permits for the Civic Centre can be provided through payroll at the approved SCC cost.
Reimbursement of losses in relation to damage to members’ vehicles

The amounts for this allowance are as follows:

- Loss of no claims bonus up to a maximum of £300.
- Payment of excess up to a maximum of £150 on Members’ motor policies.

Public transport

Bus Pass - Members are entitled to a bus pass for travel throughout Greater Manchester. Members pay 1% towards this from their allowance every month. This is for First Bus. Please be aware that this is a taxably benefit and will be included in the payroll system.

Member Services have access to ‘First day adult’ passes if members only travel by bus on an ad hoc basis and therefore do not require an annual bus pass.

Cycle Allowance

Those Members who intend to travel by cycle are entitled to claim an allowance of 10 pence per mile. These journeys should be recorded on the Members’ allowance claim form.

Taxis

Where it is necessary to use a taxi for approved council business the cost of the fare will be reimbursed.

Subsistence

Subsistence allowances are not payable for duties undertaken within the city. Where Members incur costs in connection with official duties outside the city the reasonable allowances can be claimed:

Subsistence allowances are not payable where meals are provided by the meeting or conference organiser.

Overnight accommodation should be booked, in advance, through the Members’ Services Unit.

Carers’ allowance

Councillors who care for children aged 15 or under or other dependants are able to claim a carers’ allowance of £7 per hour while on approved council business. Members should take into account the times when childcare facilities are likely to be available when setting the times of meetings. Such payments are made on the submission of invoices from registered providers of care.
Payment of allowances

Claims should be submitted to the Members’ Services Unit on a monthly basis but no later than two months after carrying out the approved duty.

Payment of basic, special responsibility, travel and subsistence allowances will be made on the 15th day of each month or the preceding working day where the 15th day falls at weekend or on a Bank Holiday.

Members are requested to have payments paid directly to their bank accounts as this is the cheapest and most efficient method of payment. Where essential, it is possible to make payment by personal cheque.

Foregoing allowances

A Member may, by notice in writing given to the Monitoring Officer, elect to forgo their entitlement, or any part of their entitlement, to allowances.

Taxation of Members’ allowances

Allowances are treated for income tax purposes as income received from employment and are chargeable to income tax. Tax will be deducted from the allowances paid to Members under the PAYE system. Tax is not deducted from travel and subsistence allowances or carers’ allowances provided they are reimbursements for costs incurred and are supported by appropriate receipts.

National insurance contributions

For national insurance purposes Members are treated as employees and are liable to pay national insurance contributions where the amount of allowances received exceeds the national insurance threshold amount.

Pensions

Access to membership of the Local Government Pension Scheme (LGPS) has been removed by regulations except for Councillors who were members of the LGPS on 31 March 2014 who retain access to LGPS up until the end of their current term of office only Further details are available by request to the Chief Executive

Withdrawal of allowances

The Standards Committee can decide to withdraw allowances wholly or partially in the event of a Member being suspended in whole or in part.

Publication of allowances
The council is required to publish annually in a local newspaper details of the allowances paid to each council Member.

https://www.salford.gov.uk/your-council/councillors/members-allowances/special-responsibilities/

**Notification fee**

Councillors must be registered individually with the Information Commissioner and must pay the annual registration fee which is currently £40.00. The cost of the notification fee will be borne by the council.
THE LOCAL AUTHORITIES (INDEMNITIES FOR CITY MAYOR, VOTING CO-OPTED MEMBERS, INDEPENDENT PERSON(S), MEMBERS AND OFFICERS) ORDER 2004

Indemnity Policy

Terms of Indemnity

1 The Council will, subject to the exceptions set out below, indemnify each of the City Mayor, councillors, voting co-opted members, independent person(s) and officers against any loss or damage suffered by the City Mayor, councillors, voting co-opted members, independent person(s) and officers arising from his/her action or failure to act in his/her capacity as City Mayor, Councillor or officer of the authority.

This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

a) any criminal offence, fraud or other deliberate wrong doing or recklessness on the part of the City Mayor, councillors, voting co-opted members, independent person(s) and officers;

b) any act or failure to act by the City Mayor, Councillor, voting co-opted member or employee otherwise than in his/her capacity as a councillor or officer of the authority, or

c) failure by the City Mayor, Councillor or voting co-opted members to comply with the authority’s Code of Conduct for Councillors.

