

V1 PART 4

Rules of Procedure

- FCR references to be taken out once review complete

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SECTION A – Council Rules of Procedure

Issued: July 2002; 2nd Revision July 2012; **December 2018**

Introduction

The purpose of these Rules of Procedure (often referred to as the 'Standing Orders') is to regulate the proceedings and business of the Council, Committees, Sub Committees and Advisory Panels of the Borough of Epsom and Ewell to ensure that the Council's business is carried out transparently and in accordance with good governance. The Rules are there to guide and assist Members with good decision making. They should not be used to obstruct the process of working efficiently and effectively.

Definitions

In these Rules of Procedure the following terms have the following meanings. However, if in order to make sense of a passage a different meaning needs to be attributed to a word or phrase, then that meaning may be given.

<u>Annual Meeting</u>	means the first ordinary meeting of the Council of each municipal year
<u>Authority</u>	means Epsom and Ewell Borough Council or one or more of its Committees, Sub-Committees, Advisory Panels or Officers acting on the Councils behalf, using powers which have been lawfully delegated as the context requires
Advisory Panel	refers to bodies which report as required to the appropriate committee as set out in their Terms of Reference
<u>Budget Decision</u>	means for the purposes of the FCR any decision defined as such under the Local Authorities(Standing Orders) (England) (Amendment Regulations 2014 or such successor provision
CPR	means Committee Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Committees, Sub Committees and Advisory Panels of the Council of the Borough of Epsom and Ewell
Chairman	means the Member currently appointed or elected to chairman of a Committee, Sub-Committee or Advisory Panel

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Deleted: " means Epsom and Ewell Borough Council or one or more of its Committees, Sub-Committees, Advisory Panels or Officers acting on the Councils behalf, using powers which have been lawfully delegated.

Chief Executive	refers to the Council's Head of Paid Service, designated under Section 4 of the Local Government and Housing Act 1989
Committee	refers to a committee of the Council (whether a policy or regulatory committee) unless a distinction is made in the relevant Standing Order
Constitution	means the Council's Constitution under Section 37 of the Local Government Act 2000
Council	means Epsom and Ewell Borough Council acting by the Council
Chief Finance Officer	refers to the Council's Chief Finance Officer designated under section 151 of the Local Government Act 1972
<u>Deputy Mayor</u>	<u>the Member elected to be the Deputy Mayor of Epsom and Ewell Borough Council</u>
FCR	means Full Council Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Council <u>and which may be referred to as 'Standing Orders'</u>
Group	means a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990
Mayor	<u>the Member elected to be Mayor of Epsom and Ewell Borough Council</u>
<u>Meeting</u>	<u>A meeting of the Council, a committee, sub committee or advisory panel</u>
Member	means a Member of the Council; in relation to any committee, sub-committee or advisory panel, it means a person who has been appointed as a Member of that committee, sub-committee or advisory panel, whether or not entitled to vote
Monitoring Officer	means the Chief Legal Officer as the person designated as monitoring officer under section 5 of the Local Government and Housing 1989. If that person is unable to act owing to absence or illness, the

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	expression means a person nominated as his deputy under subsection (7) of that section
<u>Officer</u>	<u>means an employee of the Council</u>
Policy Committee	is a collective term for one or more of the Council's policy committees as described in Part 3 of the Constitution
<u>Standing Orders</u>	<u>refers to the FCR or CPR as the context may require</u>
Sub-committee	refers to a sub-committee of a committee
Working Day	<u>means any day on which the Town Hall, Epsom is open to the public, excluding Saturdays, Sundays and Bank Holidays.</u>

As long as the context of a passage allows:

- Singular expressions include plural meanings;
- Plural expressions include singular meanings;
- Masculine references include feminine meanings;
- Feminine references include masculine meanings

General

Unless otherwise stated in these rules of procedure or statute, where anything in these Rules of Procedure is required to be done in writing, this will include by email.

A rule, or part of a rule, may not be suspended or revoked if it is a statutory requirement. It is not necessary for the exact words of the statute to be repeated in a rule. Such rules will be identified in bold type but the presence or absence of bold type does not affect the operation of this paragraph. Any of the other rules may be suspended by the Council by agreeing a motion to that effect provided that either:

- A notice of motion has been given under **FCR 73** including an intention to suspend the Council's rules of procedure; or
- A motion has been moved under **FCR 80** (motions which can be moved without notice) and at least two thirds of the whole number of members of the Council is present.

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Moved up [1]: "Authority" means Epsom and Ewell Borough Council or one or more of its Committees, Sub-Committees, Advisory Panels or Officers acting on the Councils behalf, using powers which have been lawfully delegated.¶

Deleted: "Chairman" means the Member currently appointed or elected to chairman of a Committee, Sub-Committee or Advisory Panel¶

"Chief Executive" refers to the Council's Head of Paid Service, designated under Section 4 of the Local Government and Housing Act 1989¶

"Committee" refers to a committee of the Council (whether a policy or regulatory committee) unless a distinction is made in the relevant Standing Order¶

"Constitution" means the Council's Constitution under Section 37 of the Local Government Act 2000¶

"Council" means Epsom and Ewell Borough Council acting by the Council¶

"Director of Finance and Resources" refers to the Council's Chief Finance Officer designated under section 151 of the Local Government Act 1972 ¶

"FCR" means Full Council Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Council of the Borough of Epsom and Ewell¶

"Group" means a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990.¶

"Mayor" refers to the person elected to be Mayor of the Borough¶

"Member" in relation to the Council, means a Member of the Council; in relation to any committee, sub-committee or advisory panel, it means a person who has been appointed as a Member of that committee, sub-committee or advisory panel, whether or not entitled to vote.¶

"Monitoring Officer" means the person designated as monitoring officer under section 5 of the Local Government and Housing 1989. If that person is unable to act owing to absence or illness, the expression means a person nominated as his deputy under subsection (7) of that section¶

"Sub-committee" refers to a sub-committee of a committee¶

Moved up [2]: "Working Day" means any day on which the Town Hall, Epsom is open to the public, excluding Saturdays, Sundays and Bank Holidays¶

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(a) Relating to Procedures of the Council

FCR1 Calling a meeting

1.1 The Council will meet on such dates each year as are agreed when the calendar of meetings is approved or amended (ordinary meetings) or as required.

1.2 The Annual Meeting shall normally be held on an appropriate date in May at 19.00 hours.

1.3 A meeting of the Council can be called at any time by the Mayor (an extraordinary meeting).

1.4 The Chief Executive, Chief Finance Officer and Monitoring Officer can each at any time direct that a meeting of the Council be called (an extraordinary meeting).

1.5 Any five members acting together may direct that a meeting of the Council be called (an extraordinary meeting). The members shall first send a joint written request asking the Mayor to call a meeting (the request should be sent to the Chief Legal Officer). If the Mayor refuses or does not call a meeting within seven days after receiving the request, the members may direct the Chief Legal Officer to do so forthwith. The request shall set out the business to be considered at the meeting.

1.6 In relation to every meeting, the Chief Legal Officer shall send to all members a Summons to the meeting at least five clear working days before the day of the meeting.

1.7 The Summons shall specify the business proposed to be transacted at the meeting to which it relates.

1.8 Unless the contrary is set out in the Summons, meetings of the Council shall begin at 1930 hours and shall be held in the Council Chamber at The Town Hall in Epsom.

FCR2 Order of business

2.1 At the Annual Meeting, the order of business shall be as follows:

- (a) Appointment of the Mayor
- (b) Appointment of the Deputy Mayor
- (c) To receive any declarations of interest
- (d) Consideration of the minutes of the previous meeting(s)
- (e) Any business required by statute to be done
- (f) Approval of the Constitution, with or without changes

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Until two further ordinary meetings of the Council have been held no motion may be moved to rescind or alter any decision of the Council or a decision of a committee on a matter within its terms of reference, and no motion or amendment to the same effect as one which has been rejected by Council or a committee shall be moved unless, in either case: -¶
(a) it is recommended by a committee; or¶
(b) . notice of the motion has been given by at least seven Members of the Council acting together¶

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- (g) Appointments to Committees, Sub-Committees and Panels in accordance with the political balance rules as appropriate
- (h) Appointments of Committee, Sub-Committee and Panel Chairmen
- (i) Appointments to Outside Bodies except where appointment to those bodies has been delegated by the Council
- (j) Any business which in the view of the Mayor and Chief Executive is urgent and cannot be dealt with by one of the Council's Committees.
- (k) Chairmen's statements
- (l) Approve a programme of ordinary meetings of the Council for the year

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2.2 At ordinary meetings the order of business shall be as follows:

- (a) Appointment of a person to preside if the Mayor and Deputy Mayor are both absent
- (b) To receive any declarations of interest
- (c) Consideration of the minutes of the previous meeting(s)
- (d) Any business required by statute to be done
- (e) To receive such communications or deal with such business as the Mayor may wish to lay before the Council

(f) Chairmen's statements

- (g) Business remaining from the previous meeting
- (h) Questions from Members
- (i) Recommendations from Committees
- (j) Reports from Officers
- (k) Motions on notice
- (l) Any other business set out in the Summons
- (m) Any business which in the view of the Mayor and the Chief Executive is urgent and cannot be dealt with by one of the Council's committees

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2.3 At an extraordinary meeting the order of business shall be as follows:

- (a) Appointment of a person to preside if the Mayor and Deputy Mayor are both absent.
- (b) To receive any declarations of interest

(c) The business specified in the request/direction that the meeting be called.

2.4 Unless subject to a statutory requirement, the order of consideration of business at any meeting may be changed by the Mayor or by the will of the meeting following a motion to that effect which shall be moved, seconded and put to the vote without debate. The mover of the motion shall be entitled to make a short statement (maximum two minutes) to explain why they believe the order of business should be changed.

2.5 Business which the Council decides should be dealt with after the press and public have been excluded shall normally be considered after all other business has been concluded.

2.6 On consideration of the minutes of a previous meeting, there shall be no discussion except in relation to their accuracy. Any question as to the accuracy of the minutes shall be raised by way of a formal motion seeking to alter the minutes. **Following approval of the minutes they shall be signed by the Mayor.**

FCR3 Quorum

3.1 No business may be transacted at a meeting of the Council unless at least one quarter of the members of the Council are present (~~ten Members~~).

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3.2 Where more than one third of the members of the authority become disqualified at the same time, then, until the number of members is increased to not less than two-thirds of the whole number of members, the quorum shall be determined by reference to the number of members remaining qualified.

3.3 If at the time a meeting is scheduled to start, or at any time during a meeting, the Mayor declares that a quorum is not present, the meeting shall be adjourned to a date and time fixed by the Mayor at the time the meeting is adjourned, or to the date of the next ordinary meeting of the Council.

FCR4 Voting

4.1 Subject to the provisions of any enactments all questions coming or arising before the Council shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

4.2 A question may be decided by "unanimous consent" where the Mayor asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.

4.3 Except as otherwise provided, voting shall be on a show of hands of those present.

4.4 In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

4.5 The number of members voting for or against a motion shall be recorded in the minutes.

4.6 Before any vote is taken, any member may stand and ask for the voting to be recorded. If that member is supported by seven other members rising immediately in their places, the voting shall be recorded in the minutes to show how each member cast their vote. The names of members not voting shall also be recorded.

4.7 Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or the fact that they did not vote, shall be recorded in the minutes.

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4.8 In any event, at any meeting of the full Council at which a Budget Decision is made, the voting shall be recorded in the minutes.

4.9 Recorded votes shall be conducted by an appropriate officer calling the name of each Member present who shall state whether they are voting 'for or 'against' or whether they wish to 'abstain'. The officer shall record the voting and inform the Mayor of the result.

4.10 Where there are any appointments to be made to outside bodies by the Council and the number of persons nominated exceeds the number of vacancies, a secret ballot shall be held. Each member shall be entitled to vote for as many individuals as there are vacancies. The nominee(s) with the most votes shall be taken to be appointed. The Chief Executive shall announce the voting figures and shall identify the successful candidates to the meeting, which shall be asked to give its consent to the appointments.

FCR5 Appointment of Committees and Chairmen

5.1 The Council shall at the Annual Meeting appoint such committees, sub-committees, advisory panels and other bodies as are deemed necessary to carry out the work of the Council.

5.2 The Council may at any time appoint such other Committees or bodies as are necessary to carry out the work of the Council, whether on an ongoing or time-limited project specific basis.

5.3 Subject to any statutory provision, the Council:-

- (a) shall not appoint any Member of a Committee to hold office later than the next Annual Meeting of the Council;
- (b) may at any time dissolve a Committee, sub-committee, advisory panel or other body, or alter its membership.

5.4 The Council ~~may, at any meeting, including the Annual Meeting appoint, a~~ Chairmen and Vice-Chairmen of Committees, Sub-Committees and Advisory Panels. ~~However, in the event of a vacancy arising during the course of the municipal year, the relevant Committee, Sub Committee and Advisory Panels are able to make such appointments as necessary until the meeting of the next Annual Meeting.~~

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5.5 At any one time a Member may hold the office of Chairman of only one of any of the following committees:

- (a) Any of the four policy committees
- (b) Planning

FCR6 Role of the Mayor

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6.1 The appointment of the Mayor is to be the first business at the Annual Meeting of the Council.

6.2 In the event of a casual vacancy in the office of Mayor, the Mayor will be appointed in accordance with section 88 of the Local Government Act 1972.

6.3 The Mayor, if present, shall preside at meetings of the Council. If the Mayor is absent, the Deputy Mayor shall preside at a meeting.

6.4 If both the Mayor and Deputy Mayor are absent, the first business of the meeting shall be to elect a member to take the chair and preside over the meeting.

6.5 All powers or duties of the Mayor at a meeting may be exercised by whoever is appointed to preside over the meeting.

6.6 The ruling of the Mayor as to the meaning or application of these rules of procedure or as to any proceedings of the Council shall be final and shall not be challenged at any meeting of the Council.

6.7 Subject to **FCR 13, 14 and 15**, the order of business to be set out in a Summons shall be approved by the Mayor.

6.8 The Mayor shall decide whether any question or motion submitted by a member is in order and should be included in the summons. If any question or motion is ruled out of order, the member or members who gave it shall be informed of the reason for such ruling.

6.9 The Mayor, following consultation with the Chief Executive, shall decide whether an item of business not set out in the summons shall be considered at a meeting as a matter of urgency by reason of special circumstances, which shall be announced and specified in the minutes of the meeting.

6.10 The Mayor shall rule on any point of order which arises during a meeting, and shall first be entitled to seek such advice as they think necessary.

6.12 The Mayor shall control the debate on any matter to avoid excessive repetition and confine debate within the scope of the meeting and reasonable limits of time. In so doing, the Mayor shall remain impartial and ensure that different viewpoints are heard.

6.14 Whenever the Mayor stands up during a debate any member then standing shall resume their seat and the Council shall be silent. The Mayor may interrupt the debate to restore order by using the command "order", or by striking the gavel. The Council must then be silent until the Mayor calls on a Member to speak.

Moved down [4]: The Mayor shall be entitled not to allow any amendments which are frivolous or vexatious. The Mayor shall also be entitled not to allow any further amendments where several amendments have already been considered and considers that further amendments would have the effect of unreasonably prolonging debate on a matter before the Council.

FCR7 Good order at Meetings

Disturbance by the public

7.1 If a Member of the public interrupts the proceedings at any meeting the Mayor shall issue them a warning. If they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

7.2 In the event of a public disturbance, the Mayor may without question adjourn the meeting for such period as s/he considers expedient.

Disorderly conduct by Members

7.3 If any Member:

- (a) Persistently disregards the ruling of the Mayor; or
- (b) Behaves irregularly, improperly or offensively; or
- (c) Deliberately disregards procedure; or
- (d) Deliberately obstructs the business of the meeting; or

(e) Imputes improper motives, or uses any offensive expression, to any other Member.

then the Mayor will name the Member and require such Member to apologise and or refrain from such behaviour immediately.

7.4 If a Member, despite a Mayoral warning under FCR51, continues with their behaviour, the Mayor may take such action as is needed to prevent such behaviour impacting the conduct of the meeting. Such action may include:

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- (a) forbid the Member from speaking for some or all of the rest of the meeting;
- (b) order the Member to leave the meeting for all or part of the remaining business.
- (c) order the Member to be removed from the meeting.
- (d) adjourn the meeting for such period as they think fit

7.5 The decision of the Mayor as to acceptable conduct whether by Members or the public shall be final.

Mobile phones, filming & recording of Meetings

7.6 Audible alerts on mobile phones must be turned off.

7.7 Any recording or filming shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The purpose of the Protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

7.8 The Mayor has absolute discretion to terminate or suspend any of these activities if, in his/her opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

7.9 Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting, is requested to advise the Mayor of their intention to do so.

7.10 The Mayor shall advise Members and the public that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehavior or disruption of the meeting, the Mayor may exclude any individual who is recording the meeting.

7.11 The protocol also refers to the use of "Social Media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

Banners and placards

7.12 The Mayor will require to be left outside the meeting room any banner, placard or other object being carried by any person.

Moved up [3]: A Member may not impute improper motives, or use any offensive expression, to any other Member.

Deleted: shall be the sole judge at the meeting of when this rule has been broken. If a Member ignores or rejects the Mayor's ruling the Member shall be dealt with under the two preceding paragraphs.

FCR8 Guillotine

8.1 Any meeting of the Council which has sat continuously for four hours shall, if items remain to be dealt with, be adjourned to a day and time to be appointed by the Mayor.

8.2 At Council meetings commencing at 1930 hours, if all business has not been dealt with by ~~22.30~~ hours, the Mayor shall then review the order of the remaining items on the agenda. Any items still outstanding shall be dealt with in the order announced by the Mayor and in order to do so the Mayor may, if necessary, invoke FCR 16, and/or (in accordance with FCR 80(h)) may move suspension of FCR 54, so that consideration of business can continue beyond four hours but to no later than 23.00 hours.

