

SCRUTINY PROCEDURE RULES

1. The number and arrangements for Scrutiny and Policy Development Committees

The Council will establish the Scrutiny and Policy Development Committees (referred in these Rules as “Scrutiny Committees”) with terms of reference set out in Part 3 of the Constitution and appoint to them at the Annual Council Meeting and as it considers appropriate from time to time. Such Committees s may appoint and delegate any of their functions to sub-groups.

The Council will also appoint an Overview and Scrutiny Management Committee to undertake scrutiny of the Council's corporate activities, share and develop good practice with regard to the carrying out of the overview and scrutiny function, ~~and~~ to agree the process to be adopted for dealing with matters which fall within the remit of more than one Scrutiny Committee and to consider improvements to the format of the Scrutiny Committees. The membership of the Committee will reflect the political composition of the City Council and include the Chairs and Deputy Chairs of the Council's Standing Scrutiny Committees, and will be chaired by the lead member for scrutiny.

The Chair and Deputy Chair of each Scrutiny Committee shall be elected at its first meeting in each municipal year and the Committee shall determine a frequency of its meetings for the year ahead which will normally be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH.

2. Membership of Scrutiny Committees

Every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny Committee or one Regulatory Committee, unless otherwise determined by the Council. The membership of each Committee will reflect the political composition of the City Council.

The Chairs and Deputy Chairs will be appointed by the Scrutiny Committees in accordance with Council Procedure Rule 31.

Representatives of relevant interest groups and organisations may be invited to attend as observers on the appropriate Scrutiny Committee and, at the discretion of the Chair, address the meeting.

Co-optees: Each Scrutiny Committee or sub-group shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

3. **Conflicts of Interest**

- (a) Members and co-opted Members of Scrutiny Committees will not review a decision which they were responsible or jointly responsible for making (including in their capacity as Cabinet Adviser).
- (b) The rules relating to declaration of personal and Disclosable Pecuniary interests set out in the Code of Conduct for Members will apply to Scrutiny Committees.
- (c) If a Disclosable Pecuniary interest will substantially affect the ability of a Member to participate in the work of the Scrutiny Committees, the Member will withdraw from the review.

4. **Education Representatives**

Each relevant Scrutiny Committee/sub-group dealing with education matters shall, in pursuance of the requirements placed upon the City Council by Section 499 of the Education Act 1996 relating to the appointment of Foundation Governors for Voluntary Schools and Section 9 of the School Standards and Framework Act, 1998, relating to the appointment of representatives of Parent Governors of Maintained Schools, include in its membership the following voting representatives:-

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative; and
- (c) at least two but no more than five Parent Governor representatives.

A relevant Scrutiny Committee/sub-group in this paragraph is a Scrutiny Committee or sub-group of a local education authority, where the Committee or sub-group's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Executive. The above-mentioned representatives shall have voting rights only in connection with matters relating to education functions and if the Scrutiny Committee/sub-group deals with other matters, those representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. **Meetings of the Scrutiny Committees**

The Scrutiny Committees shall meet on a frequency to be determined annually at its first meeting. Extraordinary meetings may be called

from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the relevant Scrutiny Committee, by any five members of the Committee or by the Monitoring Officer if he/she considers it necessary or appropriate.

6. **Quorum**

The quorum for a Scrutiny Committee shall be three voting members, as set out for bodies in the Council Procedure Rules in Part 4 of this Constitution.

7. **Chairs and Deputy Chairs of Scrutiny Committees**

Chairs and Deputy Chairs of Scrutiny Committees/sub-groups will be drawn from among the Councillors sitting on the Committee/sub-group, and subject to this requirement the Committees/sub-group may appoint such a person as it considers appropriate as Chair.

8. **Work Programme**

The Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council, as well as the statutory education representatives and any other co-optees where relevant.

In developing their work programme, Scrutiny Committees should consult widely to ensure that a range of stakeholders, information and intelligence inform its work.

9. **Agenda Items**

Agenda items for the Scrutiny Committees shall be set either by members calling in particular decisions of the Executive or by the members of each Committee identifying issues which they wish to consider, for example through reviewing the Executive's monthly Forward Plan programme of forthcoming items of business.

Any member of a Scrutiny Committee or sub-group (including the statutory education representatives) shall be entitled to give notice to the Monitoring Officer that he/she wishes an item relevant to the functions of the Committee or sub-group to be included on the agenda for the next available meeting of the Committee or sub-group. On receipt of such a request the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the member.

The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet shall normally consider the report of the Scrutiny Committees at the first available meeting.

Area Committees shall have the right to draw matters to the attention of the Scrutiny Committees and ask them to consider putting the matter in their work programme. Community and voluntary groups and members of the public shall be able to contact the Chairs and/or Deputies of the Scrutiny Committees to suggest issues to be considered by the Committees.

Any member who is not a member of the Overview and Scrutiny Committee may refer any matter relevant to the Overview and Scrutiny Committee's functions to that Committee. The Member should give notice to the Monitoring Officer. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the Member.

10. **Policy Review and Development**

Each Scrutiny Committee has a function to scrutinise policy outcomes and advise on policy development within its remit. They are the key mechanism for enabling Councillors to represent the views of their constituents and other organisations to the Cabinet and Council and hence to ensure that these views are taken into account in policy development.

The Cabinet shall consult and involve the Scrutiny Committees in developing draft policies to propose to the Council.

Scrutiny Committees will have access to the Cabinet's forward plan and timetable for decisions and intentions for any consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Scrutiny Committees or sub-groups may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from Scrutiny Committees

Reports and recommendations from Scrutiny Committees will be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or by the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). When the Scrutiny Committee prepares a formal report it will seek a management response on the recommendations. The Scrutiny Committee Chair should present the report to Cabinet or Council.

If a significant minority of a Scrutiny Committee cannot agree on the final recommendations of the Committee's report to the Council or Cabinet as appropriate, then the report will indicate where the major differences lay.

The Scrutiny Committees shall retain the option to call-in any Cabinet decision made on such reports and recommendations.

12. Making sure that Scrutiny Committee Reports are Considered by the Cabinet

The reports of Scrutiny Committee referred to the Cabinet shall be included on a Cabinet agenda as soon as practicable following the Scrutiny Committee completing its report. The appropriate cabinet member will be notified of recommendations as soon as possible and in advance of the report to Cabinet. There will be a standing agenda item on Cabinet agenda to consider reports and recommendations from Scrutiny Committees. The Cabinet should respond to the report and recommendations within 2 months.

13. **Rights of Scrutiny Committee Members to Documents**

In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to access such documents and information in the possession of the Executive as is necessary for them to undertake any review or scrutiny of an action or decision or is relevant to any part of the work programme of the Committee subject only to any common law or statutory rule of confidentiality including Rule 11.2 of the Access to Information Procedure Rules in Part 4 or any Court Order preventing access.

Nothing in this section prevents more detailed liaison between the Executive and Scrutiny Committees as appropriate depending on the particular matter under consideration.

In particular, members of each Scrutiny Committee shall receive the agendas for their particular Committee.

A record of all Executive decisions will normally be published within two days of the decision being taken, and copies shall be made available to each Council Member. Members shall also have the option to receive the agenda of Cabinet or other Executive meetings.

The various agendas and minutes and reports to the Executive and its Committees and Scrutiny Committees (except any reports which contain confidential or exempt information) shall also be made available on the Council's website.

14. **Members and Officers giving Account**

Any Scrutiny Committees or sub-group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the ~~Head of Paid Service~~[Chief Executive](#) and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance.

By virtue of the provisions of the Local Government Act 2000, the Scrutiny Committee can require officers and Cabinet Members to

respond to their requests and attend their meetings, and (by virtue of that Act) it is the duty of such persons to comply with that requirement.

Requests for attendance of officers or the provision of information to Scrutiny Committees shall generally be channelled through the Council's Executive Directors who will identify appropriate officers to respond to the requests. Directorates shall also identify contact officers for each Scrutiny Committees.

Such requests will be made in writing by or on behalf of the Chair of the relevant Scrutiny Committees and as much notice of the meeting as practicable will be given.

Where, in exceptional circumstances, a Cabinet Member or officer is unable to attend on the required date, then the Chair of the relevant Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place as soon as practicable from the date of the original request.

Members and officers must leave the table, after giving information and they should not speak at the meeting except where invited to do so by the Chair of the Committee.

