

# **PART 4**

## **Rules of Procedure**

<b>SECTION 1 – Council Rules of Procedure .....</b>	<b>11</b>
1. Introduction .....	11
2. Definitions .....	11
3. General .....	14
<b>Section 1(A) Standing Orders of the Council .....</b>	<b>15</b>
FCR 1 - Calling a meeting .....	15
FCR 2 - Order of business .....	15
FCR 3 - Quorum .....	17
FCR 4 - Voting .....	17
<i>Request for a Recorded Vote .....</i>	<i>18</i>
<i>Voting on appointments to Outside Bodies .....</i>	<i>18</i>
FCR 5 - Speeches and Recorded Vote for Budget Decisions .....	18
FCR 6 - Appointment of Committees and Chairmen .....	19
FCR 7 - Role of the Mayor .....	20
FCR 8 - Good Order at Meetings .....	21
<i>Disturbance by the public .....</i>	<i>21</i>
<i>Disorderly conduct by Members .....</i>	<i>21</i>
<i>Mobile phones, filming &amp; recording of Meetings .....</i>	<i>21</i>
<i>Banners and placards .....</i>	<i>22</i>
FCR 9 - Guillotine .....	22
FCR 10 - Adjournment of meetings .....	22
FCR 11 - Chairs/Chairmen's Statements to Council .....	23
FCR 12 - Questions from Members of the Council .....	23
<i>Response to Questions .....</i>	<i>24</i>
<i>Member asking question absent from meeting .....</i>	<i>24</i>
FCR 13 - Petitions .....	25
FCR 14 - Motions .....	25
<i>Duration of Debate .....</i>	<i>25</i>
<i>Motions challenging previous decisions .....</i>	<i>25</i>
<i>Notice of motion and withdrawal of motion .....</i>	<i>25</i>
<i>Motion set out in agenda .....</i>	<i>26</i>
<i>Scope and wording of Motions .....</i>	<i>26</i>
<i>Motion not moved at Meeting .....</i>	<i>26</i>
<i>Withdrawal of a Motion .....</i>	<i>27</i>
<i>Motions without notice .....</i>	<i>27</i>

FCR 15 - Consideration of Committee Recommendations .....	27
FCR 16 - Rules of debate .....	28
<i>Addressing the Mayor</i> .....	28
<i>Points of Order</i> .....	28
<i>Personal Explanation</i> .....	28
<i>Motion to be put before debate</i> .....	28
<i>Process on debate &amp; length of speeches</i> .....	29
<i>General matters on a motion or amendment</i> .....	31
FCR 17 -Process for putting amendments to Motions .....	32
FCR 18 - Closure motions .....	33
<b>Section 1(B) Relating to the Conduct of Committees, Sub-Committees and Advisory Panels .....</b>	<b>35</b>
CPR 1 - Questions from the public .....	35
<i>Written Questions</i> .....	35
<i>Process at Meeting</i> .....	35
CPR 2 - Public speaking at the Planning Committee .....	36
CPR 3 - Petitions .....	36
CPR 4 - Committee, Sub-Committee and Advisory Panel timetables and agendas .....	37
CPR 5 - Special meetings of Committees, Sub-Committees and Advisory Panels .....	38
CPR 6 - Rights and duties to attend meetings .....	38
CPR 7 - Quorum .....	39
CPR 8 - Absence of Chair/Chairman .....	40
CPR 9 - Guillotine .....	40
CPR 10 - Minutes .....	41
CPR 11 - Scheme of delegation .....	41
CPR 12 - Rules of debate .....	41
<i>Proposals and Amendments</i> .....	42
<i>Motions referred from Council</i> .....	42
<i>Proposals which may be moved during debate</i> .....	43
CPR 13 - Closure Motions .....	43
<i>Chair/Chairman's discretion to put the question</i> .....	44
CPR 14 - Points of Order/Personal Explanation .....	44
CPR 15 - Respect for the Chair/Chairman .....	45

CPR 16 - Composition of Committee, Sub-Committees and Advisory Panels (including substitution of Members).....	45
CPR 17 - Motions affecting staff .....	46
CPR 18 - Good order in meetings.....	46
<i>Disorderly conduct by Members</i> .....	46
<i>Disturbance by members of the public</i> .....	47
<i>General</i> .....	47
CPR 19 - Mobile phones, filming & recording of Meetings .....	47
CPR 20 - Voting .....	48
<i>Second or casting votes</i> .....	48
CPR 21 - Record of attendance .....	49
CPR 22 - Implementation of Committee Decisions .....	49
<b>SECTION 2 - Access to Information Procedure Rules .....</b>	<b>50</b>
1 Scope .....	50
2 Additional rights to information .....	50
3 Rights to attend meetings .....	50
4 Notices of meeting .....	50
5 Access to agenda and reports before the meeting .....	50
6 Supply of copies .....	50
7 Access to minutes etc. after the meeting .....	50
8 Background papers .....	51
<i>List of Background Papers</i> .....	51
<i>Public Inspection of Background Papers</i> .....	51
9 Exclusion of access by the public to meetings .....	51
<i>Confidential Information - Requirement to Exclude Public</i> .....	51
<i>Exempt Information - Discretion to Exclude Public</i> .....	51
<i>Meaning of Confidential Information</i> .....	52
<i>Meaning of Exempt Information</i> .....	52
<i>The Standards Committee</i> .....	53
10 Exclusion of access by the public to reports .....	53
11 Summary of public's rights .....	53
<b>SECTION 3 - Budget and Policy Framework Procedure Rules .....</b>	<b>54</b>
1 The framework for decision-making .....	54
2 Process for developing the framework .....	54
3 Virement.....	54

4	In-year changes to policy framework.....	54
<b>SECTION 4 - Overview and Scrutiny Procedure Rules .....</b>		<b>56</b>
1	Number of, and arrangements for, Scrutiny Committee(s) .....	56
2	Who may sit on the Audit, Crime & Disorder and Scrutiny Committee? .. .....	56
3	Co-optees.....	56
4	Meetings of the Audit, Crime & Disorder and Scrutiny Committee .....	56
5	Quorum .....	57
6	Chairmanship of the scrutiny committee .....	57
7	Work programme .....	57
8	Agenda items .....	57
9	Policy and development overview .....	57
10	Reports from the Scrutiny Committee .....	58
11	Rights of scrutiny committee members to documents.....	58
12	Members and officers giving account.....	58
13	Attendance by others .....	59
14	Call-in .....	59
15	Exceptions.....	61
16	Call-In and Urgency .....	61
17	Procedure at Scrutiny Committee Meetings .....	61
<b>SECTION 5 - Financial Regulations .....</b>		<b>63</b>
1	About Financial Regulations.....	63
	<i>The role and function of Financial Regulations .....</i>	<i>63</i>
	<i>What do Financial Regulations cover? .....</i>	<i>63</i>
	<i>What if something is not clear? .....</i>	<i>64</i>
	<i>What will happen if I don't comply? .....</i>	<i>64</i>
2	Financial Management – General .....	64
	<i>Status of Financial Regulations .....</i>	<i>64</i>
	<i>Responsibilities of the Chief Finance Officer .....</i>	<i>65</i>
	<i>Responsibilities of Directors and Heads of Service.....</i>	<i>66</i>
	<i>Authorised Signatories .....</i>	<i>66</i>
3	Accounting Arrangements .....	66
	<i>Accounting policies.....</i>	<i>66</i>
	<i>Accounting records and procedures .....</i>	<i>67</i>
	<i>The Annual Statement of Accounts .....</i>	<i>67</i>

	<b>Allocation of Accounting Duties .....</b>	<b>67</b>
	<i>Subsidies and Grants Receivable.....</i>	<i>67</i>
4	Financial Planning - General.....	67
	<i>Policy Framework.....</i>	<i>67</i>
	<i>Reserves.....</i>	<i>68</i>
	<i>Financial Plan.....</i>	<i>68</i>
	<i>Review and Notification to the Chief Finance Officer.....</i>	<i>69</i>
5	Revenue Budget Preparation .....	69
	<i>Budget format.....</i>	<i>69</i>
	<i>Budget preparation.....</i>	<i>69</i>
	<i>Budget Timetable .....</i>	<i>69</i>
6	Revenue Budget Control .....	70
	<i>Budget monitoring and control.....</i>	<i>70</i>
	<i>New Services and Extension of Service Provision.....</i>	<i>70</i>
	<i>Supplementary Estimates.....</i>	<i>71</i>
	<i>Virement of revenue budgets .....</i>	<i>72</i>
	<i>Treatment of year-end balances.....</i>	<i>73</i>
	<i>Emergency or Urgent Action Requests.....</i>	<i>73</i>
7	Capital Programme .....	73
	<i>Preparation of the capital programme.....</i>	<i>73</i>
	<i>Capital Member Group and Capital Officer Group .....</i>	<i>74</i>
	<i>New capital schemes .....</i>	<i>74</i>
	<i>Status of capital programme approval .....</i>	<i>74</i>
	<i>Variations to capital projects.....</i>	<i>74</i>
	<i>Virement.....</i>	<i>75</i>
	<i>Monitoring of progress.....</i>	<i>75</i>
8	Risk Management .....	75
	<i>Introduction .....</i>	<i>75</i>
	<i>Risk management .....</i>	<i>76</i>
	<i>Internal control .....</i>	<i>76</i>
	<i>Preventing fraud and corruption .....</i>	<i>76</i>
	<i>Staffing.....</i>	<i>77</i>
	<i>Security of Assets and Information.....</i>	<i>77</i>
9	Insurance .....	77
	<i>Review of Arrangements.....</i>	<i>77</i>
	<i>Review of Insurance Cover .....</i>	<i>78</i>

	<i>Records of Insurance Cover</i> .....	78
	<i>Notification of Risks</i> .....	78
	<i>Negotiation of Claims</i> .....	78
	<i>Partnerships and 3<sup>rd</sup> Parties</i> .....	78
	<i>Fidelity Guarantee Policy</i> .....	78
10	<i>Audit</i> .....	79
	<i>Audit requirements</i> .....	79
	<i>Provision of Internal Audit</i> .....	79
	<i>Powers of Internal Auditors</i> .....	79
	<i>Reporting of Irregularities</i> .....	80
	<i>Annual Report on Internal Audit</i> .....	80
	<i>Chief Internal Auditor</i> .....	80
	<i>Internal Audit Charter</i> .....	80
	<i>Whistleblowing</i> .....	80
11	<i>Control of Assets</i> .....	81
	<i>Use of Council Property</i> .....	81
	<i>Property</i> .....	81
	<i>Inventories</i> .....	81
	<i>Stocks and Stores</i> .....	81
	<i>Responsibility for Security</i> .....	81
	<i>Cash Holdings</i> .....	81
	<i>Disposal of assets</i> .....	81
12	<i>Treasury Management and Trust Funds</i> .....	82
	<i>Treasury Management Policy</i> .....	82
	<i>Treasury Policy Statement</i> .....	82
	<i>Treasury Management Practices</i> .....	82
	<i>Reporting on Treasury Management Activities</i> .....	83
	<i>Trust Funds</i> .....	83
	<i>Investments and Borrowings Records</i> .....	83
13	<i>Systems and Procedures - General</i> .....	83
	<i>Introduction</i> .....	83
	<i>Responsibility</i> .....	83
	<i>Training</i> .....	84
	<i>Data Protection and Freedom of Information Legislation</i> .....	84
	<i>Schemes of Delegation</i> .....	84
14	<i>Banking Arrangements and Cheques</i> .....	84

	<i>Banking Arrangements</i> .....	84
	<i>Bank Stationery</i> .....	84
	<i>Signing of Cheques</i> .....	85
	<i>Electronic Payment Systems</i> .....	85
	<i>Authorisation of Payments</i> .....	85
15	<i>Income</i> .....	85
	<i>Income Policy</i> .....	85
	<i>Review of Fees and Charges</i> .....	85
	<i>Collection of Monies</i> .....	85
	<i>Security and Controls</i> .....	86
	<i>Notification of Income Due</i> .....	86
	<i>Money Laundering</i> .....	86
	<i>Recovery of Debts</i> .....	86
	<i>Writing Off Debts</i> .....	86
16	<i>Orders for Work, Goods and Services</i> .....	87
	<i>Key Controls</i> .....	87
	<i>Official Orders</i> .....	87
	<i>Variation of Orders</i> .....	88
	<i>Staff Benefits Scheme</i> .....	88
	<i>Related Party Transactions</i> .....	88
17	<i>Paying for Work, Goods and Services</i> .....	88
	<i>Separation of Duties</i> .....	88
	<i>Method of Payment</i> .....	88
	<i>Certification of Invoices</i> .....	88
	<i>Examination of Invoices</i> .....	89
	<i>Payment Policy</i> .....	89
	<i>Purchasing Cards</i> .....	89
18	<i>Payments to Employees and Members</i> .....	89
	<i>Responsibility</i> .....	89
	<i>Payment of Salaries and Wages</i> .....	89
	<i>Appointment of Staff</i> .....	90
	<i>Variations to the Establishment</i> .....	90
	<i>Time Sheets and other Records</i> .....	90
	<i>Claims for Staff Expenses</i> .....	90
	<i>Payments to Members</i> .....	90
19	<i>Taxation</i> .....	91