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FCR9 Adjournment of meetings

9.1 The Council may adjourn any meeting to a later hour on the same day, or to any other day and hour so long as it is within 10 working days of the original meeting.

9.2 If no date is set by Council for a reconvened meeting, the date shall be determined by the Mayor in consultation with the Chief Executive.

9.3 An adjourned meeting shall be deemed a continuation of the original meeting.

9.4 No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment.

9.5 Written notice of the adjourned meeting shall be sent by the ~~Chief Legal Officer~~ to each Member specifying the business to be transacted.

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FCR 10 Chairman's statements to Council

10.1 The Chairman's statements of policy committees will be included as a standard item on the agenda for each Council meeting (excluding the budget meeting). This will be a short statement briefing Members on the current events and issues relating to the relevant committee's area of work. Members will be given an opportunity to ask questions and/or make comments on the statement of any Chairman.

FCR11 Questions from Members of the Council

11.1 A member of the Council may ask ~~one~~ question at any Council meeting if the requirements of this standing order are satisfied.

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11.2 Notice of the question must be given in writing to the Chief Legal Officer no later than ~~ten~~ clear working days before the day of the meeting.

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11.3 The question must be addressed to the Mayor or the Chairman of any Committee, sub-committee or advisory panel.

11.4 The question must relate to a matter which on which the Council has statutory powers or duties or (b) which affects the Borough or its inhabitants.

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11.5 The Chief Legal Officer will reject a question if it:

(a) Is not about a matter falling within FCR10.4;

(b) Concerns a matter which could be raised as casework or through the Council's complaint's procedure or is specific to a particular individual or their property;

(c) Is defamatory, frivolous or offensive;

(d) Criticises or purports to criticise an employee/officer's competence and or conduct and the employee is/ officer is identified by name, title or in any other way;

(e) Could be regarded as more than one questions (ie consists of multi parts)

(f) Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(g) Requires the disclosure of confidential or exempt information

11.6 Questions shall be called by the Mayor in the order in which notice of the question was received, except that if a member gives notice of more than one question, their second or subsequent question(s) shall appear after all of the first questions submitted by other members, and so on.

Deleted: Notice of the question must be given in writing to the Head of Legal & Democratic Services no later than three clear working days before the day of the meeting.¶
Note: The deadline for questions for a meeting of the Council held on a Tuesday is therefore the preceding Wednesday (17.00 hours)¶

11.7 Where practicable, a written answer to each question shall be circulated to all members no later than one working day before the meeting. Any oral answer may be committed to writing and if so will be published within four working days after the meeting.

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11.8 Every question shall be put and answered without debate or comment from any other Member. If no written answer has been circulated to members in advance, when answering a question the person to whom it is put shall state why it has not been practicable to provide a written answer.

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11.9 Their question having been called at the meeting, a questioner may ask one supplementary question which must be relevant to the subject of the question on notice. If a Questioner knows they will be absent from the Council Meeting, they may notify the Mayor which Member they wish to substitute for them and ask a supplementary question on their behalf. If the Member is absent and no substitute has been appointed, the Mayor shall first ask whether any other Member from within the same Group as the questioner wishes to take the opportunity to ask a supplementary question. If the Member concerned is not in a group or no member of the group wishes to ask a supplementary question, any other Member may indicate to the Mayor their wish to ask a supplementary question, and the Mayor shall call on the first to do so to ask their question.

11.10 The Mayor shall allow up to 30 minutes for questions and their replies at the meeting. If a question is being asked or answered at the time limit, the answer must be completed within 5 minutes. A written answer must be provided within four working days to any questions not called within the 30 minute period and in respect of which no written answer has already been circulated to members.

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11.11 With the consent of the Mayor, following consultation with the person to whom the question is addressed, a question may be asked of which the notice required by FCR 64 has not been given where the question relates to an urgent matter or on an issue of relevance or importance that has come to light after notice which could have been given by FCR64. In this case notice shall be given, as soon as practicable, and no later than noon, on the day of the meeting.

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FCR12 Petitions

12.1 All Petitions received shall be dealt with in accordance with the Council's Petition Scheme which is set out at Article 16 to the Constitution.

12.2 Petitions relating to individual planning and licensing applications and other statutory petitions are not included in the Petitions Scheme.

FCR13 Motions

Motions challenging previous decisions

13.1 Until atleast two further ordinary meetings of the Council have been held (being a period of no less than 6 months), no motion may be moved to rescind or alter any decision of the Council or a decision of a committee on a matter within its terms of reference, and no motion or amendment to the same effect as one which has been rejected by Council or a committee shall be moved unless, in either case: -

(a) it is recommended by a committee; or

(b) notice of the motion has been given by at least seven Members of the Council acting together.

Notice

13.2 Subject to FCR 73 (notice to be given in writing), and FCR 80 (motions which may be moved without notice) any member of the Council may propose a motion at any meeting of the Council. A notice of motion (other than a recommendation from a Committee) must be given in the prescribed form (which can be obtained from Democratic Services) and delivered to the Chief Legal Officer by no later than noon on the tenth clear working day before the date of the meeting at which it is intended to be considered. A record will be kept of all motions received and these will be dated and numbered in the order in which they were received.

Motion set out in agenda

13.3 Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the Member giving the notice wishes to withdraw or proposes the motion for a later meeting. Motions shall be formerly moved by the member who gave notice, or on the written request of this Member, by another Member on their behalf.

Scope and wording of Motions

13.4 All motions must be relevant to some matter on which the Council has powers or duties, or which affects the borough. Motions that relate to the functions of a Policy Committee, once determined by the Council, shall be referred to the relevant policy committee for consideration if action is required.

13.5 If notice is given of any motion which in the opinion of the Mayor, following consultation with the Chief Legal Officer is out of order it shall not be accepted and or placed on the agenda. If a motion is not accepted the member who gave the notice will be informed in writing. A Motion can be ruled out of order if

(a) Is not about a matter for which the Council has responsibility or which affects the Borough;

(c) Is defamatory, frivolous or offensive;

(d) Subject to FCR XX, is substantially the same as a motion or amendment which has been put to a meeting of the Council in the past 6 months;

(e) Requires disclosure of confidential or exempt information.

13.6 A recommendation from a committee shall constitute a motion to be proposed by the Chairman, and shall not require to be seconded. If the Chairman is not present, the Vice-Chairman or another member of the committee shall propose the recommendation.

13.7 All motions of which notice has been duly given shall be set out in **in a report** ~~to~~ the meeting in order of receipt.

13.8 If **at the meeting** a motion ~~is~~ not moved either by the member who gave the notice or some other member it shall be treated as withdrawn and shall not be moved without fresh notice being given.

13.9 A motion which has been moved and seconded may only be withdrawn with the consent of the meeting.

Motions without notice

13.11 The following motions may be moved without notice:

- (a) To appoint a person to preside at a meeting
- (b) To correct the minutes
- (c) To change the order of business
- (d) To remit a matter to a committee
- (e) To appoint a committee arising from an item mentioned in the summons
- (f) To adopt recommendations of committees or officers and to take action resulting from such adoption
- (g) That leave be given to withdraw a motion
- (h) To suspend rules of procedure
- (i) To amend a motion
- (j) To defer consideration of a matter to a later date
- (k) To adjourn the meeting
- (l) To proceed to next business
- (m) That the question be now put
- (n) That a member be not further heard
- (o) To exclude the public
- (p) To give the consent of the Council, where consent is required by these standing orders

Deleted: Subject to **FCR 80** (motions which may be moved without notice), a notice of motion (other than a recommendation from a Committee) must be given in writing and delivered to the Head of Legal & Democratic Services by no later than 5pm on the eighth clear working day before the date of the meeting at which it is intended to be considered. A record will be kept of all motions received and these will be dated and numbered in the order in which they were received.¶

Note: The deadline for notice of motions for a meeting of the Council held on a Tuesday is therefore the Wednesday (17.00 hours) of the week prior to the week immediately preceding the meeting.¶

All motions must be relevant to some matter on which the Council has powers or duties, or which affects the borough.¶ If notice is given of any motion which in the opinion of the Mayor, following consultation with the Head of Legal & Democratic Services is out of order it shall not be accepted and placed on the agenda. If a motion is not accepted the member who gave the notice will be informed in writing.¶

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Deleted: The Council shall first be invited to decide how a motion on notice from a member should be dealt with. In particular the Council will be asked to decide whether to debate a motion immediately or to refer it to the appropriate committee. Before the Council takes the vote, advice shall first be sought from the Chief Executive. If there is not unanimity as to the course of action, the proposer of the motion shall then have the right to make a statement of up to two minutes in length as to what course of action they consider should be followed, and the appropriate committee chairman shall have the right to respond, also for up to two minutes. The question of referral shall then be put to the vote. If the matter is referred to a committee, the committee in question must consider the motion and will normally make a final decision on the motion if they have delegated authority to do so, or make a report and recommendation to Council if they do not have such authority.

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FCR14 Rules of debate

Addressing the Mayor

14.1 A Member when speaking shall stand and address the Mayor. If more than one Member stands the Mayor shall indicate the order of speakers. Subject to FCR XX (Points of Order) and FCR xx (Personal Explanation) all other members shall remain seated whilst a Member is speaking.

Points of Order

14.2 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these FCRs or the law. The member must indicate the FCR or rule of law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal Explanation

14.3 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of the earlier speech by the member (made at the meeting) which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Amendments to Motions

14.4 Unless the notice of motion has already been given, the Mayor may require it and any proposed amendments to be written down and handed to him/her before they are discussed.

Process for debate

14.5 There shall be no debate unless a motion has been proposed and (except where specifically stated) seconded. In the event an amendment is proposed, the original motion must be moved first and only then can proposer of an amendment indicate to the Mayor of his/her intention to propose an amendment.

Process of a debate where there are no proposed amendments

14.6 The motion shall then be opened for debate with the Mayor requesting those wishing to speak to indicate their wish to do so by raising their hand.

14.7 The Mayor will note all those wishing to speak at the start of the debate and read out their names to confirm. Members shall generally be called to speak in the order in which the Mayor notes their wish to speak, except that the Mayor may alternately invite speakers from opposing sides of the debate, to seek to maintain a balanced debate.

Content & length of speeches

Deleted: General rules of conduct during a debate¶
Whilst a motion or amendment is under debate no other motion shall be moved except any one of the following:¶
(a) To remit a matter to committee for consideration/reconsideration¶
(b) To defer consideration of a matter to a later date¶
(c) To adjourn the meeting¶
(d) To proceed to next business¶
(e) That the question be now put¶
(f) That a member be not further heard¶
(g) To exclude the public¶
(h) To give the consent of the Council, where consent is required by these standing orders¶
All members must address the Mayor when speaking during a Council meeting. Only one member shall speak at any one time, and members shall stand whilst speaking. All other members shall remain seated, unless rising to make a point of order/personal explanation.¶
¶
12.3 If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.¶
¶
¶
The maximum time for any speech shall not be exceeded except with the consent of the Mayor.¶
¶
Members must not speak about anything except the subject under discussion, or to raise a point of order, point of personal explanation or one of the motions listed below¶
If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.¶
A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule of procedure or statutory provision is involved and how the Member thinks it has been broken. The Mayor's ruling on any point of order is final (FCR 41 refers)¶
A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The Mayor's ruling on any point of order is final (FCR 41 refers)¶

14.8 The content and length of speeches

- (a) Speeches must be directed to the motion/ amendment under discussion or to a personal explanation or point of order.
- (b) Members and officers at a meeting shall be addressed or referred to by their respective titles.
- (c) The proposer of the motion shall ~~have 7~~ minutes.
- (d) The seconder of the motion ~~shall have 5 minutes~~.
- (e) All other Members responding with speeches or otherwise as provided for by the FCR shall have 5 minutes.

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Process of a debate where there are proposed amendments

14.9 The proposer of the amendment shall propose the amendment and call for a seconder. Once the seconder has seconded the request for an amendment, the Mayor will then rule whether such proposed amendment is ruled in order to enable it to proceed to a debate. If it is ruled in order, it will be debated before the original motion in accordance with the same rules of debate as for a motion. If it is ruled out of order, it will fall and the original motion will be allowed to proceed to debate.

Order of debate

14.9 The process of debate on a motion or an amendment, is as follows:

- (a) The proposer of the motion shall speak first;
- (b) The seconder of the motion/amendment may speak immediately after the proposer unless they reserve their right to speak later in the debate (in the case of a motion, they must exercise that right before the reply from the relevant Committee Chairman).
- (c) No Member may speak more than once on the same matter ~~except if the operation of any FCR permits, or~~
 - (i) To speak once on an amendment by another Member
 - (ii) To move a further amendment if a previous amendment is not carried or the motion has been amended since they last spoke
 - (iii) If their speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried)
 - (iv) In exercise of a right to reply
 - (v) On a point of order

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Members wishing to speak shall indicate this by raising an arm to catch the attention of the Mayor.¶
Members shall generally be called to speak (max 3 minutes) in the order in which the Mayor notices their wish to speak, except that the Mayor may alternately invite speakers from opposing sides of the debate, to seek to maintain a balanced debate.¶

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(vi) By way of personal explanation

14.10 When there is no-one else wishing to speak, or the Mayor determines that there has been sufficient discussion (see FCR 46 and 47), or following agreement of a “closure motion” (see FCR 107 to 111), the Mayor shall call on the Chairman of the relevant committee to reply to the debate (max 5 minutes), following which the proposer of the motion, if it is not a recommendation from a committee, shall have a final right of reply to the debate (max 5 minutes), before the motion is put to the vote.

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14.11 Whilst a motion or amendment is under debate no other motion shall be moved except any one of the following:

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- (a) To remit a matter to committee for consideration/ reconsideration
- (b) To defer consideration of a matter to a later date
- (c) To adjourn the meeting
- (d) To proceed to next business
- (e) That the matter be now put
- (f) That a member be not further heard
- (g) To exclude the public
- (h) To give the consent of the Council, where consent is required by these standing orders

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14.12 All members must address the Mayor when speaking during a Council meeting. Only one member shall speak at any one time, and members shall stand whilst speaking. All other members shall remain seated, unless rising to make a point of order/personal explanation.

14.13 If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.

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14.14 The maximum time for any speech shall not be exceeded except with the consent of the Mayor.

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14.15 Members must not speak about anything except the subject under discussion, or to raise a point of order, point of personal explanation or one of the motions listed below.

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14.16 A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule of procedure or statutory provision is involved and how the Member

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thinks it has been broken. The Mayor's ruling on any point of order is final (FCR 41 refers)

- 14.17. A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The Mayor's ruling on any point of order is final (FCR 41 refers)

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FCR15 Amendments to Motions

- 15.1 Amendments to a motion may be submitted in writing in advance of the meeting. Amendments which have been submitted in advance will be called by the Mayor in such order as shall best facilitate their consideration, immediately following the speech of the proposer, but shall be moved and seconded before being debated.

- 15.2 In accordance with FCR 89, an amendment to a motion may also be moved and seconded during the debate but shall be provided in writing to the Mayor before being debated.

- 15.3 Only one amendment shall be debated at a time.

- 15.4 An amendment must be relevant to the motion. It must take the form of a proposal:

- (a) To refer the matter back to committee
- (b) To leave out words
- (c) To leave out words and insert or add others
- (d) To insert or add words

- 15.5 The Mayor shall not accept an amendment/s, if:

- (a) it is outside the scope of the original motion
- (b) it is outside scope the meeting
- (c) it is outside the Council's powers
- (d) it would contravene FCR 4 (challenging a previous decision)and/or
- (e) has the same effect as voting against the motion

- (f) appears to be frivolous or vexatious

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Deleted: The Mayor shall be entitled not to allow any amendments which are frivolous or vexatious. The Mayor shall also be entitled not to allow any further amendments where several amendments have already been considered and considers that further amendments would have the effect of unreasonably prolonging debate on a matter before the Council.¶

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(g) where several amendments have already been considered and considers further amendments which would have the effect of unreasonably prolonging debate on a matter

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15.6 The mover of the amendment shall speak first (max 5 minutes)

15.7 Members shall be called in turn (see FCR 84 above).

15.8 A member who has spoken on the original motion or on any amendment may speak again on any subsequent amendment (max 5 minutes).

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15.9 The Chairman of the relevant committee shall have the right of reply at the close of debate on an amendment (max 5 minutes), following which the mover of the original motion may reply to the debate on an amendment (max 5 minutes). Neither the Chairman of the relevant committee nor the mover of the original motion shall otherwise speak on an amendment. If they do so, they forfeit their right to reply to the debate on that amendment.

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15.10 If an amendment is carried the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments may be moved.

FCR16 Closure motions

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16.1 At the conclusion of the speech of another member any member (except the proposer or seconder of the motion and, as the case may be, the amendment under debate), including the Mayor, may move one of the motions listed in FCR 81 (a) to (e) above (a "closure motion"). When moving a closure motion the member must refer to these rules of procedure and state which motion they are moving and, once the Mayor has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max 5 minutes).

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16.2 On a motion to remit a matter to a committee, the Mayor shall give the chairman of the committee the right to reply to the motion (max 5 minutes), after which the motion shall be put to the vote without debate or comment.

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16.3 On a motion to defer consideration of a matter to a later date or to adjourn the meeting, if the Mayor considers that the matter requires further discussion but cannot reasonably be discussed at the meeting in question, the motion to defer shall be put to the vote without debate.

16.4 On a motion to proceed to next business, unless the Mayor thinks that the Council needs to reach a decision at that meeting on the matter then under consideration, the motion to proceed to next business shall be put to the vote, without comment or debate.

| 16.5 On a motion that the question be now put, unless the Mayor thinks that there
| has been insufficient debate of the matter, the Mayor shall first put to the vote
the motion that the question be now put and, if it is passed, shall give the
mover of the motion under consideration a right of reply (max 5 minutes)
before putting that motion to the vote.