15. **Attendance by Others**

Once an issue has been selected for consideration by a Scrutiny Committee, the Committee, a sub-group or its Chair and Deputy Chair, as appropriate, shall identify the aims and objectives of the review exercise, the lines of enquiry to be pursued and who shall be invited to participate in the consideration of the issue.

The Scrutiny Committees shall be expected to seek to consult widely on the issues which they are considering and this would include inviting people other than those people referred to in paragraph 14 above to discuss issues of local concern and/or answer questions. This could include Area Committees and Parish Councils where appropriate, other public, private and voluntary/community organisations with an interest in the issue, residents and stakeholders and may involve inviting experienced/knowledgeable individuals to attend meetings. On occasions, Scrutiny Committees may seek to invite members of the general public to meetings to contribute to their discussions.

External experts and other persons identified as possible contributors shall be invited to attend meetings to give evidence and advice, but the Scrutiny Committees cannot require them to do so and therefore their participation will be on a voluntary basis.

16. Call-In

The decision records in respect of all Executive meetings or Committees of the Executive; [including decisions of the Council acting as Charitable Trustee](#), Area Committee Executive decisions, Individual Cabinet Member decisions and Officer Key Decisions will normally be published within two days of the meeting and copies will be made available to each member of the Council and to the statutory education representatives. Members wishing to call-in such a decision for scrutiny must do so by 4.00 p.m. up to 4 working days following notification of the Executive decision(s)

Any decision not called in for scrutiny by that deadline will come into force and may then be implemented.

Five Members, including two from the relevant Scrutiny Committee, must give notice to call-in a decision for scrutiny. Notice of call-in must be submitted to the Director of Legal and Governance and Head of ~~Governance~~ [Elections Equalities](#) and Involvement (as Lead Scrutiny Officer) who will record the date and time of receipt of such notice. Not more than two notices of call-in will be accepted for any individual decision, but other Members may be able to register an interest in the item with the relevant Scrutiny Committee Chair.

The relevant Scrutiny Committee to consider the decision is indicated on the front sheet of each report submitted to the Executive, Committee of the Executive or individual Cabinet Member. A proforma produced in respect of calling in a decision shall be signed by the five Members. Telephone calls, e-mail or fax messages from Members shall be accepted for call-in purposes but these shall be required to be supported by a signed statement from the Member(s) concerned before the item is considered by the Scrutiny Committee.

The statutory education representatives can call-in items relating to education functions using the same process as for members of the Council as set out above.

Any decisions that are called-in for scrutiny will, following consultation with the Chair and Deputy Chair of the relevant Scrutiny Committee, be placed on the agenda for the next available meeting of the Committee, or if necessary, an extraordinary meeting of the Scrutiny Committee will be called to consider the item.

The appropriate Executive Director, Head of Service and Cabinet Member will, as soon as practicable, be notified that the decision has been called in for scrutiny and of the date of the meeting at which the decision will be scrutinised.

The Executive Director who presented the item to Cabinet or approved its submission to an individual Cabinet Member, or his/her nominated representative, and the Cabinet Member with the particular Portfolio relating to the item of business will be expected to attend the Scrutiny Committee meeting when the item is considered.

The Members who have called in the decision shall be invited to attend and address the meeting of the Scrutiny Committee and speak when the item is considered, but only Members of the Scrutiny Committee will be able to vote on the item. Other non-members of the Committee who were not party to the call-in process but who had also registered an interest in calling the item in for scrutiny shall not have an automatic right to address the meeting but could do so at the discretion of the Chair of the Committee.

Items may only be called in for scrutiny once and no item should remain unresolved for more than one cycle of meetings.

The courses of action available to a Scrutiny Committee in scrutinising a decision shall be:-

- (a) refer the decision back to the decision making body or individual for reconsideration in the light of recommendations from the Committee;
- (b) request that the decision be deferred until the Scrutiny Committee has considered relevant issues and made recommendations to the Executive;
- (c) take no action in relation to the called-in decision but consider whether issues arising from the call-in need to be fed back to the decision maker or added to the work programme of an existing Scrutiny Committee;
- (d) if, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework, refer the matter, with any recommendations, to the Council after following the procedures in the Budget and Policy Framework Procedure Rules

(If a Scrutiny Committee decides on (a), (b) or (d) as its course of action, there is a continuing bar on implementing the decision).

Where a Scrutiny Committee has referred a decision back to the decision making body or individual for reconsideration, the relevant

officers shall prepare, in consultation with the Chair and Deputy Chair of the Committee, a brief report setting out the Committee's decision/suggestions. That report shall be submitted to the next meeting of the Cabinet or Cabinet Committee or to the individual decision maker as the case may be. Where referred to a meeting of the Cabinet or Cabinet Committee, the Chair of the Scrutiny Committee (or nominee), a representative of the signatories to the call-in and its Scrutiny Policy and Improvement Officer shall be expected to attend the meeting in order to assist the debate on the issue.

For decisions that have been referred to the Cabinet, the Council, a Cabinet Committee or an individual decision maker the Committee's Scrutiny Policy and Improvement Officer shall inform the Committee at its next appropriate meeting of the decision subsequently taken in relation to the called-in item.

In respect of:-

- (i) delegated decisions taken by officers which are not Key Decisions; and:-
- (ii) delegated decisions taken by the Regulatory Committees;

Scrutiny Committees shall be able to scrutinise the process that led to such a decision but not the decision itself.

17. Call-in and Urgency

(1) Removal from Call-in Process ("fast track")

- (a) A decision cannot be called in for scrutiny if a minimum of three officers, comprising an Executive Director and two Statutory Officers or, in the case of a report of the Chief Executive, that officer and one other Statutory Officer, in consultation with the appropriate Cabinet Portfolio Member or the Chair of the Cabinet, sign and certify that an item of business is urgent and that its delay for scrutiny would consequently significantly prejudice the interests of the Council or a third party.
- (b) The definition of an urgent item of business is considered to be something where a failure to deal with or implement it promptly would cause administrative, financial or other difficulties to the individual(s)/ organisations(s) concerned and/or the Council; so that it would clearly be in the interests of those individual(s)/ organisation(s) and/or the Council and consistent with the Council's fiduciary and legal obligations to deal with the matter expeditiously.

- (c) In these circumstances, the item will be “fast tracked” unless it is a key decision in which case it will be taken in accordance with Rule 15 of the Access to Information Procedure Rules but it will still be open to the Scrutiny Committee, not only to examine this decision in retrospect, but also to examine the reason for a certificate being issued.

18. **The Party Whip**

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. **Procedure at Scrutiny Committee Meetings**

Scrutiny Committees and sub-groups shall consider the following business:-

- (i) Identification of items where resolutions may be moved to exclude the public and press;
- (ii) minutes of the last meeting;
- (iii) declarations of interest (including whipping declarations);
- (iv) public questions and petitions (The Scrutiny Committees meet in public in accordance with current legislation and the agenda for each meeting of a Committee shall include provision for members of the public to submit petitions or ask questions of the Committee on issues which are within its terms of reference);
- (v) consideration of any matter referred to the Committee for a recommendation in relation to the call in of a decision;
- (vi) consideration of any request submitted by a Member of the City Council under the Authority’s Councillor Call for Action (CCFA) procedure, having regard to any guidance issued by the Monitoring Officer. If the Scrutiny Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme;

- (vii) responses of the Cabinet to reports of the Scrutiny Committee; and
- (viii) the business otherwise set out on the agenda for the meeting.

Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the Committee/sub/group shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

20. **Matters within the Remit of more than one Scrutiny Committee**

For the purpose of policy reviews, where an issue falls within the remit of more than one Scrutiny Committee, the following options shall be available for the consideration of the issue:-

- The Chairs and Deputy Chairs of the Scrutiny Committees concerned shall attempt informally, in the first instance, to resolve by consensus which Scrutiny Committee shall consider the issue;
- In the event of a failure of the Chairs and Deputy Chairs of the relevant Scrutiny Committees to agree which Committee shall consider an item, the Monitoring Officer shall refer the issue to the Overview and Scrutiny Management Committee, being the body charged with overseeing the work of the Scrutiny Committees, for resolution. Should the Overview and Scrutiny Management Committee fail to reach an agreement, then the Monitoring Officer shall make the final decision on which Scrutiny Committee shall consider the issue.

