



Meeting: **Constitution Committee**

Date/Time: **Tuesday, 28 April 2026 at 12.00 pm**

Location: **Gartree Committee Room, County Hall, Glenfield**

Contact: **Mrs J Twomey (Tel: 0116 305 2583)**

Email: **Joanne.twomey@leics.gov.uk**

Membership

Mr. D. Harrison CC (Chairman)

Mr. M. T. Mullaney CC Mrs D. Taylor CC

SUPPLEMENTARY AGENDA

<u>Item</u>	<u>Report by</u>	
7. Revision of the Constitution.	The Monitoring Officer	(Pages 13 - 14)



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CONSTITUTION COMMITTEE – 28th APRIL 2026

REPORT OF THE MONITORING OFFICER

REVIEW AND REVISION OF THE CONSTITUTION

Purpose of the Report

1. The purpose of this report is to recommend changes to the Constitution as part of a mid year review. This supplementary report summarises the proposed amendments which are detailed in the Appendix attached to this report.

Background

3. This has previously been set out in the main report.

Proposed Amendments

5. It is proposed that changes are made to the following areas of the Constitution:
 - Articles (Part 2),
 - Responsibility for Functions (Part 3)
 - Meeting Procedure Rules (Part 4A)
 - Overview and Scrutiny Procedure Rules (Part 4E)
 - Protocol on Member / Officer Relations (Part 5C)
 - Members' Allowance Scheme (Part 6)

Full details and the reasons for the changes are set out in the Appendix attached. A summary of the key amendments is set out below.

Articles

6. Potential to rotate Chairmanship of the Scrutiny Commission (Article 6.05) – This is to allow for the annual rotation of the chairmanship between the Leaders of the two main opposition groups, effective from the annual meeting of the County Council. Unless it is otherwise agreed, the Leader of the largest opposition group will chair in the first year following an election. This proposed change has been similarly reflected in the Meeting Procedure Rules (Standing Order 29) which also states that the Deputy Chairman will automatically be the Leader of the main opposition group

who is not currently serving as Chairman. The Overview and Scrutiny Procedure Rules (Rule 6) have also been updated to reflect this proposed change.

7. Renaming of overview and scrutiny committees (Article 6.07; Schedule 3 Table A) – The titles of committees have been updated to reflect recent departmental changes. The terms of reference for the Committees set out in Table A of Schedule 3 have also been amended to align each committee with the responsibilities that now fall within its relevant departments remit. The related changes in the titles of Departments and Chief Officer titles are captured in the revised Table C (Annex 2).
8. Review and Revision of the Constitution (Article 15) – This sets out an updated framework for monitoring and reviewing the Constitution, including a clearer duty on the Chief Legal Officer and Monitoring Officer to keep the Constitution up to date. This includes authority to make certain consequential/minor amendments such as typographical corrections, updating obsolete references/terms of reference, updating delegations following restructures, and updating references to replaced legislation.

Responsibility for Functions

9. Corporate Governance Committee – The terms of reference for this committee have been amended to remove reference to ‘standards of conduct by members and co-opted members. This is to enable the transfer of these functions to the new Constitution and Ethics Committee. The Corporate Governance Committee will also now take on responsibility for approving the Council’s Annual Governance Statement (currently within the remit of the Constitution Committee).
10. Replacement of the Constitution Committee – References to the Constitution Committee are to be removed and replaced to establish a new Constitution and Ethics Committee with revised terms of reference, combining the existing constitution-related remit of the Constitution Committee with responsibility for promoting and maintaining high standards of conduct for members and co-opted members (previously the responsibility of the Corporate Governance Committee). This will include oversight of the Code of Conduct/protocol updates, complaint-handling procedures, training and monitoring, and the selection of Independent Persons that support the complaints process.

Meeting Procedure Rules

11. Standing Order 1 (Meetings of the County Council) - Provisions have been added regarding members standing on the Chairman’s entry/exit, commencement with prayers, allocated seating when meetings are

webcast, and public/press filming and live reporting rules.

12. Standing Order 4 (Order of business) – This now includes provision for the receipt of statutory officer reports as appropriate.
13. Standing Order 7 and 32 (Questions from elected members and the public) – Questions which the Chairman (after consultation with the Monitoring Officer) may disallow have been expanded, to provide a clearer scope and improve consistency with other provisions (namely Position Statements and Notices of Motion). Questions which relate, for example to staffing, complaints and investigations on conduct matters and exempt/confidential information content could be disallowed.
14. Standing Order 8 (Position Statements) – This Standing Order has been replaced with updated rules, including limits on the number of position statements that will be permitted at each meeting, reiterating current practice regarding publication requirements and time limits, and sets out discussion arrangements and a defined scope and grounds for disallowing a statement (aligned with questions and motions as detailed above and below).
15. Standing Order 10 (Notices of Motion) – Greater clarity on the scope of restrictions on Notices of Motion has been included to align with the question/position statement scope limitations. This will help support consistency in the application of these rules in respect of all such matters.
16. Standing Order 14 (Rescissions) – This Standing Order has been amended to restrict the re-running of substantially similar motions within six months, subject to specified exceptions, including the moving of a motion seeking a vote of no confidence in the Leader which can be made at any time.
17. Standing Order 35 (Variation and revocation) – It is proposed that this Standing Order is deleted so that changes proposed to the Meeting Procedure Rules can be implemented with immediate effect. This is on the basis that all changes to the Constitution first need to be considered either by the new Constitution and Ethics Committee, Employment Committee or Corporate Governance Committee and will only be brought to full Council for approval if recommended by those committees.

Overview and Scrutiny Procedure Rules

18. The Overview and Scrutiny Procedure Rules have been tidied up and corrections made to delete duplication. Rule 2 has been strengthened to reiterate the explicit function for the Scrutiny Commissioners to oversee the work of other scrutiny committees and review panels.

19. Rule 14 (Call-in procedure) has been revised to make clear those matters which can be referred on to full Council following a call-in (i.e. Cabinet decisions considered to fall outside the Budget or Policy Framework). This is in line with guidance from the Centre for Governance and Scrutiny and the arrangements adopted by other authorities. It also now aligns better with the Council's existing Budget and Policy Framework Procedure Rules.

Protocol on Member/Officer Relations

20. The updated Protocol places greater emphasis on senior Members and Officers modelling the behaviours and standards set out in the Protocol and clarifies the requirement for training.
21. The section regarding 'Relationships between Members and Officers' has been strengthened around professional conduct in communications. It tightens expectations for both Members and Officers.
22. The Protocol now includes a clearer route for raising and resolving Member-officer conduct concerns, encouraging early, informal resolution while setting out formal escalation steps for both officers and Members (including safeguards against retaliation and interference with standards or HR processes).
23. Attached to the Protocol is a Statutory Officers Protocol that sets shared expectations, early involvement and access arrangements, escalation and dispute resolution pathways, and role-specific appendices for the Head of Paid Service, Monitoring Officer and Chief Financial Officer. Ongoing review and maintenance arrangements are also stated to keep the protocol current and consistent with legislation and good practice.

Members' Allowances Scheme

23. A new paragraph has been added to reflect new Regulations which again permit members to join the Local Government Pension Scheme if they so wish.

Recommendation

24. That the County Council be recommended to approve the proposed changes to the Constitution as set out in the Appendix attached to this report.

Equality Implications

25. There are no equalities implications arising from this report.

Human Rights Implications

26. There are no human rights implications arising from this report.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

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Appendices

Appendix – Proposed Changes to the Constitution 2025

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**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
MAY 2026**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 2 - ARTICLES</u>		
<p>Article 6 – Overview and scrutiny committees</p>	<p>Amend Article 6.05 to read as follows:</p> <p>“Chairmanship of the Scrutiny Commission shall rotate between the Leaders of the two main opposition groups on an annual basis, effective from the annual meeting of the Council. Unless agreement is reached otherwise, the Leader of the largest opposition group will take the chair for the first year following the election with rotation applying in subsequent years.”</p>	<p>To allow for the rotation of the Chairmanship of the Scrutiny Commission between the two main opposition political groups.</p>

	<p>Amend Article 6.07 to rename the Overview and Scrutiny Committee's as follows:</p> <p>The Chairman of the Adults and Cultural Services Overview and Scrutiny Committee</p> <p>The Chairman of the Children and Families Overview and Scrutiny Committee</p> <p>The Chairman of the Growth, Highways, Transport and Waste Overview and Scrutiny Committee</p> <p>The Chairman of the Environment, Flooding and Climate Change Overview and Scrutiny Committee</p> <p>The Chairman of the Health and Communities Overview and Scrutiny Committee</p>	<p>To reflect recent departmental changes made by the Chief Executive and revised Overview and Scrutiny terms of reference to align these.</p>
<p>Article 12.03 – Functions of the Monitoring Officer</p>	<p>Amend paragraph (a) to read “The Monitoring Officer will monitor and maintain an up-to-date version of the Constitution....”</p>	<p>To reflect the changes being made to Article 15 below.</p>