	<i>Responsibility</i> .....	91
	<i>Appointment of Advisors</i> .....	91
	<i>Property Transactions</i> .....	91
20	Partnerships, External Arrangements and Work for Third Parties .....	91
<b>SECTION 6 - Contract Standing Orders .....</b>		<b>93</b>
1	Introduction .....	94
2	Statutory Requirements .....	94
3	Compliance .....	95
4	Scope .....	95
5	Roles and Responsibilities .....	96
6	Purchase Orders .....	98
7	Purchasing Cards.....	98
8	Temporary Staff, Consultants and Professional Services .....	98
9	IR35 .....	99
10	Grants .....	99
11	Social Value .....	99
12	Modern Slavery .....	100
13	Sustainable Procurement .....	100
14	Reverse charge of VAT .....	101
15	Accessibility Standards .....	101
16	Publication of spend, Opportunities and Awards.....	101
17	e-tendering.....	102
18	Contract Register .....	102
19	Freedom of Information .....	102
20	Exemptions .....	102
21	Waivers .....	103
22	Permission to tender .....	104
23	Contract Value Calculation.....	104
24	Consideration and budget approval .....	104
25	Declaration of Interest .....	105
26	Contract Management.....	105
27	Form of Contract .....	106
28	Sealing and Signing of contracts.....	107
29	Novation .....	107

30	Financial Security .....	107
31	Economic and Financial Standing .....	108
32	Disposal of Land and Property .....	108
33	Disposal of Other Council Assets .....	108
34	Work for Third Parties .....	109
35	Partnerships .....	109
36	Council Members and Contracts .....	110
	Annex 1 – Officers Process Guide.....	112
	Annex 2 – EU Procurement Directive threshold.....	114
	Annex 3 – Procurement in the UK regulations:.....	115
	<b>SECTION 7 - Officer Employment Procedure Rules.....</b>	<b>116</b>
1	Recruitment and Appointment.....	116
	1.1 <i>Declarations</i> .....	116
	1.2 <i>Seeking support for appointment</i> .....	116
2	Recruitment of Directors .....	116
	3 <i>Appointment of Directors</i> .....	117
	4 <i>Appointment of Chief Executive</i> .....	117
	5 <i>Officers below Directors</i> .....	117
	6 <i>Disciplinary Action for Alleged Misconduct (including Dismissal)</i> .....	117

## SECTION 1 – Council Rules of Procedure

**Issued: July 2002; Revision July 2012; December 2018; December 2019**

### 1. Introduction

- 1.1 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.

### 2. Definitions

- 2.1 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.

Advisory Panels	refers to bodies which report as required to the appropriate committee as set out in their Terms of Reference
Annual Meeting	means the first ordinary meeting of the Council of each municipal year
Budget Decision	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
Chair/Chairman	means the Member currently appointed or elected to chair/chairman of a Committee, Sub-Committee or Advisory Panel or appointed as such for a Council meeting

Chief Executive	refers to the Council's Head of Paid Service, designated under Section 4 of the Local Government and Housing Act 1989
Chief Finance Officer	refers to the Council's Chief Finance Officer designated under section 151 of the Local Government Act 1972
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
Chief Finance Officer	refers to the Council's Chief Finance Officer designated under section 151 of the Local Government Act 1972
Council	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. Any reference to full Council or if the context so refers, shall be to the meeting of all the Members
Deputy Mayor	the Member elected to be the Deputy Mayor of Epsom and Ewell Borough Council
FCR	means Full Council Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Council and which may be referred to as 'Standing Orders'
Group	means a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990
Mayor	the Member elected to be Mayor of Epsom and Ewell Borough Council
Meeting	means a meeting of the full Council, a committee, sub-committee or advisory panel

Member	means a Member of the Council, in relation to any committee, sub-committee, advisory panel or joint committee or any outside body as appropriate, it means a person who has been appointed to such whether or not they are entitled to vote and where the context so requires, the reference will refer to the appointed member of such committee, sub-committee, advisory panel or joint committee and not a member who may be substituting for such absent member
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 expression means a person nominated as his deputy under subsection (7) of that section
Officer	means an employee of the Council
Petition	means a Petition falling within the Petition Scheme (Article 16)
Policy Committee	is a collective term for one or more of the Council's policy committees as described in Part 3 of the Constitution
Standing Orders	refers to the FCR or CPR as the context may require
Sub-committee	refers to a sub-committee of a committee
Vice Chair/Chairman	means the Member currently appointed or elected to vice chair/chairman of a Committee, Sub-Committee or Advisory Panel
Working Day	means any day on which the Town Hall, Epsom is open to the public, excluding Saturdays, Sundays and Bank Holidays

2.3 For the avoidance of doubt, as long as the context of a passage allows:

- (a) Singular expressions include plural meanings;
- (b) Plural expressions include singular meanings;

- (c) Masculine references include feminine meanings;
- (d) Feminine references include masculine meanings

### **3. General**

- 3.1 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.
- 3.2 A rule, or part of a rule, may not be suspended or revoked if it is a statutory requirement or the operation of Standing Orders does not permit a suspension. It is not necessary for the exact words of the statute to be repeated in a rule. Any of the other rules may be suspended by the Council by agreeing a motion to that effect provided that either:
  - (a) A notice of motion has been given under Standing Orders including an intention to suspend the Council's rules of procedure; or
  - (b) A motion has been moved under Standing Orders which can be moved without notice and at least two thirds of the whole number of members of the Council is present.
- 3.3 For the avoidance of doubt, if there is any conflict in the operation or application of Standing Orders, the matter will be determined by the Mayor or Chair/Chairman, whose decision on the matter will be final.
- 3.4 All references to the Mayor and Chair/Chairman of a meeting will include the Deputy Mayor and Vice Chair/Chairman as the context so requires or is deemed necessary, where such sits in the absence or in the place of the Mayor or Chair/Chairman.

## **Section 1(A) Standing Orders of the Council**

### **FCR 1 - Calling a meeting**

- 1.1 The full 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 full 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 full Council be called (an extraordinary meeting).
- 1.5 Any five members acting together may direct that a meeting of the full 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.

### **FCR 2 - 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;
- (g) appointments to Committees (including any Joint Committees), Sub-Committees and Panels in accordance with the political balance rules as appropriate;
- (h) appointments of Committee, Sub-Committee and Panel Chairmen or confirmation of such if such appointments have been previously made on a fixed term basis and that fixed term has not expired;
- (i) appointments to Outside Bodies except where appointment to those bodies has been delegated by the Council to a Chairmen or confirmation of such, if such appointments have been previously made on a fixed term basis and that fixed term has not expired;
- (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) approve a programme of ordinary meetings of the Council for the year.

**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) business remaining from the previous meeting;
- (g) questions from Members;
- (h) Chairs/Chairmen's statements;
- (i) recommendations from Committees;
- (j) reports from Officers;
- (k) motions on notice;
- (l) any other business set out in the Summons or which may be added pursuant to Standing Orders;
- (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.

**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 2 minutes) to explain why they believe the order of business should be changed.
- 2.5 Business which the Council decides should be exempt will be dealt with after the press and public have been excluded, and 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.

### **FCR 3 - Quorum**

- 3.1 No business may be transacted at a meeting of the full Council unless at least one quarter of the members of the Council are present (ten Members).
- 3.2 Where more than one third of the members of the Council 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 full Council.

### **FCR 4 - 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 Council present and voting thereon at a meeting of the full Council.

- 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 Chair/Chairman of the meeting shall have a second or casting vote.
- 4.5 The number of members voting for, against or abstaining on a motion, shall be recorded in the minutes.

#### **Request for a Recorded Vote**

- 4.6 If a Member present at the meeting requests a recorded vote on a matter, such member will require seven additional members present (8 in total) to support such a request and such request must be made before voting commences. In the event a recorded vote is agreed, the names for and against the motion or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.
- 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 their abstention, shall be recorded in the minutes.

#### **Voting on appointments to Outside Bodies**

- 4.8 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.

#### **FCR 5 - Speeches and Recorded Vote for Budget Decisions**

- 5.1 The Chair/Chairman of Strategy & Resources Committee will present the Council's Budget at the Budget meeting. His presentation will not be subject to any time limit. A representative of each Group shall present their response to the Budget and they shall have 10 minutes to do so. The matter will then be opened to debate in accordance with Standing Orders. Any member wishing to speak on the Budget will have 3 minutes to do so, any amendment will be considered in accordance with Standing Orders. The Chair/Chairman of Strategy & Resources Committee will conclude the debate on the Budget with a reply lasting no longer than 10 minutes.

- 5.2 In any event, at any meeting of the full Council at which a Budget Decision is made, there shall be a recorded vote on any decision relating to the budget or council tax. The names for and against or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.
- 5.3 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.

## **FCR 6 - Appointment of Committees and Chairmen**

- 6.1 The full 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.
- 6.2 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.
- 6.3 Subject to any statutory provision, the full Council:-
- (a) shall not appoint any member of a committee to hold office later than the next Annual Meeting of the full Council unless such appointment is for a fixed term basis;
  - (b) may at any time dissolve a Committee, sub-committee, advisory panel or other body, joint committee or alter its membership.
- 6.4 The Council may, at any meeting, including the Annual Meeting appoint a Chair/Chairmen and Vice-Chair/Chairmen of committees, sub-committees, advisory panels and joint committees. It may also appoint members of committees, sub-committees, advisory panels, joint committees and nominate to outside bodies. In the event of any 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. Appointments to vacancies on joint committees or nominations to outside bodies shall be made by Council at the next ordinary or extraordinary meeting of Council.
- 6.5 At any one time a Member may hold the office of Chair/Chairman of only one of any of the following committees:
- (a) any of the four policy committees
  - (b) Planning
  - (c) Audit, Crime & Disorder and Scrutiny Committee

## **FCR 7 - Role of the Mayor**

- 7.1 The appointment of the Mayor is to be the first business at the Annual Meeting of the full Council.
- 7.2 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.
- 7.3 The Mayor, if present, shall preside at meetings of the full Council subject to the provisions of Article 5.3 in Part 2. If the Mayor is absent, the Deputy Mayor shall preside at a meeting.
- 7.4 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.
- 7.5 All powers or duties of the Mayor at a meeting may be exercised by whoever is appointed to preside over the meeting.
- 7.6 The ruling of the Mayor as to the meaning or application of these rules of procedure or as to any proceedings of the full Council shall be final and shall not be challenged at any meeting of the full Council.
- 7.7 Subject to Standing Orders, the order of business to be set out in a Summons shall be approved by the Mayor.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 Whenever the Mayor stands up during a debate any member then standing shall resume their seat and the Members shall be silent. The Mayor may interrupt the debate to restore order by using the command “order”, or by striking the gavel. The Members must then be silent until the Mayor calls on a Member to speak.

## **FCR 8 - Good Order at Meetings**

### **Disturbance by the public**

- 8.1 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 Meeting. In case of general disturbance in any part open to the public, the Mayor shall order that part to be cleared.
- 8.2 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**

- 8.3 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.

- 8.4 If a Member, despite a Mayoral warning under Standing Orders, 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:
- (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
- 8.5 The decision of the Mayor as to acceptable conduct whether by Members or the public shall be final.

### **Mobile phones, filming & recording of Meetings**

- 8.6 Audible alerts on mobile phones must be turned off.
- 8.7 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.

- 8.8 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.
- 8.9 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.
- 8.10 The Mayor shall advise Members and the public that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehaviour or disruption of the meeting, the Mayor may exclude any individual who is recording the meeting.
- 8.11 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**

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

### **FCR 9 - Guillotine**

- 9.1 If all business has not been dealt with by 22.00 hours, the Mayor shall 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 with those items requiring a decision to be completed by 22.30 hours. The Mayor may, in order to deal with matters, which remain outstanding, adjourn the meeting to a day and time to be appointed by the Mayor.
- 9.2 A meeting must not sit later than 23.00 hours in any event and the operation of Standing Order cannot be suspended.

### **FCR 10 - Adjournment of meetings**

- 10.1 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.
- 10.2 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.

- 10.3 An adjourned meeting shall be deemed a continuation of the original meeting.
- 10.4 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, subject to any agreed urgent item which may have been included by the original meeting.
- 10.5 Written notice of the adjourned meeting shall be sent by the Chief Legal Officer to each Member specifying the business to be transacted.

#### **FCR 11 - Chairs/Chairmen's Statements to Council**

- 11.1 The Chair/Chairman of each of the policy committees is able to submit a Chair/Chairman's statement to be included as a standard item on the agenda for each Council meeting (excluding the Annual meeting and 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.
- 11.2 At the conclusion of all of Chair/Chairmen's Statements, 15 minutes will be set aside for Members to ask questions on the statement of any Chair/Chairman.