Notwithstanding the above process and in order to obtain the views of other Scrutiny Committee:-

- it shall be open to the Chairs and Deputy Chairs of Scrutiny Committees which have a mutual interest in an issue to agree to the establishment of a joint meeting of the Committees or a time-limited joint Working Group comprising the same number of members of each Scrutiny Committee concerned. The Working Group's recommendations shall be reported for decision to the Scrutiny Committee which has been designated under the process referred to above as the committee to consider the item. A report on the Working Group's recommendations shall also be submitted for information to the other Scrutiny Committee(s) which have an interest in the issue but which have not been designated to undertake the consideration of the item; and
- the Chair of the Scrutiny Committee which has been designated to consider the item may invite members of other Scrutiny Committee(s) who have an interest in the issue to attend the meeting(s) at which the issue will be considered and where, at the discretion of the Chair, they will be able to contribute to the debate.

21. **Appointment of Substitutes on Scrutiny Committees**

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

- (a) a Committee Member wishing to be substituted will seek a substitute from the approved list for his/her Party Group;
- (b) the Chief Executive or his/her representative will record the name of any Member who is in attendance as a substitute; and
- (c) the substitution shall last for the duration of the meeting, including an adjourned meeting.

statement is produced in respect of every executive decision made which includes:

- a record of the decision, including the date it was made;
- a record of the reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- a record of any conflict of interest declared by any Member of the decision making body or, in the case of a decision by an individual Executive Member, any conflict of interest declared by any other Executive Member consulted by him/her in relation to the decision; and,
- in respect of any declared conflict of interest, a note of any relevant dispensation granted by the Monitoring Officer

18.3 Decisions subject to call-in

~~All decisions~~The decision records in respect of the all Executive meetings or Committees of the Executive; including decisions of the Council acting as Charitable Trustee, Area Committee Executive decisions, Individual Cabinet Member decisions and Officer Key Decisions~~Executive, whether taken collectively or by individual Executive Members,~~ must be published and may be subject to call-in in accordance with the Scrutiny Procedure Rules in Part 4 of this Constitution.

19. DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS

- 19.1 Any decisions taken by an individual Executive Member of the Executive, must comply with the previous Rule 18.
- 19.2 When an officer prepares a report which is to be given to an individual Executive Member for decision, he or she must first give a copy of that report to the Monitoring Officer.
- 19.3 The Monitoring Officer will publish the report to the relevant Scrutiny and Policy Development Committee, the Chief Executive and Chief Finance Officer. Subject to the exceptions in these Rules, the report will be made publicly available as soon as reasonably practicable.

officers shall prepare, in consultation with the Chair and Deputy Chair of the Committee, a brief report setting out the Committee's decision/suggestions. That report shall be submitted to the next meeting of the Cabinet or Cabinet Committee or to the individual decision maker as the case may be. Where referred to a meeting of the Cabinet or Cabinet Committee, the Chair of the Scrutiny Committee (or nominee), a representative of the signatories to the call-in and its Scrutiny Policy and Improvement Officer shall be expected to attend the meeting in order to assist the debate on the issue.

For decisions that have been referred to the Cabinet, the Council, a Cabinet Committee or an individual decision maker the Committee's Scrutiny Policy and Improvement Officer shall inform the Committee at its next appropriate meeting of the decision subsequently taken in relation to the called-in item.

In respect of:-

- (i) delegated decisions taken by officers which are not Key Decisions; and:-
- (ii) delegated decisions taken by the Regulatory Committees;

Scrutiny Committees shall be able to scrutinise the process that led to such a decision but not the decision itself.

17. **Call-in and Urgency Removal from Call-in Process ("fast track")**

~~(1) — Removal from Call-in Process ("fast track")~~

- (a) An executive decision cannot be called in for scrutiny if (i) a minimum of three officers, comprising an Executive Director and two Statutory Officers or, in the case of a report of the Chief Executive, that officer and one other Statutory Officer, in consultation with the appropriate Cabinet Portfolio Member or the Chair of the Cabinet, sign and certify that an item of business is urgent and that its delay for scrutiny would consequently significantly prejudice the interests of the Council or a third party; and (ii) the Chair of the relevant Scrutiny and Policy Development Committee (or if there is no such person or that person is unable to act, the Lord Mayor or if neither of those persons is able to act, the Deputy Lord Mayor) has been informed, in writing where reasonably practical, that the decision is urgent.

- (b) The definition of an urgent item of business is considered to be something where a failure to deal with or implement it promptly would cause administrative, financial or other difficulties to the individual(s)/ organisations(s) concerned and/or the Council; so that it would clearly be in the interests of those individual(s)/ organisation(s) and/or the Council and consistent with the Council's fiduciary and legal obligations to deal with the matter expeditiously.
- (c) In these circumstances, the item will be "fast tracked" (i.e. the decision may be implemented immediately without having to wait for the expiry of the call-in period) ~~unless it is a key decision in which case it will be taken in accordance with Rule 15 of the Access to Information Procedure Rules~~ but it will still be open to the Scrutiny Committee, not only to examine this decision in retrospect, but also to examine the reason for a certificate being issued.

18. **The Party Whip**

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. **Procedure at Scrutiny Committee Meetings**

Scrutiny Committees and sub-groups shall consider the following business:-

- (i) Identification of items where resolutions may be moved to exclude the public and press;
- (ii) minutes of the last meeting;
- (iii) declarations of interest (including whipping declarations);
- (iv) public questions and petitions (The Scrutiny Committees meet in public in accordance with current legislation and the agenda for each meeting of a Committee shall include provision for members of the public to submit petitions or ask questions of the Committee on issues which are within its terms of reference);

- (b) where the decision taker is an individual, his or her name and title, if any, and where the decision taker is a body, its name and a list of members;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) that other documents relevant to those matters may be submitted to the decision maker;
- (g) the procedure for requesting details of those documents (if any) as they become available;

14. GENERAL EXCEPTION FOR A MATTER NOT IN THE FORWARD PLAN

14.1 If it has not been possible to give 28 days' notice of a matter which is likely to be a Key Decision, then the decision may only be made if :-

- (a) the Monitoring Officer has given written notice to the Chair of a relevant Scrutiny and Policy Development Committee, or if there is no such person, each Member of that Committee, by notice in writing of the matter about which the decision is to be made;
- (b) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with paragraphs (a) and (b) in this Rule;

14.2 As soon as reasonably practicable after the Monitoring Officer has complied with paragraphs (a), (b) and (c) of the preceding Rule 14.1 he or she must—

(~~ia~~) make available at the Sheffield Town Hall offices, a notice setting out the reasons why it has not been possible to give 28 days' notice; and

(~~ib~~) publish that notice on the Council's website.

~~(e)14.3~~—~~Where this Rule 14 applies to an the executive decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, or by Individual Member or Officer,~~ the public access requirements of these Rules must be complied with.

15. SPECIAL URGENCY FOR TAKING A KEY DECISION

~~15.1~~ Where the date by which a Key Decision must be ~~taken-made~~ makes it impracticable to comply with the previous General Exception Rule 14, then the decision can only be ~~taken-made~~ if the decision ~~taker-maker~~ (if an individual) or the Chair of the Body making the decision, has obtained agreement ~~that making the decision is urgent and cannot reasonably be deferred from:-~~

(a) ~~the~~ the Chair of a relevant Scrutiny and Policy Development Committee; or

(b) ~~if~~ if there is no such person or that person is unable to act, the Lord Mayor; or

(c) ~~if~~ if neither of those persons is able to act, the Deputy Lord Mayor, that the making the decision is urgent and cannot reasonably be deferred.

~~15.2~~ As soon as reasonably practicable after the ~~Monitoring Officer~~decision maker has complied with paragraph (a), (b) and (c) of the preceding Rule 15.1 he or she must—

(~~ai~~) make available at the Sheffield Town Hall ~~offices~~, a notice setting out the reasons that the making the decision is urgent and cannot reasonably be deferred~~why it has not been possible to give 28 days'~~; and

~~(ii)~~ publish that notice on the Council's website.

~~A Key Decision taken under paragraph 15 of these Rules will be exempt from call-in.~~

15.3 The Leader will submit an annual report to the Council containing details of ~~each~~all executive decisions taken under this Rule 15. The report will include:-

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

16. RIGHTS OF OVERVIEW AND SCRUTINY AND POLICY DEVELOPMENT COMMITTEES OVER KEY DECISIONS

16.1 When an Overview and Scrutiny and Policy Development Committee can require a report

If a Scrutiny and Policy Development Committee considers that an executive decision has been taken which was not:

- (a) treated as being a key decision; and
- (b) a relevant Scrutiny and Policy Development Committee are of the opinion that the decision should have been treated as a key decision

the Committee may by resolution require the Executive which is responsible for the decision to submit a report to the Council within such reasonable time as the Committee may specify.

The Monitoring Officer may also require such a report and shall do so on behalf of the Committee when so requested by the Chair or any 5 Members of the Committee.

16.2 Executive report to Council

When required in accordance with this Rule, the Executive will prepare a report for the next available meeting of the Council, except that if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

The report to Council will set out particulars of the decision, including reasons for the decision, the individual or body making the decision, and if the Leader/Executive is of the opinion that it was not a key decision, the reasons for that opinion.

- the matter in question is formally considered by the relevant part of the Council.
- 5.1.8 It will not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 5.1.9 Party group meetings are not empowered to make decisions on behalf of the Council. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Conclusions reached at these meetings do not rank as Council decisions.
- 5.1.10 At party group meetings where some of those present are not Members of the City Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct, in particular the declarations of interest and confidentiality provisions. They do not have the same rights to Council information as Members.
- 5.1.11 Discussions between Officers and Members on policy issues are quite proper and Officers may wish to seek political guidance in framing policy proposals. However when Officers write Cabinet or committee reports for Member decision, they have a duty to give their best professional advice and set out their options available.
- 5.1.12 Party political groups have no right to instruct Officers to amend or change reports or their content. Decisions by Members on Officer reports should be made in the correct decision-making forum based on clear factual and legal advice. Officers are fully responsible for the content of any report submitted in his/her name.
- 5.1.13 Officers in certain posts are statutorily prohibited from having any involvement in political activities. A list of these positions is set out at Appendix [F-H](#) of the Officers' Code of Conduct. All Officers are required to ensure that Council resources are not used for party political purposes.
- 5.1.14 Should a Senior Officer attend a group meeting they will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an Officer providing feedback to other Senior Officers on a need-to-know basis.

11.3.1 For casework queries and service complaints, Members are to direct these to the relevant Director. Officers are to acknowledge the enquiry and if possible provide a response within 3 working days. If the enquiry requires some investigation and further work, Members should be informed about this and then the response is to be available within 10 working days.

11.3.2 Members can escalate any service issue to the Chief Executive or the ~~Deputy Chief Executive~~Director of Legal and Governance if they remain dissatisfied with the matter after referral to the Director.

12. PUBLICITY AND DEALING WITH THE MEDIA

12.1 Officers will not publish or assist in publishing material designed to affect public support for any political party this is to ensure compliance with the Local Government Act 1986, which prohibits such activities.

12.2 All formal publicity material produced by the Authority will state the Council's position and not an individual's view or personal position. Publicity should not be liable to misrepresentation as being party political.

12.3 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the Code of Recommended Practice on Local Authority Publicity.

12.4 Officers should inform the Council's press office of issues likely to be of media interest, since that unit should be the media's first point of contact. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

12.5 Press releases or statements made by Officers must be factual and consistent with Council policy, may promote or provide information about Council services, linked into corporate priorities and should be drafted in consultation with the Communications Team. All formal media releases will be issued by the Communications Team.

12.6 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

12.7 The Council has a policy of helping the media to access the factual information that they need. Requests for comments or opinion on Council policy or political matters should be referred to the appropriate Cabinet Member, and the names of group spokespersons and Ward Councillors shall be publicly available and made available to journalists upon request.

Changes to the Code of Conduct October 2014

1. Changes to the Code of Conduct

- 1.1 The trade unions have agreed to all the changes proposed for the Declaration of Interest Procedure.
- 1.2 The changes to the Code of Conduct are to be submitted to Full Council in October 2014 and are as follows:-

Current	Proposed	Comment
<p>Code of Conduct</p> <p>Public Duty, Private Interest, Fraud and Theft.</p> <p>Section 2.4 You must declare this in writing to your Head of Service or Director. See Declaration of Interests Policy Appendix A.</p> <p>Code of Conduct – Appendix A</p> <p>Section 5.1 ... You must first complete a 'Declaration of Personal Interest Form – Appendix A</p> <p>Section 6.1 If you think there might be a conflict of interest, you must speak to your line manager to see if a Declaration of Interest Form needs to be submitted to their Head of Service.</p> <p>Procedure The current procedure explains how to complete a form and submit this to Head of Service/Director</p>	<p>Section 2.4 You must declare this in writing to your manager. See Declaration of Interests Policy Appendix A.</p> <p>Section 5.1 ... You must first complete a Declaration of Interest Form – see procedure</p> <p>Section 6.1 If you think there might be a conflict of interest, you must speak to your manager and follow the Declaration of Interest Procedure.</p> <p>Procedure At implementation, to make it easy for employees and managers to complete, we agreed with the trade unions to use an e-form in MyView to be authorised by the manager. Where an employee does not have</p>	<p>These are minor amendments to reflect the updated procedure.</p>

APPENDIX F

	access to the intranet, the procedure is for the manager to print off a copy of the form for the employee. The employee and manager submit an e-form together using the manager's login onto MyView.	
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Officers’ Code of Conduct

This Code of Conduct applies to all non-school based employees. The Code of Conduct adopted by the relevant Governing Body will apply to employees within schools.

Contents

Section	Page No	
1	Introduction	281
2	Public Duty, Private Interest, Fraud and Theft	282
	(i) General	
	(ii) Financial Inducements, Gifts and Hospitality	
	(iii) Employee Declaration of Financial and Other Interests.	
3	Contractors	285
4	Relationships with prospective or current Contractors	285
5	Information Technology, Data Security and Social Networking	286
6	Use of Council Systems, Property and Facilities	286
7	Secondary Employment	287
8	Disclosure of Information, Confidentiality and References	288
9	Communications with the Media	289
10	Political Neutrality	289
11	The Local Community and Service Users	290
12	Recruitment and other Employment Matters	291
13	Equality, Diversity and Inclusion	291
14	Dress and Personal Appearance	292
15	Health and Safety	292
16	Criminal Convictions	292
17	Alcohol, Drugs and Substances	294
18	General Conduct	294

Sheffield City Council – Constitution
| Part 5 – Officers’ Code of Conduct (Revised ~~April-October~~ 2014)

19	Date of Implementation	295
20	List of Appendices	295

Sheffield City Council – Constitution (v12)
| Part 5 – Officers’ Code of Conduct (Revised ~~April-October~~ 2014) 280

1.0 INTRODUCTION

About this Code of Conduct

- 1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.**

When we use the words “we” or “us”, we mean the Council.

- 1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.
- 1.3 In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.
- 1.4 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own Codes in addition to this one.
- 1.5 If your service area has its own Code, you should keep to that Code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.
- 1.6 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct, and any other Code which may apply to your job.
- 1.7 If there are any parts of this Code, or other Code, that you are unsure of or do not understand, you must ask your manager or someone in HR, to help you. This will ensure you are able to follow the Code.
- 1.8 You can find explanations for some of the words and phrases in this Code in the glossary section, on page 16 of this document.
- 1.9 This Code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is anything that you are unsure about, please ask your manager or HR Adviser.
- 1.10 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think that you are dishonest.

1.11 The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.12 You may have disciplinary action taken against you if you:

- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would classify as misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them.
- Do not properly perform your duties as an employee.

Disciplinary action includes the possibility of being dismissed without notice being given.

1.13 This Code is in accordance with the rules in the Human Rights Act.

2.0 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT

(i) *General*

2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside of work which might affect your job, you must declare this to your manager. Read Declaration of Interests Policy (DO!) Appendix A

2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any Codes of practice that apply to your job.

2.3 If you are a member of an organisation that:

- Is not open to the public
- Requires formal membership and an oath of allegiance
- Has any secrecy about its rules, the process of becoming a member, or conduct of members.

2.4 You must declare this in writing to your ~~Head of Service or Director~~ manager. See Declaration of Interests Policy **Appendix A**.

2.5 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and that having proper control of finances is very important.

