

SECTION 5

CORPORATE STANDARDS FOR AND LIMITATIONS ON THE EXERCISE OF ALLOCATED AND DELEGATED FUNCTIONS

NB ALL THE CORPORATE STANDARDS AND LIMITATIONS SET OUT BELOW APPLY TO THE EXERCISE OF EXECUTIVE FUNCTIONS. ONLY THOSE IN A, B2 AND B3(a) AND (b) APPLY TO THE EXERCISE OF ALL OTHER COUNCIL/NON-EXECUTIVE FUNCTIONS.

A. CORPORATE STANDARDS

The responsibilities allocated to and exercised by Executive Members and delegated to officers of the Authority are subject to the provisions contained in the documents detailed below, as supplemented by any Protocols agreed by the Cabinet, which shall between them constitute the 'Corporate Standards' of the authority, and which will be added to and revised by the Cabinet as necessary.

(a) Finance

The detailed financial procedures and prescribed limitations of delegated powers contained within 'Financial Regulations' as set out in the Constitution.

(b) Contracts

The detailed procedures and prescribed limits as set out in the Council's Standing Orders Relating to Contracts and any agreed code of practice or protocol for procurement.

(c) Personnel and Staffing

The Council has corporate Human Resources policies and procedures which officers must comply with in dealing with any staffing matter.

(d) Information Technology

The corporate standards for Information and Communications Technology as agreed by the Cabinet from time to time and which include the development and implementation of all major IT systems, compliance with the Computer Security Guidelines, the development of any new systems and software use policy.

(e) Decision-making Processes

The corporate standards agreed from time to time by the Council for decision-making procedures.

(f) Legal Standards

The legal standards agreed from time to time by the Council.

(g) Standards of Corporate Governance

The standards set out in the Corporate Governance Code agreed by the Cabinet.

(h) Risk Management

The Council has an approved Risk Management and Assurance Framework which officers and Members are expected to follow.

B. OTHER LIMITATIONS

1. For the avoidance of doubt the Constitution (Sections 3 and 4 of Part 3) does not allocate to any Executive Member or delegate to any officer any matter which:-

- a) is not a function of the Executive, or which is reserved to the full Council by the Constitution or by law
- b) is reserved to the full Cabinet by the Constitution (unless then delegated by the Cabinet)
- c) is specifically withdrawn from delegation to an officer for the time being, or in respect of the matter in question
- d) may not by law be allocated to an Executive Member or, as the case may be, delegated to an officer
- e) is being carried out for the Council under joint arrangements by another local authority (e.g. under an agency agreement, a goods and service agreement, a works contract, by a joint authority or by a joint committee on behalf of the Council)
- f) is to be carried out by a contractor under the terms of a current agreement, *except* in the event of an emergency or default
- g) is delegated to an officer but where an Executive Member has authority to act and indicates a wish to do so.

2. Any exercise of powers shall comply with:

- a) The Corporate Standards agreed in the Constitution and as set by the Cabinet or Council from time to time
- b) Standing Orders
- c) Contracts Standing Orders
- d) Financial Regulations

- e) Corporate policies and/or Service Plans or policies approved by the Cabinet or the Council as appropriate
- f) The Members' Code of Conduct, the Members' Protocol and the Officers' Code of Conduct
- g) Any other legal requirement, statutory code of practice or of guidance, or other national/local requirements for standards of ethical conduct which may be issued from time to time (for example by the Standards Board for England)

3. In exercising their powers, decision makers shall:

- a) have regard to the provisions of Article 13 of the Constitution (Decision Making)
- b) have regard to any advice given by the Chief Executive or by the Monitoring Officer (appointed under Sections 4 and 5 of the Local Government and Housing Act 1989 respectively) or by the Director of Finance and Corporate Services appointed under Section 151 of the Local Government Act 1972
- c) have regard to the legal and financial implications of decisions being taken
- d) inform the relevant Executive Member of details of any significant issues or problems which it is proposed to be determined under delegated authority, prior to the exercise of that authority, and consider whether the scale of the decision, the level of risk involved, or the policy or political sensitivity, is such that it would be more appropriate for the decision to be taken by the relevant Executive Member or by the Cabinet [see also B1(g) above].

In particular, officers shall

- consider whether they have the delegated authority to make the decision (whether directly in Section 4 above or by sub delegation in accordance with Section 4 2(b))
- ensure that, where decisions are of future potential significance, and particularly where they may affect the rights of others, the decision and the reasons for arriving at it are properly recorded and can later be retrieved.

C. RECORDING OF EXECUTIVE CABINET AND EXECUTIVE MEMBER DECISIONS AND OF KEY DECISIONS BY OFFICERS

a) Executive Cabinet

All decisions made by the Executive Cabinet must as soon as reasonably practicable be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision

- a record of the reasons for the decision
- details of any alternative options considered and rejected by the Executive
- a record of any conflict of interest declared by any member of the Executive
- a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest.

b) Individual Executive Members

All decisions made by individual members of the Executive must be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision
 - a record of the reasons for the decision
 - details of any alternative options considered and rejected at the time by the member
 - a record of any conflict of interest declared by any other member of the Executive who is consulted in relation to the decision
 - a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest
 - no decision shall be made by an Executive Member where that Member has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful and in such circumstances the allocation to the Executive Member shall be dealt with by the Leader or by another Executive Member at the direction of the Leader

c) Key Decisions made by officers

All decisions which are Key Decisions made by individual officers on behalf of the Executive must be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision
- a record of the reasons for the decision
- details of any alternative options considered and rejected at the time by the officer
- a record of any conflict of interest declared by any member of the Executive who is consulted in relation to the decision

a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest.