

Appendix 1 - Proposed minor amendments/updates to reflect changes in legislation or correct minor errors

- Article 14 - replace table at 14.30 of Statutory and Proper officers- with the below amended version (proposed amendments shown in italics and proposed deletions struck through)

Statutory and Proper Officers

Officer	Function(s)
Chief Executive	(i) Part III of the Local Government Act 1972 (ii) Representation of the People Act 1983 (iii) Parish and Community Meetings (Polls) rules 1983 <i>1987</i>
City Solicitor	(i) Parts I, V, VII (excluding Sections 115 and 146), IX, XI, XII, Schedule 14, 16 and Schedule 29 of the Local Government Act 1972 (ii) Section 5 (Monitoring Officer) and 19 of the Local Government and Housing Act 1989 (iii) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (iv) Registration Service Act 1953 (v) Marriage Act 1994 (vi) Ordnance Survey Act 1841 (vii) Local Authorities (Standing Orders)(England) Regulations 2001 (viii) Section 8 of the Representation of the People Act 1983 (Deputy Registration Officer)
Director of Finance	(i) Section 114 and Part VIII (including Section 151) of the Local Government Act 1972
Strategic Director Children's Services	(i) Section 532 of the Education Act 1996 (Chief Education Officer)
Strategic Director Health and Wellbeing	(i) Section 6 of the Local Authority Social Services Act 1970 (Strategic Director of Social Services) (ii) Public Health (Control of Disease) Act 1984 (iii) Food Act 1984 (iv) Public Health Act 1936 (v) Environmental Protection Act 1990 (air quality, noise and nuisances, contaminated land)
Strategic Director Place	(i) The Housing Acts 1985, 1988 and 1996 (ii) Environmental Protection Act 1990 (environmental enforcement and street cleansing – pollution, waste, litter) (i) Section 78 of the Building Act 1984 (ii) <i>Food Act 1984</i>
Assistant Director Office of the Chief Executive <i>Director of Public Health</i>	(i) Section 31 Local Democracy, Economic Development and Construction Act 2009 (i) <i>National Health Service Act 2006</i>
Chief Executive, Strategic Directors, City Solicitor and Directors	All other proper officer functions within their area of responsibility (Article 14.20), including Part VA of the Local Government Act 1972 in respect of reports prepared by officers within their area.

2. In addition, it is proposed to make the following amendments:-

1. Article 6 paragraph 6.2.7 insert “and” between “Crime” and “Disorder”
2. Article 7 paragraph 7.10.3 – to change the reference at the end of the sentence from “7.9” to “7.11”
3. Article 9 paragraph 9.5.1 – change reference from “Confidential Reporting Code” to “Whistleblowing Code”
4. Article 16 -Delete heading “Authentication of Documents”. Delete the text next to paragraph 16.5 and insert the word “(Deleted)” as this is dealt with in Contract Standing Orders
5. Budget and Policy Framework Procedure Rules - paragraph 4.5.1 – insert the following to replace existing 4.5.1-

Estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34-36,36A, 42A, 42B, 45-49 ~~32 to 37 or 43 to 49~~, of the Local Government Finance Act 1992.
6. Member and Officer Planning Code of Conduct – change “top management” to “senior leadership” at paragraph 5.1
7. Protocol on Member Officer Relations – change “top management “ to “senior leadership” at paragraphs 8.2 and 8.5

Appendix 2 - Proposed amendments to the Access to Information Procedure Rules

1. Access to Information Procedure Rules- change all references to Data Protection Act 1998 to Data Protection Act 2018
2. Replace paragraph 21 with the below (proposed amendments shown in italics and proposed deletions struck through) to ensure the Access to Information Procedure Rules correctly reflect legislation.