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(b) Relating to the Conduct of Committees, Sub-Committees and Advisory Panels

CPR1 Questions from the public

1.1 At meetings of the Council's policy committees, and Scrutiny Committee up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the body in question which may not include matters listed on a Committee Agenda.

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1.2 A person who wishes to ask a written question must submit their question in writing (either in hard copy or by email) to the Council's Chief Legal Officer. The written question must arrive by noon on the tenth working day before the day of the meeting.

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1.3 The member of the public must set out:

- (a) the wording of the question they wish to ask
- (b) an address, email address or telephone number at which they can be contacted before and after the meeting
- (c) whether they live, work, attend an educational establishment or own or lease land in the Borough and if so, details.

1.4 The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

1.5 Following receipt of a written question, the Chief Legal Officer will ensure that the applicant is contacted and told whether their request complies with the conditions above and if so what the procedure will be at the meeting. If contact details are not readily identifiable or have not been supplied, the question will not be accepted even if in all other respects it is valid.

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1.6 Questions must be addressed to the Chairman of the relevant meeting.

1.7 The Chairman may decline to answer a question or may give an answer orally at the meeting or may provide a written reply. If available, the questioner will be supplied with a written answer before the Meeting. At the Meeting, and as part of the initial response to a question, the Chairman may invite other members of the relevant body to contribute or simply refer to a publication where the answer or further details may be found.

- 1.8 At the Meeting the Chairman will ask the questioner if the response answers their concern or if they wish to ask one supplementary question. If a supplementary question is asked, it must be relevant to the subject of the original question. The Chairman may decline to answer a supplementary question or invite other members of the relevant body to contribute to a response.
- 1.9 Written questions and any supplementary questions to written questions shall be taken first. Written questions shall be taken in the order they were received followed by any oral questions until 30 minutes have elapsed since the first question was called.
- 1.10 A member of the public may ask more than one question but their second question (written or oral) shall be taken after all other individuals who wish to ask a question have been given the opportunity to do so.

CPR2 Public speaking at the Planning Committee

- 2.1 In relation to planning applications, there shall be three categories of speaker per application: objector, supporter and applicant/agent.
- 2.2 A person who wishes to speak at a Planning Committee must register their wish to do so between 6pm and 7pm on the evening of the meeting at the Town Hall reception desk.
- 2.3 Normally, in addition to the applicant/agent, only one member of the public may speak for or against a single application. Registration will normally be on a first come first served basis but an individual may choose to waive this right in favour of an individual who attempted to register at a later time. Alternatively, several members of the public may appoint one person to speak on their behalf provided they can reach agreement to this amongst themselves.
- 2.3 Speakers shall be called in the order of (1) objector (2) supporter (3) applicant/agent.
- 2.4 A speaker shall have a maximum of three minutes to address the Committee and must confine their remarks to the application upon which they requested to speak. The applicant/agent shall be given an amount of time equal to the amount of time allocated to the all the objectors. The address shall be in the form of a statement, not attempts to question the applicant or other person but may address issues raised by other speakers.

CPR3 Petitions

- 3.1 A petition is a written or electronic communication which is signed by or sent to the Council on behalf of at least 20 people. The Council's response to a petition will depend on what the petition asks for and how many people have signed it but may include presenting the petition at a committee meeting.

3.2 The presentation of petitions at policy committees shall take place immediately after the submission of questions by members of the public in the order in which notice of them is received by the Head of Legal and Democratic Services

3.3 The petition organiser shall have the opportunity to present the petition to a meeting of the appropriate policy committee provided that they have given notice of their intention to do so to the Chief Legal Officer by noon at least ten working days before the meeting at which the petition is to be presented.

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3.4 The presentation of a petition shall be limited to not more than five minutes, and shall be confined to reading out, or summarising, the subject matter of the petition, indicating the number and residency of the signatories, and making such further supporting remarks relevant to the petition.

3.5 Regarding petitions presented to a policy committee (of which proper notice has been given):-

(a) a written response may be available in advance of the meeting

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(b) the Chairman of the Committee may, if he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise

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(c) the subject matter shall stand referred, without discussion, either to the next ordinary meeting of the Committee or other appropriate body.

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CPR 4 Committee, Sub-Committee and Advisory Panel timetables and agendas

4.1 The Chief Legal Officer will prepare a timetable of meetings of the Council, Policy Committees, Sub-Committees and Advisory Panels each year and submit it to the Authority for approval. Meetings shall be organised in accordance with the approved timetable. The Chief Legal Officer may re-arrange the date for, or cancel, a meeting if they and the Chairman of the body in question are both satisfied that there is good reason for doing so or insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. When a meeting is cancelled or the date is changed, the Chief Legal Officer shall notify. When possible, notice of the cancellation or change shall also be posted on the Council's website.

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4.2 The Chief Legal Officer must send out an Agenda at least five working days before every meeting of a policy committee, sub-committee or advisory panel, or as soon as the meeting is called whichever is later. A hard copy of the agenda shall be sent to every person entitled to receive papers of the committee, sub-committee or advisory panel.

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4.3 The agenda must include:

- (a) all items of business referred to the policy committee, sub-committee or advisory panel by the Council or another policy committee, sub-committee or advisory panel;
- (b) any reports submitted to the committee or sub-committee by the Chief Executive, ~~Heads of Service~~ or Service Managers;
- (c) any item of business which the Chairman requires to be included;

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4.5 Any Member who wishes to request that a particular item of business be included must give notice in writing to the ~~Chief Legal Officer~~ by ~~noon~~ on the ~~tenth~~ working day before the date of the meeting.

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4.6 A report shall not be submitted to a Policy Committee, Sub-Committee or Advisory Panel if, in the opinion of the ~~Chief Legal Officer~~ it does not comply with legal or policy requirements.

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4.7 Subject to any requirements of the Chairman, the ~~Chief Legal Officer~~ must arrange the order of business in a manner in which they consider will ensure the effective despatch of business.

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4.8 If it is impossible, owing to exceptional circumstances, to include a report on a particular item on the Agenda before it is despatched, or if a report is proposed to be put to the meeting as a matter of urgency in special circumstances under Section 100 B of the Local Government Act 1972, the ~~Chief Legal Officer~~ shall circulate it to every person entitled to receive the papers of the committee or sub-committee as soon as practicable after they have been prepared.

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4.9 The Scrutiny Committee has the right, in the exceptional circumstances mentioned in paragraph 14 of the Overview and Scrutiny rules, to call-in any decision of a policy committee other than a recommendation to the Council in accordance with the Protocol set out in Part 5 of the Constitution.

CPR5 Special meetings of Committees, Sub-Committees and Advisory Panels

5.1 The Chairman of a policy committee (or in his absence the Vice Chairman) or the Chairman of a sub-committee or advisory panel may call a special meeting of that policy committee, sub-committee or advisory panel at any time. The Chief Executive, ~~Chief Finance Officer~~ and Monitoring Officer may also call a special meeting to consider business at any time.

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5.2 A special meeting may also be called if a joint written request signed by at least three, or one quarter of the total number, of the voting members of a policy committee, sub-committee or advisory panel, whichever is the greater,

has been made to the Chairman of a policy committee (or in his absence, Vice Chairman) or Chairman of a sub-committee or advisory panel (the request should be sent to the Chief Legal Officer).

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5.3 The Chairman may not refuse to hold a special meeting in such circumstances and a special meeting must be called within seven days of the presentation of such a properly constituted request.

5.4 The request to call a special meeting must state the business to be transacted and no other business. The Chief Legal Officer must fix a date for the meeting which so far as practicable is appropriate for the proper despatch of that business. CPR 23 (circulation of papers) will then apply.

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CPR 6 Rights and duties to attend meetings

6.1 With the exception of Licensing Hearings Sub-Committees, any member of the Council may attend the meetings of all policy committees, sub-committees and advisory panels, and permission to speak will not normally be refused by the Chairman.

6.2 A co-opted member of a committee, sub-committee or advisory panel has the right to attend all meetings of that body but may speak only on matters which the Chairman considers reasonably and fairly relate to the purposes for which they were appointed to the body. Co-opted members may not speak on the appointment of a Chairman or Vice-Chairman or be elected to those offices.

6.3 In the case of the Planning Committee, Members of the Committee who have entered the meeting late for a particular item, have no right to vote on that item.

6.4 The Scrutiny Committee may require any Member of a policy committee, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within its remit (a) any particular decision or series of decisions, (b) the extent to which the actions taken implement Council policy and (c) their performance and it is the duty of those persons to attend if so required.

6.5 Notwithstanding anything said above, a member whose notice of motion has been referred by the Council to any policy committee, sub-committee or advisory panel shall be given notice of the meeting at which it is proposed to consider the motion.

CPR 7 Quorum

7.1 The quorum of a policy committee, sub-committee, Audit, Crime & Disorder and Scrutiny Committee or advisory panel shall be at least one quarter of the total number of Members of the relevant body rounded up to the next whole number, but shall never be less than three except where authorised by statute or where ordered by the Council.

7.2 If there is no quorum at the time the meeting is summoned to start, the Chairman will allow a delay of fifteen minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time.

7.3 If during any meeting of a committee, sub-committee or advisory panel the Chairman ascertains that a quorum is not present, the meeting shall stand adjourned for fifteen minutes. If after fifteen minutes there is still no quorum present, the meeting shall end.

7.4 The Chairman may fix a date and time to deal with any business which cannot be dealt with because of CPR 40 or 41 above. If they do not do so, the business shall be dealt with at the next timetabled meeting of the committee, sub-committee or advisory panel.

CPR 8 Absence of Chairman

8.1 If the Chairman is absent from a meeting, the Vice Chairman shall Chair the meeting. In the absence of a Vice Chairman, or if no Vice Chairman has been appointed by the Council, the Committee must elect a person to Chair the meeting.

8.2 A Chairman or Vice Chairman must be drawn from the membership of the committee or sub-committee.

8.3 If the Chairman or Vice Chairman enters the meeting after another member has been appointed to preside, that Member must immediately at the conclusion of the matter under discussion offer the chair to the Chairman or Vice Chairman.

8.4 If the Chairman resigns or is unable to act as such, the Vice Chairman shall become the Chairman until a Chairman (and if necessary a Vice Chairman) is elected for the remainder of the municipal year by the Council. If the Vice Chairman resigns or becomes unable to act as such, the Council must elect a new Vice-Chairman.

8.5 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person chairing the meeting and any reference to the Chairman shall be taken to include such persons except that an officer shall not be entitled to a vote of any kind.

CPR 9 Guillotine

- 9.1 At 22.00 hours (or two and a half hours after a meeting has commenced) the Chairman of a policy committee, sub-committee or advisory panel shall review the business to be transacted and shall order the items so as to dispose of all matters requiring a decision by 22.30 hours. In respect of any matters still outstanding at 22.30 hours, the committee shall be asked to decide either that these be agreed as presented without debate/discussion or that they be held over until the next meeting. All meetings must conclude by 23.00hrs in any event.

CPR 10 Minutes

- 10.1 The Minutes of every meeting of a policy committee, sub-committee or advisory panel shall be written and presented to the next ordinary meeting of the relevant body.

- 10.2 The Chairman shall put that the Minutes of the meeting held on the day in question be signed as a true record.

- 10.3 There shall be no discussion on the Minutes, except by way of a motion relating to their accuracy. If no question of accuracy is raised, or as soon as any question is settled, the Chairman shall initial each page of the minutes in addition to dating and signing the final page of the said document.

- 10.4 If the committee, sub-committee or advisory panel is not scheduled to meet again, or is not likely to meet in the foreseeable future, the Chairman of the committee or sub-committee (or in his absence any Member of it) may sign the Minutes using the above procedure when the proceedings of that body are reported to (or at a convenient meeting of) the Council or the parent committee, subject to the resolution of all questions as to their accuracy which may then be raised by Members who were present at the meeting.

CPR 11 Scheme of delegation

- 11.1 A committee, sub-committee or advisory panel shall act in accordance with its terms of reference and delegated powers as agreed by the Council and set out in this Constitution.

CPR 12 Rules of debate

- 12.1 Meetings of policy committees, sub-committees and advisory panels are to be conducted with as little procedural formality as is consistent with the need for good order and the effective conduct of business. However, the following guidelines should be taken into account:

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Proposals and Amendments

12.2 The officers' recommendations in a report shall constitute proposals which do not require to be moved and seconded and shall be the basis for any further debate.

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12.3 During a debate, a Member should make it clear if they are suggesting something which they wish to be, or form part of, the decision of the policy committee, sub-committee or advisory panel. It is best practice for any such proposals to be seconded and the Chairman may require them to be submitted in writing so that they may be read to the meeting before being discussed. For the sake of clear and transparent decision making, the Chairman should explicitly ask the Committee to agree to any such proposal and if any Member of the Committee disagrees, a vote by show of hands should be taken prior to any further debate.

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12.4 Members must not speak about anything except the subject under discussion, a point of order, personal explanation or declaration of interest.

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12.5 Members have no right to speak as often as they wish on a particular agenda item and the Chairman may rule that a Member may no longer be heard. The Chairman's ruling on this shall be final and not open to comment.

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12.6 Any proposals from the floor should not have the same effect as voting against the officers' recommendation (s) or be outside the scope of the original proposal, outside the scope of the meeting or outside the Council's powers.

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12.8 It is the role of the Chairman to summarise what the Committee has decided, and if necessary, to take a final vote by show of hands, before moving onto the next item of business.

Motions referred from Council under **FCR 79**

12.9 The proposer of a motion referred to the Committee by the Council shall have the right to open the debate on the matter in question but may not vote on the matter unless they are a member of that policy committee, sub-committee or advisory panel. When there is no-one else wishing to speak, or the Chairman determines that there has been sufficient discussion, the Chairman shall call on the proposer of the motion referred from Council to reply to the debate (max 3 minutes), before the matter is put to the vote.

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12.10 A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material; the Chairman's ruling on this shall be final and not open to comment.

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12.11 In accordance with FCR 79, the policy Committee, sub-committee or advisory panel in question will normally make a final decision on the motion, if they have delegated authority to do so, or make a report and recommendation to Council if they do not have such authority.

Proposals which may be moved during debate

12.12 When a matter is under debate no other proposal shall be moved except to:

- (a) amend the proposal under discussion
- (b) move that a Member not be further heard
- (c) move a motion under Section 100A (4) of the 1972 Act to exclude the press and public
- (d) move a closure motion

Closure Motions

12.13 At the conclusion of the speech of another member any member may move one of the following closure motions:

- (a) To refer a recommendation of a sub-committee or advisory panel back to that body for reconsideration
- (b) To defer consideration of the matter until the next ordinary meeting of the Committee
- (c) To adjourn the meeting
- (d) to put the question
- (e) To proceed to the next business

12.11 When moving a closure motion the member must state which closure motion they are moving and, once the Chairman has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max 5 minutes).

12.12 On a proposal to refer a recommendation back to a sub-committee or advisory panel, the Chairman shall give the chairman of the relevant body, if they are present, the right to reply to the motion (max 5 minutes), after which the proposal shall be put to the vote without debate or comment.

11.15 On a proposal to defer consideration of a matter to a later date or to adjourn the meeting, if the Chairman considers that the matter requires further discussion but cannot reasonably be discussed at the meeting in question, the proposal to defer shall be put to the vote without debate or comment.

11.16 On a proposal to proceed to next business, unless the Chairman thinks that the committee, sub-committee or advisory panel needs to reach a decision at that meeting on the matter then under consideration, the proposal to proceed to next business shall be put to the vote, without comment or debate.

11.17 On a proposal that the question be now put, unless the Chairman thinks that there has been insufficient debate of the matter, the Chairman shall put to the vote the proposal that the question be now put without comment or debate.

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11.18 Unless a proposal to exclude the press and public is on the agenda, the Chairman shall ascertain the grounds for the motion and shall ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, they shall allow the proposer of the matter under discussion a right of reply on the proposal to exclude the press and public and shall then put the proposal to the vote. If it is passed the Chairman may at their discretion either immediately require the press and public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

Chairman's discretion to put the question

11.19 The Chairman may curtail the debate at any time if they consider that the Committee, Sub-Committee or Advisory Panel has sufficiently discussed the matter. They shall thereupon give the movers of the motion and amendment (if any) their rights of reply and put that motion or amendment to the vote.

Points of Order/Personal Explanation

11.20 If a member wishes to raise a point of order or point of personal explanation, the Member should normally stand and shall be heard immediately, and any member then speaking shall give way.

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11.21 A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule(s) of procedure or statutory provision is involved and how the Member thinks it has been broken. The ruling of the Chairman on any point of order is final.

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11.22 A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The ruling of the Chairman on any point of order is final.

Respect for the Chairman

11.23 The Chairman may interrupt the debate to restore order by using the command "order" or by striking the gavel. The Committee must then be silent until the Chairman calls upon a Member to speak.

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11.24 All Members must address the Chairman when speaking.

CPR 12 Composition of Committee, Sub-Committees and Advisory Panels (including substitution of Members)

12.1 A committee may not appoint a sub-committee unless the Council has expressly agreed to the creation of a sub-committee or it is mentioned in the Constitution.

12.2 Every member of the Council shall be eligible for appointment to a sub-committee.

12.3 A Committee may decide to co-opt additional members onto the Committee, whether members of the Council or not. Co-opted members of a Committee shall not be counted in the quorum for the Committee and shall not be entitled to vote on any matter before the Committee. Co-opted members may be appointed to assist with a specific area of business or generally to assist the Committee in its work.

12.4 Subject to section 102 (5) of the 1972 Act (councillor leaving office to cease to be a member of a committee) and CPR 82 (substitutions) every person appointed as a voting member of such a committee or sub-committee and every person appointed to exercise other functions in relation to a sub-committee shall continue until the appointment is terminated by the authority or they resign.