<p>Article 13 – Decision-making</p>	<p>Amend Article 13.02 to read as follows:</p> <p>All decisions of the County Council will be made in accordance with the following principles:</p> <ul style="list-style-type: none"> (a) proportionality (i.e. the action should be proportionate to the desired outcome); (b) due consultation and engagement; (c) the taking of professional advice; (d) respect for human rights; (e) a presumption in favour of openness and transparency; (f) clarity of aims and desired outcomes; and (g) an explanation of the options considered and the reasons for decisions 	<p>To reflect recent guidance from the Local Government Association.</p>
<p>Article 15 – Review and Revision of the Constitution</p>	<p>Replace Article 15 with the following:</p> <p>15.01 Duty to Monitor and Review the Constitution</p> <ul style="list-style-type: none"> (a) The Chief Legal Officer and Monitoring Officer will monitor the operation of the Constitution on a regular basis to ensure that the aims and principles are given full effect. (b) The Chief Legal Officer and Monitoring Officer will make recommendations as to changes required to the Constitution to ensure it is up to date and remains fit for purpose. In undertaking this task the Chief Legal Officer and Monitoring Officer may: <ul style="list-style-type: none"> (i) observe meetings of different parts of the 	<p>To enable the Chief Legal Officer and Monitoring Officer to make minor amendments to the Constitution as detailed.</p>

	<p>member and officer structure;</p> <p>(ii) undertake an audit trail of a sample of decisions;</p> <p>(iii) record and analyse issues raised with him or her by members, officers, the public and other relevant stakeholders; and</p> <p>(iv) compare practices in the County Council with those in other comparable authorities, or national examples of best practice.</p> <p>15.01 Changes to the Constitution</p> <p>(a) The Chief Legal Officer and Monitoring Officer is authorised to make consequential changes to the Constitution including (but not limited to):</p> <ul style="list-style-type: none"> - Typographical or grammatical errors to delete or update any obsolete terms of reference; - To correct obvious errors or better give effect to the clear intention of the constitution; - Update the Council's Scheme of Delegation where responsibility for a function is moved from one officer to another e.g. following a restructure; - To reflect changes in responsibilities of members of the Executive as determined by the Leader of the Council; and - To update references to legislation where 	
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	<p>an Act of Parliament is replaced by another Act in substantially similar terms, or to reflect changes which are require by new legislation which the Council is required to implement.</p> <p>(b) Subject to paragraph (a) above, changes to the Constitution will only be approved by the full Council following a recommendation made by the Chief Executive and/or Chief Legal Officer and Monitoring Officer and which has first been approved by the Constitution and Ethics Committee and/or Corporate Governance Committee and/or Employment Committee as appropriate.</p>	
Schedule 3, Table A – Overview and Scrutiny Committees	Replace Table A with that set out in Annex 1 attached.	To align Overview and Scrutiny terms of reference with recent departmental changes made by the Chief Executive.
Schedule 3, Table C – Chief Officers	Replace Table C with that set out in Annex 2 attached.	To reflect recent departmental changes made by the Chief Executive.
<u>PART 3 – RESPONSIBILITY FOR FUNCTIONS</u>		
Section B – Responsibility for “County Council” Functions	<p>Delete from paragraph 3 of the Corporate Governance Committee Terms of Reference the following wording”</p> <p>‘standards of conduct by members and co-opted members’</p>	Standards matters to be transferred to the proposed new Constitution and Ethics Committee.

	<p>Delete all reference to the Constitution Committee and replace with the Constitution and Ethics Committee with the following terms of reference:</p> <ol style="list-style-type: none"> 1. The Constitution Committee shall not have power to appoint subcommittees, save in relation to members' allowances. 2. The extent to which the non-executive powers within the Committee's remit have been delegated to chief officers, either by the full County Council or by the Committee (or by any of the bodies previously charged with the functions now within its remit), will be found: <ol style="list-style-type: none"> (a) in the general scheme of delegation to heads of departments which appears in Section D of this Part; and (b) in the record of specific delegations maintained by the Chief Executive for public inspection at County Hall and which constitutes Part 9 of this Constitution. 3. Subject to the delegations described in paragraph 2, the functions delegated to the Committee shall be: <ol style="list-style-type: none"> (a) Elections. Those functions relating to elections which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council. (b) Names and status. Those functions relating to the name and status of areas and individuals which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council. 	<p>To replace the Constitution Committee with a new Constitution and Ethics Committee that will now have responsibility for all matters relating to the standards of conduct of members and co-opted members along with those responsibilities previously delegated to the Constitution Committee.</p>
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	<p>(c) Bills. Advising the Council on the promotion or opposition of local or personal Bills which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.</p> <p>(d) Appointments. Making and revoking appointments, except where the full County Council, the Cabinet, the Corporate Governance Committee or other board or committee has such responsibility.</p> <p>(e) Members' Allowances Scheme. Advising the County Council on the Members' Allowances Scheme <i>[Note: approval of the scheme cannot be delegated by the County Council to a committee].</i></p> <p>(f) Members' Services. Approving the arrangements for providing appropriate support services to meet the needs of elected members.</p> <p>(g) Constitution. Oversee the operation of the Council's Constitution and to make recommendations to the County Council on changes and improvements to the Constitution except for those which fall within the remit of the Corporate Governance Committee and the Employment Committee.</p> <p>(h) Member and Co-opted Member Conduct. Overseeing and approving the Council's functions relating to the promotion and maintenance of high standards of conduct for members and co-opted members of the County Council including:</p>	
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	<ul style="list-style-type: none"> (i) Making recommendations to the County Council regarding amendments to the Members' Code of Conduct and the Member/Officer Protocol; (ii) Approving the Council's procedure for handling Member Conduct Complaints. <i>(See also delegation to the Chief Legal Officer and Monitoring Officer.)</i> (iii) Approving training to be provided to Members on the Code of Conduct; (iv) Monitoring the operation of the Code of Conduct (v) Select and recommend to the County Council persons for appointment as an Independent Person. <ul style="list-style-type: none"> (i) Dispensations and Exemptions. Approving the granting of a dispensation to any member in respect of any statutory and non-statutory disclosable interests and agreeing to exempt members from vacation of office for failure to attend meetings. (j) Charitable Trustee. Those functions relating to the Council's role as a Charitable Trustee where the Council has been identified as a trustee of a charity or trust or the recipient of a bequest and holds property or assets on trust, including consideration of matters where there is a conflict or potential conflict between the Council's interests and those of the Charitable Trust or bequest. 	
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	Remove approval of the Annual Governance Statement from the current Constitution Committee and allocate this function to the Corporate Governance Committee to be captured within its specific terms of reference.	To reflect the transfer of responsibility for the approval of the Annual Governance Statement to the Corporate Governance Committee.
Schedule D – General scheme of delegation to Chief Officers	Amend paragraph 8 to read: “Any proper officer function or delegation to the Chief Executive may in his/her absence be exercised by the Director of Corporate Resources (Deputy Chief Executive). Amend paragraph 22 to read: “The Chief Executive has authorised the Director of Corporate Resources (Deputy Chief Executive) to act in his/her absence.”	To reflect the Chief Executive’s change in officer structure and related sub-delegations.
<u>PART 4A – MEETING PROCEDURE RULES</u>		
Standing Order 1 – Meetings of the County Council	Add new paragraphs (6) to (8) as below – <u>Procedure for meetings</u> “(6) Before the start and end of each meeting, members and officers will stand whilst the Chairman enters and leaves the chamber. The meeting will also commence with prayers. (7) Meetings of the Council may be broadcast live	To provide for the standing of all members at the start and end of each meeting on the entrance of the Chairman, the seating of members in their allocated place, and to set out the rules regarding the filming/recording of meetings live.

	<p>and made available to the public for viewing on the Council's website. When a meeting is webcast, members will sit in their allocated seat.</p> <p>(8) Members of the public and press shall be entitled to film, record and report proceedings of any meetings (which they are permitted to attend) as they happen using any electronic method available (including X, Blogs and Facebook). This right does not extend to live oral reporting or commentary of meetings.”</p>	
Standing Order 4 – Order of business	To include new paragraph (8) to read “to consider reports of statutory officers as appropriate” and renumber later paragraphs.	To provide for the receipt of statutory reports in line with good practice.
Standing Order 7 – Questions from Elected Members	<p>Amend paragraph (9) to read as follows:</p> <p>(9) The Chairman of the meeting, following consultation with the Monitoring Officer, shall not allow the question to be put if he or she is of the view that it:</p> <p>(a) Contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful;</p> <p>(b) Relates to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council;</p>	To provide a clear scope for questions that can be asked by elected Members which also aligns with the scope for notices of motion and position statements, ensuring greater consistency.