- 2.6 The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.
- 2.7 You must not use the fact that you are a Council employee to obtain, gain directly or indirectly - for yourself, any business associates, your friends or your family.
- 2.8 As the Council is committed to the prevention and detection of fraud, we have a policy statement on Fraud and Corruption. This is shown in **Appendix B**.
- 2.9 We also have a Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.10 In addition to these two policies, we have a Whistleblowing Policy and Procedure, so that you can report any fraud or corruption more easily. This is shown in **Appendix D**.
- 2.11 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.
- 2.12 You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders are available on the Council’s Internet site.
- 2.13 If you:
- Commit fraud against the Council, or any person or organisation, or try to.
 - Steal from the Council, or any person or organisation, or try to.
- 2.14 This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.15 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing Policy and Procedure. This procedure is shown in **Appendix D**.
- 2.16 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.
- 2.17 We know there are two sides to a story, and we will ensure hearings are fair.
- 2.18 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.
-

(ii) Financial Inducements, Gifts and Hospitality

- 2.19 You must never accept a financial payment, bribes or inducement from any individual, body, or organisation. For example: payments or inducements from contractors, developers, or consultants.
- 2.20 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.
- 2.21 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.
- 2.22 You may accept gifts of small value such as pens, diaries and calendars.
- 2.23 For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.24 Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

(iii) Employee Declarations of Financial and other interests

- 2.25 You have a legal duty to declare any financial or other interest in an existing or proposed contract. See Declaration of Interests Policy (DOI) Appendix A.
- 2.26 If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure that there is no conflict of interest.
- 2.27 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council.
- 2.28 Members of the public expect you to be fair and treat people equally, no matter who you are delivering services to.
- 2.29 You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
- 2.30 You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.
- 2.31 If you think there might be a conflict of interest, you must look at the Declarations of Interest Policy (DOI), **Appendix A**. If you are not sure, you should ask your manager to help you.
-

- 2.32 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 2.33 The Director of Human Resources is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.
- 2.34 Every Head of Service, Director and Executive Director is responsible for monitoring their employees activities, making sure they have kept to this Code and any other Codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

3.0 CONTRACTORS

- 3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service or Director in writing if you have ever had a private or domestic relationship with the contractors.
- 3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

4.0 RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS

- 4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.
- 4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.
- 4.3 If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.
- 4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.

- 4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service or Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation, and awarding contracts or orders.
- 4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service or Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service or Director know if you have affiliation to an organisation that is interested in tendering.

5.0 INFORMATION TECHNOLOGY, DATA SECURITY AND SOCIAL NETWORKING

- 5.1 You must observe the City Council's security controls at all times. For example, non-public information held electronically is protected by passwords; you must not disclose passwords you exclusively use to access information. Written information is sometimes specially protected, for example, where disclosure is illegal. You must take care to make sure it remains protected. If you are unsure about security controls, talk to your manager or the person in charge of the information protected by them.
- 5.2 You must comply with the law and City Council policies; the Information Security Policy – which deals with security controls amongst other things.
See Appendix E
- 5.3 The City Council records the use of some electronic communication use in accordance with the law.
- 5.4 Failure to comply with security controls or the misuse any City Council information or resources could result in disciplinary action.
- 5.5 You are personally responsible for content that you publish on-line and must follow the Social Networking Policy, **Appendix F**. You must take time to read the Social Networking Policy and understand your responsibilities and behaviours expected, when using social networking in a personal or work capacity. Ask you manager if you are unsure about the Social Networking Policy and Guidance.

6.0 USE OF COUNCIL SYSTEMS, PROPERTY AND FACILITIES

- 6.1 Anything that belongs to the Council, including:
- Telephones- including mobile phones
 - Computers- including laptops
 - Stationery

- Offices
- Car parks
- Vehicles
- Facilities

can only be used for Council business unless permission is given by management.

- 6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
- 6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.
- 6.4 You must keep to any Council system security measures.

7.0 SECONDARY EMPLOYMENT

- 7.1 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need the formal prior permission of your manager to do any work outside your role with the Council. See Declaration of Interests Policy, **Appendix A**.
- 7.2 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.
- 7.3 If you are a:
- School Governor
 - Councillor for another Local Authority
 - Member of a Voluntary Reserve Forces - Reservists and Adult Instructor of Cadets
 - Justice of the Peace
 - Member of an Employment Tribunal
- 7.4 These roles do not count as Secondary Employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable

and timely manner. Unpaid voluntary work in the Community is not secondary employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

- 7.5 You can find further guidance on receiving payment or fees for other work in **Appendix F**.

8.0 DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES

- 8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act.
- 8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act, so it is important you know what your responsibilities are. If you are unsure about this, consult your manager. The Council also has a Data Protection and Security Officer who can help.
- 8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure who is an authorised person, you should consult the Director of Human Resources.
- 8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 8.5 If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.
- 8.6 You must not disclose confidential information to a third party. This includes information relating to:
- Competitive tendering or tendering for work.
 - Exempt items under the Local Government (Access to Information Act, 1985)
 - An employee, elected member or service user.
- 8.7 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.
-

8.8 If in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.

8.9 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

9.0 COMMUNICATIONS WITH THE MEDIA

9.1 All contact with the media that is about Council activities is handled by the Communications service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Service to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.

9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service or Director before it is published. An example of this might be an article in a professional journal.

10.0 POLITICAL NEUTRALITY

10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.

10.2 More information on this is available in **Appendix H**. If you need any more advice or information, ask your manager or HR Adviser.

10.3 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.

10.4 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.

10.5 If you have contact with an elected member, whether work related or of a personal nature, you must keep to the Protocol for Member Officer Relations.

10.6 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

11.0 THE LOCAL COMMUNITY AND SERVICE USERS

- 11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.
- 11.2 You should be as open as possible about what you do, and the work of the Council.
- 11.3 You must not do anything that might affect confidence in the Council.
- 11.4 You should make sure that you keep to the law and any other guidance.
- 11.5 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 11.6 We have an Equality and Diversity Policy. You must keep to this policy at all times.
- 11.7 If you act in this way it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 11.8 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 11.9 Any sexual misconduct or assault will be regarded as potential gross misconduct.
- 11.10 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.
- 11.11 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.
- 11.12 If you work with young people or vulnerable adults, you must read any relevant Codes of practice as well as this Code, and keep to them. You must keep to any relevant laws, such as the Children’s Act and the Child Protection and Adult Abuse Protection Procedures.
- 11.13 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing policy (see **Appendix D**) to report it.

12.0 RECRUITMENT AND OTHER EMPLOYMENT MATTERS

- 12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.
- 12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.
- 12.3 If you think there might be a conflict of interest, you must inform your manager or HR Adviser.
- 12.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion, or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
- 12.5 If there are any reasons why 12.1-12.4 should not be followed, or you need help and advice with what to do next, you should contact the Director of Human Resources.

13.0 EQUALITIES

- 13.1 You must at all times make sure you keep to the Council’s policies on equality, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimisation, advances equality of opportunity and fosters good relations. See Dignity and Respect at Work Policy. **Appendix I**
- 13.2 All employees, customers, elected members, partners, trade union representatives, and members of the public must be treated in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimisation and bullying and by treating people with respect, regardless of their age, disability, race, religion/ belief, sex, sexual orientation or marriage/civil partnership.
- 13.3 At all times you must create an environment that, promotes fairness, equality, diversity and inclusion, promotes dignity and respect for all, recognises and values individual differences and the contributions of all and actively prevents and opposes intimidation, discrimination, harassment, bullying or victimisation.
- 13.4 The Equality Act 2010 provides the legal framework for the Council in relation to equality, diversity and inclusion.

- 13.5 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

14.0 DRESS AND PERSONAL APPEARANCE

- 14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

15.0 HEALTH AND SAFETY

- 15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or Codes of practice on Health and Safety that apply to your Portfolio or area of work.
- 15.2 You must keep to any relevant Health and Safety laws.

16.0 CRIMINAL CONVICTIONS

- 16.1 Before you start working for us, you must tell us about any unspent criminal convictions, cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations.

If you are applying for a role, which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders (Exceptions) Order 1975 (Amendment) 2013, you must follow our guidance on ‘declaration of criminal convictions and cautions’ at the application stage and tell us about:-

- All filtered convictions and cautions for any roles, where you have to complete an enhanced Disclosure and Barring Service (DBS) **with no** barred lists check. Please see guidance on declaration of criminal convictions and cautions for the filtered list.

OR

- All convictions and cautions for any roles, where you have to complete an enhanced Disclosure and Barring Service (DBS) **with** barred lists check.

If you are unsure about which criminal convictions and cautions that you need to tell us about, please ensure that you contact the recruiting manager for further advice.