12.5 A Member of a Committee, Joint Committee, Sub-Committee or Advisory Panel may for the whole of a specified meeting designate as his/her substitute another Member. The substitute may attend the meeting on behalf of, but not in addition to, the nominating Member and shall be entitled to speak and vote. The nominating Member, or in their absence, the Leader/Chairman of his/her Group Deputy Leader/Chairman of his/her Group, shall inform the Chief Legal Officer or his representative in writing or by e-mail, prior to the meeting in question, that his/her substitute will be attending

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12.6 Provisions for the appointment of substitutes do not apply to meetings of Licensing Hearings Sub-Committees.

CPR 13 Motions affecting staff

13.1 If any question arises at a meeting of a Committee, Sub-Committee or Advisory Panel as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the Council, or their conduct, the matter must not be discussed until it has been decided whether or not to exclude the press and public under Section 100 A (4) of the 1972 Act.

CPR 14 Good order in meetings

Disorderly conduct by Members

14.1 If any Member:

- (a) Persistently disregards the ruling of the Chairman; or

- (b) Behaves irregularly improperly or offensively; or
- (c) Deliberately disregards established procedure; or
- (d) Deliberately obstructs the business of the meeting;

then the Chairman may name the Member and require them both to apologise and to correct their behaviour immediately, or to do either.

14.2 If a Member named by the Chairman under the paragraph above continues their misconduct, the Chairman may do any or all of the following at their discretion at any time during the meeting:

- (a) they may forbid the Member from speaking for some or all of the rest of the meeting;
- (b) they may order the Member to leave the meeting for all or part of the remaining business.
- (c) they may order the Member to be removed from the meeting.
- (d) they may adjourn the meeting for such period as they think fit

14.3 A Member may not impute improper motives, or use any offensive expression, to any other Member. The Chairman shall be the sole judge at the meeting of when this rule has been broken. If a Member ignores or rejects his ruling he shall be dealt with under the two preceding paragraphs.

Disturbance by members of the public

14.4 If a Member of the public interrupts the proceedings at any meeting the Chairman shall issue them a warning. If the member of the public continues the interruption the Chairman shall order the member of the public's removal from the meeting room

14.5 In the event of a public disturbance, the Chairman may without question adjourn the meeting for such period as s/he considers expedient.

General

14.6 The decision of the Chairman as to acceptable conduct whether by members or the public shall be final.

CPR 15 Mobile phones, filming & recording of Meetings

15.1 Audible alerts on mobile phones must be turned off.

15.2 Any recording or filming shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The purpose of the Protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

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15.3 The Chairman of the meeting has absolute discretion to terminate or suspend any of these activities if, in his/her opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

15.4 Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting, is requested to advise the Chairman of the meeting of their intention to do so.

15.5 The Chairman of the meeting shall advise Members and the public that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehavior or disruption of the meeting, the Chairman of the meeting may exclude any individual who is recording the meeting.

15.6 The protocol also refers to the use of "Social Media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

CPR 16 Voting

16.1 Upon summation of a decision by the Chairman, (CPR 60 refers) a question may be decided by "unanimous consent" were the Chairman asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.

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16.2 Except as otherwise provided, voting shall be on a show of hands of those present.

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16.3 At a meeting of a decision making body any four Members may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, an appropriate officer shall call the name of each Member present and that Member shall speak to indicate whether he votes for or against the motion or abstains, without further comment.

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16.4 Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or the fact that they did not vote, shall be recorded in the minutes.

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16.5 The Chairman must ascertain the numbers voting for or against any motion or amendment, or for any candidate. They or an officer present shall inform the meeting of the numbers. Once the Chairman has satisfied themselves as to the totals their declaration of the result cannot be questioned.

Second or casting votes

16.6 If the votes are tied on any issue, the Chairman may use a second or casting vote as follows:

- (i) If the Chairman voted at the same time as the other Members (i.e. used their first vote) they may use his second vote;
- (ii) if the Chairman did not vote at the same time as the other Members they may use their casting vote;
- (iii) the Chairman shall not delay their first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use their second vote.
- (iv) the Chairman may decline, without explanation, to use either their second or casting vote;

If the votes remain tied at the end of the voting process the effect is that no decision has been taken on the matter in question and the motion being voted upon is lost.

CPR 17 Record of attendance

17.1 The Democratic Services Officer is responsible for recording attendance at meetings.

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CPR 18 Implementation of Committee Decisions

18.1 Subject to the right of a Member to propose any motion to Council and for the Council to deal with that motion, all matters specified in the Terms of Reference shall usually be referred for consideration to Committees, Sub-Committees or Advisory Panels under whose names such matters appear. Committees shall be authorised to take such action as they think fit in relation to any matters falling within their Terms of Reference, subject to their reporting to Council with their recommendations thereon where matters of principle or policy are involved.

18.2 A decision of a policy committee or sub-committee which is vulnerable to call-in under CPR 29 and/or the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution shall not be implemented until the fifth working day after it has been made.

SECTION B - Access to Information Procedure Rules

1 Scope

These rules apply to all meetings of the Council, the Scrutiny Committee, policy and other Committees, sub-Committees and the Standards Committee (together called meetings).

2 Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law (such as the Freedom of Information Act).

3 Rights to attend meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4 Notices of meeting

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Town Hall, Epsom.

5 Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the Town Hall at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive will make each such report available to the public as soon as the report is completed and sent to Councillors.

6 Supply of copies

The Council will supply copies of any:-

- (a) agenda and reports which are open to public inspection;
 - (b) further statements or particulars necessary to indicate the nature of the items in the agenda;
- and
- (c) any other documents supplied to Councillors in connection with an item, if the Chief Executive thinks fit;

to any person on payment of a charge for postage and any other costs.

7 Access to minutes etc. after the meeting

The Council will make available copies of the following for six years after a meeting:-

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting;
- and
- (d) reports relating to items when the meeting was open to the public.

8 Background papers

List of Background Papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-

- (a) disclose any facts or matters on which the report or an important part of the report is based;
- and
- (b) which have been relied on to a material extent in preparing the report.

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 9.3 and 9.4).

Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9 Exclusion of access by the public to meetings

Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of Exempt Information

Exempt information means information falling within the seven categories below provided that in all the circumstances the public interest in withholding the information outweighs the public interest in disclosing the information.

EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO INFORMATION)(VARIATIONS) ORDER 2006	
DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND	
1.	Information relating to any individual
2.	Information which is likely to reveal the identity of an individual
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information) (N.B. Information within this paragraph is not exempt if it must be registered under: a) the Companies Act 1985 b) the Friendly Societies Act 1974 c) the Friendly Societies Act 1972 d) the Industrial and Provident Societies Acts 1965 to 1978 e) the Building Societies Act 1986 f) the Charities Act 1993)
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal privilege could be maintained in legal proceedings.

**EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO
INFORMATION)(VARIATIONS) ORDER 2006**

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- | | |
|----|---|
| 6. | Information which reveals that the authority proposes:
a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
b) to make an order or direction under any enactment. |
| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. |

Information falling within any of paragraphs 1 - 7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning Act General Regulations 1992.

The Standards Committee

When the Standards Committee is considering a matter of Member conduct under Section 60 or 64 of the Local Government Act 2000, the following paragraphs are to be treated as added to the list of information which can be treated as exempt:

7A	Information which is subject to any obligation of confidentiality
7B	Information which relates in any way to matters concerning national security
7C	The deliberations of a Standards Committee or a Sub-Committee of Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any findings on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

10 Exclusion of access by the public to reports

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked 'Not for Publication' together with the category of information likely to be disclosed.

11 Summary of public's rights

A copy of these Rules, constituting a written summary of the public's rights to attend meetings and to inspect and copy documents, will be kept at and available to the public at the Town Hall, Epsom.

SECTION C - Budget and Policy Framework Procedure Rules

1 The framework for decision-making

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the policy committees to implement it.

Process for developing the framework

The process by which the Budget and Policy Framework shall be developed is:

- (a) Each year the Strategy and Resources Committee will recommend to the Council, which will then publish, a programme for establishing the Budget and Policy Framework for the following year. Within this programme, it will identify any strategic policy or resource issues on which it wishes to request studies by the Scrutiny Committee.
- (b) Within the overall programme, each policy committee may identify any study it wishes to request from the Scrutiny Committee related to policy issues on which it wishes to make recommendations to the Council as part of the Budget and Policy Framework.
- (c) Policy studies undertaken by the Scrutiny Committee should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the relevant policy committee which will then develop proposals to be submitted to the Council.
- (d) The Policy and Budget Framework to be presented to Council will be available for public consultation for a period of 4 weeks.
- (e) In approving the Policy and Budgetary Framework presented to it by the Strategy and Resources Committee, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by policy committees, in accordance with paragraphs 3 and 4 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council.

Virement

The Council will decide on virement limits having regard to the nature of its functions, the size of its budget, and the need to maintain a balance between the Budget and Policy Framework and the flexibility needed in-year to deliver services in accordance with Best Value principles.

In-year changes to policy framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by policy committees or officers with delegated authority must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by a policy committee or officer with delegated authority except changes:

- (a) necessary to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- and
- (c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

The Council may make in-year changes to its Budget and Policy Framework other than in the circumstances set out in 4.1 above, but will only do so on the recommendation of a policy committee or in response to a report from the Chief Executive or on a motion after proper notice in accordance with the Council Procedure Rules set out in Part 4 of this Constitution, in all cases after a period of consultation with citizens and stakeholders appropriate to the nature of the changes proposed.

SECTION D - Overview and Scrutiny Procedure Rules

1 Number of, and arrangements for, Scrutiny Committee(s)

The Council will have one Scrutiny Committee, the Audit, Crime & Disorder and Scrutiny Committee, which will arrange for the performance of all overview and scrutiny functions on behalf of the Council. It will consist of at least five Councillors.

The Audit, Crime & Disorder and Scrutiny Committee will be responsible for:-

- (a) arranging the performance of overview and scrutiny functions on behalf of the Council;
- (b) the appointment of such sub-committees or panels as it considers appropriate to fulfil those review and scrutiny functions;
- (c) ensuring that the Council complies with its duty concerning Best Value, in accordance with the Local Government Act 1999;
- (d) approving an annual Overview and Scrutiny Work Programme, including the programme of any sub-committees or panels;
- (e) Monitoring the Council's financial and audit arrangements and considering regular reports from the auditor on the outcome of audits.
- (f) putting in place a system to ensure that referrals from the Scrutiny Committee to Council and to the policy committees, either by way of report or for reconsideration, are managed efficiently.
- (g) scrutinising the development and implementation of the Community Strategy.
- (h) monitoring progress on the Council's Corporate Plan.

Who may sit on the Audit, Crime & Disorder and Scrutiny Committee?

All councillors may be members of the Audit, Crime & Disorder and Scrutiny Committee but no councillor may be involved in scrutinising a decision in which he/she has been directly involved.

Co-optees

The Scrutiny Committee will seek to co-opt other Councillors to constitute sub-committees, or panels, provided that no councillor may scrutinise a decision in which he/she has been involved.

The Scrutiny Committee shall be entitled to appoint to any sub-committee or panel a co-opted member who is not a councillor or an officer of this Council.

Meetings of the Audit, Crime & Disorder and Scrutiny Committee

There shall be at least four ordinary meetings of the Audit, Crime & Disorder and Scrutiny Committee in each year. In addition, Special Meetings may be called from time to time as and when appropriate. A Special Committee meeting may be called by the Chairman, by any three members of the Committee or by the Scrutiny Officer if he/she considers it necessary or appropriate.

Quorum

The quorum for the Audit, Crime & Disorder and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

Chairmanship of the scrutiny committee

The Chairman of the Audit, Crime & Disorder and Scrutiny Committee will be appointed by the Council from among the Councillors sitting on the Committee.

Work programme

The Audit, Crime & Disorder and Scrutiny Committee will be responsible for setting its own work programmes and in doing so it shall take into account, along with other considerations, the wishes of Members on that Committee who are not members of the largest political group on the Council.

Agenda items

Any Members of the Council may give written notice to the Scrutiny Officer that they wish an item to be included on the agenda of the Audit, Crime & Disorder and Scrutiny Committee or submit such an item. If the Scrutiny Officer receives such a notification or item, then he/she will include it on the first available agenda of the Committee for consideration by the Committee. However, where the notification or item is deemed to be a councillor call for action, the Councillor call for Action Protocol shall be implemented

The Audit, Crime & Disorder and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, and if it considers it appropriate the policy committees, to review particular areas of Council activity. Where it does so, the Audit, Crime & Disorder and Scrutiny Committee shall report its findings and recommendations back to the policy committee and/or the Council. The Council and/or the relevant policy committee shall consider the report of the Audit, Crime & Disorder and Scrutiny Committee at its next available meeting.

Policy and development overview

The role of the Audit, Crime & Disorder and Scrutiny Committee 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 Budget and Policy Framework, the Scrutiny Committee may make proposals to policy committees for such development in so far as it relates to matters within their terms of reference although it is recognised that in most cases policy committees will develop their own policy.

The Scrutiny Committee 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.

Reports from the Scrutiny Committee

Once the Scrutiny Committee has completed its deliberations on any matter it will prepare a formal report and submit it via the Scrutiny Officer for consideration by the relevant policy committee (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

If the Scrutiny Committee cannot agree on one single final report to the Council or the relevant policy committee, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or policy committee with the majority report.

The Council or the relevant policy committee shall consider the report of the Scrutiny Committee at its next available meeting

When the Council meets to consider any referral from the Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the relevant policy committee to the Scrutiny proposals, and shall if necessary defer consideration of those proposals until after the next meeting of the relevant policy committee.

Rights of scrutiny committee members to documents

All Members have the right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution, and members of the Scrutiny Committee, and any sub-committees or panels (including any co-opted members), have all such rights in relation to any of the agreed work programme of the Committee.

Members and officers giving account

The Audit, Crime & Disorder and Scrutiny Committee may scrutinise and review decisions made (other than quasi-judicial decisions, e.g. planning and licensing applications) or actions taken in connection with the discharge of any of the Council's functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Committee may require any member of a policy committee, the Chief Executive and/or any Head of Service to attend before it to explain in relation to matters within its remit:-

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

and it is the duty of those persons to attend if so required.

[Note: Save in exceptional circumstances, and in agreement with the Chief Executive, no officer below Head of Service shall be required to appear before the Audit, Crime & Disorder and Scrutiny Committee.]

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If any Member or Officer is required to attend the Scrutiny Committee under this provision, the Chairman of the Committee will inform the Scrutiny Officer. The Scrutiny Officer shall inform the Member or Officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

If, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place within a maximum of ten working days from the date of the original request.

Attendance by others

The Scrutiny Committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend, whether in relation to scrutiny of the Council's policies and activities or those of any other agency which affect the social, environmental or economic well-being of the residents of the Borough. Other committees or advisory panels may also, from time to time, scrutinise such other agencies.

Call-in

Call-in should only be used in exceptional circumstances. These are where Members of the Scrutiny Committee have evidence which suggests that a policy committee took a decision which was not in accordance with one or more of the principles set out in Article 12 (Decision Making).

In any event, call-in will not apply to quasi-judicial decisions e.g. development control and licensing.

The call-in procedure is as follows:-

- (a) When a decision is made by a policy committee or under joint arrangements, the decision shall be published electronically by Democratic Services to a group email address which includes the Scrutiny Officer and members of the Scrutiny Committee normally within two working days of being made and shall also be available on request in hard copy from the Town Hall. When all members of the Council are invited to speak and vote at a meeting of a committee, then the power of call-in does not apply.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in. The Notice shall include the following statement: "The following represents a summary of the decisions taken by the Committee. It is not intended to represent the formal record of the meeting (for which reference should be made to the Minutes) but to facilitate the call-in process".
- (c) During that period, the Scrutiny Officer or Monitoring Officer shall call-in a decision for scrutiny by the Scrutiny Committee if so requested in writing or by e-mail, both of which should include the reasons, by any three Members of the Scrutiny Committee, and shall then notify Members of the decision-making Committee of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within ten working days of the decision to call-in.
- (d) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making Committee for reconsideration, setting out in writing the nature of its concerns or refer the matter to the Full Council. Following consideration of the decision by the Scrutiny Committee, the Scrutiny Officer or Monitoring Officer shall notify the members of the decision-making Committee of the outcome. Where the Scrutiny Committee refers the decision back to the decision-making committee, the notification will include details of when the written report will be published.

- (e) If following an objection to the decision:
- (i) the Scrutiny Committee does not meet in the period set out above or the expiry of the ten working day period; or
 - (ii) The Scrutiny Committee does meet but does not refer the matter back to the decision making Committee
- the decision shall then take effect.
- (f) If the matter is referred to the Full Council, and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective from the date of the Council Meeting. However, if the Council does object, it may refer any decision to which it objects back to the decision-making committee, together with the Council's views on the decision or may itself determine the matter.

Note: Paragraph 14 should be read in conjunction with the Protocol on the Call-in procedure set out in Part 5 (Codes and Protocols) of the Constitution

Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, the Council may place certain limitations on its use. It will only seek to impose such limitations after consideration of a report from the Chief Executive.

Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by a policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Chief Executive or his/her nominee, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually by the Chief Executive or his/her nominee, and a report submitted to Council with proposals for review if necessary.

Procedure at Scrutiny Committee Meetings

The Scrutiny Committee shall consider the following business:-

- (a) minutes of the last meeting;
- (b) declarations of interest;

- (c) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
 - (d) responses from the Council or a policy committee to reports of the Scrutiny Committee;
- and
- (e) the business otherwise set out on the agenda for the meeting.

Where the Scrutiny Committee asks people to attend to give evidence at Committee or Panel meetings they are to be conducted in accordance with the following principles:-

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

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

SECTION E - Financial Regulations

Issued: July 2002; Revised July 2013

1 About Financial Regulations

What are Financial Regulations?