	<ul style="list-style-type: none"> (c) Relates to individual staffing matters or the personal information of Members or Officers; (d) Relates to complaints, investigations or conduct matters concerning identifiable members or officers; (e) Raises any matter involving exempt or confidential information or compromises legal or commercial confidentiality; (f) Is out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution.” 	
<p>Standing Order 8 – Position Statements</p>	<p>Amend Standing Order 8 to read as follows:</p> <ul style="list-style-type: none"> (1) No more than two Position Statements may be presented to the Council by the Leader and any member of the Executive. The Chairman of the Scrutiny Commission may also present a Position Statement. There will be no more than three Position Statements in total at any one meeting.. (2) Position Statements must be made in writing and published on the County Council’s website at least two hours before the start of the Council meeting. 	<p>To reflect the changes agreed to the making of position statements by Group Leaders and to provide a clear scope regarding position statements which aligns with the scope of Questions from members and notices of motion, ensuring greater consistency</p>

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| | <ul style="list-style-type: none">(3) The presentation of a Position Statement shall be limited to five minutes.(4) A Position Statement may give rise to an informal discussion by the Council provided that, subject to paragraph (6), no motion or amendment shall be moved during that discussion. Members are permitted to speak once for a maximum of two minutes, with the Leaders of the Opposition Groups being invited to speak last. Debate is to be limited to the content of the Position Statement. The presenter of the Position Statement will have a right of reply.(5) Discussion of any Position Statement shall not exceed thirty minutes but the Chairman, at his or her discretion, may permit an extension of such length as he or she considers appropriate.(6) At the conclusion of any discussion of a Position Statement, a formal motion may be moved to the effect that a particular issue relevant to the Position Statement be referred to the Executive, the Commission, a board or a committee as the case may be, for consideration. Such a motion shall be moved and seconded formally and shall be put without discussion. | |
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Scope of Position Statements

- (7) A Position Statement should inform the Council of current events, issues and policy developments which are relevant to the role of the member presenting the Position Statement.
- (8) The Chairman of the meeting, following consultation with the Monitoring Officer, shall not allow a Position Statement to be presented or shall direct the member to cease speaking if he or she is of the view that the Position Statement:
 - (a) contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful;
 - (b) relates to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council;
 - (c) relates to individual staffing matters or the personal information of Members or Officers;
 - (d) relates to complaints, investigations or conduct matters concerning identifiable members or officers;

	<ul style="list-style-type: none"> (e) raises any matter involving exempt or confidential information or compromises legal or commercial confidentiality; (f) is out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution.” 	
<p>Standing Order 10 – Notices of Motion</p>	<p>Amend paragraph (6) to read as follows:</p> <ul style="list-style-type: none"> (6) Motions must be clear and concise and be about matters for which the Council has responsibility, or which affect the County or its residents and must not: <ul style="list-style-type: none"> (a) contain personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive, vexatious, derogatory, or unlawful; (b) relate to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council; (c) relate to individual staffing matters or the personal information of Members or Officers; 	<p>To provide a clear scope of Notices of Motion which also align with the scope for questions and position statements, to ensure greater consistency.</p>

	<ul style="list-style-type: none"> (d) relate to complaints, investigations or conduct matters concerning identifiable members or officers; (e) raise any matter involving exempt or confidential or compromise legal or commercial confidentiality; (f) be considered by the Chairman to be out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution; (i) fall within Standing Order 13 (Motions which may be moved during debate) or Standing Order 14 (Recissions). 	
Standing Order 14 - Recissions	<p>Amend Standing Order to read as follows:</p> <ul style="list-style-type: none"> (1) Subject to paragraph (2) below, no motion substantially similar to a motion passed or rejected within the preceding six months shall be proposed unless a member seeks consent to propose such a motion and obtains a majority of those members present at the meeting, in which case notice of the motion shall be inserted in the summons for the next ordinary meeting of the Council. (2) This Standing Order shall not apply to a motion moved whilst there is before the Council a 	To avoid unnecessary duplication on matters which have already been considered by the full County Council within the preceding six months.

	<p>recommendation of the Executive, the Commission, a board or committee relating to the matter. A motion seeking a vote of no confidence in the Leader can be made at any time and is not subject to this Standing Order.</p>	
<p>Standing Order 29 – Chairman and Deputy Chairman</p>	<p>Amend paragraph (2) to read as follows:</p> <p>“Chairmanship of the Scrutiny Commission shall, unless agreement is reached otherwise, rotate between the Leaders of the two main opposition groups on an annual basis, in accordance with Article 6 of this Constitution. The deputy chairman of the Commission will be the Leader of the main opposition group who is not currently serving as Chairman.”</p>	<p>To reflect the proposed change outlined above to Article 6.</p>
<p>Standing Order 30 – Meetings</p>	<p>Amend paragraph (4) to remove the words ‘Leader of the Opposition as’</p>	<p>As above.</p>
<p>Standing Order 32 – Questions</p>	<p>Amend paragraph (6) to read as follows:</p> <p>(6) The Chief Executive may decline to accept a proposed question if in his or her opinion it is:</p> <p>(a) not relevant to the functions of the body concerned;</p> <p>(b) contains personal remarks about an identifiable member or officer or language that is defamatory, frivolous, offensive , vexatious, derogatory or unlawful;</p>	<p>To mirror the scope limitations on questions from elected members, notices of position and position statements for consistency.</p>

	<ul style="list-style-type: none"> (c) is substantially similar to a question which has been put at a meeting in the past six months; (d) relates to individual staffing matters or the personal information of Members or Officers; (e) relates to complaints, investigations or conduct matters concerning identifiable members or officers; (f) requires the disclosure of confidential or exempt information or compromises legal or commercial confidentiality; (g) contains campaigning or electoral content unrelated to the scope of the question; (h) considered by the chairman to be inappropriate for the particular meeting. 	
Standing Order 33 – Petitions	Amend paragraph (3) to read “Every petition shall be couched in proper language, must not be substantially similar to a petition which has been presented in the past six months, but must be relevant.....”	To reflect the limitation already set out within the Pensions Scheme.
Standing Order 35 – Variation and revocation	Delete Standing Order	

PART 4E – OVERVIEW AND SCRUTINY PROCEDURE RULES

Rule 2 – The Scrutiny Commission	Delete.	Duplicates the terms of reference set out in the Articles (Part 2) and Rule 2A.
Rule 2A – The Scrutiny Commissioners	<p>Re-number to Rule 2 and add new paragraph 2(c) as follows and re-number:</p> <p>“to oversee the work of all other overview and scrutiny committees and scrutiny review panels;”</p>	Correction to reflect current practice.
Rule 6 – Chairmanship and meetings of the overview and scrutiny committees	<p>Amend paragraph (a) to read as follows:</p> <p>“The appointment of the Chairman of the Scrutiny Commission and the Chairmen of the other standing overview and scrutiny committees will be made by the Council in accordance with Article 6 of this Constitution.”</p> <p>Delete paragraph (b)</p>	<p>To reflect changes to Article 6 (Part 2) detailed above.</p> <p>Correction to reflect current practice - the appointment of Chairmen of review panels is a matter for each review panel.</p>
Rule 8 – Policy Review and Development	Amend paragraph (d) to refer to the ‘Scrutiny Commissioners’ in place of the ‘Scrutiny Commission’.	Correction as this is the responsibility of the Commissioners.
Rule 12 – Members and Officers giving account	Amend paragraph (a) to refer to the Head of Paid Service and/or “any Director or Assistant Director” and ‘senior’ employees of NHS bodies and relevant health service providers.	To reflect good practice and the expectation that only high-level officers will attend scrutiny meetings to answer questions or give an account.

<p>Rule 14 – Call-in</p>	<p>Amend to read as follows –</p> <p>(a) Call-in should only be used in exceptional circumstances. To ensure that call-in is not abused, nor causes unreasonable delay, it will only apply to Key Decisions and will also be subject to the conditions described in this Rule.</p> <p>(b) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at County Hall normally within 2 days of being made. Chairmen of all overview and scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.</p> <p>(c) Notification of decisions will bear the date on which it is published and will specify that a Key Decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless it has been called in under this Rule. Those decisions which are Key Decisions but which will require further consideration by the Executive at a later stage prior to implementation, may be proceeded with immediately (as in the case for example of a</p>	<p>To reflect guidance from the Centre for Governance and Scrutiny and to provide clarity around those matters that can be referred to the full County Council in line with the Budget and Policy Framework Procedure Rules.</p>
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	<p>decision to proceed with consultation on a proposal). Those decisions which are not Key Decisions are not subject to call in under this Rule and may be implemented immediately.</p> <p>(d) During that period, the Chief Executive shall call-in a relevant Key Decision for scrutiny by a relevant overview and scrutiny committee only if so requested in writing by any four members of the Council, at least two of which must be members of the Scrutiny Commission. The written request shall include a cogent explanation of the reasons for the call-in.</p> <p>(e) The call-in notice can be withdrawn at any time in writing by the four members who originally invoked the call-in procedure.</p> <p>(f) The Chief Executive shall notify the decision-taker (where the decision was taken by the Executive, the Leader) of the call-in.</p> <p>(g) Where there is a meeting of the relevant overview and scrutiny committee within 10 working days of the call-in, the matter will be included on the agenda for that meeting. Where no such meeting is scheduled, the Chief Executive shall call a meeting of the relevant overview and scrutiny committee within that time frame, where possible after consultation with the chairman of the committee.</p>	
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	<p>(h) Having considered the call-in, the overview and scrutiny committee may either:</p> <ul style="list-style-type: none">(i) refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision-making body's next scheduled meeting;(ii) if it considers that the decision is outside the Council's Budget or Policy Framework, refer the matter to the full County Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or(iii) decide to take no further action, in which case the original decision will be effective immediately. <p>(i) If referred back to the decision-making person or body, he/she/it will then reconsider the decision within a further 10 working days, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision-making person or body it may not be the subject of further call-in.</p> <p>(j) If referred to the full County Council, the Budget and Policy Framework Procedure Rules (Part 4C of this Constitution) will apply.</p>	
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	<p>(k) If following a call-in, the overview and scrutiny committee does not meet in the period set out above, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the 10 day period referred to in (h) above, whichever is the earlier.</p> <p>(l) Where an Executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee which resolves to refer a decision which has been made but not implemented to a relevant overview and scrutiny committee for consideration in accordance with these provisions. An area committee may only request the Chief Executive to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.</p>	
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PART 5C – PROTOCOL ON MEMBER / OFFICER RELATIONS

	<p>Replace Part 5C in its entirety with the new Protocol attached as Annex 3 (changes shown in bold).</p>	<p>To append the statutory officer protocol and set out a new process for raising and resolving Member/Officer conduct concerns.</p>
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PART 6 – MEMBERS ALLOWANCES SCHEME

	<p><u>Pensions</u></p> <p>17. All Members of the County Council who satisfy the requirements laid down in the Local Government Pension Scheme (Amendment) (Elected Member Pensions) Regulations 2026 shall be entitled to join the Local Government Pension Scheme. The Allowances treated as amounts in respect of which pensions shall be payable shall be in accordance these Regulations.</p> <p>18. This provision shall be effective from 1 May 2026.</p>	<p>To reflect the introduction of new Regulations from 1 May 2026 to allow elected members to join the LGPS.</p>
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**SCHEDULE 3
TABLES**

TABLE A

Overview and scrutiny committees (Article 6.01)

[Note:

- *Articles 2.03(b) of this Constitution states that all County Councillors will act in the capacity to which they are elected to the County Council and not speak on behalf of any other local authority whilst they are acting as a County Councillor. This applies when overview and scrutiny committees consider matters which also affect district councils, for example growth and associated infrastructure items.*
- *Neither the Scrutiny Commission nor any of the other overview and scrutiny committees or subcommittees are empowered to take decisions or exercise any responsibilities of the Executive or County Council or Health Service bodies. The general role and specific functions are described in Article 6 and for the purposes of that Article the Scrutiny Commission is regarded as an overview and scrutiny committee for those matters which come within its scope.]*

Committee	Scope
Scrutiny Commission	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of the Corporate Resources Department (but not limited to) :- <ol style="list-style-type: none"> (i) The Budget (the revenue budget and capital programme) (ii) Strategic and Operational Property including property energy efficiency and the Investing in Leicestershire Programme (iii) Information and Communications Technology (ICT) (iv) Leicestershire Traded Services and Customer Services (v) Corporate Transformation and Ways of Working (vi) Corporate Performance, complaints and compliments. 2. Any functions which are not specifically within the scope of any other overview and scrutiny committee. 3. To act as the Crime and Disorder Committee in accordance with Section 19 of Part 3 of the Police and Justice Act 2006 and work with the Police and Crime Panel to scrutinise the delivery of effectiveness of measures aimed at reducing crime and disorder. 4. To monitor the performance and activities of: - <ol style="list-style-type: none"> (a) The Leicester and Leicestershire Business and Skills Partnership;

Committee	Scope
	<p>(b) Any other partnerships that are associated with the executive functions outlined above and not within the scope of any other overview and scrutiny committee.</p> <p><i>[Note: The scope of the Scrutiny Commission will not extend to exercising functions relating to the scrutiny of:</i></p> <ul style="list-style-type: none"> • <i>Operational Transformation within service departments which will be a matter for each of the service related overview and scrutiny committee;</i> • <i>the National Health Service in the County, which will be a matter for the designated scrutiny committee.)</i> <p><i>See Rule 2A of the Overview and Scrutiny Procedure Rules (Part 4E) for the functions of the Scrutiny Commissioners.]</i></p>
<p>Children and Families</p>	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of Children and Family Services including Unaccompanied Asylum Seeking Children. 2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.
<p>Adults and Cultural Services</p>	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of the Adults and Cultural Services Department. 2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.
<p>Growth, Highways Transport and Waste</p>	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of Strategic Planning, Growth and associated infrastructure, Highways, Transport and Waste Management within the Growth, Environment and Transport Department. 2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.
<p>Environment, Flooding and Climate Change</p>	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of the Council's Environment Agenda including Forestry, Climate Change, and Flooding Risk. 2. To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011. 3. To monitor the performance and activities of any partnerships that are associated with the executive functions

Committee	Scope
	outlined in 1. and 2. above.
Health and Communities	<ol style="list-style-type: none"> 1. The executive functions of the County Council in relation to the Public Health, Communities, Law and Governance Department including homelessness and asylum (not including unaccompanied asylum seeking children). 2. To monitor the performance of the Health and Wellbeing Board in respect of the executive functions outlined in 1. above and any other partnerships as appropriate that are associated with those functions. 3. Health Service Functions as follows:- <ol style="list-style-type: none"> (a) The exercise by health bodies of functions which affect the area of the County Council; (b) Arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such services save where these are dealt with through a joint committee with other Social Services authorities.

[Note: Article 6.09 makes provision for the County Council to establish a joint committee with other Social Services authorities, to scrutinise any health issue or consultation which has an area larger than the County Council where it considers it necessary or is required to do so.]

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TABLE C

Chief officers (Article 12.01)

Post	Functions and areas of responsibility
Chief Executive	<ol style="list-style-type: none"> 1. Head of the Paid Service. 2. Leading the Corporate Management Team (CMT). 3. Overall corporate management and operational responsibility (including overall management responsibility for all officers). 4. Provision of professional advice to all parties in the decision-making process. 5. Responsibility for a system of record keeping for all of the County Council's decisions. 6. Representing the County Council on partnership and external bodies (as required by statute or the County Council).
Director of Corporate Resources (Deputy Chief Executive)	<ol style="list-style-type: none"> 1. Act in the Chief Executive's absence. 2. Oversight of the operation of the finance function and work of the Chief Financial Officer. 3. Contribution to corporate management through participation in CMT. 4. Provision of professional advice in connection with and managing the effective provision of services for:- <ol style="list-style-type: none"> (a) Corporate Strategy for Transformation. (b) Human Resources. (c) Business Intelligence (d) Strategic and Operational Property (e) Information Communications and Technology (ICT). (f) Public Relations and Communications.

Post	Functions and areas of responsibility
Chief Legal Officer and Monitoring Officer	<ol style="list-style-type: none"> 1. Provision of professional legal and governance advice. 2. Provision of democratic governance and advice and support to Members. 3. Provision of advice on ethical standards and the Code of Conduct for Members. 4. Monitoring and Reviewing the Constitution. 5. Contribution to corporate management through participation in CMT.
Director of Children and Family Services	<ol style="list-style-type: none"> 1. Provision of professional advice in connection with and managing the effective provision of children and family services (including unaccompanied asylum seeking children), youth justice and domestic abuse. 2. Contribution to corporate management through participation in CMT.
Director of Adults and Cultural Services	<ol style="list-style-type: none"> 1. Provision of professional advice in connection with and managing the effective provision of:- <ul style="list-style-type: none"> (a) Adult Social Care Services. (b) Libraries Service. (c) Heritage and Arts (including Beaumanor Hall and Park and the Century Theatre's heritage and visitor experience). (d) Country Parks 2. Contribution to corporate management through participation in CMT. 3. Liaison with the NHS.
Director of Growth, Environment and Transport	<ol style="list-style-type: none"> 1. Provision of professional advice in connection with and managing the effective provision of services for:- <ul style="list-style-type: none"> (a) Highways. (b) Transportation. (c) Waste Management. (d) Environmental Management. (e) Planning, Heritage and Natural Environment. (f) Strategic Planning and Growth. (g) Forestry.

Post	Functions and areas of responsibility
	<p>(h) Foundation Strategic Authority and Spatial Development Strategy Lead</p> <p>2. Contribution to corporate management through participation in CMT.</p>
<p>Director of Public Health, Communities, Law and Governance</p>	<p>1. Provision of professional advice in connection with and managing the effective provision of services for:-</p> <ul style="list-style-type: none"> (a) Health and public health. (b) Liaison with the NHS. (c) Strategy. (d) Regulatory Services and Trading Standards. (e) Multi-agency Traveller Unit. (f) Homelessness (g) Asylum (not including unaccompanied asylum seeking children) (h) Community Safety, Serious Organised Crime, Prevent. (i) Communities and Economic Strategies, and related partnerships. (j) Emergency Management. <p>2. Managing the effective provision of services for:-</p> <ul style="list-style-type: none"> (a) Legal Services (b) Governance and Members Services <p>3. Contribution to corporate management through participation in CMT.</p>

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ANNEX 3

Part 5 C

Protocol on
Member / Officer
Relations

Part 5C - Protocol on Member/Officer Relations

[Purpose](#)

[Principles](#)

[Role of Members and Officers](#)

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[Annex - Statutory Officers Protocol](#)

Purpose

1. The purpose of this protocol is to define the respective roles of members and officers and to provide guidance on what the relationship between those roles should be.
2. **The protocol is intended to support effective working relationships and promote high standards of behaviour. It sits alongside the Members' Code of Conduct, Planning Code of Good Practice and the Officers' Code of Conduct and reflects the principles and objectives that underpin those Codes.**

Principles

3. The fundamental principles underpinning this protocol are:
 - (a) The County Council is a democratically elected local authority delivering a range of services to the people of Leicestershire.
 - (b) The County Council is a single entity, a statutory corporate body. This relates to both the officer structure and the different areas of activity (Cabinet, Regulatory and Overview and Scrutiny) that members can be involved in.
 - (c) In everything they do, elected members and officers of the County Council are obliged to act within the law and in compliance with relevant standards and codes of conduct.
 - (d) All elected members of the County Council are ultimately accountable to the people of Leicestershire through the ballot box for their actions as County Councillors.
 - (e) The Political Administration of the day, whether single or joint, is ultimately politically accountable for the effectiveness and delivery of its policies and plans which have been approved by the County Council and will, therefore, have an interest in ensuring that services are delivered by the officers in accordance with those approved policies and plans.
 - (f) The officers serve the whole County Council as a single statutory corporate body.
 - (g) The Head of Paid Service (Chief Executive), Monitoring Officer, Chief Financial Officer (Section 151 Officer) and Scrutiny Officer are all statutory roles with responsibilities as set out in the Articles of this Constitution. A Statutory Officers Protocol which establishes shared expectations and appended role protocols for each Statutory Officer is attached and forms part of this Protocol.

- (h) The officers will provide adequate support to all elected members in their local or representational role.
 - (i) Dealings between elected members and officers should be based on mutual trust and respect.
 - (j) **Senior members, including the Leader and Group Leaders, and senior officers, including the Chief Executive and Directors, are expected to actively model the behaviours and standards set out in this protocol. Through their conduct, they have a key role in reinforcing clear roles, mutual respect and constructive working relationships, and in promoting a culture where this protocol is understood and applied in practice.**
4. **The effective operation of this protocol depends on a shared understanding of the respective roles, responsibilities and standards of behaviour expected of members and officers.**
 5. **Appropriate training, guidance and induction will be provided to elected members and officers to support awareness of this protocol and the standards of conduct that underpin it, and this protocol will be referenced as part of member induction and relevant development activity.**

Role of Members and Officers

6. Members and officers are both servants of the public and indispensable to one another, although their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Chief Executive. Their role is to give advice to members (individually and collectively) and to carry out the Council's work as determined by the Cabinet and full Council under the direction of the Chief Executive and the Council's Corporate Management Team.
7. Members should not get involved in the day to day operational management of services, although this does not preclude Members from raising constituency related operational issues. Equally, officers should not get involved in politics.
8. Members will take decisions in their role as members of the Cabinet and other decision-making bodies detailed in the Constitution, including the full Council. They will do this in the light of appropriate professional advice from officers, which will ensure that all decisions comply with the law and relevant standards or codes of conduct. Officers have the right to have their advice recorded, so that elected members are fully aware of the implications of their decisions.

9. The advice given by officers will aim to serve the interests of the County Council as a whole. It should be fearless, factual, honest, objective and politically neutral. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive. Officers must be aware of the implications for the Council and its members, and for the community as a whole.

Relationships between Members and Officers

10. The relationship between members and officers should be one of mutual trust and respect. Members and officers should behave courteously to each other and neither party should seek to take advantage of their position. Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to the suspicion or appearance of any improper conduct, or the perception that a member and an officer treat one another differently from others due to the nature of a personal relationship between them. Officers are required to declare any close personal relationships with members in the same way as they would declare a relationship with another employee.
11. **Dealings between elected members and officers should at all times reflect the Council's commitment to dignity, respect and fairness at work in their interactions with one another. Behaviour which undermines professional dignity, respect or courtesy is incompatible with the principles of this protocol and the shared objective of promoting high standards of behaviour across the Council.**
12. Members should not raise matters relating to the conduct or capability of officers, either individually or collectively, at meetings held in public or in the press. Officers have no means of responding to such criticism in public. If Members feel that they have not been treated with proper respect and courtesy or have any concern about the conduct or capability of an officer **they should raise it using the process outlined at paragraph 51 of this protocol.**
13. Members will not publish any material which **criticises, disparages or undermines officers, either directly or indirectly, including through anonymised references or comments which could reasonably identify an individual or group of officers, including through their agents or political groups. This applies equally to communications and interactions conducted through digital and online channels, including email, messaging platforms and social media.**
14. **Officers must maintain professional and politically neutral conduct in all communications with elected members and should avoid conduct and communications, including online discussion,**

which could reasonably give rise to perceptions of partiality, impropriety or political alignment.

15. Members should respect the confidence of officers and, when information is shared with them, should not share it more widely, especially with the press, parish councils or members of the public, without seeking the consent of the relevant Head of Service or Assistant Director beforehand. More details of how to engage with the media are set out in the Media Relations Protocol.

Information and the political perspective

16. For the proper functioning of the County Council as a whole, officers will normally be permitted to share information freely between themselves, irrespective of whether the officer's role is connected with the Cabinet, Overview and Scrutiny or the regulatory aspects of the County Council. Where the information has been supplied/received subject to a request for party political confidentiality, an officer will only be permitted to share that information with other officers if they believe that to be necessary - for example for the purpose of verifying the legality, financial probity or procedural regularity of any proposed course of action disclosed by that information. The request for party political confidentiality will be confirmed to, and honoured by, any officers with whom the information is shared.
17. Appropriate and regular liaison between elected members and officers connected with the Executive and Overview and Scrutiny aspects of the County Council should avoid the relationship between Scrutiny and the Executive becoming adversarial and polarised. This liaison, combined with the politically balanced nature of Overview and Scrutiny, should reduce the number of occasions on which it is necessary for information to be supplied by elected members to officers on a party political confidential basis at Executive/Overview and Scrutiny level.
18. On request and where appropriate, officers will provide a briefing on a policy matter or individual topic to a particular political group, provided that the same offer is **also** made to the other political groups. There will be times when officers consider it more appropriate to brief all members at the same; this will be discussed with the political group making the request. **For the avoidance of doubt, this section does not apply to Cabinet Briefings (a confidential weekly meeting between Cabinet Members and Chief Officers) or to other Executive-only briefings convened to support the discharge of Executive functions.**
19. Where information is supplied to officers on a party political confidential basis, the officers will respect that confidentiality unless the officers believe that the proposed course of action appears to be in conflict with the law, or any relevant standards or codes of conduct, or would amount to an abuse of the processes of the County Council.

20. Where party political confidentiality would be maintained in accordance with the preceding paragraph, the officers may, nonetheless, seek to persuade the elected members requesting the confidentiality to agree to that information being shared with the other political groups on the grounds that it would assist the more effective functioning of the County Council; however, in the absence of any such agreement to waive the confidentiality, the officers would continue to respect it.
21. Where there is a change in Political Administration, the officers will act in relation to the new Administration and Opposition party or parties in the same way as they did for the old; and will continue to respect any continuing party political confidentiality.

Relationship between the Cabinet and Overview and Scrutiny

22. Given the nature and purpose of the County Council and the respective roles of elected members and officers, it is accepted that the officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis to the Cabinet. For their part, Cabinet members will continue to respect the political neutrality of the officers and accept that officers are obliged to respond positively to any requests from Overview and Scrutiny for appropriate information and advice relevant to the issue being considered by Overview and Scrutiny. When a committee requests it, the Executive will provide an appropriate Lead Member to attend an overview and scrutiny meeting to explain an Executive's decision and the reasons for it.

Decisions under delegated powers

23. No executive powers will, as a matter of policy, be delegated to individual members, either as the Leader or as a member of the Cabinet. Although neither the Leader nor individual members of the Cabinet will have any personal delegated executive powers, they may, nevertheless, develop, a personal special interest in specific areas of County Council activity. The term "Lead Member", rather than "Portfolio Holder", is used to describe members with any such special interest, to avoid creating any misleading impression that the member concerned does have personal delegated powers. The Leader may decide that there should be more than one Lead Member for any particular area of special interest.
24. The role of a Lead Member will include:
 - (a) Providing a leadership role in their particular area, demonstrating familiarity and understanding of their brief.
 - (b) providing a point of reference for a chief officer who wishes to sound out the elected member perspective before taking an executive decision under powers delegated to that chief officer.

- (c) Providing a better-informed elected member perspective and opinion on any relevant proposals before (or likely to come before) the Cabinet.
- (d) Appearing, as appropriate, before any relevant overview and scrutiny committee on behalf of the Executive.
- (e) Making position statements or responding to questions on the relevant area of activity, on behalf of the Executive, at any meeting of the County Council.
- (f) Speaking to the media to publicise and explain relevant decisions made at and policy proposals emerging from meetings of the Cabinet.

The role of the Lead Member for Children's Services is a statutory role and as such holds political accountability for all local authority children's services, including education and social care.

- 25. Where a chief officer decides (rather than volunteers) to consult a Lead Member before exercising his or her delegated powers, both will understand, and accept, that the final decision (and the responsibility which goes with it) remains with the chief officer; and that the process of reference to a Lead Member is not intended to operate as a delegation of power to the Lead Member.
- 26. The same principles apply where authority to take a decision has been specifically delegated to a chief officer "after consultation with" one or more elected members, whether Lead Member or local member or both. Although the process of consultation is required by the specific delegation of authority, this does not change the fact that the process is still one of consultation with, not specific approval by, the member(s) concerned. If the consultation process was handled as if it was one of specific approval, then that could reasonably be regarded as tantamount to *de facto* personal delegation to the member concerned.
- 27. Since consultation alone is involved, a chief officer can, theoretically, decide to proceed with his or her proposed course of action even in the face of some degree of objection from the member(s) consulted. However, **in some circumstances it may be prudent for** the chief officer to decline to exercise the delegated authority and refer the decision back to the body which conferred the authority on the chief officer.
- 28. In implementing any process of consultation, if the view of the Lead Member is not in conformity with the professional view of the chief officer and the difference of view is material and cannot be reconciled, then the chief officer should consider:
 - (g) seeking advice from the Chief Executive, Monitoring Officer or Chief Financial Officer as appropriate; and
 - (h) referring the issue to a meeting of the Cabinet or the body which conferred the delegated power -

to protect the interests of the Lead Member, the chief officer and, ultimately, the County Council.