#### **FCR 12 - Questions from Members of the Council**

- 12.1 Ordinary meetings except the budget meeting will have 30 minutes for members of the Council to ask questions if the requirements of this Standing Order are satisfied.
- 12.2 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.
- 12.3 The question must be addressed to the Mayor or the Chair/Chairman of any committee, sub-committee or advisory panel.
- 12.4 The question must relate to a matter on which the Council has statutory powers or duties or which affects the Borough or its inhabitants.
- 12.5 The Chief Legal Officer will reject a question, if it:
- (a) is not about a matter falling within this Standing Order;
  - (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/officer is identified by name, title or in any other way;

- (e) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - (f) requires the disclosure of confidential or exempt information.
- 12.6 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.
- 12.7 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.
- 12.8 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.

### **Response to Questions**

- 12.9 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, an explanation shall be provided as to why it has not been practicable to provide a written answer.
- 12.10 For a question having been called at the meeting, the Member asking the question, is allowed to ask one supplementary question, which must arise from the reply provided.

### **Member asking question absent from meeting**

- 12.11 If a Member asking a question (the questioner), knows they will be absent from the Council Meeting, they may notify the Mayor which other Member will ask the question on their behalf. Such nominated member shall have the same rights as the questioner. 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, then 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.

### **Urgent Questions**

- 12.12 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 Standing Orders 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 under Standing Orders. In this case, notice shall be given, as soon as practicable, and no later than noon, on the day of the meeting. The time for questions from Members will be extended to allow the asking of and reply to such question at the meeting.

## **FCR 13 - Petitions**

- 13.1 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.
- 13.2 Petitions relating to individual planning and licensing applications and other statutory petitions are not included in the Petitions Scheme.

## **FCR 14 - Motions**

### **Duration of Debate**

- 14.1 Council meetings will have 90 minutes set aside to deal with all motions (including amendments) which have been brought.

### **Motions challenging previous decisions**

- 14.2 Until at least 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 of motion and withdrawal of motion**

- 14.3 Subject to Standing Orders on motion, where notice must be given in writing and those which may be moved without notice, any Member of the Council may propose a motion at any meeting of the Council.
- 14.4 A notice of motion (other than a recommendation from a Committee) must be given on 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.

- 14.5 All motions of which notice has been duly given shall be set out in a report to the meeting in order of receipt.
- 14.6 If a Member wishes to withdraw a Motion before it appears in the Agenda or before the start of a meeting, they must confirm such withdrawal to the Chief Legal Officer in writing.

### **Motion set out in agenda**

- 14.7 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**

- 14.8 All motions must be relevant to some matter on which the Council
- (a) has powers or duties, or
  - (b) which affects the Borough, or
  - (c) something of national significance where there is a wish to acknowledge or celebrate.
- 14.9 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.
- 14.10 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 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;
  - (b) is defamatory, frivolous or offensive;
  - (c) is in breach of Standing Orders on motions challenging previous decisions;
  - (d) requires disclosure of confidential or exempt information.

### **Motion not moved at Meeting**

- 14.11 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.

## **Withdrawal of a Motion**

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

## **Motions without notice**

14.13 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

## **FCR 15 - Consideration of Committee Recommendations**

- 15.1 A recommendation from any Committee shall constitute a motion to be proposed by the Chair/Chairman, and shall not require to be seconded. If the Chair/Chairman is not present, the ViceChair/-Chairman or another Member of the Committee shall propose the recommendation.
- 15.2 A recommendation is open to debate in accordance with the Standing Orders on rules of debate.

- 15.3 A recommendation cannot be amended if to do so would contravene the requirement of the law or of the process for such decision-making.

## **FCR 16 - Rules of debate**

### **Addressing the Mayor**

- 16.1 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 Standing Orders on Points of Order and Personal Explanation, all other members shall remain seated whilst a Member is speaking.
- 16.2 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.
- 16.3 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.

### **Points of Order**

- 16.4 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 Standing Orders or the law. The Member must identify the Standing Order or rule of law being breached before the Member sets out their reasoning in which he/she considers it has been broken. The ruling of the Mayor on a point of order will be final.

### **Personal Explanation**

- 16.5 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 member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **Motion to be put before debate**

- 16.6 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 seconded and only then can proposer of an amendment indicate to the Mayor of his/her intention to propose an amendment.
- 16.7 Once a motion as been put, the Mayor will invite Members to decide how the motion on notice should be dealt with. The Mayor will ask for a vote without debate on whether the motion should be referred to an appropriate Committee

for consideration. The decision to refer to an appropriate Committee will be on the basis of a simple majority. If the motion is referred to a Committee, the Committee in question must consider the motion.

### **Process of a debate where there are no proposed amendments**

- 16.8 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.
- 16.9 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.

### **Process where amendments are proposed**

- 16.10 In the event an amendment or amendments on a motion are moved by a proposer and seconder, provided the proposed amendments are in order, the mover of the original motion will be asked if they wish to accept the proposed amendments.
- 16.11 If such proposed amendments are accepted in full or in part by the mover of the original motion, there shall be no debate on the proposed amendments and the original motion shall be amended accordingly incorporating the accepted amendments.
- 16.12 In the event the mover of the original motion does not accept the proposed amendments, such amendments will be debated in accordance with Standing Orders.

### **Process on debate & length of speeches**

- 16.13 The order, content and length of speeches is as follows:
- (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 order and times for speeches on motions will be as follows:
    - (i) the proposer of the motion will have 7 minutes to set out their motion;
    - (ii) the seconder shall have 5 minutes to second the motion;
    - (iii) all other Members wishing to speak on the motion will have 3 minutes,

- (iv) the Chair/Chairman has a right to reply to the motion and shall have 5 minutes to respond;
- (v) the proposer shall have the right to respond and sum up and will have 5 minutes to do so;
- (d) once a motion has been put, if a member wishes to propose an amendment for which notice has been given, that amendment must be put at the earliest opportunity;
- (e) 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, amendment will be debated before any debate on 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;
- (f) the order and times for speeches on amendments ruled in order, and not agreed by the original motion proposer will be as follows:
  - (i) the proposer of the original motion, will have 7 minutes to set out their motion (if they have not already done so), and the seconder has either spoken or reserved their right;
  - (ii) the proposer of the amendment will have 5 minutes to speak to their amendment;
  - (iii) the seconder of the amendment shall have 3 minutes to speak to the amendment;
  - (iv) all other Members wishing to speak on the amendment will have 3 minutes;
  - (v) the Chair/Chairman has a right to reply to the amendment and shall have 5 minutes to respond;
  - (vi) the proposer of the original motion shall have the right to respond to the amendment and will have 3 minutes to do so;
- (g) the process of debate on a motion or an amendment, is as follows:
  - (i) once the motion has been proposed and seconded, the proposer of the motion may speak to their motion and the seconder may speak or reserve their right to speak (the seconder must exercise that right before the reply before the Chair/Chairman of the relevant committee)
  - (ii) in the event an amendment is proposed, the proposer of the motion must first move the motion which must be seconded by the

seconded, only then can the proposer of an amendment put forward their amendment;

- (iii) the seconder of an amendment may speak immediately after the proposer of the amendment unless they reserve their right to speak later in the debate (as in the case of a motion, they must exercise that right before the reply from the relevant committee Chair/Chairman);
- (iv) all other Members responding with speeches to the motion or on amendment/s shall be called in turn to speak;
- (v) the mover of the amendment has no right of reply to the debate on their proposed amendment;
- (vi) neither the Chair/Chairman of the relevant committee nor the proposer of the original motion shall otherwise speak on the motion or an amendment to such, unless in accordance with Standing Orders. If they do so, they forfeit their right to reply to the debate on that motion or amendment.

16.14 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. The proposer of the original motion now becomes the proposer of the amended motion and may if not already exercised their right to speak on the motion, is then able to do so as the proposer of the motion.

### **General matters on a motion or amendment**

16.15 No Member may speak more than once on a motion or on an amendment unless the operation of Standing Orders permit otherwise, namely:

- (a) to speak once on any new amendments;
- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since they last spoke;
- (c) 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);
- (d) in exercise of a right to reply as a Chair/Chairman, or as the proposer;
- (e) on a Point of Order;
- (f) by way of Personal Explanation.

16.16 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 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.

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

16.18 Members must not speak about anything except the subject under discussion, or to raise a point of order, point of personal explanation or to raise a motion or amendment in accordance with Standing Orders.

16.19 When there is no-one else wishing to speak, or the Mayor determines that there has been sufficient discussion, or following agreement of a “closure motion”, the Mayor shall call on:

- (a) the Chair/Chairman of the relevant committee to reply to the debate (max 5 minutes on motion / max 3 minutes on amendment);

followed by (if it is not a recommendation from a committee),

- (b) the proposer of the motion, who shall have a final right of reply to the debate (max 5 minutes on motion or 3 minutes on amendment), before the motion is put to the vote.

### **FCR 17 -Process for putting amendments to Motions**

17.1 Amendments to a motion must comply with the requirements of Standing Orders. They must either be submitted in writing in advance of the meeting or at 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.

17.2 In accordance with Standing Orders, 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.

17.3 Only one amendment shall be debated at a time.



17.4 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.

17.5 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 Standing Orders on challenging a previous decision) and/or;
- (e) has the same effect as voting against the motion;
- (f) appears to be frivolous or vexatious;
- (g) where an amendment has already been considered or is of a similar nature to one which has already been considered;
- (h) where several amendments having already been considered, it is considered further amendments would have the effect of unreasonably prolonging debate on a matter.

### **FCR 18 - Closure motions**

18.1 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 Standing Orders 15.12 (a) to (f) 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).

18.2 On a motion to remit a matter to a committee, the Mayor shall give the chair/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.

18.3 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.

- 18.4 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.
- 18.5 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 3 minutes) before putting that motion to the vote.

## **Section 1(B) Relating to the Conduct of Committees, Sub-Committees and Advisory Panels**

### **CPR 1 - Questions from the public**

- 1.1 At meetings of the Council's policy committees and Audit, Crime & Disorder 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, but which may not include matters listed on a Committee Agenda.
- 1.2 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 Chair/Chairman are vexatious or frivolous will not be accepted.
- 1.3 All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

### **Written Questions**

- 1.4 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.
- 1.5 The member of the public submitting a written question 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.
- 1.6 Following receipt of a written question, the Chief Legal Officer will ensure that the member of the public asking the question is contacted and told whether their request complies with the conditions above. 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.

### **Process at Meeting**

- 1.7 Questions must be addressed to the Chair/Chairman of the relevant meeting.
- 1.8 The Chair/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 Chair/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.

- 1.9 At the Meeting the Chair/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 arise from the reply given. The Chair/Chairman may decline to answer a supplementary question or invite other Members of the relevant body to contribute to a response.
- 1.10 Written questions shall be taken first and in the order they were received followed by any oral questions, until 30 minutes have elapsed since the first question was called.
- 1.11 If a member of the public asks or wishes to ask more than one question, 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.

## **CPR 2 - Public speaking at the Planning Committee**

- 2.1 The arrangements for public speaking at Planning Committee are set out set out in the Planning Code of Practice at Part 5 of the Constituion.

## **CPR 3 - 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 Chief Legal Officer.
- 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.
- 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

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

#### **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, any committees, sub-committees, advisory panels and joint committees (as appropriate) each year and submit it to the Council for approval. Meetings shall be organised in accordance with the approved timetable. The Chief Legal Officer may re-arrange the date for, add a further date or cancel, a meeting if they and the Chair/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 Members accordingly. When possible, notice of the cancellation or change shall also be posted on the Council's website.
- 4.2 The Chief Legal Officer must dispatch an Agenda at least five working days before every meeting of any committee, sub-committee, advisory panel and joint committee or as soon as the meeting is called whichever is later.
- 4.3 The agenda must include:
  - (a) all items of business referred to the committee, sub-committee, advisory panel or joint committee;
  - (b) any reports submitted to the committee or sub-committee by the Chief Executive, Chief Operating Officer/Director; Heads of Service;
  - (c) any item of business which the Chair/Chairman requires to be included.
- 4.4 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.
- 4.5 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.
- 4.6 Subject to any requirements of the Chair/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.
- 4.7 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.

- 4.8 The Audit, Crime & Disorder and Scrutiny Committee has the right, in the exceptional circumstances mentioned in Section 4 , Overview and Scrutiny Procedure Rules, to call-in any decision of a policy committee other than a recommendation to the Council in accordance with the Protocol on Use of Call-in Procedure set out in Part 5 of the Constitution.

#### **CPR 5 - Special meetings of Committees, Sub-Committees and Advisory Panels**

- 5.1 The Chair/Chairman of any committee (or in his absence the Vice Chair/Chairman) or the Chair/Chairman of any sub-committee, advisory panel or joint committee may call a special meeting of that committee at any time. The Chief Executive, Chief Finance Officer and Monitoring Officer may also call a special meeting to consider business at any time.
- 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 Chair/Chairman of a policy committee (or in his absence, Vice Chair/Chairman) or Chair/Chairman of a sub-committee or advisory panel (the request should be sent to the Chief Legal Officer).
- 5.3 The Chair/Chairman may not refuse to hold a special meeting in such circumstances and a special meeting must be called within seven working 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 upon which the Standing Order for circulation of papers will then apply.

#### **CPR 6 - Rights and duties to attend meetings**

- 6.1 With the exception of Licensing Sub-Committees and Standards Hearing Sub-Committee, any member of the Council may attend the meetings of all committees, sub-committees and advisory panels as an observer and may

Speak if permission is given by the Chair/Chairman. Such permission to speak will not normally be refused by the Chair/Chairman.

- 6.2 At Planning Committee, Ward Councillors who are not members of the Planning Committee are able to attend the meeting and address the meeting on matters which affect their Ward in accordance with the Planning Code of Practice included in Part 5 of the Constitution.
- 6.3 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 Chair/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 Chair/Chairman or Vice-Chair/Chairman or be elected to those offices.
- 6.4 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 speak or vote on that item.
- 6.5 The Audit, Crime & Disorder and Scrutiny Committee may require any Member of a policy committee, the Chief Executive, Chief Operating Officer/ Director 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;
  - (c) their performance; and
- it is the duty of those persons to attend if so required.
- 6.6 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 Chair/Chairman will allow a delay of fifteen minutes to see if a quorum

assemblies. 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 Chair/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 Chair/Chairman may fix a date and time to deal with any business which cannot be dealt with because the meeting is not quorate in accordance with Standing Orders. 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 Chair/Chairman**

- 8.1 If the Chair/Chairman is absent from a meeting, the Vice Chair/Chairman shall Chair the meeting. In the absence of a Vice Chair/Chairman, or if no Vice Chair/Chairman has been appointed by the Council, the Committee must elect a person to Chair the meeting.
- 8.2 A Chair/Chairman or Vice Chair/Chairman must be drawn from the membership of the committee or sub-committee.
- 8.3 If the Chair/Chairman or Vice Chair/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 Chair/Chairman or Vice Chair/Chairman.
- 8.4 If the Chair/Chairman resigns or is unable to act as such, the Vice Chair/Chairman shall become the Chair/Chairman until a Chair/Chairman (and if necessary a Vice Chair/Chairman) is elected for the remainder of the municipal year by the Council. If the Vice Chair/Chairman resigns or becomes unable to act as such, then the Committee shall elect a new Vice-Chair/Chairman until the end of the municipal year or to the next Council meeting whichever is the earlier.
- 8.5 Any power or duty of the Chair/Chairman in relation to the conduct of a meeting may be exercised by the person chairing the meeting and any reference to the Chair/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 or as may be appropriate) the Chair/Chairman of meeting 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.

- 9.2 A meeting must not sit later than 23.00 hours in any event and the operation of this Standing Order cannot be suspended.

## **CPR 10 - Minutes**

- 10.1 The Minutes of any ordinary meeting of a committee, sub-committee or advisory panel shall be written and presented to the next ordinary meeting of the relevant body and not to any special meeting which may be called before the next ordinary meeting of that committee, sub-committee or advisory panel.
- 10.2 The Chair/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 Chair/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 Chair/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.
- 10.5 The minutes will reflect those leaving the room or not present when matters are being voted on.

## **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:

### **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 debate.
- 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 Chair/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 Chair/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.
- 12.4 Members must not speak about anything except the subject under discussion, a point of order, personal explanation or declaration of interest.
- 12.5 Members have no right to speak as often as they wish on a particular agenda item and the Chair/Chairman may rule that a Member may no longer be heard. The Chair/Chairman's ruling on this shall be final and not open to comment.
- 12.6 It is the role of the Chair/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**

- 12.7 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. For the avoidance of doubt if they are substituting for a member, they are not able to vote on the motion they brought to Council and referred to the Committee. When there is no-one else wishing to speak, or the Chair/Chairman determines that there has been sufficient discussion, the Chair/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.
- 12.8 A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material; the Chair/Chairman's ruling on this shall be final and not open to comment.
- 12.9 In accordance with Council's Standing Orders, 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**

12.10 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.

### **CPR 13 - Closure Motions**

13.1 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.

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

13.3 On a proposal to refer a recommendation back to a sub-committee or advisory panel, the Chair/Chairman shall give the chair/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.

13.4 On a proposal to defer consideration of a matter to a later date or to adjourn the meeting, if the Chair/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.

13.5 On a proposal to proceed to next business, unless the Chair/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.

- 13.6 On a proposal that the question be now put, unless the Chair/Chairman thinks that there has been insufficient debate of the matter, the Chair/Chairman shall put to the vote the proposal that the question be now put without comment or debate.
- 13.7 Unless a proposal to exclude the press and public is on the agenda, the Chair/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 Chair/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.

#### **Chair/Chairman's discretion to put the question**

- 13.8 The Chair/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.

#### **CPR 14 - Points of Order/Personal Explanation**

- 14.1 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.
- 14.2 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 Chair/ Chairman on any point of order is final.
- 14.3 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 Chair/Chairman on any point of order is final.

### **CPR 15 - Respect for the Chair/Chairman**

- 15.1 The Chair/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 Chair/Chairman calls upon a Member to speak.
- 15.2 All Members must address the Chair/Chairman when speaking.

### **CPR 16 - Composition of Committee, Sub-Committees and Advisory Panels (including substitution of Members)**

- 16.1 Every member of the Council shall be eligible for appointment to a sub-committee with the exception of the Licensing (Hearings) Sub Committee, on which only Members of the Licensing and Policy Committee are permitted to sit.
- 16.2 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.
- 16.3 Subject to section 102 (5) of the 1972 Act (councillor leaving office ceases to be a member of a committee) and Standing Orders on 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 Council or they resign.
- 16.4 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

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

### **CPR 17 - Motions affecting staff**

- 17.1 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 18 - Good order in meetings**

#### **Disorderly conduct by Members**

- 18.1 If any Member:

- (a) persistently disregards the ruling of the Chair/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 Chair/Chairman may name the Member and require them both to apologise and to correct their behaviour immediately, or to do either.

- 18.2 If a Member named by the Chair/Chairman under the paragraph above continues their misconduct, the Chair/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.

- 18.3 A Member may not impute improper motives, or use any offensive expression, to any other Member. The Chair/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**

- 18.4 If a Member of the public interrupts the proceedings at any meeting the Chair/Chairman shall issue them a warning. If the member of the public continues the interruption the Chair/Chairman shall order the member of the public's removal from the meeting room
- 18.5 In the event of a public disturbance, the Chair/Chairman may without question adjourn the meeting for such period as s/he considers expedient.

### **General**

- 18.6 The decision of the Chair/Chairman as to acceptable conduct whether by members or the public shall be final.

### **CPR 19 - Mobile phones, filming & recording of Meetings**

- 19.1 Audible alerts on mobile phones must be turned off.
- 19.2 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.
- 19.3 The Chair/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.
- 19.4 Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting, is requested to advise the Chair/Chairman of the meeting of their intention to do so.
- 19.5 The Chair/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 Chair/Chairman of the meeting may exclude any individual who is recording the meeting.
- 19.6 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

Chair/Chairman does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

## **CPR 20 - Voting**

- 20.1 Upon summation of a decision by the Chair/Chairman, in accordance with Standing Orders, a question may be decided by “unanimous consent” were the Chair/Chairman asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.
- 20.2 Except as otherwise provided, voting shall be on a show of hands of those present.
- 20.3 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.
- 20.4 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.
- 20.5 The Chair/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 Chair/Chairman has satisfied themselves as to the totals their declaration of the result cannot be questioned.

## **Second or casting votes**

- 20.6 If the votes are tied on any issue, the Chair/Chairman may use a second or casting vote as follows:
  - (a) If the Chair/Chairman voted at the same time as the other Members (i.e. used their first vote) they may use his second vote;
  - (b) if the Chair/Chairman did not vote at the same time as the other Members they may use their casting vote;
  - (c) the Chair/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.
  - (d) the Chair/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 21 - Record of attendance**

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

## **CPR 22 - Implementation of Committee Decisions**

- 22.1 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.
- 22.2 A decision of a policy committee or sub-committee which is vulnerable to call-in under Overview and Scrutiny Procedure Rules in this Part of this Constitution shall not be implemented until the fifth working day after it has been made.

## **SECTION 2 - Access to Information Procedure Rules**

### **1 Scope**

- 1.1 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**

- 2.1 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**

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

### **4 Notices of meeting**

- 4.1 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**

- 5.1 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**

- 6.1 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**

- 7.1 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**

- 8.1 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.
- 8.2 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**

- 8.3 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**

- 9.1 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**

- 9.2 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.
- 9.3 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

- 9.4 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

- 9.5 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.

<b>EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO INFORMATION)(VARIATIONS) ORDER 2006</b> <b>DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND</b>	
1.	Information relating to any individual
2.	Information which is likely to reveal the identity of an individual
3.	<p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>(N.B. Information within this paragraph is not exempt if it must be registered under:</p> <ul style="list-style-type: none"> <li>a) the Companies Act 1985</li> <li>b) the Friendly Societies Act 1974</li> <li>c) the Friendly Societies Act 1972</li> <li>d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>e) the Building Societies Act 1986</li> <li>f) the Charities Act 1993)</li> </ul>
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.
6.	<p>Information which reveals that the authority proposes:</p> <ul style="list-style-type: none"> <li>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>b) to make an order or direction under any enactment.</li> </ul>

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

**DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND**

- |    |   |
|----|---|
| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. |
|----|---|

- 9.6 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**

- 9.7 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**

- 10.1 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**

- 11.1 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 3 - Budget and Policy Framework Procedure Rules**

### **1 The framework for decision-making**

- 1.1 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.

### **2 Process for developing the framework**

- 2.1 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.

### **3 Virement**

- 3.1 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.

### **4 In-year changes to policy framework**

- 4.1 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.

- 4.2 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 4 - Overview and Scrutiny Procedure Rules**

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

- 1.1 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.
- 1.2 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.

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

- 2.1 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.

### **3 Co-optees**

- 3.1 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.
- 3.2 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.

### **4 Meetings of the Audit, Crime & Disorder and Scrutiny Committee**

- 4.1 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.

## **5 Quorum**

- 5.1 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.

## **6 Chairmanship of the scrutiny committee**

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

## **7 Work programme**

- 7.1 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.

## **8 Agenda items**

- 8.1 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
- 8.2 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.

## **9 Policy and development overview**

- 9.1 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.
- 9.2 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.

- 9.3 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.

## **10 Reports from the Scrutiny Committee**

- 10.1 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).
- 10.2 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.
- 10.3 The Council or the relevant policy committee shall consider the report of the Scrutiny Committee at its next available meeting
- 10.4 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.

## **11 Rights of scrutiny committee members to documents**

- 11.1 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.

## **12 Members and officers giving account**

- 12.1 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 Director or a Division Head shall be required to appear before the Audit, Crime & Disorder and Scrutiny Committee.]

- 12.2 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.
- 12.3 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.

### **13 Attendance by others**

- 13.1 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.

### **14 Call-in**

- 14.1 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).

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

14.3 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

## **15 Exceptions**

- 15.1 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.

## **16 Call-In and Urgency**

- 16.1 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.
- 16.2 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.

## **17 Procedure at Scrutiny Committee Meetings**

- 17.1 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.

17.2 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.

17.3 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 5 - Financial Regulations

Issued: July 2002; Revised July 2013, February 2019, February 2022

### 1 About Financial Regulations

#### The role and function of 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 all members and officers of the Council and anyone acting on its behalf must comply with the Regulations.
- 1.2 The Regulations identify the financial responsibilities of the full Council, Committees and Panels, the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, Directors, Heads of Service and Budget Managers.
- 1.3 Any reference to the Chief Finance Officer should be interpreted as meaning the Council's S151 Officer. The Chief Finance Officer is the Council's S151 Officer.
- 1.4 Where decisions have been delegated or devolved to other responsible officers, references to the relevant Director or Head of Service in the Regulations should be read as referring to those officers.
- 1.5 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 lawful, correctly authorised, provides value for money and achieves best value. Compliance with Financial Regulations will help discharge this responsibility.

#### What do Financial Regulations cover?

- 1.6 The Financial Regulations set out the financial management policies of the Council.
- 1.7 Financial Regulations are not detailed procedure notes. 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 it will not necessarily cover all eventualities. Where appropriate Managers should maintain their own operating procedure notes to fit in with the needs of their own service.
- 1.8 All members and officers **must** comply with Financial Regulations.
- 1.9 Although the Financial Regulations and the Finance Rule Book cover all major financial systems and processes, the Council has other procedures which set out how Council funds are managed. Regard must be had to the requirements of the Council's Procurement and Capital Strategies as well as Contract Standing Orders.

### **What if something is not clear?**

- 1.10 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.
- 1.11 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, Head of Finance, Chief Accountant, Head of Policy, Performance and Governance, or your service accountant.

### **What will happen if I don't comply?**

- 1.12 If it is minor non-compliance then you will be asked to correct the situation as appropriate. A serious breach will be reported to the Chief Finance Officer and Strategic Management Team, and may require to be reported to Audit, Crime & Disorder and Scrutiny Committee dependent upon the nature of the breach. The rules in the Council's Disciplinary Procedures may also be engaged.