- 1.1 Financial Regulations are a set of rules (standing orders) that govern the financial affairs of the Council. They are approved by the Council and apply to every Member and officer of the Council and anyone acting on its behalf.
- 1.2 The Regulations identify the financial responsibilities of the full Council, Committees and Panels, the Head of Paid Service, ~~Chief Operating Officer~~, the Monitoring Officer, the ~~Chief Finance Officer~~, Heads of Service and Budget Managers. Where decisions have been delegated or devolved to other responsible officers, references to the relevant ~~Head of Paid Service or Chief Operating Officer~~ in the regulations should be read as referring to those officers.
- 1.3 All Members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value. Compliance with Financial Regulations will help discharge this responsibility.

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Finance Rule Book

- 1.4 The Finance Rule Book sets out in more detail some of the procedures to which staff who manage budgets or carry out financial transactions need to adhere, although we try to avoid detailed prescription wherever possible. All Members and officers **must** comply with Financial Regulations.
- 1.5 Financial Regulations and the Finance Rule Book cover all major financial systems and processes however the Council has other procedures covered by the Procurement Strategy, the Team Strategy and Capital Strategy. Managers must also be aware of the requirements of all these policies and procedures.

How does this relate to Standing Orders for Contracts?

- 1.6 Financial Regulations are complementary to the Council's Standing Orders for Contracts, which are about the systems and procedures for procuring goods and services. The Financial Regulations and the Finance Rule Book deal with the financial and control issues relating to the procurement of goods and services.

What do Financial Regulations cover?

- 1.7 The Financial Regulations set out the financial management policies of the Council. The list on the “Contents” page tells you the subjects included.
- 1.8 Financial Regulations are not detailed procedure notes. The Finance Rule Book provides greater detail, although will not necessarily cover all eventualities. Where appropriate Managers should maintain their own procedure notes to fit in with the needs of their own service.

What if something is not clear?

- 1.9 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, Officers and others acting on behalf of the Council are required to follow.
- 1.10 If you are not clear what a regulation means to your work area, or how to apply it, please ask for guidance. You can ask the Chief Finance Officer, Chief Accountant, Head of Corporate Governance & Risk, your service accountant (a list is available on Money Matters in IRIS) or the Head of Internal Audit (Internal Audit Contract Manager).

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What if I don't agree with the Regulations?

- 1.11 Please let us know. If the rules are stopping you providing a service in a business-like manner we will ask the Council to change them. However, the rules are written to protect the Council, the public purse and you. You must have a good reason for suggesting a change.

What will happen if I don't comply?

- 1.12 If it is minor non-compliance then you may just be asked to amend your work practices accordingly and correct the situation as appropriate. A serious breach will be reported to the Heads of Service or the Scrutiny Committee dependent upon the nature of the breach. The rules in the Council's Disciplinary Procedure may also come into play.

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FINANCIAL MANAGEMENT

2 Financial Management – General

Status of Financial Regulations

- 2.1 The Financial Regulations are made by the Council pursuant to its Constitution and subject to the provisions of the Local Government Act 1972. They are the working arrangements whereby the Council's financial transactions are regulated in accordance with the powers and duties confirmed by the Council.

2.2 It is the responsibility of each Committee, Operating Officer, Head of Service and Budget Manager to ensure compliance with all the requirements of these Regulations.

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2.3 The Regulations also apply to services carried out under agency arrangements for any other Authority or organisation except where it has been agreed in advance by the Chief Finance Officer, to comply with another organisation's regulations. Agents acting for the Council will be expected to comply with these Regulations unless otherwise agreed by the Chief Finance Officer.

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2.4 These Regulations also apply to arrangements with any other Authority, partnership or organisation except where it is otherwise specifically agreed by the Chief Finance Officer.

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2.5 The Financial Regulations do not override any statutory provisions.

Roles and Responsibilities

2.6 The Articles of the Constitution of the Council include details of the roles and responsibilities of the Council, Committees, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

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2.7 The Regulations must be read in conjunction with current schemes of delegation to Committees and Officers.

Responsibilities of the Director of Finance and Resources

2.8 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden.

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2.9 The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2011

2.10 The Chief Finance Officer is responsible for:

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- the proper administration of the authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information

- preparing the revenue budget and capital programme
- treasury management
- determining the Council Tax Base
- determining the Business Rates Base

2.11 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council and the external auditor if the Authority or one of its Officers:

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- (a) Has made or is about to make a decision which involves or would involve the Council incurring unlawful expenditure.
- (b) Has taken, or is about to take, a course of action which if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency; or
- (c) Is about to enter an item of account, which is unlawful.

2.12 Section 114 of the 1988 Act also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

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2.13 The Chief Finance Officer is responsible for maintaining a regular review of the Financial Regulations and submitting any additions or changes necessary to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, serious breaches of the Financial Regulations to the Scrutiny Committee.

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Responsibilities of Heads of Service

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2.14 Heads of Service are responsible for ensuring that Committee members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance and Resources.

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2.15 It is the responsibility of Heads of Service to consult with the Chief Finance Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

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2.16 Heads of Service are responsible for ensuring that all staff in their division are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. A copy of the document will be available on the Council's Internet and intranet site (IRIS).

2.17 Heads of Service shall control expenditure and income, monitor performance, and take the necessary action to avoid exceeding any budget. The Chief Finance Officer shall provide appropriate financial information or the means by which budgets may be monitored effectively.

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2.18 Where expenditure or income involves a contractual agreement with a third party, the Heads of Service must follow procedures laid down in the Contracts Standing Orders.

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2.19 Heads of Service shall establish sound arrangements for the planning, appraisal, authorisation and control of their operations to ensure that economy, efficiency and effectiveness are achieved.

2.20 Heads of Service or Heads of Service may nominate staff – called Budget Managers - to manage budgets on their behalf. This delegation does not in any way reduce the overall responsibilities of the Director and Heads of Service. Budget Managers shall carry out their responsibilities in line with these Regulations and the Finance Rule Book.

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Authorised Signatories

2.21 Heads of Service shall determine who is authorised to sign official documents on their behalf, and shall provide the Chief Finance Officer with up-to-date lists of specimen signatures of authorised Officers. The Chief Finance Officer will refuse to accept any document submitted where the authorising signature does not correspond to that notified.

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3 Accounting Arrangements

Accounting policies

3.1 The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

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Accounting records and procedures

3.2 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council. The Chief Finance Officer will ensure that the accounting systems are observed and that the accounts of the Council and supporting records are kept up to date.

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The Annual Statement of Accounts

3.3 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

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- 3.4 The Strategy and Resources Committee is responsible for approving the Annual Statement of Accounts in accordance with the requirements of the Accounts and Audit Regulations 2011.

Allocation of Accounting Duties

- 3.5 The following principles shall be observed in the allocation of accounting duties:
- (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
 - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

Subsidies and Grants Receivable

- 3.6 The Chief Finance Officer will take such action and establish procedures to ensure that the Council's subsidy and grant entitlement are maximised.

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FINANCIAL PLANNING

4 Financial Planning - General

Introduction

- 4.1 The full Council is responsible for agreeing the Council's policy framework and budget. In terms of financial planning, the key elements are:-
- The Corporate Plan and Key Priorities
 - The Four Year Financial Plan
 - The Annual Budget
 - The Capital Strategy and Capital Programme.
 - The Treasury Management Strategy

Policy Framework

- 4.2 The Council is responsible for approving the policy framework and budget which will be proposed by the Strategy and Resources Committee. The policy framework comprises the plans and strategies identified in the Constitution of the Council.

- 4.3 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.

Maintenance of Reserves

- 4.4 It is the responsibility of the Chief Finance Officer to advise the Strategy and Resources Committee and/or the full Council on prudent levels of reserves for the Authority.

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Financial Plan

- 4.5 The Chief Finance Officer shall maintain, in consultation with the other Heads of Service, a forward Financial Plan. The Financial Plan will show the financial implications of changes in Council policy, legislation, service levels, activity and other factors for at least three years ahead. The Chief Finance Officer will review financial projections annually. The Strategy will show, in summary, the estimated impact of future spending plans on the General Fund.

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- 4.6 In order that the information requirements of the Financial Plan and Medium Term Financial Strategy are satisfied, reports to Committees with significant financial implications shall show the full year effect of the proposals and the implications for at least the next three financial years.

- 4.7 Budget Targets including updates of the financial projections should be presented to the Strategy and Resources Committee by the Chief Finance Officer no later than October each year.

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Review and Notification to the Director of Finance and Resources

- 4.8 Heads of Service and Budget Managers must regularly review the financial implications of changes in policy and other factors, and must notify the Chief Finance Officer promptly of the impact on current and future budgets.

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5 Revenue Budget Preparation

Budget format

- 5.1 The general format of the budget will be approved by the Strategy and Resources Committee on the advice of the Director of Finance and Resources.
- 5.2 The detailed form of the revenue estimates shall be determined by the Chief Finance Officer and must be consistent with the general directions of the Strategy and Resources Committee.

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Budget preparation

- 5.3 Heads of Service shall prepare estimates of income and expenditure reflecting agreed Key Service Priorities in consultation with the Chief Finance Officer in accordance with guidelines issued by the Strategy and Resources Committee.
- 5.4 The Chief Finance Officer shall report on the estimates to the appropriate policy committees. They shall in turn report the estimates to the Council with such recommendations as are deemed necessary.
- 5.5 The Chief Finance Officer shall advise the Strategy and Resources Committee and other committees as necessary on budget matters.
- 5.6 The Heads of Service shall supply the Chief Finance Officer with such information as is necessary to support the estimates.

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Budget Timetable

- 5.7 The Chief Finance Officer will prepare a budget timetable each year. All budget submissions shall be made in accordance with the timetable.

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6 Revenue Budget Control

Budget monitoring and control

- 6.1 It is the responsibility of each Director to manage and direct resources to achieve the objectives of the budget. This involves the monitoring of expenditure and income and the regular review of performance. Where budgets are delegated to Budget Managers they are charged with the same responsibility.
- 6.2 Once approved by the Council, the revenue budget will give authority for expenditure to be incurred in the appropriate year unless:
- (a) It would cause the appropriate budget head to be overspent,
 - (b) It is a long-term financing agreement that will have implications for government capital controls in which case the Chief Finance Officer must be consulted.
 - (c) It is a contingency sum requiring the approval of the relevant committee before expenditure is incurred.
- 6.3 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.
- 6.4 The Chief Finance Officer must report to all Members on the overall budget position on a regular basis.

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New Services and Extension of Service Provision

- 6.5 Any proposal to incur expenditure relating to the adoption of a new policy or extension of an existing policy not already sanctioned by the Council, must be accompanied by a report to the relevant policy committee with the financial implications agreed with the Chief Finance, prior to the report being submitted to the relevant policy committee.
- 6.6 Proposals which commit future budgets to a level of expenditure greater than that provided for in the current year shall be reported to the relevant policy committee and the Strategy and Resources Committee and clearly to show the total level of future annual commitment.

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Supplementary Estimates

- 6.7 Policy Committees are required to manage services within the overall revenue and capital budget allocations. The Council will exceptionally consider supplementary estimates for significant added expenditure that cannot be managed within the total agreed budget. Where the expenditure exceeds the budget a report will be prepared for consideration by the relevant policy committee.
- 6.8 Where it is apparent that any budget for a service may be exceeded (or there will be a shortfall of income) the appropriate Director must prepare a written report setting out the reasons and proposing how the shortfall may be met, and submit it to the Director of Finance and Resources. The Chief Finance Officer will advise on the action to be taken, which may include proposals for report to Committee, virement or exceptionally a request for supplementary estimate. The request for a supplementary estimate should also state that no acceptable virement has been identified.
- 6.9 Expenditure may be authorised in an emergency by the Chief Finance Officer with the agreement of the Chairman of the relevant Committee and shall be reported to the next meeting of that Committee. This procedure will only be adopted if the emergency does not provide sufficient time to follow the urgent action procedure described in 5.22

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Virement

- 6.10 The Financial Policy Panel is responsible for agreeing procedures for virement of expenditure between budget headings.
- 6.11 The delegated approvals are --

Value	Level of Responsibility
Up to £5,000 within Cost Centre	Budget Managers
Up to £5,000 within Service Group	Divisional Manager/ Head of Service
Up to £20,000 within Committee	Relevant Head of Service or Director of Finance and Resources
Above £20,000	Committee Approval required

- 6.12 Virement between revenue and capital budgets will not be permitted due to the different sources of funding.
- 6.13 All virements must be completed on approved virement documentation.
- 6.14 Virements out of cost centre will be monitored in aggregate, based on the limits specified above, during the financial year by the relevant service accountant.
- 6.15 Virement between revenue income and expenditure will not be permitted, without committee approval.
- 6.16 Virements in or out of the salary budget must be within control totals maintained by the Heads of Service.
- 6.17 The virement of training budgets for any purpose other than training requires an express recommendation of the Human Resources Panel..
- 6.18 Virements may not be made:-
- (a) Between committees without the approval of the Strategy and Resources Committee and Council;
 - (b) In or out of the Epsom and Walton Downs Conservators and Nonsuch Park Joint Management Committee accounts.
- 6.19 Where the proposed virement involves a significant issue of principle, or a significant proportion of the original budget, the approval of the Strategy and Resources Committee is required.

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Treatment of year-end balances

- 6.20 For Capital Schemes not completed by the 31st March a schedule of capital budgets carried forward will be presented to the Strategy and Resources Committee by June.

- 6.21 Underspend on the revenue account will not normally be carried forward. Exceptionally such requests to allow the fulfillment of commitments will require the approval of the Strategy and Resources Committee

Matters of Urgency (Procedures of the Council/Standing Order 45)

- 6.22 Where it is proposed to seek approval for expenditure under the "Matters of Urgency" rules in the Council's Standing Orders or the "Matters of Urgency" proposal has any other financial implication, the appropriate Director must consult with the Chief Finance Officer who will advise on the action to be taken. The consultation with the Chief Finance Officer must take place prior to seeking the approval of the relevant Committee Chairman.

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- 6.23 Further guidance on the Urgent Actions procedures to be followed is contained in the Finance Rule Book.

7 Capital Programme

Preparation of the capital programme

- 7.1 The Chief Finance Officer is responsible for maintaining a rolling capital programme and this is reported annually for consideration by the Financial Policy Panel who will also advise the Strategy and Resources Committee on funding implications.
- 7.2 The programme will include spending plans for the ensuing three years. The detailed form of the programme shall be determined by the Chief Finance Officer and must be consistent with the general directions of the Strategy and Resources committee.
- 7.3 Projects that are reliant on the receipt of government or other third party funding, including central government and other grants must follow the normal capital programme procedures.

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Capital Member Group and Capital Officer Group

- 7.4 The Financial Policy Panel will advise Strategy and Resources Committee on the Capital Programme review and capital funding. The Capital Member Group has responsibility for advising on the development of the Capital Strategy for the capital programmed review in consultation with the Director of Finance and Resources.
- 7.5 The Officer Capital Management Group is responsible for the appraisal of all capital schemes submitted annually by budget managers, taking into account key strategies including the Key Priorities and Asset Management Plan and the available capital resources. (More detail is provided in the Finance Rule Book).

New capital schemes

- 7.6 New Schemes will be assessed based on the criteria within the Capital Strategy and recommended to the relevant committee within the capital funding released by the Strategy and Resources Committee, prior to approval from full Council . Each new scheme must have a capital project appraisal form completed and approved by the Capital Member Group.

Status of capital programme approval

- 7.7 Inclusion in the capital programme does not of itself confer authority to incur expenditure before:
- (a) The relevant Committee has approved a project appraisal in accordance with the procedures set out in the Capital Strategy and the Asset Management Plan;
 - (b) A tender or quotation has been received which does not exceed the amount included in the programme and any other relevant cost limits;
 - (c) All necessary statutory approvals have been received.
 - (d) External funding has been secured where relevant.
 - (e) Spend to Save Schemes have been appraised and demonstrated pay-back of investment

Variations to capital projects

- 7.8 The size, content or specification of a scheme shall not be significantly changed without the approval of the relevant service committee.

Virement

- 7.9 The guidance for virement of the capital programme is as follows:-

Value	Level of Responsibility
Within Cost Centre/ Capital Scheme	Relevant Budget Manager/ Project Manager
Moving budget from one scheme to another within committee up to £20,000	Director, following consultation with relevant Committee Chairman & Chairman of Strategy and Resources
Moving budgets between committees	Relevant committee and full Council approval

- 7.10 All virements must be completed on the approved virement documentation

Monitoring of progress

- 7.11 The detailed monitoring is the responsibility of the Capital Officer Group. It is the Chief Finance Officer responsibility to report to Members on a quarterly basis and to submit any major variances of the Capital Programme to the Financial Policy Panel.
- 7.12 A Director who becomes aware that the estimated cost of a capital scheme for which he/she is responsible is likely to be exceeded in total by 10 per cent or £20,000, whichever is the less, shall report the likelihood to the next meeting of the relevant policy committee and the Strategy and Resources Committee stating the amount of the excess anticipated and the reason.

Deleted: Director of Finance and Resources

RISK MANAGEMENT AND CONTROL OF RESOURCES

8 Risk Management

Introduction

- 8.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk management

- 8.2 The Strategy and Resources Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Chief Finance Officer is responsible for ensuring that proper insurance exists where appropriate and advising the Strategy and Resources Committee on insurance arrangements.
- 8.3 The Chief Executive and all Heads of Service are responsible for preparing the Council's risk management policy statement and for promoting it throughout the authority.

Deleted: Director of Finance and Resources

Deleted: Directors

Internal control

- 8.4 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use. In addition, the Monitoring Officer has statutory responsibilities to report on prospective breaches of the law or maladministration.

Deleted: Director of Finance and Resources

8.5 The Accounts and Audit Regulations require every local authority to conduct a review at least once a year of the effectiveness of its system of internal control and shall include an Annual Governance Statement, prepared in accordance with proper practices. Heads of Service are responsible for ensuring effectiveness systems of internal control within their service.

8.6 It is the responsibility of Heads of Service to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Deleted: Directors

Preventing fraud and corruption

8.7 The Chief Finance Officer is responsible for the development and maintenance of a policy to prevent fraud and corruption and for submitting it for approval to the Strategy and Resources Committee, prior to obtaining approval from full Council.

Deleted: Director of Finance and Resources

8.8 It is the responsibility of Heads of Service to make the relevant staff aware of the requirements of the protocol for addressing the issues raised by the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 and the Terrorism Act 2000.

Deleted: Directors

Staffing

8.9 The Head of Paid Service is responsible for determining how officer support for committee roles within the authority will be organised.

8.10 The Head of Paid Service is responsible for providing overall management to staff. The Head of Paid Service is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

8.11 Heads of Service are responsible for controlling total staff numbers by:

Deleted: Directors

- advising the Strategy and Resources Committee on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment procedures.

Security of Assets and Information

8.12 Heads of Service and Heads of Service should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Deleted: Directors

8.13 Heads of Service and Heads of Service shall be responsible for maintaining proper security and privacy of information contained in the financial and other records under their control. This includes information held on the computer in accordance with the principles of the Data Protection Act and other relevant legislation.

Deleted: Directors

9 Insurance

Review of Arrangements

9.1 The Council shall review its insurance arrangements at least every five years and submit its requirements to competitive tender. Details of insurance requirements are summarized below and provided in detail in the Finance Rule Book.

Review of Insurance Cover

9.2 The Chief Finance Officer shall keep under review all insurance cover in consultation with other Heads of Service as appropriate.

Deleted: Director of Finance and Resources

Deleted: Directors

Records of Insurance Cover

9.3 The Chief Finance Officer shall maintain records of all insurance placed by the Council, showing the property and/or risks covered.

Deleted: Director of Finance and Resources

Notification of Risks

9.4 Heads of Service must give prompt notification to the Chief Finance Officer of all new risks, properties or vehicles that require to be insured and of any alterations affecting existing insurance.

Deleted: Directors

Deleted: Director of Finance and Resources

9.5 Heads of Service shall give prompt notification in writing to the Chief Finance Officer of any loss, liability, damage or any event which may result in a claim against the Council, or in a claim by the Council under a policy of insurance or otherwise.

Deleted: Directors

Deleted: Director of Finance and Resources

Negotiation of Claims

9.6 The Chief Finance Officer shall negotiate all claims in consultation with other officers as necessary.

Deleted: Director of Finance and Resources

Partnerships and 3rd Parties

- 9.7 Heads of Service must ensure that the correct insurance cover is in place for any arrangements with contractor, partners or 3rd parties prior to such arrangements being entered into.

Fidelity Guarantee Policy

- 9.8 All appropriate employees of the Council shall be included in a suitable fidelity guarantee policy.

10 Audit

Audit requirements

- 10.1 The Accounts and Audit Regulations require every local authority to maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control.
- 10.2 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- 10.3 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Provision of Internal Audit

- 10.4 The Chief Finance Officer shall maintain an adequate and effective system of internal audit to satisfy the Council's responsibilities under the Accounts and Audit Regulations 2011. The audit shall be performed, as far as practicable, to the standards set out in the "Statements on Internal Audit practice - Public Sector" published by the Chartered Institute of Public Finance and Accountancy and the Institute of Internal Auditors' guidelines.
- 10.5 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisations operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Deleted: Director of Finance and Resources

Powers of Internal Auditors

- 10.6 To assist in complying with the requirements of Regulation 6 of the Accounts and Audit Regulations 2011, the Chief Finance Officer or his authorised representative shall have authority to:

Deleted: Director of Finance and Resources

- (a) Enter at all reasonable times on any Council premises or land.

- (b) Have access at all times to all records, documents and correspondence relating to any financial and other transactions of the Council, whether held by employees of the Council or by Consultants' employees under a contract for professional services.
- (c) Require and receive such explanations as are necessary concerning any matter under examination.
- (d) Require any employee of the Council to produce cash, stores or any other Council property under his control.

Reporting of Irregularities

- 10.7 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council the relevant Director concerned shall immediately notify the Director of Finance and Resources. The Chief Finance Officer shall take such steps as considered necessary by way of investigation and report. This regulation does not relieve any Director from giving similar notification to the Chief Executive who may consider any legal and/or disciplinary implications.

Deleted: Director of Finance and Resources

Annual Report on Internal Audit

- 10.8 At least once a year a report shall be presented to the Scrutiny Committee reviewing the internal audit coverage undertaken during the previous year and the audit plan for the forthcoming year.

Chief Internal Auditor

- 10.9 The post of Chief Internal Auditor, whether internally appointed or through a contract, shall be a fully qualified member of one of the following bodies: -
- (a) An Institute that is a member of the Consultative Committee of Accounting Bodies (CCAB);
 - (b) The Institute of Internal Auditors.

Internal Audit Protocol

- 10.10 The Chief Finance Officer shall be responsible for approving the protocol of the Internal Audit Section. The purpose of this document is to:
- (a) Set out the role, responsibility, status and authority of Internal Audit within Epsom and Ewell Borough Council;
 - (b) Outline the scope of internal audit work; and
 - (c) Obtain corporate agreement on how internal audit should operate.

Deleted: Director of Finance and Resources

Whistleblowing

- 10.11 All officers must report any suspected cases of fraud or corruption and should have regard to the Council's Whistleblowing Policy. The purpose of this policy is to establish a means by which employees who either suspect or have identified cases of fraud, corruption or other malpractice may raise issues of concern and be confident that those issues are dealt with seriously and fairly without fear of harassment.

11 Control of Assets

Use of Council Property

- 11.1 The Council's property must only be used in accordance with the ordinary course of the Council's business. Any other use can only be made in accordance with specific directions issued by the Director concerned.

Property

- 11.2 The Property and Estate Manager will maintain an up to date register of all properties owned by the Council. The register shall record the purpose for which held, location, extent, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
- 11.3 The Chief Legal Officer shall have the custody of all title deeds under secure arrangements.

Deleted: Head of Legal and Democratic Services

Inventories

- 11.4 Heads of Service shall maintain up to date inventories of the Council's furniture, fittings and equipment, and plant and machinery that has a significant value. The care and custody of such equipment shall be the responsibility of the Managers concerned.
- 11.5 The Head of ICT shall maintain a complete and up to date inventory of all information technology equipment.

Stocks and Stores

- 11.6 Heads of Service shall be responsible for the care and custody of the stocks and stores in their division. Stocks shall be kept at the optimum level sufficient to provide an effective service.

Responsibility for Security

- 11.7 Each Director is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment cash, etc., under his control. The Chief Finance Officer must be consulted where security is thought to be defective or where it is considered that special security arrangements may be needed.

Deleted: Director of Finance and Resources

Cash Holdings

- 11.8 Maximum limits for each cash holding shall be agreed with the Chief Finance Officer and shall not be exceeded without his express permission (see Finance Rule Book).

Deleted: Director of Finance and Resources

Disposal of assets

- 11.9 Each Head of Service shall be responsible for obtaining the best value for the Council when disposing of assets under their control. The Chief Finance Officer shall be responsible for issuing guidance for the disposal of assets (see Finance Rule Book)

Deleted: Director of Finance and Resources

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12 Treasury Management and Trust Funds

Treasury Management Policy

- 12.1 The Council shall adopt the key recommendations contained in the CIPFA publication "Treasury Management in the Public Services; Code of Practice".
- 12.2 The Council will create and maintain, as the cornerstones for effective treasury management:
- (a) A treasury management policy statement, stating the policies and objectives of its treasury management activities
 - (b) Suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 12.3 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, an interim report providing analysis of current performance and a final annual report, in the form prescribed in its treasury management practices.

- 12.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Strategy and Resources Committee, subject to the advice under the terms of reference of the Financial Policy Panel, and for the execution and administration of treasury management decisions to the Director of Finance and Resources, who will act in accordance with the Council's policy statement and treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.

Treasury Policy Statement

- 12.5 The content of Treasury Management Strategy will follow the recommendations contained in the Code, subject only to amendment where necessary to reflect the particular circumstances of the Council. Any such amendments will not result in the Council materially deviating from the Code's key recommendations.

Treasury Management Practices

- 12.6 The content of treasury management practices will follow the recommendations contained in the Code, subject only to amendment where necessary to reflect the particular circumstances of the Council. Any such amendments will not result in the Council materially deviating from the Code's key recommendations.

Reporting on Treasury Management Activities

- 12.7 At the start of the financial year the Chief Finance Officer shall report to the Strategy and Resources Committee on the strategy for treasury management it is proposed to adopt for the forthcoming financial year.

Deleted: Director of Finance and Resources

- 12.8 The Chief Finance Officer shall report to the Strategy and Resources Committee not less than twice in each financial year on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to him/her. One such report shall comprise an Annual Report on Treasury Management for presentation by the end of July of the succeeding financial year. Also an interim report on current performance shall also be presented in Autumn to the Financial Policy Panel.

Deleted: Director of Finance and Resources

Trust Funds

- 12.9 All trust funds shall be in the name of the Council unless specifically approved by the Council otherwise. The Chief Executive is responsible for ensuring trust funds are operated within any relevant legislation and the specific requirements of each trust.

Investments and Borrowings Records

- 12.10 The Chief Finance Officer shall make all borrowings and investments in the name of the Council, except where and to the extent the Council has authorised its investments to be invested by an outside agent.

Deleted: Director of Finance and Resources

12.11 The Chief Finance Officer shall maintain a register of loans and investments and records of all borrowings and investments made by the Council.

Deleted: Director of Finance and Resources

12.12 All negotiable investments, financial bonds and securities held in the name of the Council or its nominees shall be held under secure arrangements.

12.13 The requirements of the Council's Treasury Management Policies and Treasury Management Schedules must be followed at all times.

SYSTEMS AND PROCEDURES

13 Systems and Procedures - General

Introduction

13.1 Sound systems and procedures are essential to an effective framework of accountability and control.

Responsibility

13.2 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Heads of Service to the existing financial systems or the establishment of new systems must be approved by the Director of Finance and Resources. Heads of Service are responsible for the proper operation of financial processes in their own departments.

Deleted: Director of Finance and Resources

Deleted: Directors

13.3 Any changes to agreed procedures by Heads of Service or Heads of Service to meet their own specific service needs should be agreed with the Director of Finance and Resources.

Deleted: Directors

Training

13.4 Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Director of Finance and Resources.

Deleted: Directors

Data Protection and Freedom of Information Legislation

13.5 Heads of Service must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation in line with procedures agreed by the Head of Information Technology. Divisional Managers must ensure that staff are aware of their responsibilities under the freedom of information legislation.

Deleted: Directors

Schemes of Delegation

- 13.6 It is the responsibility of Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Heads of Service' behalf in respect of payments, income collection and placing orders, together with the limits of their authority.

Deleted: Directors

Deleted: Directors

14 Banking Arrangements and Cheques

Banking Arrangements

- 14.1 The Council shall review its banking arrangements at least every 5 years.
- 14.2 All arrangements with the Council's bankers must be made by or under arrangements approved by the Chief Finance Officer who is authorised to operate such banking accounts as he may consider necessary. For the avoidance of doubt, the Chief Finance Office is also authorised to make such arrangements as are necessary with custodians for the purposes of holding investments, including cash balances, managed by external fund managers.
- 14.3 Unless otherwise agreed by the Director of Finance and Resources, all Council bank accounts shall stand in the name of the Epsom and Ewell Borough Council, but in any case not in the name or designation of any officer.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

Bank Stationery

- 14.4 All cheques, and other debit and credit forms shall be ordered only on the authority of the Director of Finance and Resources, who shall make proper arrangements for their safe custody.

Signing of Cheques

- 14.5 Cheques on the Council's banking accounts shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other officer authorised to do so.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

Electronic Payment Systems

- 14.6 Where payments are to be transmitted electronically, the Chief Finance Officer shall approve the necessary arrangements to safeguard the Council against potential loss.

Deleted: Director of Finance and Resources

Authorisation of Payments

- 14.7 All payments, including BACs payments, in excess of £40,000 shall be countersigned by two authorised officers.

- 14.8 Only those Officers identified in the Council's Treasury Management Procedures are authorised to make payments from the Council's accounts or otherwise approve the transmission of funds. Treasury Management Procedures must be followed at all times.

15 Income

Income Policy

- 15.1 The Council's income policy shall be determined by the Strategy and Resources Committee as part of the Financial Plan. The Chief Finance Officer is responsible for setting targets for fees and charges within the Financial Plan.
- 15.2 The charge to be made for any service, so far as not delegated as set out in the Constitution to an officer, must be approved by the relevant service committee.

Deleted: Director of Finance and Resources

Review of Fees and Charges

- 15.3 The Heads of Service shall review charges at least once a year. Such charges shall then be submitted to the relevant Committee for approval, except where delegated authority shall otherwise provide. The financial implications of such reviews shall be reflected in the estimates for the forthcoming financial year.

Collection of Monies

- 15.4 The collection of all money due to the Council shall be under the supervision of the Chief Finance Officer or under arrangements specifically approved by the Director of Finance and Resources.

Deleted: Director of Finance and Resources

Security and Controls

- 15.5 Each Divisional Manager is responsible for the regular review of their department's internal procedures for collecting and controlling income to ensure that the most effective controls are used.

Notification of Income Due

- 15.6 Each Director shall inform the Chief Finance Officer promptly with such particulars of all amounts due as may be required by him to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due. This shall include details of all contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council. The Chief Finance Officer shall have the right to inspect any documents or other evidence in this connection.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

Money Laundering

- 15.7 The Council is required by law to establish procedures for money laundering as set out in the Anti Money Laundering Policy contained in the Finance Rule Book.
- 15.8 The Head of Corporate Risk and Resource Management is the designated Money Laundering Officer and is responsible for updating policies and procedures and providing advice to all staff. All staff must abide by the policy at all times and take prompt and proper action if they have any suspicions of money laundering.

Recovery of Debts

- 15.9 Heads of Service shall ensure that debts due to the Council are referred to the Chief Finance Officer for recovery without delay.
- 15.10 The Chief Finance Officer shall take all reasonable steps to recover amounts due to the Council, including the appointment of Bailiffs or other collection agencies.
- 15.11 The Chief Finance Officer is authorised to initiate County Court proceedings and sign the appropriate forms for the recovery of sundry debts.
- 15.12 With the exception of outstanding Council Tax and Business Rates, all outstanding debts which have been initiated in the County Court but which are being contested shall be referred to the Chief Finance Officer who shall take all reasonable steps to recover them.

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Writing Off Debts

- 15.13 A debt that is properly due to the Council shall only be reduced or written off as irrecoverable on the authority of: -
- (a) The Chief Finance Officer for debts up to £5,000, and
 - (b) Over £5,000, in consultation with the Chair of Strategy and Resources provided that they are satisfied that the debt is not recoverable at reasonable effort and expense.
 - (c) Write off's in excess of £20,000 should be reported to the Strategy and Resources Committee.
- 15.14 A record of all amounts written off shall be maintained by the Chief Finance Officer and shall be kept up to date at all times.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

16 Orders for Work, Goods and Services

Key Controls

- 16.1 Orders shall only be issued for goods or services if the cost is covered by an approved revenue or capital budget.
- 16.2 All orders must comply with the Council's Standing Orders for Contracts and the guidelines set down in the Council's Procurement Strategy.
- 16.3 Official orders must be issued for all work, goods or services to be supplied to the Council except for instances listed in the Finance Rule Book and such other exceptions as the Chief Finance Officer may approve.

Deleted: Director of Finance and Resources

Official Orders

- 16.4 Official orders shall be in a form approved by the Chief Finance Officer and are to be signed only by staff approved by the appropriate Head of Service. They shall include any contractual requirements set out in Standing Orders for Contracts.
- 16.5 Each order shall conform to directions regarding purchasing and the standardisation of supplies and materials.
- 16.6 A copy of each order shall be retained by the responsible officer and shall show the cost or estimated cost of the work or goods and the relevant application. The copy may be kept in paper form or in an electronic form.
- 16.7 Telephone, facsimile transfer ("fax") or verbal orders shall be confirmed as soon as practicable, within 2 working days, by official orders that clearly show that they confirm instructions previously issued.
- 16.8 Official orders must only be used for legitimate Council business. They must not be used for the procurement of goods, materials or services for the personal or other use of an employee, nor must personal or private use be made of Council contracts.

Deleted: Director of Finance and Resources

Variation of Orders

- 16.9 Variations to Official Orders must be confirmed as soon as practicable in writing with a reference to the original Official Order.

Staff Benefits Scheme

- 16.10 Any procurement under the staff benefit package must be made in accordance with the regulations for that scheme.

Related Party Transactions

- 16.11 Any Officer who is in a position to influence the award of a contract or the placing of an order must inform their Director if a transaction will involve an individual or company with whom they have a relationship.
- 16.12 No-one employed by the Council should enter into a contract with the Council, either as an individual or as a company, other than through their employment contract unless otherwise approved by the Chief Executive.

17 Paying for Work, Goods and Services

Separation of Duties

- 17.1 The activity of ordering/receiving goods should be separate from the authorization of payment of the account.

Method of Payment

- 17.2 The normal method of payment of money due from the Council shall be by BACS drawn on the Council's banking accounts by the Director of Finance and Resources.

Certification of Invoices

- 17.3 All managers and authorised signatories are responsible for examining, verifying and certifying invoice(s) and any other payment vouchers arising from activities in their division. An authorized signatory must be satisfied that all works, goods or services received to which the account relates have been carried out, examined and approved, are within budget and are correctly coded. Such certification, by or on behalf of the Director, shall be in manuscript or by an electronic method approved by a Director. The names of officers authorised to sign such records shall be sent to the **Chief Finance Officer** by each manager together with specimen signatures and shall be amended on the occasion of any change within agreed limits specified in the Finance Rule Book.