29. Chief officers should be careful about the methods they use to record, for internal purposes, that the process of consultation has taken place and its result. There should be mutual trust and understanding between chief officers and Lead Members - a degree of trust which should be sufficient **so that** a formalised process whereby a chief officer expects Lead Members to sign written confirmation that they have read and understood the relevant material supplied to them and that they agree its content **is usually inappropriate**.

Keeping Members informed of matters affecting their electoral division

30. To enable members to carry out their representative and divisional role effectively, they should be fully informed as early as possible about matters affecting their division, especially where it can be anticipated that members will become involved, for example in the case of the likelihood of complaints. Residents expect their County Council representative(s) to be aware of all the activities which they may believe are in some way the responsibility of the County Council. This arrangement does not extend to individual service-related complaints.
31. Members have an important role to play in representing the County Council in their electoral division by responding to the concerns of their constituents.
32. Members must be invited to any event that has been organised in their electoral division, which is relevant to their role as a County Councillor, for example the opening of a new facility from which County Council services are being delivered. If the facility or the service provides services to adjoining electoral divisions the additional members should also be invited.
33. Whenever a public meeting is organised by the Council to consider an issue, all the members representing the electoral division(s) affected should be invited to attend the meeting as a matter of course.
34. If a member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer(s).
35. Similarly, whenever the Council undertakes any form of consultative exercise, the relevant member(s) should be notified immediately prior to the outset of the exercise.
36. Where a report to the Cabinet, Scrutiny or Regulatory Body includes a sensitive issue affecting one or more electoral divisions, report authors

must draw this to the attention of the relevant member(s) concerned, whether or not they are a member of that body. This does not apply to reports considered by informal panels or working parties.

37. Members may attend as observers at meetings of the Cabinet, Overview and Scrutiny Committee and Regulatory Bodies (Standing Order 34), including those parts of the meetings from which the public has been excluded. Subject to the consent of the Chairman a member so attending may speak (but not vote) on any matter. Representations may also be made by members in writing, particularly if they are not able to attend the meeting.
38. Where Members have notified that they have a particular interest in a matter to be considered by the Cabinet or some other body, but they are not the local member, officers are still expected to provide them with the relevant information. Care must be taken on matters on which a member has an interest, as defined in the Member Code of Conduct. Members have a common law right to inspect documents and attend meetings if they can demonstrate a “need to know” for the purposes of their duties as a Councillor (if in doubt seek advice from the Monitoring Officer).
39. Further circumstances where it would be appropriate to notify individual members include, for example:
 - An issue arising from the exercise of a Chief Officer delegated power relating to their division;
 - An approach being made to a Chief Officer by the press for comments on a particular matter relating to their division;
 - A partnership body, which includes the County Council; proposing to take action on a matter relating to their division
 - A Freedom of Information request covering a controversial issue relating to their division;
 - Where officers have received significant complaints from residents in their division, likely to lead to adverse media coverage (excluding individual service-related complaints);
 - A potentially controversial operational matter that will have a significant impact on the community in their division such as major road works, changes in opening hours, closure of a facility etc;
 - Where a major incident has taken place.

In most cases notification via a short e-mail or simple phone call is all that is required.

40. There may be times when, in addition to the local member(s), it would be appropriate for the officer concerned to notify other members, for example the Leader, Deputy Leader or Cabinet Lead Member.

Guidance to Elected Members on providing advice and support to Officers

Constituent Issues

41. A member may be asked for advice and support by an officer who is one of their constituents. Officers are entitled to seek such assistance in the same way as any other member of the public. However, members should be aware of the Officer Employment Procedure Rules in Part 4 of this constitution and be careful not to prejudice the County Council's position in relation to disciplinary procedures or employment matters in respect of an officer. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

Employment Issues

42. A member should generally treat officers as they would a member of the public in relation to the personal receipt of council services and deal with the issue accordingly.
43. Although employees are not encouraged to do so, elected members may occasionally find themselves being approached by employees on matters relating to their personal circumstances as a member of the Council's staff.
44. This puts the elected member in some difficulty because they will potentially have a conflict of interest. On the one hand the member may well want to offer assistance to the employee, particularly if they reside in their electoral division. On the other hand, as a member of the County Council, all elected members have responsibilities as "the employer".
45. It is advised in such circumstances that the member concerned should limit their role to the following:-
 - listening to the nature of the issue;
 - offering advice about where the employee can get assistance and support e.g. trade union, HR staff, manager, website;
 - pointing to the various mechanisms which the Authority has in place for resolving issues and disputes with groups of employees and individuals. (These are explained below);
 - satisfying themselves that the Council's procedures (including the Whistleblowing Procedure where appropriate) are being followed correctly in that case and receiving details of the outcome. If there is concern that this may not be the case the member should seek advice from a relevant officer (i.e. Monitoring Officer, Head of Democratic Services, Head of Law or Head of People Services).

46. Beyond the above, it would not be wise for an elected member to pursue any particular case on behalf of the employee. To do so could prejudice any procedures which are already underway and would not be in the Council's or public's interests.
47. There are a number of policies and procedures available for employees to raise individual issues in relation to their employment, in line with the Employee Code of Conduct which forms Part 5B of this Constitution.
48. The Whistleblowing Procedure is available to raise issues of bad practice, possible fraud or corruption or other matters which seem to be against the interests of the public, the Council or its staff.

Process for Raising and Resolving Member–Officer Conduct Concerns

49. **Wherever possible, concerns should be raised early and addressed informally and constructively, recognising that not all issues require formal escalation.**

Procedure for Officers to raise concerns about Members

50. Where a member of staff has a concern about the conduct, behaviour, or interactions of an elected member, and where it is not appropriate or comfortable to resolve the matter directly with the member concerned, the following escalation route will apply:
 - (a) Discussion
The staff member may raise the issue in confidence with their Director or, if preferred, with the Chief Executive or the Monitoring Officer. No member shall be involved at this stage.
 - (b) Confidential Management Meeting
Upon receiving such a concern, the Chief Executive, relevant Director and Monitoring Officer will discuss the matter with the staff member to understand the issue, provide support, and assess whether informal resolution may be appropriate.
 - (c) Engagement with the Relevant Group Leader
Where the concern relates to an elected member's behaviour, and where informal resolution appears possible, the Chief Executive or Monitoring Officer may, with the staff member's agreement, raise the matter with the Leader of the relevant political group.
This engagement is intended to support early, constructive resolution and uphold positive member–officer relations, while maintaining the impartiality and safety of officers.
 - (d) Protection of Officers
Officers must be able to raise such concerns without fear of criticism, retaliation or political pressure. Members must respect that

such concerns are handled through senior management and the Monitoring Officer, not directly with the staff member.

(e) No Interference with Formal Processes

Where the matter may amount to a potential breach of the Members' Code of Conduct, and informal resolution under this procedure is not considered appropriate, the Monitoring Officer will advise whether it should instead be considered under the formal Code of Conduct complaints process, in which case members must not seek to influence or interfere with the investigation.

(f) Record and Follow-Up

A confidential note of the concern and action taken will be kept by the Monitoring Officer, who will ensure appropriate follow-up and support for the staff member, and, where relevant, engage with the group leader or member involved to reinforce expected standards.

Procedure for Members to Raise Concerns About Officers

51. Where an elected member has a concern about the conduct, behaviour, or interactions of an officer, which has not been **possible or is not appropriate** to resolve directly with that officer, the following escalation route will apply:
- (a) Where a member considers that they have not been treated with proper respect or courtesy by an officer, they should raise the concern without delay with the officer's line manager or relevant Director.
 - (b) If, after consideration by the relevant manager or Director, the concern remains unresolved, the member may escalate the issue to the Chief Executive. The Chief Executive will determine whether the matter indicates a potential breach of the Officers' Code of Conduct or other standards expected of employees under the Constitution. The Chief Executive will also decide what further action is appropriate, which may include formal management action, referral to HR processes, or other steps necessary to preserve the integrity of member-officer relations.
 - (c) At every stage of this process, members should refrain from engaging directly with the officer in a way that could be perceived as undue pressure or interference in employment matters. Equally, officers will be expected to cooperate fully and professionally with any enquiries arising from such concerns. This approach ensures that concerns are dealt with promptly, fairly and in accordance with established governance and employment frameworks.

Review and Maintenance of the Protocol

- 52. This protocol will be kept under review to ensure it remains effective, up to date and consistent with relevant legislation, codes of conduct and national good practice. Any proposed changes will be considered in accordance with the Council's constitutional arrangements.**

[end of Protocol on Member/Officer Relations]

STATUTORY OFFICERS PROTOCOL

This Protocol forms part of the Member/Officer Relations protocol and is intended to sit alongside Article 12 of the Constitution, the Members' Code of Conduct, Employee Code of Conduct and the Council's procedure rules. It establishes shared expectations and appended role protocols for each Statutory Officer.

1. Status and Purpose

1.1 This Protocol forms part of the Council's Constitution. It sets out how the Council, its Members, and its officers will support and work with the Council's Statutory Officers so they can discharge their statutory and professional responsibilities effectively. Nothing in this Protocol is intended to fetter the statutory or professional judgement of a Statutory Officer, or to prevent the exercise of any statutory reporting power or duty.

1.2 The Council recognises the importance of the 'golden triangle'—the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer—working collaboratively to support lawful decision-making, effective governance and financial resilience in the public interest.

1.3 The Protocol:

(a) establishes shared principles for Member/officer relationships involving Statutory Officers;

(b) sets minimum working arrangements, access rights and resourcing expectations;

(c) provides routes for early advice, issue escalation and dispute resolution; and

(d) appends role-specific protocols for the Chief Executive/Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (s151 Officer).