2 The Council will, subject to the exceptions set out below, indemnify the City Mayor and each of its councillors, voting co-opted members and officers against the reasonable costs which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings or Part 3 proceedings (see below) to which he/she is subject.

a) “Criminal proceedings” includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom.

b) “Part 3 proceedings” means any investigation or hearing in respect of an alleged failure to comply with the authority’s Code of Conduct for Councillors under Part 3 of the Local Government Act 2000 (potential liability to suspension/disqualification).

c) This indemnity will not extend to Part 3 proceedings where the allegation has been referred to the Monitoring Officer for local investigation and/or determination by the Standards Committee.

d) This indemnity shall not extend to any advice or representation in respect of any claim or threatened claim in defamation by the councillor or officer.

e) The City Mayor, Councillor, voting co-opted member, independent person(s) or officer must have acted in good faith.
3. Where the City Mayor, Councillor, voting co-opted member, independent person(s) or officer avails him/herself of this indemnity in respect of defending him/herself against any criminal or civil proceedings or Part 3 proceedings, the indemnity is subject to a condition that if, in respect of the matter in relation to which the councillor, voting co-opted member, independent person(s) or officer has made use of this indemnity –

a) the City Mayor, Councillor, voting co-opted member, independent person(s) or officer is convicted of a criminal offence in consequence of such proceedings; or

b) a Case Tribunal or the Standards Committee determine that the councillor or voting co-opted member has failed to comply with the Code of Conduct, for Councillors, voting co-opted members or the City Mayor admits that he/she failed to comply with the Code,

c) and in either of the above cases the conviction or determination is not overturned on appeal, the City Mayor, Councillor, voting co-opted member, independent person(s) or officer shall reimburse the authority for any sums expended by the authority pursuant to the indemnity.

d) Where the Council arranges insurance to cover its liability under this indemnity; the requirement to reimburse in Paragraph 3.2 shall apply as if references to the authority were references to the insurer.

4. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the councillor, voting co-opted member, independent person(s) or officer “in his/her capacity as a councillor, voting co-opted member, independent person(s) or officer of the authority” where:

a) The act or failure to act was outside the powers of the Council, or outside the powers of the councillor, voting co-opted member, independent person(s) or officer, but the councillor, voting co-opted member, independent person(s) or officer reasonably believed that the act or failure to act was within the powers of the authority or within the powers of the councillor, voting co-opted member, independent person(s) or officer (as appropriate) at the time that he/she acted or failed to act, as the case may be;

b) The act or failure to act occurred in the discharge of the functions of the City Mayor, Councillor, voting co-opted member, independent person(s) or officer of the Council and/or in their capacity as a councillor, voting co-opted member, independent person(s) or employee of another organisation, where the councillor or officer is, at the time of the action or failure to act, a councillor, voting co-opted member, independent person(s) or employee of that organisation either –

i. in consequence of his/her appointment as such City Mayor, councillor, voting co-opted member, independent person(s) or officer of that organisation by the Council; or

ii. in consequence of his/her nomination for appointment as such City Mayor, Councillor, voting co-opted member, independent person(s) or officer of that organisation by the Council; or

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iii. where the Council has specifically approved such appointment as such a City Mayor, Councillor, voting co-opted member, independent person(s) or employee of that organisation for the purpose of these indemnities.

5 The Council undertakes not to sue (or join in action as co-defendant) a councillor, voting co-opted member, independent person(s) or an officer of the Council in respect of any negligent act or failure to act by the councillor, voting co-opted member, independent person(s) or officer in his/her capacity as a councillor, voting co-opted member, independent person(s) or an officer of the Council, subject to the following exceptions:

a) Any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the councillor or officer; or

b) Any act or failure to act by the councillor, voting co-opted member, independent person(s) or officer otherwise than in his/her capacity as a councillor or officer of the authority.

6 These indemnities and undertaking will not apply if a City Mayor, Councillor, voting co-opted member, independent person(s) or officer, without the express permission of the Council or of the appropriate officer of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity.

7 These indemnities and undertaking are without prejudice to the rights of the Council to take disciplinary action against an officer in respect of any act or failure to act.

8 These indemnities and undertaking shall apply retrospectively to any act or failure which may have occurred before 21st September, 2011 and shall continue to apply after the councillor, voting co-opted member, independent person(s) or officer has ceased to be a councillor or officer of the authority as well as during his/her term of office or employment by the authority.

9 The City Mayor, Councillor, voting co-opted member, independent person(s) or officer shall have a duty to inform the Council’s Monitoring Officer immediately he/she becomes aware of any claim or potential claim against the Council or any circumstances likely to result in any financial loss to the Council, and will follow the advice of the Monitoring Officer and the Chief Finance Officer.

10 The City Mayor, Councillor, voting co-opted member, independent person(s) or officer shall also be under a duty to co-operate with and assist the Council in the conduct of any legal proceedings to which the indemnity relates including, where required, giving evidence.

11 The indemnity shall not apply to cover acts or omissions carried out by a City Mayor, Councillor, as a result of him/her obtaining a position on an outside body in a personal capacity without the Council making the appointment.

12 The indemnity does not extend to any fine imposed upon a councillor, voting co-opted member, independent person(s) personally by any court or any award made against a City Mayor, Councillor, voting co-opted member, and independent person(s) personally by a Court or a Tribunal.
PART 9

Senior Management Team
Corporate Management Team