Deleted: Director of Finance and Resources

Examination of Invoices

- 17.4 Invoices and other payment vouchers shall be passed without delay to the **Chief Finance Officer** who shall examine them to the extent that is considered necessary, for which purpose he shall be entitled to make such enquiries and to receive such information and explanations as may be required. Where the **Chief Finance Officer** is satisfied that a certified account has not fully complied with the Council's Standing Orders for Contracts or Financial Regulations, it shall be returned to the certifying officer requesting an explanation. In the event that no satisfactory explanation is forthcoming, the **Chief Finance Officer** shall report on the circumstances to the Corporate Board meeting and take action as necessary.

Deleted: Director of Finance and Resources

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Deleted: Director of Finance and Resources

Payment Policy

17.5 Heads of Service shall take all reasonable steps necessary to ensure that the payment is made within 30 days wherever possible.

Deleted: Directors

17.6 Special payment terms may only be agreed with suppliers following the prior agreement of the Chief Finance Officer.

Deleted: Director of Finance and Resources

Purchasing Cards

17.7 Nominated officers agreed by the Head of Financial Services can have purchasing cards for the purchase of low value and frequently supplied goods. The nominated officers are responsible for ensuring all payments are made timely and correctly with appropriate authorization and vouchers corresponding to payments. The nominated officers are responsible for ensuring their cards are held securely at all times. (further details are available in the Finance Rule Book and procedures)

Deleted: 16.7

18 Payments to Employees and Members

Responsibility

18.1 The Head of Human Resources and Organisational Development is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

Payment of Salaries and Wages

18.2 The payment of all salaries, wages, pensions, compensations and other emoluments to all employees or former employees of the Council shall be made under arrangements approved and controlled by the Director of Finance and Resources.

18.3 The Head of Human Resources and Organisational Development shall maintain effective records affecting the payment of salaries and wages, and in particular:

- (a) Appointments, (both permanent and temporary), resignations, dismissals, suspensions, secondments, and transfers;
- (b) Absences from duty for sickness or other reason, apart from approved leave;
- (c) Changes in remuneration;
- (d) Information necessary to maintain records of service for pensions, income tax and National Insurance.

Appointment of Staff

- 18.4 Appointments of all employees shall be made in accordance with the Human Resources Policies and Procedures of the Council and the approved establishments, grades and rates of pay.

Variations to the Establishment

- 18.5 Any proposal to vary the authorised establishment shall be made in accordance with the Human Resources Policies and Procedures approved by the Council.

Time Sheets and other Records

- 18.6 The format of all time records and other pay documents must be approved by the Director of HR and Communication.

Claims for Staff Expenses

- 18.7 All claims for payment of car allowances, training expenses, subsistence allowances, travelling and incidental expenses shall be submitted via the HR Self Service system and duly certified by the appropriate manager, by a specified date in each month.
- 18.8 The certification by the relevant manager shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 18.9 All officers must keep receipts for inspection by the Inland Revenue. These should be submitted to the appropriate manager and stored by HR

Payments to Members

- 18.10 Payment to Members shall be in accordance with the Council's Members' Allowances Scheme.
- 18.11 Payment to co-opted members entitled to claim travelling and/or other allowances will be made by the Chief Finance Officer upon receipt of the prescribed form duly completed.

Deleted: Director of Finance and Resources

19 Taxation

Responsibility

- 19.1 The Chief Finance Officer is responsible for advising Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

Deleted: Director of Finance and Resources

Deleted: Directors

19.2 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Deleted: Director of Finance and Resources

19.3 The Chief Finance Officer shall be responsible for all communications with HM Revenue and Customs for all matters relating to taxation. The Chief Finance Officer shall maintain records and accounts sufficient to meet the obligations of the collection agencies.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

19.4 The Chief Finance Officer shall report any significant changes relating to the Council's tax affairs to Financial Policy Panel and/or Strategy and Resources Committee.

Deleted: Director of Finance and Resources

19.5 The Chief Finance Officer shall be responsible for creating and maintaining an awareness of the importance of effective tax accounting across the whole organisation, and especially among those responsible for the processing of transactions.

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19.6 The Chief Finance Officer shall issue instructions and manuals as appropriate based on up to date legislation.

Deleted: Director of Finance and Resources

Appointment of Advisors

19.7 The Chief Finance Officer shall appoint professional advisers where considered necessary to resolve any taxation issues.

Deleted: Director of Finance and Resources

Property Transactions

19.8 The Chief Finance Officer and Property and Estates Manager shall be informed of all proposed acquisitions, disposals, rentals and leasing of property at the planning stage and shall advise on the taxation implications accordingly.

Deleted: Director of Finance and Resources

EXTERNAL ARRANGEMENTS

20 Partnerships, External Arrangements and Work for Third Parties

20.1 As part of its Community Strategy the Council provides a distinct leadership role for the community bringing together contributions from various stakeholders. The Council also has a role to play in championing needs and bidding for external funding.

20.2 The Chief Finance Officer is responsible for issuing any required guidance on the financial aspects of contracts with third parties and external bodies.

Deleted: Director of Finance and Resources

20.3 Heads of Service and managers must ensure that work for 3rd parties does not have an adverse impact on any of the Council's services before entering into agreements a risk management appraisal has been undertaken. Also that all guidance issued by the Chief Finance Officer is complied with and that all agreements and arrangements are properly documented.

Deleted: Directors

Deleted: Director of Finance and Resources

20.4 The Chief Finance Officer must ensure that adequate insurance arrangements are in place for all partners, 3rd parties or external arrangements. Chief Finance Officer is also responsible for advising on the tax implications of agreements with other parties.

Deleted: Director of Finance and Resources

Deleted: Director of Finance and Resources

20.5 The relevant Director is responsible for approving partnership arrangements and informing the Chief Finance Officer of such arrangements. Where appropriate Heads of Service should seek financial and legal advice prior to entering into a partnership arrangement and that risk assessments are undertaken.

Deleted: Director of Finance and Resources

Deleted: Directors

20.6 Heads of Service are also responsible for evaluating any long term implications of entering into such arrangements and informing the Director of Finance and Resources.

Deleted: Directors

20.7 The Heads of Service must also ensure that adequate records are maintained of any expenditure, grant or income including match funding.

Deleted: Directors

20.8 The appropriate Director and manager is responsible for ensuring that all funding notified by external bodies is received and used for the intended purpose and properly recorded in the Council's accounts. It is also the responsibility of the appropriate Head of Service to inform the Chief Finance Officer of bids for external funding with any implications such as match funding and or revenue budget implications.

Deleted: Director of Finance and Resources

20.9 Any contracts must comply with the Council's Contract Standing Order

SECTION F – Contract Standing Orders

Last revised July 2007; Latest revision July 2016; Decemebr 2018

1. SCOPE AND APPLICABILITY

Introduction

- 1.1 These Contract Standing Orders (CSOs) apply to all contracts entered into by the Council.
- 1.2 CSOs apply to the procurement of all works, services (including consultants), supplies and the disposal of assets.
- 1.3 The Council is required to adopt CSOs under section 135 of the Local Government Act 1972.
- 1.4 If UK or EU legislation changes in a way which affects these CSOs then that change must be observed until the CSOs can be revised. If there is a conflict between UK or EU legislation and these CSOs then the legislation will take precedence.
- 1.5 These CSOs set out the principles of how the Council will administer contract procurement and management. Officers must comply with the procedures set out in the Council's Procurement [Guidance notes](#), which can be found on E-Hub.
- 1.6 Any reference in these CSOs to "the Council" shall refer to a committee or person acting in accordance with delegated authority on behalf of the Council.
- 1.7 Any reference to [Procurement Officer](#) shall refer to any other person referred to in the Procurement [Guidance notes](#).

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VALUE OF CONTRACTS

- 1.8 In these CSOs references to the value of contracts are exclusive of VAT.
- 1.9 For the purposes of these CSOs, the value of a contract is the total value of the works, supplies or services for the duration of the contract including any contract extensions, variations (including day works or additional activities) and any provision for the indexation of sums to be paid under the contract.
- 1.10 These CSOs apply to all contracts except contracts referred to in CSO 7.
- 1.11 Expenditure must not be sub-divided to avoid the provisions of these CSOs.

2. **STATUTORY REQUIREMENTS**

- 2.1 Every contract entered into by the Council shall comply with the EU Treaty and any relevant directives of the EU for the time being in force in the United Kingdom together with any UK law and any relevant Council policy.
- 2.2 Where the estimated value of a contract exceeds the relevant EU Procurement Directive threshold then the EU tendering requirements set out in the Public Contracts Regulations 2015 (PCR 2015) must be complied with in conjunction with and in addition to these CSOs. For the purpose of these CSOs, the EU threshold means the threshold set out within the Public Contract Directive as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. See Annex A for further details.

3. **CONTRACT TERMS**

- 3.1 All contracts entered into by the Council shall be in writing utilising the e-procurement system with the exception of the disposal of Council assets, land and property referred to in CSO 9.
- 3.2 Before commencing any tender process or other procurement exercise officers must consider the need to consult with the Procurement Officer, their Head of Service and/or the Chief Legal Officer as necessary who will advise on the conditions of the contract required and the appropriate methods and procedures to be used. The Chief Legal Officer shall be consulted on any bespoke conditions of contract which might be required. Officers must have regard to all necessary legal, financial, procurement, insurance and other professional advice.
- 3.3 All contracts shall be made on the conditions of contract approved by the Chief Legal Officer.
- 3.4 All contracts shall:
- (i) contain a specification of requirements and the outcomes to be achieved;
 - (ii) state the price to be paid with a statement of discounts or other deductions;
 - (iii) state the time or times within which the contract is to be performed;
 - (iv) require contractors to comply with all relevant policies of the Council;
 - (v) require a contractor to comply with the provisions of the Human Rights Act 1998 as if it were a public body within the meaning of that act;
 - (vi) require the contractor to indemnify and keep indemnified the Council against all actions, claims, demands, proceedings, damages, losses, costs, charges and expenses whatsoever in respect of any breach of CSO 3.4(v);
 - (vii) require the Council to pay all undisputed invoices within 30 days (subject to any contractual or statutory obligation to pay earlier);
 - (viii) require the Council to consider and verify all invoices submitted by a

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contractor in a timely fashion; and

- (ix) require any sub-contract awarded by the contractor to include the provisions of CSOs 3.4(vii) and (viii) and that such terms are passed down the supply chain.

3.5 Every contract which exceeds £25,000 in value or amount and is for the provision of works, supplies or services other than at one time shall provide for adequate redress in the event of default by the contractor as agreed by the Chief Legal Officer.

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3.6 Every contract over £75,000 shall:

- (i) provide for liquidated damages to be paid by the contractor where the terms of the contract are not duly performed if financial loss is likely to arise from delay in performing the contract; and
- (ii) provide that where the cost of purchasing other goods, materials or services exceed the amount which would have been payable to the contractor, this amount shall be recoverable from the contractor.

3.7 Every contract shall include a clause allowing the Council to immediately terminate the contract and to recover from the contractor the amount of any loss resulting from the termination of the contract if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or procuring to be done or for having done or having procured to be done any action in relation to the obtaining of the contract or any other contract with the Council or for showing, procuring to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if like acts shall have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor) or, if in relation to any contract with the Council the contractor or any person employed by him or acting on his behalf shall have committed an offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under section 117 of the Local Government Act 1972.

3.8 Every contract valued at £750,000 or more shall be sealed with the common seal of the Council.

3.9 For all contracts under £750,000 the awarding officer may sign the contract on behalf of the Council. See CSO 5.14 for further details.

4. QUALITY ASSURANCE

4.1 Requirements for quality and quality assurance shall be included in every contract entered into by the Council.

4.2 Where an appropriate British Standard or European Standard specification and/or code of practice issued by the British Standards Institute or equivalent European institution is current at the date of tender every contract, where such a standard is proportionate to the requirements of the specification, shall require that all goods and materials used or to be supplied and all workmanship shall be to a standard not less than the British Standard or

European Standard.

5. **PROCUREMENT PROCESS**

- 5.1 All contracts shall be awarded following the procedures set out in these CSOs or by such other public body's CSOs as provided for in CSO 7.1(ii).
- 5.2 All supplies, services and works will be procured in accordance with the requirements and value thresholds set out in CSO 5.14 unless the procurement falls within an exempt category or a waiver is obtained.
- 5.3 Where an external person or organisation is required to supervise a contract or procurement on the Council's behalf, the relevant Head of Service shall ensure that the external person or organisation complies with the requirements of these CSOs as though that external person or organisation were a Council officer.
- 5.4 Every tender issued shall include such documents as the Procurement Officer and Chief Finance Officer may require. Where procurements are above the EU threshold all procurement documents, including the contract, must be available at the time the contract opportunity is advertised via the Council's e-procurement system. Procurements above £25,000 must be advertised on Contracts Finder within 24 hours of the initial advertisement having been placed via the Council's e-procurement system.
- 5.5 Every tenderer shall be required to accept the specification of requirements and terms and conditions of contract including a certificate of non-collusion (except where Quick Quotes (QQ) is used) and confirm as a minimum that they have answered in good faith the questions in the tender documentation correctly, accurately, in good faith and there is no conflict of interest.
- 5.6 Officers must take such steps as may be required to confirm the identity and bona fides of any prospective contractor and in relation to the transaction generally. This may require compliance with the client identification procedures required by the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, or the Land Registry (where applicable). Any suspicions in relation to money laundering must be reported immediately to the Council's Head of Corporate Governance.
- 5.7 All invitations to tender, with the exception of Quick Quotes, must include the criteria and sub-criteria upon which tenders will be evaluated together with the respective weighting to be applied to each.

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FRAMEWORK AGREEMENTS

- 5.8 Officers must consider and, where required, use EU compliant contracts and framework agreements already tendered by the Council or those contracts and frameworks procured by other public sector bodies or consortia which are available to the Council.

5.9 Where the Council has a tendered contract or framework agreement for a category of supplies, services and/or works, officers must use such contracts or framework agreements for the procurement of relevant supplies, services or works unless they obtain the agreement in writing of the [Chief Finance Officer](#).

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5.10 Where supplies, services or works cannot be obtained through an existing contract or framework agreement, officers must comply with the competition requirements in CSO [5.14](#).

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5.11 Further requirements relating to framework agreements can be found at CSO 5.25 – 5.33.

COMPETITION REQUIREMENTS

5.12 The tables in CSO 5.14 are compiled to take account of the PCR 2015 and the EU thresholds.

5.13 All tendering procedures are to be carried out in accordance with the requirements and timescales set out in the Procurement [Guidance notes](#) which can be found on E-Hub.

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5.14 COMPETITION - THRESHOLD REQUIREMENTS

This Table provides a quick checklist and guidance for the necessary governance arrangements for authorisations when entering into contracts:

	Contract Standing Orders (revised June 2018) Procedures for Procurement - minimum requirements							
	Aggregate Value over Contract Period £	Check Budget Approval	Minimum No. of Quotations or Tender	Receipt of Quotes or Tender	Timeframe for Quotes or Tender	Audit Trail & Documentation	Contract Requirement	Evaluation/ Approval
Threshold 1	Up to £10,000 Quick Quotes - QQ	Y/N	Up to 3 Quotes	E Mail or Pro Contract	Allow 14 working days	Dedicated folder on Projects Drive	Purchase Order T&Cs	Officer with Delegated Authority
Threshold 2	£10,001 to £25,000 Request for Quotes - RFQ	Y/N	3 Quotes	Pro Contract (Email in exceptional circumstances)*	Allow 21 Working Days	Pro Contract and folder on Projects Drive	Purchase Order T&Cs	Head of Service/ Officer
Threshold 3	£25,001 to £181,302 RFQ, Invitation to Tender - ITT	Y/N	3 Tenders <u>minimum, maximum of 5 Tenders</u>	Pro Contract	Allow 28 Working Days	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Head of Service and Finance

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Threshold 4	Over OJEU (£181,302) Standard Selection Questionnaire SSQ ITT	Y/N	5 Tenders	Pro Contract	OJEU timescales apply	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Finance and Appropriate Committee
For below EU threshold procurements (£25k - £181k) <ul style="list-style-type: none"> • Minimum of three tenders sought (can be Closed, Restricted or Open) • For Works related projects Construction line should be used to select shortlist of suitable contractors • If selecting from a 'Closed' group of suppliers (whether on Framework or not) there is no requirement to advertise on Contracts Finder • An Open tender (above £25k) must be advertised on Contracts finder. • All contract awards above £25k <u>must</u> be published on Contracts Finder regardless of whether the opportunity was advertised) or not. • OJEU Thresholds reviewed annually. 								

* [see CSO 5.36 for further details of requirements](#)

Tender Procedures

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- 5.15 All procurement processes must comply with the requirements and thresholds set out in CSO 5.14 and the procedures set out in the Procurement [Guidance notes](#) which can be found on E-Hub.
- 5.16 The open procedure will normally be used for EU threshold procurements.
- 5.17 The restricted, competitive procedure with negotiation, competitive dialogue procedure and the innovative partnership procedure may only be used, or a dynamic purchasing system established, after officers have agreed the appropriateness of the procedure with the [Chief Legal Officer](#).
- 5.18 Every procurement process shall be conducted in an equitable, fair, non- discriminatory and transparent manner for each contract.

PERMISSION TO TENDER

- 5.19 Heads of Service have the authority to commence a tendering process provided there is a business case for the procurement and financial provision has been obtained.
- 5.20 Where the value of the contract is in excess of £750,000, the procurement must be approved by the relevant committee prior to the commencement of the procurement process.