## **FINANCIAL MANAGEMENT**

### **2 Financial Management – General**

#### **Status of Financial Regulations**

- 2.1 It is the responsibility of each Committee, Director, Head of Service and Budget Manager to ensure compliance with all the requirements of these Regulations.
- 2.2 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.
- 2.3 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.
- 2.4 The Financial Regulations do not override any statutory provisions.
- 2.5 The Regulations must be read in conjunction with current schemes of delegation to Committees and Officers.



## **Responsibilities of the Chief Finance Officer**

- 2.6 The Chief Finance Officer is the Council's S151 Officer and has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden.
- 2.7 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 2015
- 2.8 The Chief Finance Officer is responsible for:
- 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
- 2.9 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:
- (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.
- 2.10 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.
- 2.11 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 Audit, Crime & Disorder and Scrutiny Committee.

### **Responsibilities of Directors and Heads of Service**

- 2.12 Directors and 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 Chief Finance Officer.
- 2.13 It is the responsibility of Directors and 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.
- 2.14 Directors and 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.
- 2.15 Directors and 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 and the means by which budgets may be monitored effectively.
- 2.16 Where expenditure or income involves a contractual agreement with a third party, the Directors and Heads of Service must follow procedures laid down in the Contracts Standing Orders.
- 2.17 Directors and 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.
- 2.18 Directors and 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 Directors and Heads of Service. Budget Managers shall carry out their responsibilities in line with these Regulations and the Finance Rule Book.

### **Authorised Signatories**

- 2.19 Directors and 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.

## **3 Accounting Arrangements**

### **Accounting policies**

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

## **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 maintained and that the accounts of the Council and supporting records are kept up to date.

## **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).
- 3.4 The Audit, Crime & Disorder and Scrutiny Committee is responsible for approving the Annual Statement of Accounts in accordance with the requirements of the Accounts and Audit Regulations 2015.

### **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.

## **FINANCIAL PLANNING**

### **4 Financial Planning - General**

#### **Policy Framework**

- 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

- 4.2 The Council is responsible for approving the policy framework and budget which will be proposed by the Strategy and Resources Committee.
- 4.3 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.

## 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.
- 4.5 The Chief Finance Officer is responsible for ensuring that reserves are used only for the purposes for which they were earmarked.
- 4.6 The Chief Finance Officer may authorise the use of reserves for their intended purpose up to the following limits:

Value	Level of Responsibility
Up to £20,000	Chief Finance Officer
From £20,000 to £50,000	Chief Finance Officer in consultation with the relevant Committee Chair
Above £50,000	Committee approval required

- 4.7 The above limits do not apply to reserves held for accounting purposes. Reserves held for accounting purposes are used at the discretion of the Chief Finance Officer and include:
- Property Income Equalisation Reserve
  - Business Rates Equalisation Reserve
  - VAT Reserve
  - Insurance Reserve

## Financial Plan

- 4.8 The Chief Finance Officer shall maintain 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 plan will show, in summary, the estimated impact of future spending plans on the General Fund.

- 4.9 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.
- 4.10 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.

### **Review and Notification to the Chief Finance Officer**

- 4.11 Directors, 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.

## **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 Chief Finance Officer.
- 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.

### **Budget preparation**

- 5.3 Directors and 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 Directors and Heads of Service shall supply the Chief Finance Officer with such information as is necessary to support the estimates.

### **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.

## **6 Revenue Budget Control**

### **Budget monitoring and control**

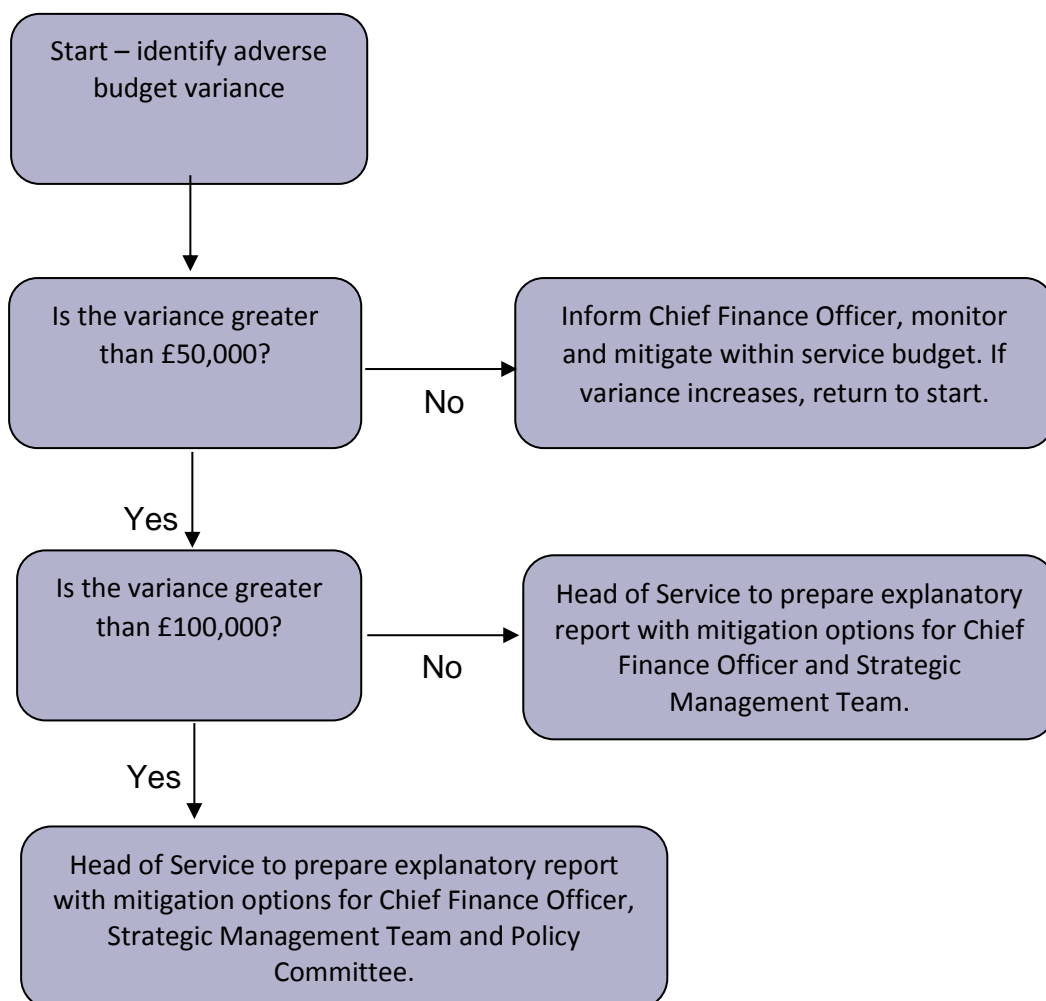
- 6.1 It is the responsibility of each Director and Head of Service to manage and direct resources to achieve the objectives of the budget. This involves the monitoring of expenditure and income and the regular review of performance. Where budgets are delegated to Budget Managers they are charged with 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 Audit, Crime & Disorder and Scrutiny Committee on the overall budget position on a regular basis.

### **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 in advance with the Chief Finance Officer.
- 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 show the total level of future annual commitment.
- 6.7 However, should the additional expenditure be beneath the threshold of £50,000 and a funding option can be identified, the proposal can be submitted just to the relevant policy committee for approval (and not to S&R Committee as well), provided approval is also obtained from the Chair of Strategy & Resources Committee and the Chief Finance Officer.
- 6.8 The procedure at paragraph 6.7 can be used on multiple occasions, but with a cumulative cap of £50,000 per policy committee in a financial year.

## Supplementary Estimates

- 6.9 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.
- 6.10 Where it is apparent that the budget for a service may be exceeded (or there will be a shortfall of income) by a material sum (see flowchart at 6.9), the Head of Service must prepare a written report setting out the reasons and proposing how the shortfall may be met, and submit it to the Chief Finance Officer. The Chief Finance Officer will advise on the action to be taken, which may include proposals for a report to Strategic Management Team and/or Policy Committee, virement or exceptionally a request for supplementary estimate.
- 6.11 The following flowchart sets out the recommended course of action and thresholds for adverse budget variances. Exceptions to the recommended action should only be permitted with the agreement of the Chief Finance Officer.



- 6.12 Expenditure may be authorised in an emergency by the Chief Finance Officer with the agreement of the Chair 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 procedure set-out at 6.25.

### **Virement of revenue budgets**

- 6.13 A revenue virement is the transfer of resources from one revenue budget to another (i.e. a transfer from existing approved budgets). Should the request require a new use of reserves, please refer to section 4 of the Financial Regulations

- 6.14 The delegated approvals for virements within the same Committee are --

<b>Value</b>	<b>Level of Responsibility</b>
Up to £20,000	Budget Managers
From £20,000 to £50,000	Relevant Director or Head(s) of Service, and Chief Finance Officer
Above £50,000	Committee approval required

- 6.15 Virements between committees above £50,000 require the approval of Strategy and Resources Committee and the other relevant Committee(s). Virements between committees below £50,000 can be approved by Committee Chairs and the Chair of Strategy and Resources Committee.
- 6.16 Virements between revenue and capital budgets will not be permitted due to the different sources of funding.
- 6.17 All virements must be completed on approved virement documentation.
- 6.18 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.
- 6.19 Virements between revenue income and expenditure will be permitted only where the additional expenditure will generate the income and with the approval of the Chief Finance Officer.
- 6.20 Virements in or out of the salary budget must be within control totals maintained by the Chief Finance Officer.



- 6.21 The virement of training budgets for any purpose other than training requires an express recommendation of the Head of HR and OD.
- 6.22 Virements must not be made in or out of the Epsom and Walton Downs Conservators and Nonsuch Park Joint Management Committee accounts.
- 6.23 Virements that provide new resources should only be approved if it can be demonstrated that the resources are affordable in the context of the whole Council's financial position.
- 6.24 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.
- 6.25 The above virement arrangements do not apply to adjustments to budgets that arise due to accounting or technical reasons such as correcting errors, budget restructuring due to internal reorganisation, capital and pension charges, and changes to grant regimes, provided these do not impact on the net budget of the Council.
- 6.26 Where an approved budget is a contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that its use is in accordance with the purposes for which it has been established and has been approved by the Chief Finance Officer.

### **Treatment of year-end balances**

- 6.27 Underspends 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.

### **Emergency or Urgent Action Requests**

- 6.28 Where a decision cannot wait until the next Council or relevant policy committee meeting, then under the Constitution the Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency or urgency (Constitution Part 3, Section 7 - Scheme of Delegation to Officers, paragraph 7.4d). The definition of emergency and urgency is set-out in the Constitution in Part 3, Section 7, paragraph 7.5.
- 6.29 Delegated Authority Forms should be used for such decisions and can be obtained from Democratic Services.

## **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 Strategy and Resources Committee.

- 7.2 The programme will include spending plans and funding for the forthcoming five 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.

### **Capital Member Group and Capital Officer Group**

- 7.4 The Capital Member Group has responsibility for advising on the capital programme in consultation with the Chief Finance Officer, to be presented to Policy Committees and Strategy & Resources Committee for approval.
- 7.5 The Capital Officer Group is responsible for the appraisal of all capital schemes submitted annually by budget managers. The assessment process will take into account key strategies including key priorities, the 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 be 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

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's responsibility to report to Members on a quarterly basis and to submit any major variances of the Capital Programme to the appropriate committee for approval, in line with the table below.

7.12 An officer who becomes aware that the estimated cost of a capital scheme for which he/she is responsible is likely to be exceeded should notify the Chief Finance Officer. The Chief Finance Officer can authorise additional funding per capital scheme up to the following limits:

Value	Level of Responsibility
Up to £20,000	Chief Finance Officer
From £20,000 to £50,000	Chief Finance Officer in consultation with the Chair of the relevant Policy Committee and the Chair of S&R
Above £50,000	Committee approval required

7.13 For capital schemes not completed by 31<sup>st</sup> March, a schedule of capital budgets to be carried forward will be presented to Strategy and Resources Committee by July.

7.14 At year-end, officers are responsible for applying the most appropriate source of capital funding to finance capital expenditure.

## 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 but is not limited to 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 risk management framework is monitored and reviewed by the Audit, Crime & Disorder, & Scrutiny Committee.
- 8.3 The Chief Executive and all Heads of Service are responsible for managing the Council's risks, taking mitigating action and promoting risk management throughout the authority.

### **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.
- 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. Directors and Heads of Service are responsible for ensuring effectiveness systems of internal control within their service.
- 8.6 It is the responsibility of Directors and 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.

### **Preventing fraud and corruption**

- 8.7 The Chief Finance Officer, in conjunction with the Head of Corporate Assurance 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.
- 8.8 It is the responsibility of Directors and Heads of Service to make the relevant staff aware of the requirements of the protocol for addressing the issues raised by the Criminal Finances Act 2017 and the Money Laundering Regulations 2017 and the Terrorism Act 2006.

## **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 The Chief Finance Officer is responsible for controlling total staff numbers by:
- 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 Directors 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.
- 8.13 Directors 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.
- 8.14 To comply with data protection legislation including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, the Data Protection Officer shall be responsible for maintaining proper security and the appropriate degree of privacy of information held within the Council, either electronically or in other formats e.g. microfiche, paper output etc. All staff are responsible for ensuring that they keep information secure and use personal data in a manner consistent with the Council's Data Protection Act Policy, Retention Policy and ICT policy.
- 8.15 The Strategy and Resources Committee is responsible for reviewing the Data Protection Act policy.

## **9 Insurance**

### **Review of Arrangements**

- 9.1 The Chief Finance Officer, in conjunction with the Head of Corporate Assurance, is responsible for ensuring that proper insurance exists where appropriate and advising the Strategy and Resources Committee on insurance arrangements. This includes

- (a) Adequate insurance to cover all assets in the organisation
- (b) Acceptable levels of risk are determined and insured against where appropriate

9.2 Details of insurance requirements are summarized below and provided in detail in the Finance Rule Book.

### **Review of Insurance Cover**

9.3 The Chief Finance Officer, in conjunction with the Head of Corporate Assurance, shall keep under review all insurance cover in consultation with other Heads of Service as appropriate.

### **Records of Insurance Cover**

9.4 The Chief Finance Officer, in conjunction with the Head of Corporate Assurance, shall maintain records of all insurance placed by the Council, showing the property and/or risks covered.

### **Notification of Risks**

- 9.5 Directors and Heads of Service must give prompt notification to the Chief Finance Officer and the Head of Corporate Assurance of all new risks, properties or vehicles that require to be insured and of any alterations affecting existing insurance.
- 9.6 Directors and Heads of Service shall give prompt notification in writing to the Head of Corporate Assurance 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.

### **Negotiation of Claims**

9.7 The Head of Corporate Assurance shall negotiate all claims in consultation with other officers as necessary.

### **Partnerships and 3<sup>rd</sup> Parties**

9.8 Directors and Heads of Service, in consultation with Head of Corporate Assurance, must ensure that the correct insurance cover is in place for any arrangements with contractor, partners or 3<sup>rd</sup> parties prior to such arrangements being entered into.

### **Fidelity Guarantee Policy**

9.9 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 Council is responsible for appointing its external auditors. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by the Local Audit and Accountability Act 2014.
- 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 and Head of Corporate Assurance shall maintain an adequate and effective system of internal audit to satisfy the Council's responsibilities under the Accounts and Audit Regulations 2015. The audit shall be performed, as far as practicable, to the standards set out in the "Public Sector Internal Audit Standards (PSIAS).
- 10.5 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's 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.
- 10.6 Strategy and Resources Committee is responsible for approving the procurement of the Council's internal audit service.

### **Powers of Internal Auditors**

- 10.7 To assist in complying with the requirements of the Accounts and Audit Regulations 2015, the Chief Finance Officer or his authorised representative shall have authority to:
  - (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**

- 10.8 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 or Head of Service concerned shall immediately notify the Chief Finance Officer and the Head of Corporate Assurance. The Chief Finance Officer and/or the Head of Corporate Assurance shall take such steps as considered necessary by way of investigation and report. This regulation does not relieve any Director or Head of Service from giving similar notification to the Chief Executive who may consider any legal and/or disciplinary implications.

## **Annual Report on Internal Audit**

- 10.9 At least once a year a report shall be presented to the Audit, Crime & Disorder & Scrutiny Committee reviewing the internal audit coverage undertaken during the previous year and the audit plan for the forthcoming year.

## **Chief Internal Auditor**

- 10.10 The post of Head of Internal Audit, 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 Charter**

- 10.11 The Chief Finance Officer, in conjunction with the Head of Corporate Assurance shall be responsible for approving the Internal Audit Charter Section. The purpose of this document is to:
- (a) to define the internal audit activity's purpose, authority and responsibility;
  - (b) Outline the scope of internal audit work; and
  - (c) Obtain corporate agreement on how internal audit should operate.

## **Whistleblowing**

- 10.12 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 Head of Service concerned.

### **Property**

- 11.2 The Head of Property & Regeneration 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.

### **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 Directors and 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 Head of Service is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment cash, and other assets 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.

### **Cash Holdings**

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

### **Disposal of assets**

- 11.9 Each Director or 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).

## **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 Audit, Crime & Disorder and Scrutiny Committee and for the execution and administration of treasury management decisions to the Chief Finance Officer, 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 Each year, the Chief Finance Officer shall report to the Council on the proposed strategy for treasury management for the forthcoming financial year.
- 12.8 The Chief Finance Officer shall report to Audit, Crime & Disorder and Scrutiny Committee annually on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to him/her. The report shall comprise an Annual Report on Treasury Management for presentation by the end of July of the succeeding financial year. A second, interim report on current performance shall be presented in Autumn to the Audit, Crime & Disorder and Scrutiny Committee.

## **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.
- 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.
- 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 officers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. Heads of Service are responsible for the proper operation of financial processes in their own departments.

- 13.3 Any changes to agreed procedures by Directors or Heads of Service to meet their own specific service needs should be agreed with the Chief Finance Officer.

### **Training**

- 13.4 Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

### **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 and the Council's Information Governance Officer. Divisional Managers must ensure that staff are aware of their responsibilities under the freedom of information legislation.

### **Schemes of Delegation**

- 13.6 It is the responsibility of Directors and 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 Director or Head of Service's behalf in respect of payments, income collection and placing orders, together with the limits of their authority.

## **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 Officer 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 Chief Finance Officer, 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.

### **Bank Stationery**

- 14.4 All cheques, and other debit and credit forms shall be ordered only on the authority of the Chief Finance Officer, 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.

## **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.

## **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.

### **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 Chief Finance Officer.

## **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 Head of Service 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.

## **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 Assurance discharges the duty of 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 Enforcement Officers 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.

## **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 up to £20,000, 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 offs in excess of £20,000 should be reported to the Strategy and Resources Committee.

15.14 The above limits do not apply to the write off of business rates debts, where the liable party is subject to insolvency action as prescribed in the Insolvency Act 1986 and the Council is not legally able to continue with recovery action. The write-off of these debts can be authorised by the Head of Digital and Service Transformation, in conjunction with the Chief Finance Officer.

15.15 A record of all amounts written off shall be maintained by the Chief Finance Officer and shall be kept up to date.

## **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.
- 16.4 Directors and Heads of Services are responsible for ensuring that any procurement of contractors is compliant with HMRC's IR35 off-payroll working rules.

### **Official Orders**

- 16.5 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 Director or Head of Service. They shall include any contractual requirements set out in Standing Orders for Contracts.
- 16.6 Each order shall conform to directions regarding purchasing and the standardisation of supplies and materials.
- 16.7 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.
- 16.8 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.

- 16.9 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.

### **Variation of Orders**

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

### **Staff Benefits Scheme**

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

### **Related Party Transactions**

- 16.12 Any Officer who is in a position to influence the award of a contract or the placing of an order must inform their Head of Service if a transaction will involve an individual or company with whom they have a relationship.
- 16.13 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 Chief Finance Officer.

### **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 or Head of Service, shall be in manuscript or by an electronic method approved by a Director or Head of Service. 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.



## **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 Strategic Management Team meeting and take action as necessary.

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

## **Purchasing Cards**

- 17.7 Nominated officers agreed by the Chief Finance Officer can have purchasing cards for the purchase of low value approved items. 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 time (further details are available in the Finance Rule Book and procedures).

## **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 Chief Finance Officer.
- 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 Head of HR and Organisational Development.

### **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 HMRC. These should also be submitted to the appropriate manager and stored via the HR Self Service system.

### **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.

## **19 Taxation**

### **Responsibility**

- 19.1 The Chief Finance Officer is responsible for advising Directors and 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.
- 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.
- 19.3 The Chief Finance Officer 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.
- 19.4 The Chief Finance Officer shall report any significant changes relating to the Council's tax affairs to Strategy and Resources Committee.
- 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.
- 19.6 The Chief Finance Officer shall issue instructions and manuals as appropriate based on up to date legislation.

### **Appointment of Advisors**

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

### **Property Transactions**

- 19.8 The Chief Finance Officer and Head of Property and Regeneration 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.

## **EXTERNAL ARRANGEMENTS**

### **20 Partnerships, External Arrangements and Work for Third Parties**

- 20.1 Heads of Service, Directors and the Chief Executive are permitted to bid for external funds, provided they first inform the Chief Finance Officer, and if appropriate the Director and Chief Executive, and can evidence that the bid will have no negative impact on the Council's budget. Should the proposed bid involve a significant issue of policy, it should be reported to the relevant policy committee.

- 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.
- 20.3 Heads of Service and managers must ensure that work for 3<sup>rd</sup> parties does not have an adverse impact on any of the Council's services. Before entering into agreements, a risk management appraisal must be undertaken. All guidance issued by the Chief Finance Officer must be complied with and all agreements and arrangements must be properly documented.
- 20.4 The Chief Finance Officer in conjunction with the Head of Corporate Assurance, must ensure that adequate insurance arrangements are in place for all partners, 3<sup>rd</sup> parties or external arrangements. The Chief Finance Officer is responsible for advising on the tax implications of agreements with other parties.
- 20.5 The relevant Director or Head of Service is responsible for approving partnership arrangements and informing the Chief Finance Officer of such arrangements. Where appropriate Directors or Heads of Service should seek financial and legal advice prior to entering into a partnership arrangement and that risk assessments are undertaken.
- 20.6 Directors and Heads of Service are also responsible for evaluating any long term implications of entering into such arrangements and informing the Chief Finance Officer.
- 20.7 The Director or Heads of Service must also ensure that adequate records are maintained of any expenditure, grant or income including match funding.
- 20.8 The appropriate Director or Head of Service 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 Director or 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.
- 20.9 Any contracts must comply with the Council's Contract Standing Orders.

## SECTION 6 - Contract Standing Orders

Approved by Council: 7 December 2021

<b>Section 1</b>	1	Introduction
<b>Section 2</b>	2	Statutory requirements
	3	Compliance
	4	Scope
	5	Roles and responsibilities
	6	Purchase Orders
	7	Purchasing Cards
	8	Temporary staff, Consultants and Professional Services
	9	IR35
	10	Grants
	11	Social value
	12	Modern Slavery
	13	Sustainable Procurement
	14	Reverse VAT
	15	Accessibility standards
	16	Publication of Spend, Opportunities and Awards
	17	e-tendering
	18	Contract Register
	19	Freedom of information
	20	Exemptions
	21	Waivers
<b>Section 3</b>	22	Permission to tender
	23	Contract value calculation
	24	Consideration and budget approval
	25	Declaration of Interest
	26	Contract Management
<b>Section 4</b>	27	Form of Contract
	28	Sealing and signing of contracts
	29	Novation
	30	Financial Security
<b>Section 5</b>	31	Disposal of Land and Property
	32	Disposal of Other Council Assets
	33	Work of Third Parties
	34	Partnerships
	35	Council Members and Contracts
<b>Section 6</b>		Procurement Thresholds and Procedures
<b>Annexes</b>		Annex 1 – Officers Process Guide
		Annex 2 – EU Procurement Directive Thresholds
		Annex 3 – Procurement in the UK regulations
		Annex 4 - Templates

## **Section 1**

### **1 Introduction**

- 1.1 These Contract Standing Orders ('CSO's) set out how the Council manages its spending. They relate to the purchasing of all goods, works & services and ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required, and that Contracts are entered into in a fair, open and transparent way.
- 1.2 Officers who purchase on behalf of the Council are responsible for following these CSOs including all relevant policies and guidance detailed. Heads of Service are accountable for all procurement in their respective areas of responsibility.
- 1.3 The Procurement Officer is responsible for ensuring the CSOs are up to date and reflect current law including any retained EU law. Any change in applicable law must be observed until the CSOs can be revised. If there is a conflict between applicable law and these CSOs then the law will take precedence.

## **Section 2**

### **2 Statutory Requirements**

- 2.1 Public procurement in the UK is regulated by the Public Contracts Regulations 2015 (the "PCR 2015"), which derive from the EU Public Contracts Directive 2014 – this is retained law. Accordingly, the PCR 2015 continue to apply to public procurements in the UK.
- 2.2 Where the value of the contract exceeds the relevant EU Procurement Directive threshold then the Council must comply with the EU tendering requirements set out in the PCR 2015.
- 2.3 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. The applicable thresholds can be found in Annex 2.

### 3 Compliance

- 3.1 All Officers purchasing on behalf of the Council are expected to comply with these CSOs.
- 3.2 All purchasing and resulting contracts made by, or on behalf of the Council must comply with:
- a) The Councils Constitution, including Financial Regulations and relevant Council policies.
  - b) The Public Contract Regulations 2015
  - c) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020
  - d) Local government Transparency Code 2015 (rule 31)
  - e) Local Government Act 1999 (Section 3; best value)
  - f) Any and all applicable statutory provisions;
- 3.3 Purchase Orders must be approved and/or Contracts signed by both parties prior to any contract start date.
- 3.4 Where an Officer has deliberately disaggregated a contract to avoid a particular threshold procedure, the relevant Head of Service will have the right to request the procurement to be cancelled.

### 4 Scope

- 4.1 These orders do not apply to the following items, which are managed by separate policies:

Type of Contract	Policy / Law which covers Contracts out of scope
Contracts for the acquisition or lease of land and/or real estate	In accordance with the local government act 1972, Housing Act 1985 or any related acts or authorities.  Please see CSO 20
Contracts for permanent or fixed term employment	HR / Recruitment Policies
Awarding Grants	Each grant will be governed by its own funding procedures. These will be made available to bidders upon request.  CIL Grant Funding – <a href="#">LINK</a>
Where the contract relates to a financing transaction	Not subject to competition due to their nature

Works orders placed with statutory undertakers	Not subject to competition due to their nature
Procurements that have been jointly procured by another local authority, public sector consortium or collaboration of which the Council is a party but not the Lead Authority.	<p>The procurement of Contracts of this nature will be governed by the Constitution of the Contracting/lead authority</p> <p>Internal contract sign-off thresholds will still apply; please see Section 5 – Procurement Thresholds and Procedures</p>
Orders for goods and services placed against an established Framework that was subject to these CSO's during its set-up.	The establishment of the call-off Contract or Framework Agreement would have been governed by the CSO's in the first instance, as such any call offs / mini competitions ran under such agreement will have already complied with these CSO's.
Where goods, services or works are awarded because of a declared emergency and authorised by the Chief Executive, Director of Corporate Services, Director of Environment, Housing and Regeneration, Head of Corporate Assurance and the Emergency Planning Officer. Contracts awarded must not exceed the estimated period of recovery	<p>Constitution – Part 4; Financial Planning – General</p> <p>6.10 - 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 procedure set-out at 6.25.</p>

4.2 All other Contracts made by or on behalf of the Council must comply with these CSOs unless there is an Exemption (CSO 20) or Waiver (CSO 21).

## 5 Roles and Responsibilities

5.1 The Procurement Officer is responsible for:

- a) Providing expert market knowledge ensuring compliance and delivering best value
- b) Ensuring Officers have the correct tools, information and guidance to deliver a complaint, cost effective and good quality contract.



- c) Offering expert advice to Officers procuring within Thresholds 1 & 2.
- d) Taking a commercial lead on all Procurements within threshold 3.
- e) Updating and delivering the Procurement Strategy
- f) Ensuring transparency by maintaining
  - a. Contract Register
  - b. Waiver log
- g) Embedding social value and sustainability appropriately across Council expenditure
- h) Offering training to purchasing Officers
- i) Ensuring suppliers are aware of, and follow, the Council's '*How to do business with us*' when bidding.
- j) Manage e-sourcing platform
- k) Updating the internal and external web pages to ensure Officers, Suppliers and residents are kept informed.

5.2 Officers purchasing on behalf of the Council are responsible for:

- a) Any contract in excess of £5,000 should be reported to the Procurement Officer so that the Contract Register can be updated and published accordingly.
- b) Complying with these CSOs and all relevant policies;
- c) Ensuring there is adequate budget available for any purchase prior to approaching the market for quotes;
- d) For purchases within threshold 1, Purchase Orders (PO) must be approved **before** the requirements are delivered to the Council.
- e) For purchases within threshold 2 & 3, Officers must ensure the contract is signed by both parties **before** raising a PO.
- f) For Contracts within threshold 2 and 3, Officers must ensure they have properly engaged with legal services and an appropriate level contract is to be used.
- g) Ensure specifications accurately define the requirements.
- h) Consideration is given to equality and diversity as well as social value implications.
- i) Ensuring that HR is consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.
- j) Contracts are to be managed within Services, either by a dedicated Contract Manager or by a nominated officer.

## **6 Purchase Orders**

- 6.1 Purchase Orders (PO) should be raised in the Council's Purchasing system.
- 6.2 When an invoice is received, a PO number should be clearly highlighted and the invoice signed off by an authorised signatory;
- 6.3 Approved invoices should be sent to [Creditors@epsom-ewell.gov.uk](mailto:Creditors@epsom-ewell.gov.uk) for payment;
- 6.4 Any invoice received by the Council's Creditors that cannot be matched to a purchase order will be referred back to the budget manager, unless it falls under one of the following exemptions from purchase orders:
  1. Supplies of utility services
  2. Periodical payments (such as rates or rents)
  3. Purchase card transactions
  4. Transport and Facilities Management contracts
  5. Treasury management transactions
  6. Refunds and grants
  7. Statutory payments to other government organisations
  8. Theatre performances
  9. Any order for works, goods or services with a value less than £150

## **7 Purchasing Cards**

- 7.1 The Council makes use of Purchase Cards. These are effectively credit cards which are used to make small purchases in a wide range of situations. Officers who are supplied with a purchasing card must refer to the '*Purchasing Card User Guide*' for further information.

## **8 Temporary Staff, Consultants and Professional Services**

- 8.1 Procurement works closely with HR to manage the Council's temporary agency workforce needs and applies to any appointment outside the Council's direct employment arrangements. Prior to appointment the appropriate Rec01 must be completed (except in Operational Services).
- 8.2 The Council has a contract for the provision of temporary agency staff via a managed service supplier. All temporary agency workforce must be sourced via this Contract in the first instance.
- 8.3 Where it is not possible to use this contract, a Head of Service may use an alternative "off contract" agency. This appointment must be agreed in advance with the Head of HR & OD and the role is considered specialist.

- 8.4 Where the role is considered specialist a contract must be agreed with the Legal Team.
- 8.5 Temporary agency staff, and other consultants or contractors, must abide by the terms of their contract with the Council and follow the Council's Code of Conduct.

## **9 IR35**

- 9.1 IR35 relates to off-payroll working. This is where a supplier is operating and providing services to the Council via an intermediary, such as a limited company, and were it not for that arrangement, they would be considered an employee and within IR35. It is the responsibility of the Council to determine if IR35 applies or not and any unpaid tax can be claimed back if the Council gets the decision wrong. If it does apply the Council (or fee payer if via an agency) would be responsible for making employment tax and National Insurance deductions. Advice should be sought from HR.
- 9.2 Further IR35 advice can be found via the link within Annex 3 or by contacting the HR Team.

## **10 Grants**

- 10.1 The making of grants is not subject to these Orders. You must follow the rules and guidance for grant-making that are available internally for each individual grant. Officers are reminded to take into account the legal requirements concerning subsidy control.

## **11 Social Value**

- 11.1 The Public Services (Social Value) Act 2012 came into force on 31st January 2012. The act requires the Public Sector to consider how they can use contracts to enhance the wider wellbeing of the community. This complements existing procurement legislation and reinforces social value as part of the value for money considerations.
- 11.2 Social Value (SV) can be achieved by generating benefits to society, the economy and positive impacts to the environment and local communities via our external spend. It can be created in many ways and has wide ranging benefits.
- 11.3 The Social Value Act 2012 currently applies only to service contracts over the EU threshold (£189k) but shall be considered in all procurements where applicable. Social value forms part of a bidders commitments at tender stage and should be tailored to the subject nature of the contract being awarded.

- 11.4 It is the Contract Managers responsibility to ensure SV is being delivered during the life of the contract.

## **12 Modern Slavery**

- 12.1 The Modern Slavery Act 2015 ("MSA") is a UK act of Parliament designed to tackle slavery and human trafficking through the consolidation of previous legislation and the introduction of new measures. Specifically, it introduces new requirements for organisations in regards to their business and supply chains – and creates a criminal offence.
- 12.2 Modern Slavery is defined as slavery, servitude, forced or compulsory labour, human trafficking and exploitation was put in place.
- 12.3 For procurements within threshold 3, the Council will use the mandatory standard supplier questionnaire (SSQ) on all its procurements which includes a section on the supplier's approach to the Modern Slavery Act, slavery and human trafficking in the supply chain. As part of the Councils due diligence on all new suppliers, and proportionate to the level of supply chain risk, additional questions may be posed at the assessment stage to consider how suppliers manage their own supply chain risk.

## **13 Sustainable Procurement**

- 13.1 Sustainable procurement, put simply, is the process by which an organisation meets their purchasing needs in a way that achieves value for money, on a whole life basis, whilst benefitting the organisation, its customers, the wider society and economy and protecting the environment.
- 13.2 The Council seeks to address the environmental impact of its activities. To help do this, suppliers bidding for contract opportunities will be asked, where appropriate, to demonstrate their awareness of relevant environmental issues through their own policies.
- 13.3 Typically sustainable procurement should follow the following principles:
- Sustainable procurement is the act of adopting social, economic and environmental factors alongside the typical price and quality considerations into the organisations handling of procurement processes and procedures.
  - Sustainable procurement isn't just about buying 'green' products. It includes planning ahead to manage demand, effective ongoing contract management and dealing with supply chain risks and impacts.
  - Incorporating sustainable procurement into our future contracts in order to facilitate a reduction in our Scope 3 (supply chain emissions).

- 13.4 Officers purchasing on behalf of the Council should be aware of the Councils Climate Change Action Plan (CCAP) which incorporates single use plastic policy and the Biodiversity Action Plan. The impact of climate change should be built into procurements where appropriate.

## **14 Reverse charge of VAT**

- 14.1 The VAT reverse charge for construction came into effect on 1 March 2021. The reverse charge applies to any services related to the construction of buildings and the materials, but not to professionals' fees like those of architects, surveyors, or consultants. A reverse charge means that the recipient will be accountable for the VAT rather than the supplier.

## **15 Accessibility Standards**

- 15.1 In 2018 the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into effect. This Act builds upon existing obligations under the Equality Act 2010.
- 15.2 Any procurement that will result in a public facing website where the Council or a supplier on its behalf is presenting information relating to the Council or services the Council offer, must comply with the Act and Regulations and must meet the new accessibility standards.
- 15.3 Officers must ensure that the Councils Communications Teams advice is sought.

## **Transparency**

## **16 Publication of spend, Opportunities and Awards**

- 16.1 The Council is committed to displaying information that explains how its money is spent. The Local Government Transparency Code 2015 requires Local Authorities to publish any expenditure that exceeds £500 and all Contracts over £5,000. This can be found on the Councils public website.
- 16.2 Under regulations 106, 108, 110 and 112 of the PCR's, the Council has a statutory obligation to advertise Contract awards over £25,000 on Contracts Finder.
- 16.3 The Councils e-Sourcing Portal will automatically publish contract and award notices. For procurements over £25,000 (but not advertised through the Councils e-Sourcing platform) must be completed and published directly on the Contracts Finder website by the Procurement Officer.

- 16.4 In January 2021, Find a Tender service (FTS) was launched to replace the OJEU Contracts notices and awards system. The Council's e-Sourcing Portal automatically publishes opportunities on FTS.
- 16.5 The Council has a further obligation to advertise contract opportunities and awards within Threshold 3 on FTS.

## **17 e-tendering**

- 17.1 All procurements within threshold 2 and 3 must be advertised via the Council's eSourcing platform; In-Tend. This ensures that the tender opportunity is advertised to the market in a fair and auditable way. Furthermore, In-Tend publishes contract and award notices automatically to Contracts Finder and Find A Tender platforms ensuring the procurement exercise remains compliant.
- 17.2 In-Tend set-up, passwords, support and training can be sought from the Procurement Officer.

## **18 Contract Register**

- 18.1 The Council has a statutory obligation to publish any spend over £500 and Contracts over £5,000 on its website.
- 18.2 Officers who award contracts over £5,000 must inform the Procurement Officer of each contract for the Contract Register to be updated.

## **19 Freedom of Information**

- 19.1 In accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, the Council has an obligation to publish specific information and to provide information to members of the public upon request. That is subject to certain disclosure exemptions such as where confidential or commercially sensitive information may be withheld.

## **20 Exemptions**

- 20.1 These CSOs apply to all procurement undertaken by the Council unless the procurement is within Thresholds 1 & 2 and falls within one of the following categories:
- a) Emergency purchases. Emergency purchases are to be made by departments only when normal functions and operations of the Council when property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., and are needed immediately. Sufficient funds must be available and signed off by the Budget Holder.

- b) Call offs from framework agreements which have been tendered; internal budget approval must be sought.
- c) An extension to an existing Contract which contains express provision as to the extension of that Contract and provided those conditions are followed. The relevant Head of Service has the authority to agree to and sign-off the extension.
- d) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs;
- e) employment contracts;
- f) disposal or acquisition of land
- g) legal advice, legal services and expert witnesses
- h) Where a Market Insight Report has been written by the procuring officer which clearly evidences insufficient credible competition
- i) There is a variation (additional work) to an existing Contract where the variation is outside the scope of the Contract but it would be inappropriate to offer the additional work to competition. For example, Consultants when their area of expertise or existing knowledge would preclude using another.