- 16.2 When employed by us, you must tell your manager if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, caution, reprimand or warning.
- 16.3 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.
- 16.4 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.
- 16.5 If you do not tell us about your criminal record as listed in 16.1-16.4 above, this may be treated as possible gross misconduct and might lead to disciplinary action – including possibility of dismissal without notice.
- 16.6 If you are required to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-
- Complete a DBS Application Form
 - Or give written permission for us to check your status on-line
 - Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.
- You must bring in your DBS Certificate to show and discuss with us, when required.
- 16.7 It is against the law for us to employ you or allow you to volunteer for work with children and vulnerable adults, if you are listed as barred for this type of work
- 16.8 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.
- 16.9 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.
- 16.10 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this can be treated as

misconduct, including gross misconduct which carries a possible penalty of dismissal.

17.0 ALCOHOL, DRUGS AND SUBSTANCES

17.1 While you are at work, you must be in a condition to do your job safely.

17.2 The effects of drinking alcohol cause you to perform your work less well. It is a health and safety risk. Because of this, you must not drink alcohol:

- Before you start work
- During your working hours
- During a lunch break from work
- On any other break during your working day
- At functions such as conferences within working hours.

17.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.

17.4 If you use substances, illegal drugs, or prescription drugs that have not been prescribed for you, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

18.0 GENERAL CONDUCT

18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.

18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.

18.3 If you need further information or advice about what to do in a situation, you should contact your manager, an HR Adviser or the Chief Internal Auditor.

18.4 You should read this Code together with the appendices, and any other Codes of Practice or policies that are about conduct or security.

19.0 DATE OF IMPLEMENTATION

Revised 2 April 2014

20.0 APPENDICES

- A Declaration of Interests Policy
- B Policy statement on Fraud and Corruption
- C Gifts and Hospitality Corporate Policy and Code of Practice
- D Whistleblowing Policy and Procedure
- E Information Security Policy
- F Social Networking Policy
- G Other employment related to activities – fees
- H Politically Restricted Posts
- I Dignity and Respect at Work Policy

GLOSSARY TO CODE OF CONDUCT

Contractor- An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

Conflict of Interest- A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

Competitive Tender- Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

Disciplinary- Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

Disrepute- To bring something into disrepute is to lower its reputation, damage its image.

Misconduct- Breaking the Code of Conduct, another Code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the

exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s **Disciplinary Policy**.

Inducement- something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

Whistleblowing (also ‘whistle blowing’)- Revealing wrongdoing to someone in authority. For more information on this, see **Appendix D**, the Whistleblowing policy.

RELEVANT LAW

This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.

Monitoring and Surveillance:

The Regulatory and Investigatory Powers Act, the Data Protection Act, and the Human Rights Act.

Use of IT Equipment:

The Data Protection Act, The Obscene Publications Act, The Computer Misuse Act, The Theft Act.

Equalities:

Equality Act 2010

APPENDIX A

Sheffield City Council**Policy and Procedure
Declaration of Interest**

Publication Date: ~~April 2014~~October 2014

Author: HR ~~Specialist Service~~ Policy and Organisational Development



Declaration of Interest - Policy and Procedure

Policy

1. Introduction

- 1.1 All customers are entitled to the highest standards of fairness and equity from all employees providing our services. This Policy and Procedure exists to protect you and service users against any allegations of favour or disadvantage.
- 1.2 It is important that employees and the Council are protected from accusations of impropriety. Therefore an employee must declare any interest to their manager that they may have with any organisation, services, activity or person that may cause a direct or indirect conflict of interest with their employment or that may bring the Council into disrepute. In case of doubt, employees should always complete and submit a Declaration of Interest Form. For example:
- Employees should ensure they declare financial interest in order to comply with their statutory duty under [Section 117 of the Local Government Act 1972](#)
 - In many cases the interests may not create a conflict or the fact that they are known interests will allow the individual’s manager to ensure they are not placed in a position where conflict could arise.
 - Every Head of Service, Director and Executive Director is responsible for ensuring their managers and staff are aware of the need to make declarations. Any monitoring will comply with all relevant laws.
 - It is not possible to give comprehensive examples or detailed definitions of everything that might give rise to a conflict of interest between their duties and these interests or their ability to carry out their role effectively
- 1.3 Any potential conflicts of interest will be recorded in accordance with the Declaration of Interest Procedure.
- 1.4 The Council’s Monitoring Officer will review any declarations (or a random selection of) that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 1.5 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action.

- 1.6 Any employee, who considers they have been unfairly treated under the terms of the policy, may raise a grievance under the Council’s Individual Grievance Procedure. The grievance should be submitted to their line manager or with the person making the decision.

2. Scope

- 2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

3. General Declaration of Financial and Other Interests

- 3.1 As an employee of Sheffield City Council, you have a legal duty to declare any financial or other interest in an existing or proposed contract or any proposed or existing council activity or service which could cause potential conflict. This declaration includes involvement with voluntary organisations, which the council supports and/or services carried out for the council by its commercial partners, for example Capita, Kier, Amey and other similar partner organisations.
- 3.2 You have a legal duty to declare any interest or associations that may cause direct or indirect conflict with your work for the Council. You must declare interests in or associations with any organisation, service, and activity or person.
- 3.3 If the Council has sponsored an event or a service, you must inform your line manager if you may benefit from it in any way. You must also tell your line manager if you are aware that anyone connected with you will benefit from it (this includes your relatives, your partner or spouse, or any business associates you may have).
- 3.4 You must declare an interest if anyone connected with you will benefit from the position you hold in the Council. This includes your relatives, your partner or spouse, or any business associates you may have. This is to ensure the status gained from working for the council is not utilised to influence a member of the public’s choice when commissioning work or a service.
- 3.5 If you apply for a service or make representations for services on behalf of relatives, colleagues or friends or people with whom you have a close relationship, you must declare an interest where your employment position gives you significant influence.
- 3.6 You must also declare a personal interest if you help someone you know from outside your job to apply for a service you have influence over or responsibility for or to improve the chances of success of an agency within a tendering process .

4. Declaration of Membership of Organisations Not Open to the Public

4.1 You must declare and provide information about any organisation in which you have a personal interest that is not open to the public which requires formal membership, oaths of allegiance and has secrecy about rules, membership or conduct.

4.2 The following is the Council’s definition of what constitutes a society with secret rules (secret society).

‘Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

5. Declaration of Secondary Employment or Engagement in Other Business or Voluntary Work

5.1 If you have secured other employment or voluntary work whilst you are working for the Council, you must first complete a ‘Declaration of ~~Personal~~ Interest Form – see Declaration of Interest Procedure, Appendix 4’. Your manager should respond within the agreed timescale and advise if there may be any possible conflict of interest before you commence the work. This includes paid work for another employer and working in a self-employed or business partnership basis.

5.2 If you do undertake other work you must ensure the additional hours do not impact on your performance of your duties undertaken for Sheffield City Council.

5.3 When considering undertaking other work, consideration must be given to compliance with the statutory requirements of the Working Time Regulations. The

council must be made aware of any additional work that could mean you exceed an average of 48 hours of work in total in a week

5.4 Those undertaking additional work outside the authority must sign a Working Time Regulations ‘Opt out Agreement’ and to confirm they understand the health and safety implications of working excessive hours. This must be held on your personal file in HR Connect.

5.5 You must not refer to your role in Sheffield City Council in any promotional material which may be used to assure members of the public or give credence to another organisation.

5.6 The Council accepts no liability for your other work or engagement in other business or voluntary work and will not be responsible for any payments, expenses or demands however incurred.

5.7 With regard to any other work or engagement in other business or voluntary work you are responsible for:-

- ensuring that you have the correct insurance; and
- that you are registered with the relevant professional or regulatory bodies; and
- that you pay any tax, national insurance, or other statutory payments due; and
- for ensuring that you have the correct membership of trade or professional organisations; and that you comply with any statutory requirements or professional or trade codes of conduct.

5.8 There may be circumstances where SCC may need to retract permission for example

- Where attendance or timekeeping is of concern and may be attributed to you undertaking other work
- Where your performance falls below an acceptable standard and may be attributed to you undertaking other work
- Where a new conflict of interest arises that previously did not exist *or where a conflict later becomes apparent for any reason*

6. Reporting of Declarations of Interest

~~6-2~~ 6.1 If you think there might be a conflict of interest, you must speak to your ~~line~~ manager ~~to see if a Declaration of Interest Form needs to be submitted to their Head of Service and follow the Declaration of Interest Procedure.~~

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~~6.36.2~~ All Declarations of Interest must be recorded in accordance with the Declaration of Interests Procedure.