2. Scope, Definitions and Interpretation

2.1 "Statutory Officers" for the purposes of this Protocol are:

(a) the Head of Paid Service (the Chief Executive), designated under section 4 of the Local Government and Housing Act 1989;

(b) the Monitoring Officer, designated under section 5 of the Local Government and Housing Act 1989; and

(c) the Chief Finance Officer (the "s151 Officer"), responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972.

2.2 References in this Protocol to “Members” include the Leader, Cabinet Members, Committee Chairs and all elected Members of the Council.

2.3 This Protocol is to be read alongside: the Members’ Code of Conduct; the Employee Code of Conduct; the Member/Officer Relations Protocol; the Council’s decision-making, financial and contract procedure rules; and any statutory guidance and professional standards applicable to Statutory Officers.

3. Core Principles

3.1 The Council, Members and officers will:

- (a) promote a culture of legality, high ethical standards, good governance and effective financial management;
- (b) engage Statutory Officers early in the development of proposals and decisions with legal, constitutional, ethical, governance or financial implications;
- (c) respect the impartiality and independence of Statutory Officers and avoid placing inappropriate pressure upon them;
- (d) ensure Statutory Officers have timely access to information, reports, meetings and decision-makers so they can provide advice and, where necessary, discharge statutory reporting duties;
- (e) act with mutual respect, trust, honesty and courtesy in all dealings;
- (f) handle disagreements constructively and resolve tensions swiftly; and
- (g) avoid any conduct that could bring the Council into disrepute or undermine Member/officer relationships.

3.2 Statutory Officers will:

- (a) provide professional, impartial advice to support lawful and effective decision-making;
- (b) seek, where possible, to resolve issues informally and constructively at an early stage, including by identifying lawful alternative courses of action; and
- (c) escalate matters formally only where necessary to discharge their statutory or professional duties.

4. Working Arrangements – Access, Information and Early Involvement

4.1 The Council will ensure each Statutory Officer has:

- (a) sufficient staff, accommodation, training and other resources to discharge their statutory duties;

(b) prompt access to the Leader, Cabinet, Committee Chairs and the Corporate Management Team (CMT);

(c) advance notice of and access to agendas, reports and minutes for meetings and key officer decision-making forums where issues relevant to their responsibilities may arise; and

(d) unimpeded access to relevant records, information and officers necessary for them to carry out their functions, subject to lawful restrictions, including timely cooperation and explanation where requested, and subject to lawful restrictions (including data protection, legal professional privilege and exempt/confidential information requirements).

4.2 Directors and other senior officers must ensure Statutory Officers (or their nominated deputies) are consulted at an early stage on:

(a) new policy or service delivery models;

(b) significant governance or constitutional changes;

(c) procurement and contract models that create significant legal/financial risk;

(d) partnerships, companies, trusts and other bodies where the Council's risk exposure may be material; and

(e) reports and decisions that may be (or be perceived to be) unlawful, procedurally defective, unethical or financially unsustainable. Where Statutory Officer advice is material to the decision, reports should fairly summarise that advice (and any material residual risks), and identify mitigations and lawful alternatives considered.

4.3 Appropriate deputising arrangements will be maintained and kept under review so that statutory functions can be discharged during absence, vacancies or peaks in demand.

5. Statutory Officers' Co-ordination

5.1 The Statutory Officers will meet regularly (or ensure appropriate regular liaison) to consider corporate governance, legality, standards and financial resilience issues and to co-ordinate advice to Members and CMT.

5.2 Where a matter engages more than one statutory remit (e.g. legality and financial sustainability), the Statutory Officers will co-ordinate advice and escalation wherever practicable, while preserving their separate statutory duties.

6. Escalation, Dispute Resolution and Protecting Statutory Roles

6.1 Where a Statutory Officer raises a concern, the relevant Director and report author must respond promptly and constructively and must not

progress a proposal in a way that frustrates the Statutory Officer's ability to discharge statutory duties. In these circumstances the report should not be finalised until the relevant statutory officer input is obtained (or the report explicitly records that it was not provided and why).

6.2 If disagreement remains, escalation should normally follow this route:

- (a) report author/Director and Statutory Officer discussion;
- (b) CMT discussion;
- (c) discussion with the Leader (and relevant Cabinet Member/Committee Chair as appropriate); and
- (d) if necessary, formal written advice appended to the report and/or statutory reporting routes.

6.3 No Member or officer shall threaten, attempt to coerce or disadvantage a Statutory Officer (or their staff) for raising concerns or for performing statutory functions.

7. Conflicts of Interest and Independent Advice

7.1 Where a Statutory Officer has a conflict (actual or perceived) in relation to a matter these should be declared as early as possible and the Council will ensure alternative arrangements are made (e.g. deputy officer or independent external support) so the statutory function can be discharged.

7.2 The Council will meet reasonable costs of independent professional advice required by a Statutory Officer to discharge their statutory responsibilities

7.3 Where a Statutory Officer has previously provided material advice or otherwise been materially involved in a matter, and it later becomes contentious such that an actual or perceived conflict of interest may reasonably arise, the Council will ensure alternative arrangements are made (for example, by referral to a nominated deputy or by obtaining independent external support) so that the relevant statutory function can be discharged, and confidence in the independence of that function is maintained.

8. Training and Awareness

8.1 The Council will support regular training and briefings for Members and relevant officers on:

- (a) statutory officer roles and escalation routes;
- (b) decision-making, probity, ethical standards and financial management; and
- (c) lessons learned from governance, audit and standards findings.

9. Monitoring, Review and Breach

9.1 Each Statutory Officer will keep this Protocol and their appended role protocol under review.

9.2 The Statutory Officers will provide assurance updates to the Corporate Governance Committee or other relevant oversight committee as required and will bring forward proposed amendments in the light of issues arising.

9.3 Alleged breaches:

(a) by Members may be handled under the Members' Code of Conduct and/or referred to Group Leaders/Whips and/or conduct arrangements as appropriate; and

(b) by officers may be referred to the Chief Executive and/or relevant Director and may be dealt with under HR procedures.

Appendix A – Chief Executive / Head of Paid Service Protocol

1. Purpose and Status

1.1 This Protocol sets expectations for the working relationship between the Chief Executive (as Head of Paid Service) and:

- (a) the Leader;
- (b) the Cabinet; and
- (c) Committee Chairs and
- (d) all Members.

2. Shared Principles

2.1 Dealings will be conducted with mutual respect, trust, honesty and courtesy.

2.2 The Chief Executive will serve the Council as a whole, irrespective of political affiliation, and will demonstrate political sensitivity and an ability to interpret democratic will.

2.3. The Chief Executive will provide frank, impartial advice to all Members.

2.4 The Leader, Cabinet Members or any Member will not place inappropriate pressure on the Chief Executive. Any tensions will be addressed early and resolved swiftly and amicably wherever practicable.

3. Roles and Responsibilities – Summary

3.1 The Leader and Cabinet and Members (collectively) will provide democratic leadership, set policy direction and make decisions within the

Constitution, and respect the distinction between political decision-making and officer management responsibilities.

3.2 The Chief Executive (as Head of Paid Service) has overall corporate management and strategic responsibility for the Council's delivery of services; provides professional and impartial advice across decision-making; is accountable to the Council for implementation of strategies and decisions; and discharges Head of Paid Service responsibilities, including reporting on co-ordination of functions and staffing matters as required by law.

4. Relationship with the Leader

4.1 A successful working relationship between the Leader of the Council and the Chief Executive is critical to the Council's success, the achievement of its policies and strategies, and its relationships with partners. It is central to the Council's good governance and reputation and should set the tone for constructive Member/officer relations throughout the authority.

Regular Liaison and Communication

4.2 The Leader and Chief Executive will maintain regular scheduled liaison (weekly or as agreed), supplemented by informal contact as needed.

4.3 The Chief Executive supports all groups and will also maintain appropriate liaison with the Cabinet collectively, chairs of scrutiny and key committees, and opposition group leaders (in an impartial manner) to support effective governance.

5. Advice, Briefings and Early Engagement

5.1 The Chief Executive will ensure the Leader, Cabinet and Members receive timely advice and information to enable informed decisions.

5.2 Members will have regard to professional advice, including advice on legality, governance, risk, affordability and deliverability.

5.3 Major, sensitive or high-risk issues should be flagged early so that options and mitigations can be developed.

6. Management of Officers and Access to Staff

6.1 Members have no line management responsibility for officers. Concerns about officer performance or conduct should be raised with the Chief Executive (or with the appropriate Statutory Officer where relevant).

6.2 The Chief Executive is responsible for the organisation, management and conduct of the officer workforce and for ensuring officers support the Council's agreed priorities and decision-making.

7. Working with Political Groups

7.1 The Chief Executive (and officers) will not be drawn into party political business.

7.2 Officer attendance at political group meetings may occur only where it is permitted by the Council's Member/Officer Relations Protocol and where it supports the Council's business (e.g. to brief on Council policy, not party matters).

8. Public Communications and Media

8.1 The Leader is the Council's principal political spokesperson. The Chief Executive may speak on managerial, operational and corporate matters and will support the Leader in communicating agreed Council policy.

8.2 Public statements will be handled professionally, consistently and in accordance with applicable communications protocols.