21 Subject Access Request

- 21.1 Any person about whom personal information is held by the Council is entitled to *obtain confirmation as to* ~~be told~~ whether *or not* personal information of which he or she is the subject, is being processed by or on behalf of the Council *and where that is the case s/he is entitled to access to copies of the personal information and the information set out in 21.3.*
- 21.2 A person making a subject access request should apply *verbally or* in writing to the Council and must provide sufficient information to enable the officer to locate the information and to be satisfied as to that person's identity.
- 21.3 A person making a subject access request is *also* entitled to be given the following information:
- 21.3.1 ~~A description of the personal information held~~
- 21.3.2 ~~A copy of that information in an intelligible form and an explanation if the information supplied is not otherwise intelligible~~
- 21.3.31 ~~The purposes of~~ *and legal basis* for *the processing* which the information is held
- 21.3.2. The categories of personal information concerned.*
- 21.3.43 *The recipients or categories of recipients to whom the personal information has been disclosed (including recipients or categories of recipients or categories of recipients in third countries or international organisations)* ~~persons (or classes of persons) to whom the information may be disclosed~~
- 21.3.54 *The period for which it is envisaged that the personal information will be stored, or where that is not possible, the criteria used to determine that period.* ~~The source(s) of that information~~
- 21.3.65 *The existence of the person's rights to request from the Council rectification of personal information and erasure of personal information or the restriction of its processing.*
- 21.3.6 *The existence of the person's right to lodge a complaint with the Information Commissioner and the contact details of the Information Commissioner.* ~~Where the information is used to take decisions, the logic involved in that decision. If an automated decision has been taken, the logic involved in that decision should be provided.~~
- 21.3.7 *Communication of the personal information undergoing processing and of any available information as to its origin.*
- 21.4 The *information to be supplied under Paragraphs 21.1 and 21.3 must be provided promptly in writing without undue delay*- and within no more than *one month* ~~40 days~~ of the request.
- 21.5 Access to personal information held by the Council may be refused where one or more of the following apply:

- 21.5.1 Where the person making the request has failed to provide sufficient information as to his or her identity or to locate the information required.
- 21.5.2 The supply of a copy of the information in permanent form is not possible or ~~would involve disproportionate effort~~ *the request is manifestly unfounded or excessive taking into account whether the request is repetitive in nature.*
- 21.5.3 Any of the statutory exemptions under the Data Protection Act ~~1998~~ **2018** apply or the information is not required to be disclosed under the ~~1998~~**2018** Act.
- 21.5.4 A request has previously been made and a reasonable time has not elapsed since that request has been complied with.
- 21.5.5 Where compliance would result in the disclosure of information relating to another individual *or another individual can be identified from that information*, unless that individual consents to the disclosure, or it is reasonable in all the circumstances to dispense with his or her consent having regard to any duty of confidentiality owed.
- 21.5.6 In the case of the Council's employees, any confidential reference given by the Council.
- 21.5.7 The information is held for the purposes of the prevention or detection, *investigation or prosecution* of crime or has been disclosed to or provided by another organisation for those purposes, and in each case disclosure of the information would be likely to prejudice those purposes.
- 21.5.8 In the case of Social Services information, if disclosure would be likely to prejudice the carrying out of social work *because it would be likely to* cause serious harm to the physical or mental health or condition of the data subject or any other person or if ~~any exemption in the Data Protection (Subject Access Modification) (Social Work) Order applies.~~
- 21.6 Any decision to refuse access to all or part of the information held must be taken by the Chief Executive, a Strategic Director, Director, City Solicitor or Assistant Director and the reasons for the refusal must be stated in writing.
- 21.7 ~~Any decision made under 21.6. may be reviewed on written request by the Chief Executive or relevant Strategic Director.~~
- 21.8 These arrangements are subject to the requirements of the Data Protection Act ~~1998~~ **2018** and shall be interpreted in accordance with this Act.
3. Paragraph 22.2 insert the words "at maintained schools" after "Parents of pupils" and before "may have access"

Appendix 3 - Proposed amendments required to reflect the alterations to the Council's Pay Policy Statement approved by Council on 19 March 2019

1. Article 4 paragraph 4.4.13 Substitute the following for the existing 4.4.13:-

Approve proposed salary packages of £100,000 per annum or more before it is offered in respect of a new post in accordance with paragraph 7 of the Council's Pay Policy Statement and the Officer Employment Procedure Rules and approve proposed severance packages for Chief Officers as defined in the Pay Policy Statement of £100,000 or more in accordance with the Council's Pay Policy Statement.

2. Officer Employment Procedure Rules - delete existing paragraph 4.8 and replace with:-

Full Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new post not listed in Appendix B of the Pay Policy Statement or if it is proposed to pay more than the top of the salary range for an existing post in Appendix B (excluding pay awards) unless paragraph 9 of the pay Policy Statement applies.