Procedure

- ~~1. You must complete a ‘Declaration of Personal Interest Form’ before you undertake other work or become aware of a potential conflict of interest.~~
 - ~~2. The Declaration of Interest form will be submitted by your line manager to the HOS/Service Manager within 5 working days of receipt.~~
 - ~~3. Your Head of Service/Service Manager will be responsible for forwarding an electronic version of the completed and agreed DOI forms to the Monitoring Officer to ensure adherence with the Policy and the Annual Governance Procedure. Copies of the completed forms should be retained by both the line manager and the employee completing the form.~~
 - ~~4. All information supplied will be kept in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** be used for the purposes of determining if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.~~
 - ~~5. For the purpose of considering whether there is any conflict of interests, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration Form or in any updated information that you have provided. Your line manager would seek permission from yourself first before this action takes place.~~
 - ~~6. A new declaration must be made in writing and submitted to your manager within 28 days if there is a change in circumstances. See Section 3 of the Policy.~~
 - ~~7. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.~~
 - ~~8. For declarations relating to membership of an organisation not open to the public you should provide information about such an organisation including details of the purpose behind the organisation wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols they you should discuss this with your line manager, who may need to seek further advice from Human Resources.~~
- ~~Additionally, SCC would expect that such membership would not be in conflict with your role with SCC. You should seek advice from your manager or Human Resources if necessary.~~

~~9. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and potential number of hours to be undertaken.~~

~~10. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.~~

Procedure

~~1. You must complete a ‘Declaration of Interest Form’ before you undertake other work or become aware of a potential conflict of interest, as outlined in the Declaration of Interest Policy.~~

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~~2. You can find this Declaration of Interest Form in your MyView account. Use the menu on the left to access the Form.~~

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If you do not have access to the Intranet/MyView

~~If you do not have access to the intranet/MyView, you should discuss your application with your manager. If your manager is approving your request, your manager should complete your application in the MyPeople section of MyView with you present and will then approve and submit your application.~~

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~~Your Manager will print off the accepted form. You and your manager will sign that this information is a true and accurate record of your application. Your manager will then scan the signed form and email this to HRConnect@capita.co.uk.~~

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~~You should also follow procedures 3-6 and 10-12 below, when considering and completing an application~~

~~3. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.~~

~~4. For declarations relating to membership of an organisation not open to the public, you should provide information about the organisation, including details of the purpose behind the organisation, wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols, then you should discuss this with your line manager, who may need to seek further advice from Human Resources.~~

~~Additionally, the Council would expect that such membership would not be in~~

conflict with your role with the Council. You should seek advice from your manager or Human Resources if necessary.

5. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and the potential number of hours to be undertaken.

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6. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.

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7. Once you have completed and submitted the form, your manager will review this and prior to responding electronically to your request, your manager will arrange to discuss the application with you and if necessary seek further advice from Human Resources.

8. For the purpose of considering whether there is any conflict of interest, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration of Interest Form or in any updated information that you have provided. Your line manager would seek permission from you first before this action takes place.

9. Your manager will then accept or reject your application and you will receive an email confirming this.

10. If your interest is accepted, this will be added to your electronic personal file. We will keep this in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** use this information to determine if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.

11. The Monitoring Officer will review any declarations (or a random selection of) that have been made each year to ensure adherence with the Policy and the Annual Governance Procedure.

12. If your registered personal interest changes, you must complete a new Declaration of Interest Form, as above, describe the changes and select ‘I am rescinding my previous declaration’.

Constitution Part 7 – Management Structure and Statutory/Proper Officers

STATUTORY OFFICERS		
Legislation	Description	Allocated To
Local Government Act 1972 <u>Local Government and Housing Act 1989</u> Section 4	Head of Paid Service	Chief Executive
Local Government Act 1972 Section 151	Chief Finance Officer	Executive Director, Resources
Local Government and Housing Act 1989 Section 5	Monitoring Officer	Director of Legal and Governance
Local Authority Social Services Act 1970 Section 6	Director of Adult Social Services	Executive Director, Communities
Children Act 2004 Section 18	Director of Children's Services	Executive Director, Children, Young People and Families
Health and Social Care Act 2012 Section 30	Director of Public Health	Director of Public Health

PROPER OFFICERS		
Local Authority Social Services Act 1970	Description	Proper Officer
Section 6	Officer designated <u>appointed</u> as Director of Adult Social Services	Executive Director, Communities
Local Government Act 1972	Description	Proper Officer
Section 83	Officer to witness and receive <u>who takes</u> declarations of acceptance of office	Joint Head of Democratic Services
Section 84	Officer to whom a person elected to any office <u>listed in Section 83 under the Council</u> may give written notice or <u>of</u> resignation	Joint Head of Democratic Services
Section 88(2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council	Joint Head of Democratic Services
Section 89(1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors <u>for the area</u>	Elections Officer <u>Electoral Services Manager</u>
S96(1)	Officer who may receive from councillor general notices of pecuniary interests and to keep a record of such disclosures	Joint Head of Democratic Services
Section 100B(2)	Officer who may think fit to exclude from reports open to inspection <u>by members of the public</u> parts relating to items during which the meeting is likely not to be open to the public	Director of Legal and Governance in consultation with the relevant Executive Director
Section 100B(7)(c)	Officer to who <u>make</u> s available to the press copies of	Joint Head of Democratic Services

	documents already supplied to Councillors <u>in connection with an item on the agenda for a meeting of the Council</u>	
Section 100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Joint Head of Democratic Services
Section 100D(1)(a)	Officer responsible for identifying background papers <u>for the report for a meeting of the Council</u> and compiling <u>a</u> list of such documents	Relevant Executive Director
Section 100F(2)	Officer <u>who makes making</u> decisions as to documents disclosing exempt information which are not required to be open to inspection by Councillors	Director of Legal and Governance in consultation with the relevant Executive Director
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority	Executive Director, Resources or her <u>their</u> nominee
Section 146(1)(a)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority <u>the change of name and identity of the authority</u>	Director of Legal and Governance
Section 151	Officer designated as Chief Finance Officer <u>responsible for the proper administration of the authority's financial affairs ("Chief Finance Officer")</u>	Executive Director, Resources
Section 191	Officer to who <u>receives notices applications</u> from Ordnance Survey Office in relation to <u>examining, ascertaining and marking out reputed</u> ascertaining or locating Local Authority boundaries	Director of Legal and Governance
S204(3)	Officer to whom notice of	Principal Licensing

	application for a Justices License under schedule 1 of the Licensing Act 1964 should be given	Officer
Section 210(6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former <u>corresponding</u> authority	Director of Legal and Governance
Section 225	Officer with whom documents may be deposited pursuant to law, to who can make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance
S228	Officer responsible for keeping accounts open for inspection by any member of the Authority	Executive Director, Resources
Section 229 <u>(5)</u>	Officer who shall certify signs a certificate that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance
Section 234(1)	Officer who may authenticate signs notices, orders or other documents on behalf of the Council	Director of Legal and Governance
Section 238	Officer responsible for certifying copies of byelaws	Director of Legal and Governance
Schedule 12 Para 4(2)(b)	Officer who may sign and send to all Councillors a summons to attend Council meetings	Chief Executive
Schedule 12 Para 4(3)	Officer who may receive notice <u>in writing</u> from a Councillor providing an address to which a summons to a meeting is to be sent <u>other than their place of residence</u>	Joint Head of Democratic Services
Schedule 14 Para 25	Officer who may certify <u>copies of</u> resolutions passed under this Paragraph	Director of Legal and Governance