TENDERING – SELECTION OF TENDERERS

- 5.21 Where the number of organisations expressing an interest in an advertisement is fewer than the number set out in CSO 5.14 then all such organisations applying will be asked to tender subject to meeting the requirements of CSO 5.23.
- 5.22 The Head of Service with permission to tender a contract will be responsible for ensuring audit trail records are completed on the e-procurement system showing how tenderers are selected for each contract and the reasons why they were chosen.
- 5.23 Where contracts are subject to the PCR 2015 and are above the relevant EU threshold, the suitability to pursue a professional activity, the economic and financial standing and technical and professional ability of

any contractor or supplier shall be assessed if relevant and proportionate to the contract being procured. Such assessment will take place prior to the contractor or supplier being invited to tender. It is not permissible to use a pre-qualification stage for contracts below the EU threshold although suitability assessment questions may be used provided those questions are relevant to the subject matter and are proportionate as advised by the [Chief Legal Officer](#).

- 5.24 Where contracts are subject to the PCR 2015 and are above the EU threshold, in relation to economic and financial standing, the minimum annual turnover that a contractor or supplier is required to have shall not exceed twice the estimated annual contract value except in duly justified cases. Where the minimum annual turnover required exceeds twice the estimated contract value the justification must be included in the report required by PCR 2015 regulation 84(1).

TENDERERS SOUGHT FROM FRAMEWORK AGREEMENTS

- 5.25 This CSO applies where tenders are sought from either a framework agreement set up in compliance with the PCR 2015, as established by the Council, another public body, a local authority consortium, a national agency which is recognised as carrying out procurement for the benefit of public bodies or another local authority as part of a joint purchasing arrangement of which the Council is permitted to use in accordance with the PCR 2015.
- 5.26 Call offs either by mini competition and/or direct award from a framework agreement must be undertaken in accordance with the rules of the relevant framework agreement. Mini competition and/or direct awards, where required by the relevant framework agreement, must be conducted through the Council's e-procurement system.
- 5.27 Tenders will not be required where a framework agreement is with a single supplier or allows the call off of supply without competition. In such cases officers will need to demonstrate that they have obtained value for money.

COUNCIL FRAMEWORK AGREEMENTS

- 5.28 Where there is a frequent occasion to go out for tender for a category of work, supply or service, a framework agreement of organisations may be compiled for the Council.
- 5.29 For a multi-supplier framework, each framework agreement must include

a minimum of two suitable organisations. Where the Council has decided to enter into a single supplier framework, a single supplier must be appointed to the single supplier framework.

- 5.30 Each framework agreement shall clearly state the rules for call off by mini competition and/or direct awards of contract under the framework as applicable.
- 5.31 Each framework agreement will be compiled in accordance with the competition requirements set out in CSO 5.14.
- 5.32 The suitability of applicants will be evaluated in accordance with the criteria and sub-criteria stated in the contract documentation and upon the information provided in the applicant's submission to be included on the framework agreement.
- 5.33 Framework agreements may exist for a maximum of four years unless the subject matter of the framework agreement justifies a longer contract period as agreed by the [Chief Legal Officer](#).

SUBMISSION OF TENDERS – ELECTRONIC SUBMISSION

- 5.34 All tenders for the procurement of supplies, services and works will be submitted securely through the Council's e-procurement system. For the avoidance of doubt, the term "tenders" includes Quick Quotes (QQ) and Request for Quotation (RFQ).

[5.35](#) For low value procurements (under [£10,000](#)), officers may obtain tenders without using the QQ system where it is expedient to do so [in consultation with the Head of Service](#).

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[5.36](#) [Where the contract value is between £10,001 and £25,000, officers should ordinarily use Procontract to procure. The requirement to use Procontract may be waived in exceptional circumstances. Any officer who wants to use e-mail rather than Procontract must obtain the written approval from the Head of Corporate Governance prior to obtaining any quote by e-mail. The procuring officer must provide written justification as to why the use of Procontract should be waived.](#)

SUBMISSION OF TENDERS – PAPER SUBMISSION

[5.37](#) Paper tenders shall only be used in below EU level procurements where the e-procurement system is unavailable. The [Chief Finance Officer](#) will set out the requirements for submitting a paper tender where this is required.

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TENDER OPENING – ELECTRONIC AND PAPER TENDERS

5.38 Tenders, QQs and RFQs ~~are~~ opened through the e-procurement system.

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5.39 No tender, QQ or RFQ received after the time and date specified in the invitation to tender documentation will be considered.

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5.40 For tenders with a threshold of over £750,000 opening will be carried out by a representative nominated by the Head of Finance. ~~The Procurement Officer who will inform the Key Officers.~~

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5.41 No person shall disclose the value, number or any other detail of the tenders received to any tenderer or anyone not involved in the tender evaluation procedure.

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TENDER EVALUATION

5.42 For low value procurement (under £10,000) the awarding officer shall evaluate the tenders received.

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5.43 For procurement valued between £10,000 and £25,000 tenders shall be evaluated by at least two officers one of whom must not have been directly involved in the procurement previously.

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5.44 For procurement valued between £25,000 and the OJEU limit tenders shall be evaluated by at least two officers, one of whom must be a representative from the Finance department.

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5.45 For procurement valued above the OJEU limit, tenders shall be evaluated by at least two officers including a representative from the Finance department and the relevant committee.

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5.46 In all cases tender evaluation shall be carried out in an equitable, fair, non-discriminatory and transparent manner in accordance with the award criteria set out in the tender documentation and the procedures contained in the Procurement Guidance notes.

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5.47 Where a tender contains errors or discrepancies affecting the tender sum or rates the relevant Head of Service may, during the tender evaluation providing no information is given to the tenderer regarding the effect of such action, give the tenderer the option to:

- (i) correct the prices or rate concerned;
- (ii) continue without correcting the prices or rates; or
- (iii) withdraw the tender.

5.48 If a tender is received with an abnormally low price in proportion to the contract requirement the Council officer leading the procurement shall require the tenderer to explain the costs proposed in the tender.

5.49 If, after consulting the tenderer, the officer is not satisfied that the evidence or explanation provided can satisfactorily account for the low level of price or costs proposed, the officer must discuss what action should be taken with the Chief Finance Officer.

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5.50 Where QQ is used, the tenderer providing the cheapest quote will be awarded the contract and no qualitative assessment will be undertaken.

5.51 RFQ and EU procurement will be assessed using the most economically advantageous tender (MEAT) approach. MEAT uses both quality and price to evaluate tenders.

5.52 Where MEAT is to be used and prior to the tender being issued, the officer leading the procurement will, in conjunction with the Procurement Officer or Chief Finance Officer, agree the criteria and weighting against which tenders will be assessed.

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Criteria may include:

- (iv) price;
- (v) technical merit;
- (vi) aesthetic and functional characteristics;
- (vii) environmental characteristics;
- (viii) running costs;
- (ix) cost effectiveness;
- (x) after sales service;
- (xi) technical assistance;
- (xii) delivery date, delivery period and period of completion;
- (xiii) agility and ability to respond to contingencies;
- (xiv) customer care;
- (xv) performance standards, quality monitoring and complaints;
- (xvi) accessibility; and
- (xvii) organisation, qualification and experience of staff.

[5.53](#) This list is not exhaustive. Further details concerning MEAT can be found in the Procurement [Guidance notes](#).

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POST TENDER NEGOTIATIONS

[5.54](#) Officers shall not enter into post tender negotiations with a tenderer in an open or restricted procurement procedure. This principle also applies to QQ and RFQs.

ACCEPTANCE OF TENDERS

[5.55](#) The authority to award contracts is set out in CSO 5.14 and is subject to:

- [\(i\)](#) the award being made to the cheapest tenderer where QQ is used or the most economically advantageous tender in all other cases; and
- [\(ii\)](#) all tender award notifications being conducted through the Council's e- procurement system.

CONTRACT NOTIFICATION AND STANDSTILL PERIOD

[5.56](#) All successful and unsuccessful tenderers for a contract must be notified simultaneously and as soon as possible as to the outcome of the tender process via the e-procurement system.

[5.57](#) For all contracts with a value exceeding the EU threshold the council will apply a standstill period for a minimum of 10 days to comply with the PCR 2015. The day of notification is considered day 0. This requirement applies to call offs from framework agreements which exceed the EU threshold.

[5.58](#) For QQs and RFQs telephone debriefs, if requested by tenderers, are permissible.

[5.59](#) Where the standstill period in CSO 5.56 applies, the Council will send a notification to all organisations submitting a tender stating as a minimum the following:

- i) the award criteria;

- ii) the sub criteria weightings;
- iii) the ranking of the tenderer in the tender evaluation; and
- iv) the name of the successful tenderer.

5.60 If the decision to award is challenged by an unsuccessful tenderer the contract will not be awarded and the matter shall be referred to the Chief Legal Officer for advice.

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5.61 The advice of the Chief Legal Officer must be sought in any situation where a face to face debrief is being considered.

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COMMENCEMENT OF WORK

5.62 No supply of works, supplies or services is to commence until a sufficiently binding contractual arrangement is in place between the Council and the contractor to the satisfaction of the Chief Legal Officer.

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6 CONTRACT MANAGEMENT

6.1 The relevant Head of Service will maintain accurate and proper records of all contracts for which he/she is responsible

6.2 The relevant Head of Service shall be responsible for ensuring that all contracts for which he/she is responsible are properly performed and managed.

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VARIATIONS TO CONTRACTS

6.3 Where a contract is varied by addition to, omission from or amendments to, such variations must be made promptly in writing noting that any variations must fall within the scope of the original contract.

6.4 All variations issued must include the scope and an estimate of the value of the variation and the method by which the final value of the variation will be determined. Where tender clarifications occur between the invitation to tender and the award, all such variations must be captured on the e-procurement system.

- 6.5 Where the total value of the contract including any variation is not more than £25,000 and the Council has an approved budget for this amount, the relevant Head of Service may agree the variation. In all other circumstances the Council's s151 officer's written approval must be obtained.
- 6.6 Where contract variations generate a lower contract value and no significant change to the contract specification is envisaged, no such authorisations are necessary.

CONTRACT STORAGE AND AUDIT

- 6.7 As soon as possible, the relevant Head of Service must ensure that the original signed contract is passed to the Legal department for storage.
- 6.8 As soon as possible after completion of the procurement, the relevant Head of Service must inform the [Procurement Officer](#) of all contracts which must be registered on the Council's contracts register.
- 6.9 The relevant Head of Service must ensure that all relevant paperwork relating to the tender, the tender opening procedure, the tender evaluation and award of contract is retained, for at least 6 months, in case of legal challenge or for audit purposes.

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7 EXEMPTIONS FROM TENDERING

- 7.1 These CSOs apply to all procurement undertaken by the Council unless the procurement is below the EU threshold and falls within one of the following categories:
- (i) call offs from framework agreements which have been tendered [in accordance with the PCR](#);
 - (ii) [where effective competition is prevented either by government control or by the supplies or services being proprietary and/or are sold only at a fixed price](#);
 - (iii) [an extension to an existing contract which contains express provisions as to the extension of that contract and provided those conditions are followed. The extension must be agreed in advance, in writing by the Head of Corporate Governance prior to the contract being extended.](#)
 - (iv) the Council is acting as an agent for another organisation and is

acting in accordance with that organisation's CSOs;

- (v) employment contracts;
- (vi) disposal or acquisition of land (see CSO 9); and
- (vii) legal advice and expert witnesses.

8 WAIVER

8.1 The requirement for the Council to conduct a competitive procurement process for contracts in excess of £10,000 but below the EU threshold may be waived in exceptional circumstances by the Head of Corporate Governance, Chief Finance Officer, Chief Operating Officer or Chief Legal Officer.

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8.2 All waivers from CSOs are to be:

- (i) fully documented; and
- (ii) the subject of a written report in an approved format which is submitted in advance to the Head of Corporate Governance and s151 officer for approval and shall include the reasons why the waiver is sought.

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8.3 All decisions on whether or not to grant a waiver must take into account:

- (i) probity; and
- (ii) best value for money principles.

8.4 Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.

8.5 The relevant Head of Service will inform the relevant committee when a waiver has been granted and an annual report setting out the waivers granted will be presented to the Leadership Team.

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9 DISPOSAL OF LAND AND OTHER ASSETS

Disposal of Land and Property

9.1 All land and property which is considered to be surplus to the Council's service requirements must be notified to the Chief Legal Officer who will

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be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

DISPOSAL OF OTHER COUNCIL ASSETS

- 9.2 Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.
- 9.3 The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.
- 9.4 Assets having no realisable value or where the costs of disposal is likely to likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.
- 9.5 Assets with a value of **£10,000** or less may be sold for the best price possible.
Such assets may be advertised on internet based marketplaces (such as EBay). Where such sites are used, the **Chief Finance Officer** will nominate a single council officer to be responsible for the disposal of assets using this method.
- 9.6 In the case of assets valued above **£10,000**, disposal shall be carried out by inviting bids for the assets through the open procedure or auction.
- 9.7 Council officers or members are not permitted to purchase any Council assets.
- 9.8 Assets which require secure disposal such as computers, tablets, mobile telephones and any other equipment containing personal or confidential material must be disposed of only to an approved contractor. The relevant Head of Service, in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.
- 9.9 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:
- (i) for items valued up to **£10,000** Head of Service in consultation

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- (ii) with the Chief Finance Officer;
for items valued between £10,000 and £20,000, Chief Finance Officer in consultation with the relevant committee chairman; and
- (iii) for items valued over £20,000 the relevant committee.

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10 OTHER PROVISIONS

Work for Third Parties

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- 10.1 The Chief Legal Officer must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

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PARTNERSHIPS

- 10.2 Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:

- (i) the terms of reference; and
- (ii) where appropriate, a scheme of delegation to officers to operate within the partnership.

- 10.3 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.

- 10.4 The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Chief Legal Officer.

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- 10.5 The Chief Legal Officer shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

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COUNCIL MEMBERS AND CONTRACTS

- 10.6 No member shall have authority to enter into any contract on behalf of the Council.

- 10.7 No member shall have authority to issue any instruction or variation

to a contractor of the Council.

ANNEX A

EU THRESHOLD LEVELS

The financial thresholds are amended on a regular basis, generally every 2 years. The current thresholds set out below are valid from 1 January 2018, to 31 December 2019.

		Supplies	Services	Works
A	Local authorities	£181,302	£181,302	£4,551,413
		€21,000	€21,000	€5,548,000

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Deleted: Note: The threshold for social and other specific services in row B of the table above is a higher threshold as the European Commission decided that these services are not likely to attract cross-border interest and this gives local authorities flexibility in procuring these services. Whilst in the past services were divided into Part A and Part B services this distinction no longer exists and instead there are services which are subject to the full extent of the regulations and other services which are subject to the light touch regime.

The new threshold in row B for social and other specific services applies to procurements of the following services:

- Health, social and related services;
- Administrative social, educational, healthcare and cultural services; Compulsory social security services;
- Benefit services;
- Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership services;
- Religious services;
- Hotel and restaurant services; Some legal services;
- Other administrative services and government services;
- Provision of services to the community;
- Some prison related services, public security and rescue services; Investigation and security services;
- International services; and Postal services.

Where the officer is seeking to procure any of the above services you should contact a Procurement Practitioner in order to check if the service falls within one of these areas and is therefore subject to the higher threshold set out in row B.

SECTION G - Officer Employment Procedure Rules

1 Recruitment and Appointment

1.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, or niece of an existing Councillor or Officer of the Council; or the partner of such persons;
- (b) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

1.2 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or Officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No Councillor or Officer will seek support for any person for any appointment with the Council.

2 Recruitment of Heads of Service

2.1 Where the Council proposes to appoint a Chief Operating Officer, the Chief Executive, in consultation with the Panel referred to in 2.2 below, will: -

- (a) draw up a statement specifying: -
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

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2.2 The Chief Executive and HR Manager will, after consultation with the Panel, interview and select candidates for final interview by that Panel, consisting of the Chairman of the Strategy and Resources Committee, three other Councillors trained in interview techniques (to include appropriate minority group representation) together with the Chairman or Vice-Chairman of any other Committee concerned.

2.3 A panel of five members, composed of the Chairman of the Strategy and Resources Committee and four other members appointed by that Committee (to include appropriate minority group representation) will make all necessary arrangements for the recruitment and selection of the Chief Executive in accordance with the arrangements set out in 2.1 above.

3 Appointment of Heads of Service

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3.1 The panel referred to in 2.2 above will have power to appoint Heads of Service.

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4 Appointment of Chief Executive

4.1 The Full Council will approve the appointment of the Chief Executive following the recommendation of the panel referred to in 2.3 above.

5 Officers below Heads of Service

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5.1 Appointment of Officers below Heads of Service is the responsibility of the Chief Executive or his/her nominee and may not be made by Councillors (except that in the case of Heads of Service, provision will be made for consultation with the appropriate Committee Chairman).

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6 Disciplinary Action for Alleged Misconduct (including Dismissal)

6.1 Misconduct investigation and dismissal procedure for EEBC's Chief Executive, Chief Finance Officer and Monitoring Officer is outlined in the below flow chart in accordance with Local Authority Standing Order Regulations 2001 & 2015 (Amendment).

6.2 A Disciplinary Committee (DC) including all political parties will be appointed to act on behalf of "The Authority" and appoint an Independent Person (IP) in accordance with LA Standing Order Regs 2001 & 2015 (Amendment).

6.3 The appointed IP will investigate allegations and submit a report to the DC.

6.4 Where the DC believes dismissal should be considered as a result of the IP report the matter will be referred to an Advisory Panel (AP). The AP will comprise of at least two IP.

6.5 **Suspension:** The Chief Executive, Chief Finance Officer and Monitoring Officer may be suspended by a decision of the Full Council whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and last no longer than two months.

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6.6 **Independent person:** No other disciplinary action may be taken in respect of any of those officers, except in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) Regulations 2001 & 2015 (Amendment).

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6.7 **Involvement of Councillors:** Councillors will not be involved in any disciplinary action against any non-statutory officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related appeals procedures, as adopted from time to time.

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Misconduct investigation and dismissal procedure for the Authorities Head of Paid Services, Monitoring Officer or Chief Finance Officer