9. Dispute Resolution and Escalation

9.1 If a serious disagreement arises between a member(s) and the Chief Executive:

- (a) it should be discussed privately at the earliest stage;
- (b) if unresolved, it should be escalated to a meeting involving the Leader and the Chief Executive (and, if helpful, another Statutory Officer); and
- (c) where necessary, the matter may be referred to the Council's established governance routes.

9.2 The Chief Executive will frequently be involved at an early stage in advising on or shaping proposals, particularly where issues are major, sensitive or high risk. Where the Chief Executive has previously provided material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest may reasonably arise (for example, where the matter involves allegations about senior officer conduct, employment processes, or the discharge of statutory roles), the Council will ensure alternative arrangements are made so that the relevant process can be progressed independently and with appropriate confidence. Such arrangements may include referral to an appropriate nominated deputy, or the use of independent external support, as appropriate to the circumstance. In such cases, the Chief Executive will take steps to ensure that decision-making, investigation or dispute resolution is handled by an officer (or external adviser) who has not been materially involved in the earlier advice, save where this is impracticable and the reasons are recorded.

10. Review

10.1 The Chief Executive will review this Protocol periodically and may recommend amendments to the Council.

Appendix B – Monitoring Officer Protocol

1. Introduction and Purpose

1.1 This Protocol explains the role of the Monitoring Officer and the arrangements in place for ensuring the role is carried out effectively.

1.2 The effectiveness of the Monitoring Officer depends on excellent working relationships with Members and officers, a strong flow of information and access to debate at the earliest stage.

2. Statutory Context and Functions

2.1 The Monitoring Officer is designated under section 5 of the Local Government and Housing Act 1989.

2.2 The Monitoring Officer's core functions include:

- (a) reporting on contravention of law or maladministration (“reportable incidents”);
- (b) functions relating to Members' conduct and ethical standards; and
- (c) responsibilities as proper officer and other constitutional functions.

2.3 The Monitoring Officer may not also be the Head of Paid Service.

3. Working Arrangements – Discharge of Functions

3.1 The Monitoring Officer will:

- (a) meet regularly with the Head of Paid Service and the Chief Finance Officer;
- (b) maintain liaison with Internal Audit and External Audit;
- (c) keep the Council updated on relevant legal developments; and
- (d) promote lawful and ethical decision-making and high standards of governance.

3.2 Directors and senior officers will ensure the Monitoring Officer (or deputy) is consulted early on proposals with significant legal, constitutional, procedural or ethical implications and is informed of emerging issues of concern.

4. Resolving Potential Reportable Incidents

4.1 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding illegality/procedural defects and/or identifying lawful alternative means of achieving the Council's objectives.

4.2 A statutory report will normally be made only if the matter cannot be resolved through advice and corrective action, or the Monitoring Officer considers the seriousness requires formal reporting.

5. Rights of Access and Information

5.1 To discharge functions effectively, the Monitoring Officer will be a member of the Council's Corporate Management Team and also has the right:

- (a) to receive advance notice of any relevant meetings of the Council and to attend and speak;
- (c) to access documents and information held by/on behalf of the Council (subject to law) and require explanations;
- (d) to report to the Council and its committees; and
- (e) to access the Head of Paid Service and the Chief Finance Officer.

6. Referral to Police, Auditors and Regulators

6.1 After consultation with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer may notify the Police, the external auditor and/or regulators of concerns and provide information to assist their statutory functions.

7. Obtaining Independent Legal Advice

7.1 The Monitoring Officer may obtain legal advice (internal or external) at the Council's expense where reasonably required in relation to a potential reportable incident or other governance matter.

8. Conflicts

8.1 Where the Monitoring Officer has an actual or perceived conflict, the Head of Paid Service will be consulted and the matter may be referred to the Deputy Monitoring Officer and/or an external Monitoring Officer from another authority, as appropriate.

8.2 The Monitoring Officer will often be involved at an early stage in advising on proposals so as to avoid reportable incidents and to identify lawful alternatives. Where the Monitoring Officer (or Deputy Monitoring Officer) has previously given material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest could reasonably arise, the Monitoring Officer will consult the Head of Paid Service and ensure that the statutory function is discharged through alternative arrangements. This may include referral to the Deputy Monitoring Officer and/or an independent external Monitoring Officer from another authority, as appropriate, so as to maintain confidence in the independence of the statutory function. This includes circumstances where the Monitoring Officer has previously advised a Member or officer on the subject matter of a later complaint or investigation, or has been otherwise involved such that their continued involvement could reasonably be said to undermine confidence in the fairness or independence of the process.

9. Insurance and Indemnity

9.1 The Chief Finance Officer will ensure adequate insurance and indemnity arrangements are maintained to protect the Council and support the proper discharge of the Monitoring Officer function.

10. Breach and Sanctions

10.1 Alleged breaches by Members may be addressed under the Members' Code of Conduct and standards arrangements. Alleged breaches by officers may be referred to the relevant Director and/or Chief Executive and addressed under HR procedures.

11. Monitoring and Review

11.1 The Monitoring Officer will review this Protocol periodically and may recommend amendments to the Council.

Appendix C – Chief Finance Officer (s151) Protocol

1. Introduction

1.1 The Chief Finance Officer (“CFO”/ “s151 Officer”) is the statutory officer responsible for the proper administration of the Council’s financial affairs.

1.2 This Protocol sets out how the Council will support the CFO to discharge statutory responsibilities and professional duties, including providing timely advice on financial sustainability, governance and risk.

2. Statutory and Professional Framework

2.1 Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs.

2.2 The CFO has a fiduciary duty to local taxpayers and the public interest and is expected to exercise professional judgement and independence.

2.3 Where it appears that expenditure is unlawful or a balanced budget cannot be achieved/maintained, the CFO has statutory reporting duties, including those under section 114 of the Local Government Finance Act 1988.

2.4 The Council expects the CFO role and arrangements to align with CIPFA’s Statement on the Role of the Chief Financial Officer in Local Government, including the “five principles” for the CFO role in public service organisations.

3. CIPFA “Five Principles” – Expectations for the Council

3.1 The Council will ensure:

- (a) the CFO is a key member of the Council's leadership arrangements, supporting strategy and sustainable delivery in the public interest;
- (b) the CFO is actively involved in, and can influence, all material business decisions so risks and implications are fully considered;
- (c) the CFO leads and promotes good financial management across the organisation so public money is safeguarded and used appropriately, economically, efficiently and effectively;
- (d) the CFO leads and directs a finance function resourced to be fit for purpose; and
- (e) the CFO is professionally qualified and suitably experienced.

4. Working Arrangements – Resources

4.1 The CFO will advise the Council where resources are insufficient to discharge statutory functions; ensure appropriate deputising arrangements; and, where conflicted, ensure suitable independent arrangements are put in place.

5. Working Arrangements – Access to Information and Meetings

5.1 To discharge statutory responsibilities, the CFO will be alerted promptly to emerging issues around financial management, accounts, audit, proposed expenditure, funding risk or matters likely to lead to loss, deficit or unplanned liabilities.

5.2 The CFO will receive advance notice of relevant meetings and delegated decisions and has the right to attend and be heard at meetings of the Council, Cabinet and relevant committees on matters with financial implications.

5.3 The CFO will have access to CMT meetings, agendas and reports, and the right to attend and speak on matters with financial implications.

5.4 The CFO will have access (subject to law) to information and officers necessary to carry out fiduciary and statutory functions.

6. Working Arrangements – Relationships and Liaison

6.1 The CFO will maintain close liaison with the Head of Paid Service and the Monitoring Officer and will support joined-up corporate governance and risk management.

6.2 The CFO will maintain effective working relationships with Internal Audit and External Audit to support assurance and early warning.

7. Advice and Recording

7.1 The CFO (or deputy) is available to advise Members and officers on financial powers and duties, affordability, sustainability, value for money and financial risk.

7.2 The CFO will ensure appropriate recording of advice given on material matters.

7.3 The Chief Finance Officer will often provide early advice on affordability, financial sustainability, value for money and financial risk to support lawful and effective decision-making. Where the Chief Finance Officer (or deputy) has previously provided material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest may reasonably arise, the Council will ensure that appropriate alternative arrangements are put in place so the statutory function can be discharged independently. Such arrangements may include the use of a nominated deputy with appropriate authority, and/or independent external support, as appropriate to the circumstances. Where alternative arrangements are adopted under this paragraph, the reasons for doing so should be recorded, together with the arrangements put in place to ensure continuity of the Council's statutory financial assurance and reporting functions.

8. Section 114 and Early Escalation

8.1 If the CFO considers a section 114 report may be required, the CFO will engage early with the Head of Paid Service and Monitoring Officer, inform the Leader and Cabinet as appropriate to enable corrective action, and liaise with the external auditor as appropriate.

8.2 The Council recognises issuing a statutory report is a serious step and expects early engagement, transparency (as lawful), and prompt action planning to restore balance.

9. Member and Officer Responsibilities

9.1 Members and officers must comply with the law and the Constitution, take account of the CFO's advice on affordability and risk, notify the CFO promptly of significant budget pressures and governance concerns, and ensure the CFO is involved at the earliest stages of material business decisions.

10. Monitoring and Review

10.1 The CFO will review this Protocol periodically and may recommend amendments. Assurance updates will be provided to the Corporate Governance Committee in accordance with paragraph 9.2 of the main Protocol.

11. Breach and Sanctions

11.1 Alleged breaches by officers may be referred to the relevant Director and/or the Chief Executive and addressed under HR procedures. Concerns about Member conduct will be addressed under the Members' Code of Conduct and related standards arrangements.

[end of Part 5C]