Local Government Act 1974	Description	Proper Officer
Section 30(5)	Officer responsible for arranging publication in newspapers of <u>a</u> notice of that a Local Commissioner's report on <u>an</u> investigation of a complaint <u>matter is available for inspection by the public</u>	Director of Legal and Governance
Local Government (Miscellaneous) Act 1976	Description	Proper Officer
Section 41	Officer responsible for certifying copies of resolutions, <u>orders, reports, minutes of Council meetings</u> and other documents <u>or authorising a person in that behalf</u>	Director of Legal and Governance
Highways Act 1980	Description	Proper Officer
Section 59	Officer responsible for certifying that extraordinary expenses have been <u>or will be</u> incurred in maintaining the highway by reason of damage caused by excessive weight <u>passing along the highway</u> or other extraordinary traffic	Head of Highway Maintenance
Section 205	Officer responsible for undertaking duties as specified in the schedules this Section and Schedule 16 in relation to private street works	Head of Highway Maintenance
Section 210	Officer responsible for certifying amendments to estimated costs and <u>consequential</u> provisional apportionment of costs under the private street works code	Head of Highway Maintenance
Sections 211, 212 and 216	Officer responsible for making <u>a</u> final apportionment of costs as detailed in the schedules under	Head of Highway Maintenance

	the private street works code	
Section 295	Officer responsible for issuing notices requiring removal of materials from non-maintainable streets in which works are due to take place	Head of Transport, Traffic and Parking Services / Highway Network Manager & Sheffield Traffic Manager
Section 321	Officer responsible for authenticating signing notices, consents, approvals, orders, demands, licences, certificates and other documents	Head of Transport, Traffic and Parking Services / Head of Highway Maintenance
Schedule 9 Para 4	Officer responsible for signing plans showing proposed prescribed improvement lines or building lines	Head of Highway Maintenance
<u>Registration Representation</u> of the People Act 1983	Description	Proper Officer
Section 8	Officer to act appointed as Registration Officer for the registration of Parliamentary and Local Government Electors	Elections Officer <u>Chief Executive</u>
Section 28	Officer to act discharge duties of <u>the returning officer</u> as Acting Returning Officer at Parliamentary Elections	Chief Executive
Section 35	Officer appointed as Returning Officer for local elections	Chief Executive
<u>Section 52</u>	<u>Officer approved as deputy to perform the powers and duties of the Registration Officer and officer appointed to carry out any acts of the Registration Officer in the event of his incapacity or a vacancy</u>	<u>Electoral Services Manager</u>
Section 67	Officer to whom declarations and public notice of election agents' appointments are made	Elections Officer <u>Chief Executive for Parliamentary Elections;</u>

		Electoral Services Manager for local elections
Section 131	Officer responsible for providing accommodation for holding election court	Elections Officer Electoral Services Manager
Buildings Act 1984	Description	Proper Officer
Section 78(1) and (8)	Officer responsible for taking <u>who may take</u> immediate action in relation to dangerous buildings, <u>structures or parts thereof</u>	Director of Regeneration and Development Services
Local Government Finance Act 1988	Description	Proper Officer
Section 114	Officer responsible for making financial reports to the authority	Executive Director, Resources
Section 116	Officer responsible for notifying <u>the authority's</u> auditor if of the date, time and place of meeting to consider s114 report and of decision of such meeting	Executive Director, Resources
Local Government and Housing Act 1989	Description	Proper Officer
Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Chief Executive
Section 4	Officer designated as Head of Paid Service	Chief Executive
Section 5	Officer designated as Monitoring Officer	Director of Legal and Governance
Local Government (Committees and Political Groups)	Description	Proper Officer

Regulations 1990		
Section <u>Regulation</u> 8(1) and (5)	Officer to whom notice <u>in writing</u> is delivered about the constitution of a political group or the change of name of a political group	Joint Head of Democratic Services
Section <u>Regulations</u> 9 and 10	Officer to whom notice <u>in writing</u> is delivered about a Councillor's membership, or cessation of membership, in a political group	Joint Head of Democratic Services
Section <u>Regulation</u> 13	Officer to whom the wishes of a political group are expressed	Joint Head of Democratic Services
Section <u>Regulation</u> 14	Officer responsible for notifying <u>in writing the leader or deputy leader of</u> a political group about allocations and vacancies of seats	Joint Head of Democratic Services
Local Government Act 2000	Description	Proper Officer
<u>Section 9FB</u>	<u>Officer designated to carry out the functions of Scrutiny Officer</u>	<u>Head of Elections, Equalities and Involvement</u>
S81	Officer responsible for establishing and maintaining a register of interests	Joint Head of Democratic Services
The Local Authorities (Standing Orders) (England) Regulations 2000 <u>2001</u>	Description	Proper Officer
Schedule 1, <u>Part 2</u> , Paragraphs 5 and 6	Officer responsible for receiving notification of proposed appointment <u>or dismissal of</u> certain officers, notifying executive members of that proposed appointment <u>or dismissal</u> and for receiving and notifying of objections to the proposed appointment <u>or dismissal</u>	Director of Human Resources

<p>The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000</p> <p><u>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</u></p>	<u>Description</u>	<u>Proper Officer</u>
Regulation 4(2) <u>4(1)</u>	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	Director of Legal and Governance / Elections Officer <u>Electoral Services Manager</u>
<p>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000</p> <p><u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u></p>	<u>Description</u>	<u>Proper Officer</u>
Regulation <u>7(2)</u>	<u>Officer who may think fit to exclude from the copy of a report open for inspection by the public information which relates to matters when the meeting is likely to be private</u>	<u>Joint Head of Democratic Services</u>
Regulation 11(7)(c) <u>Regulation 7(7)(c)</u>	Officer who may <u>think fit to</u> supply to a newspaper a copy of any document supplied to Cabinet members <u>if he or she thinks fit in relation to an item on the agenda for a public meeting</u>	Joint Head of Democratic Services
Regulation 15(1) <u>Regulation 10(1) and (3)</u>	Officer responsible for: - <u>-informing the <u>chairman of the</u> relevant Committee by notice in writing</u> Chairman of decision to	Joint Head of Democratic Services

	<p>be made and not in the Forward Plan where the publication under Regulation 9 is impracticable</p> <p>—making available for inspection by the public and published on the authority’s website a copy of the above notice</p> <ul style="list-style-type: none"> - making available a notice setting out the reasons why compliance with Regulation 9 is impracticable and publishing that notice on the authority’s website 	
Regulation 3(1) Regulation 12	Officer responsible for producing a written statement of all executive decisions made at meetings of decision-making bodies at a public or private meeting of Cabinet, including the information specified in Regulation 3(2)	Joint Head of Democratic Services
Regulation 4 Regulation 13	Officer responsible for producing a written statement of all executive decisions made by individual Councillors	Joint Head of Democratic Services
Regulation 5(1) Regulation 14	Officer responsible for ensuring that a copy of the following documents is available for public inspection: <ul style="list-style-type: none"> - Written statements referred to in Regulations 3, 12 and 13 - Part or all of any report considered by the decision maker and relevant to the decision made 	Joint Head of Democratic Services
Regulation 6 Regulation 15	Officer responsible for compiling a list of background papers to the report referred to in	Joint Head of Democratic Services

	Regulation 5 <u>14</u>	
Regulation 12(1)	Officer responsible for publishing the information relating to key decisions specified in regulation 12(1)	Joint Head of Democratic Services
Regulation 13	Officer responsible for publishing the Forward Plan	Joint Head of Democratic Services
Regulation 17 Regulation 16	Officer responsible for determining whether compliance with regulations 17(1)-16(1) and 17(2)-16(3) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant	Director of Legal and Governance
Regulation 21(4) Regulation 20	Officer who may <u>forms</u> an opinion as to whether a document contains or is likely to contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Governance
Health and Social Care Act 2012	Description	Proper Officer
Section 30	Officer to carry out the role of director of public health	Director of Public Health
Local Democracy, Economic Development and Construction Act 2009	Description	Proper Officer
Section 31	Officer to carry out the role of Lead Scrutiny Officer	Head of Governance and Involvement
Children Act 2004	Description	Proper Officer
Section 18	Officer designated <u>appointed</u> as Director of Children's Services	Executive Director of Children, Young People and Families

<u>Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</u>	<u>Description</u>	<u>Proper Officer</u>
<u>Regulation 4(1)(a) and (4)</u>	<u>Officer designated as Responsible Person to ensure compliance with arrangements made under these Regulations</u>	<u>Chief Executive</u>
<u>Regulation 4(2)</u>	<u>Officer authorised by the Council to perform the functions of the responsible person</u>	<u>Director of Care & Support / Director of Commissioning</u>
<u>Regulation 4(1)(b) and (5)</u>	<u>Officer designated as complaints manager to manage the procedures for handling and considering complaints</u>	<u>Complaints Manager</u>
<u>Openness of Local Government Bodies Regulations 2014</u>	<u>Description</u>	<u>Proper Officer</u>
<u>Regulation 8</u>	<u>Officer who forms an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation</u>	<u>Director of Legal and Governance</u>
<u>Regulation 9</u>	<u>Officer who determines whether a document contains or is likely to contain either exempt or confidential information</u>	<u>Director of Legal and Governance</u>

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