## **21 Waivers**

21.1 The requirement for the Council to conduct a competitive procurement process for contracts within Thresholds 1 & 2 of these CSO's may be waived in exceptional circumstances by the following officers:

1. Head of Corporate Assurance
2. Chief Finance Officer

21.2 If either Officer identified in 21.1 is unavailable, the Chief Accountant and Director of Corporate Services or Director of Environment, Housing & Regeneration within their respective Services can act under delegated authority.

21.3 A waiver cannot be granted for procurements in threshold 3 as it would contravene the PCR's 2015.

21.4 Officers must obtain approval for a Waiver by completing the 'Waiver Request Form' documenting the reason for which the waiver is sought, including justification and risk.

21.5 Waiver Request Forms must be completed in full and accurately describe the services needed. Forms not completed satisfactorily will be returned to the author.

- 21.6 All applications for waivers of these Orders must be submitted to the Procurement Officer who will seek approval from Officers listed in 21.1.
- 21.7 Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.
- 21.8 The Procurement Officer must maintain a log of all waivers.

### **Section 3**

#### **22 Permission to tender**

- 22.1 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.
- 22.2 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.

#### **23 Contract Value Calculation**

- 23.1 Prior to commencing a procurement exercise Officers must estimate the aggregate value; this will determine which threshold the procurement falls under.
- 23.2 The 'Contract Value' means the estimated total aggregated value payable in pounds sterling over life of the Contract, including any extensions. This is exclusive of Value Added Tax (VAT)
- 23.3 Contracts must not be purposefully underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of these Orders or the PCR's.
- 23.4 Spend with suppliers will be monitored regularly to ensure contracts are not being disproportionately awarded and exceed thresholds.
- 23.5 In the case of Framework Agreements or Dynamic Purchasing Systems, the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Purchasing System.

#### **24 Consideration and budget approval**

- 24.1 Before commencing a procurement process, Officers must ensure:



- 24.2 For procurements within threshold 2 & 3 of the Procedures for Procurement table within Section 5, Officer must ensure they have conducted an options appraisal clearly setting out the need for the service and options considered to procure.
- 24.3 Budget approval has been sought and a cost center assigned.
- 24.4 Heads of Service (HoS) have the authority to commence a tendering process provided there is a written business case
- 24.5 Where the value of the Contract exceeds £750k; the Procurement must be approved by the relevant Committee **prior** to the commencement of the procurement process. This approval must be embedded into the final draft of the business case.
- 24.6 Existing Contract or Frameworks have been explored and where possible utilised.
- 24.7 Where appropriate they have engaged with the Procurement Officer.

## **25 Declaration of Interest**

- 25.1 At any point during the procurement process, if an Officer or evaluator becomes aware that he has a direct or indirect pecuniary interest in a Contract which the Council has entered into, or proposes to enter into, their interest must be recorded within the Procurement Report.

## **26 Contract Management**

- 26.1 It is the procuring officer's responsibility to ensure that there is a robust Contract Management plan in place that is proportionate to the scale and scope of the Contract. This should include, but is not limited to:
- a) Accountability, roles and responsibility,
  - b) Strong government procedures
  - c) Measure and report on performance and use KPIs and data efficiently to incentivise good performance;
  - d) Drive continuous improvement, value for money and capture innovation
  - e) Adopt and encourage mature commercial behaviours;
- 26.2 Any extensions or variations to a Contract may only be made in accordance with the Contract and in line with advice from legal services and PCRs.
- 26.3 The Councils Contract Manager should be contacted for further advice and support

## **SECTION 4**

## **27 Form of Contract**

27.1 Contract award notification shall be issued;

- a) By the Officer leading the procurement only
- b) When the evaluation has been completed and Procurement report signed off.

27.2 For Procurements in thresholds 2 & 3, Legal Services should be instructed using the Legal Instruction Form at the Officers earliest opportunity. By not doing so, your Project may be delayed significantly.

27.3 All Contracts shall:

- a) specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the Contract and any other terms and conditions that may be agreed;
- b) provide for the payment of liquidated damages where they are appropriate;
- c) contain details of any security that is required by the Council; and
- d) prohibit the Contractor from sub-Contracting or assigning all or any part of the Contract without the express consent of the Council.
- e) Contain a copy of the tender submission

27.4 Except in exceptional circumstances with the prior written approval of the Chief Executive, all Contracts must be signed or Sealed before their commencement.

27.5 Every Contract in excess of £100,000 must contain a comprehensive Business Continuity plan.

27.6 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.

27.7 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.

- 27.8 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.

## **28 Sealing and Signing of contracts**

- 28.1 Contracts within Threshold 1 shall be the subject of a Purchase Order unless otherwise stated, in which case a formal Contract shall take account of an appropriate level of legal advice.
- 28.2 Contracts within Threshold 2 and 3 shall be the subject of a formal written Contract agreed by the Chief Executive [DELEGATED] and under Seal if required.
- 28.3 Every contract valued at £750,000 or more shall be sealed with the common seal of the Council.
- 28.4 For all contracts under £750,000 the awarding officer may sign the contract on behalf of the Council.

## **29 Novation**

- 29.1 Novation refers to where one of the contracting parties in the original contract is replaced by an entirely new party that assumes the rights and obligations of the original party.
- 29.2 Novation is not permitted without the express consent of the Head of Service and Legal Services.

## **30 Financial Security**

- 30.1 Adequate financial security and/or a performance bond must be required for all Contracts within Threshold 3.

30.2 The Council request the minimum financial cover:

- a) Employers Liability Insurance: £5,000,000
- b) Public Liability Insurance: £10,000,000
- c) Professional Indemnity Insurance: £1,000,000
- d) Product Liability Insurance: Should be proportionate to the product being purchased.

30.3 Any variation from 30.2 must be agreed with the Head of Corporate Assurance

### **31 Economic and Financial Standing**

31.1 The Councils will examine and maintain the credit report of all suppliers to gauge it's economic and financial status.

## **Section 5**

### **32 Disposal of Land and Property**

32.1 All land and property which is considered to be surplus to the Council's service requirements must be notified to the Director of Environment, Housing & Regeneration who will be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

### **33 Disposal of Other Council Assets**

- 33.1 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.
- 33.2 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.
- 33.3 Assets having no realisable value or where the costs of disposal is 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.
- 33.4 Assets with a value of £10,000 or less may be sold for the best price possible.
- 33.5 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.

- 33.6 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.
- 33.7 Council officers or members are not permitted to purchase any Council assets.
- 33.8 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.
- 33.9 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:
- a) for items valued up to £10,000 the relevant Head of Service in consultation with the Chief Finance Officer;
  - b) for items valued between £10,000 and £20,000, Chief Finance Officer in consultation with the relevant committee chairman; and
  - c) for items valued over £20,000 the relevant committee.

#### **34 Work for Third Parties**

- 34.1 The Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

#### **35 Partnerships**

- 35.1 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:
- a) the terms of reference; and
  - b) where appropriate, a scheme of delegation to officers to operate within the partnership.
- 35.2 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.
- 35.3 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 Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services.

- 35.4 The Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services 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.

## **36 Council Members and Contracts**

- 36.1 No member shall have authority to enter into any contract on behalf of the Council.
- 36.2 No member shall have authority to issue any instruction or variation to a contractor of the Council.

## Section 6 – Procurement Thresholds and Procedures

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

	<b>Contract Standing Orders - Procedures for Procurement - minimum requirements</b>										
	Aggregate Value including extensions £	Advertising required	Contract Award notice required	Procurement method	Receipt of quotes	Who is authorised to carry out Procurement	Timescales	Contract Type	Who must approve the contract award	Who signs the contract on the Councils behalf	Audit trail and documentation
Threshold 1	£0-£24,999 Quick Quote (QQ)	No	No	Three (3) quotes *	e-Sourcing platform or Email	Service Officer	N/A	Purchase Order  (or bespoke contract if appropriate)	Budget holder	Budget holder approves PO	Completed Quick Quote document to be stored within team drives
Threshold 2	£25,000 to £189,329 Request for Quotation (RFQ)	<ul style="list-style-type: none"> <li>e-Sourcing platform</li> <li>Contracts Finder</li> </ul>	Yes	Minimum of three (3) quotes*	e-Sourcing platform	Service Officer	Allow 28 Working Days	Standard EEBC Contract / JCT /Framework	Head of Service	Head of Service	Completed RFQ document to be stored within team drives
Threshold 3	Over £189,330 Invitation to Tender (ITT)	<ul style="list-style-type: none"> <li>e-Sourcing platform</li> <li>FTS</li> <li>Contracts Finder</li> </ul>	Yes	Goods & Services – Full tender  Works – competitive quotation**	e-Sourcing platform	Procurement Officer	PCR 2015 Timescales	Bespoke EEBC Contract / JCT /Framework	Head of Service & Head of Finance & Appropriate Committee	Under £750k - Head of Service  Over £750K – sealed as a Deed by Legal Services	ITT and Reg 84 document to be stored within eSourcing portal.

If any Officer identified within the ‘who must approve the contract’ and/or ‘who signs the contract on the Councils behalf’ table above is unavailable, the Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective area can act under delegated authority.

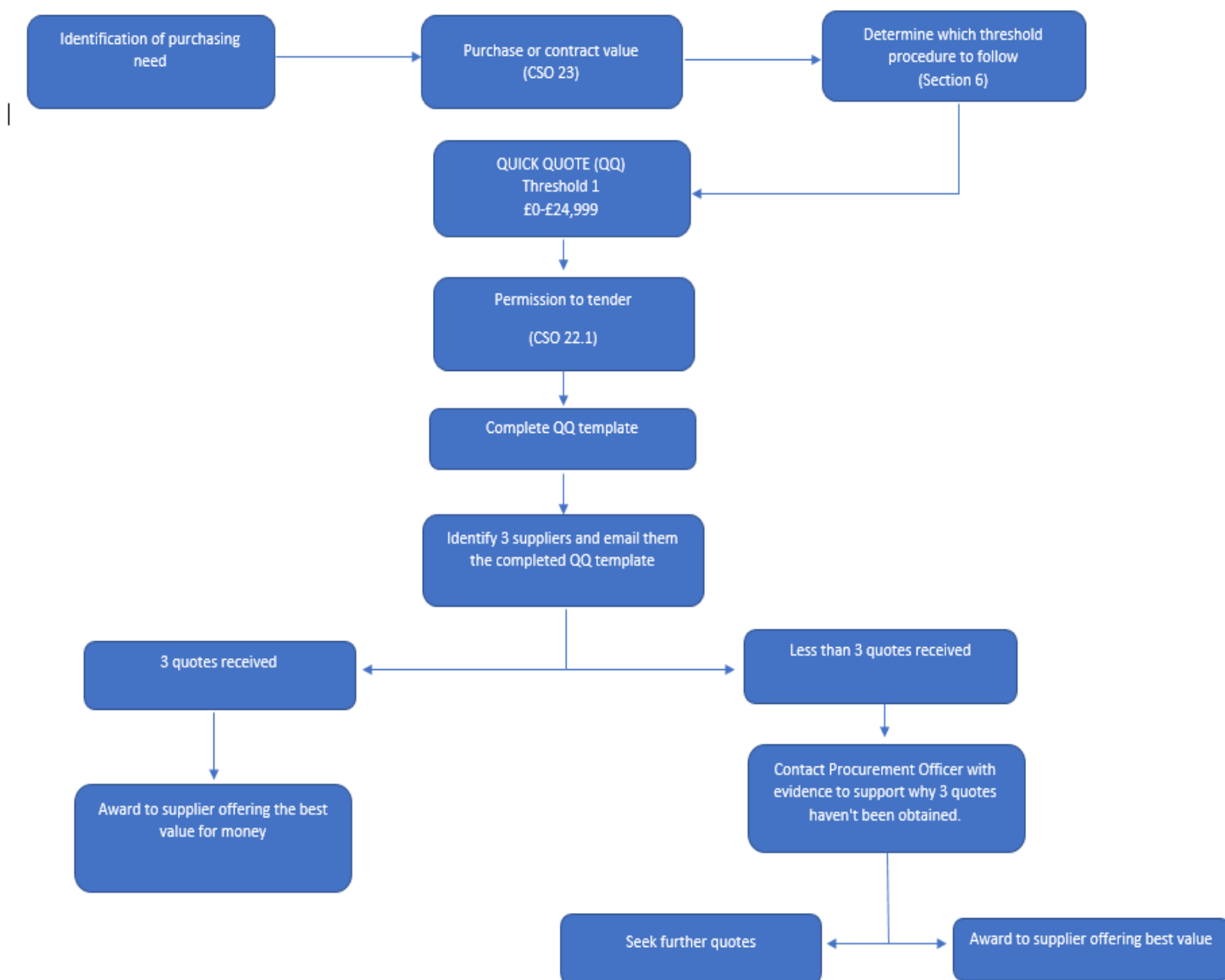
\* 3 quotes must always be requested. In exceptional circumstances where 3 quotes are not received back following a request, permission must be granted by the Procurement Officer to proceed with award.

\*\*Works up to threshold:

- Competitive quotation & Construction Line should be used to select a shortlist of suitable contractors
- Works over threshold: Full tender

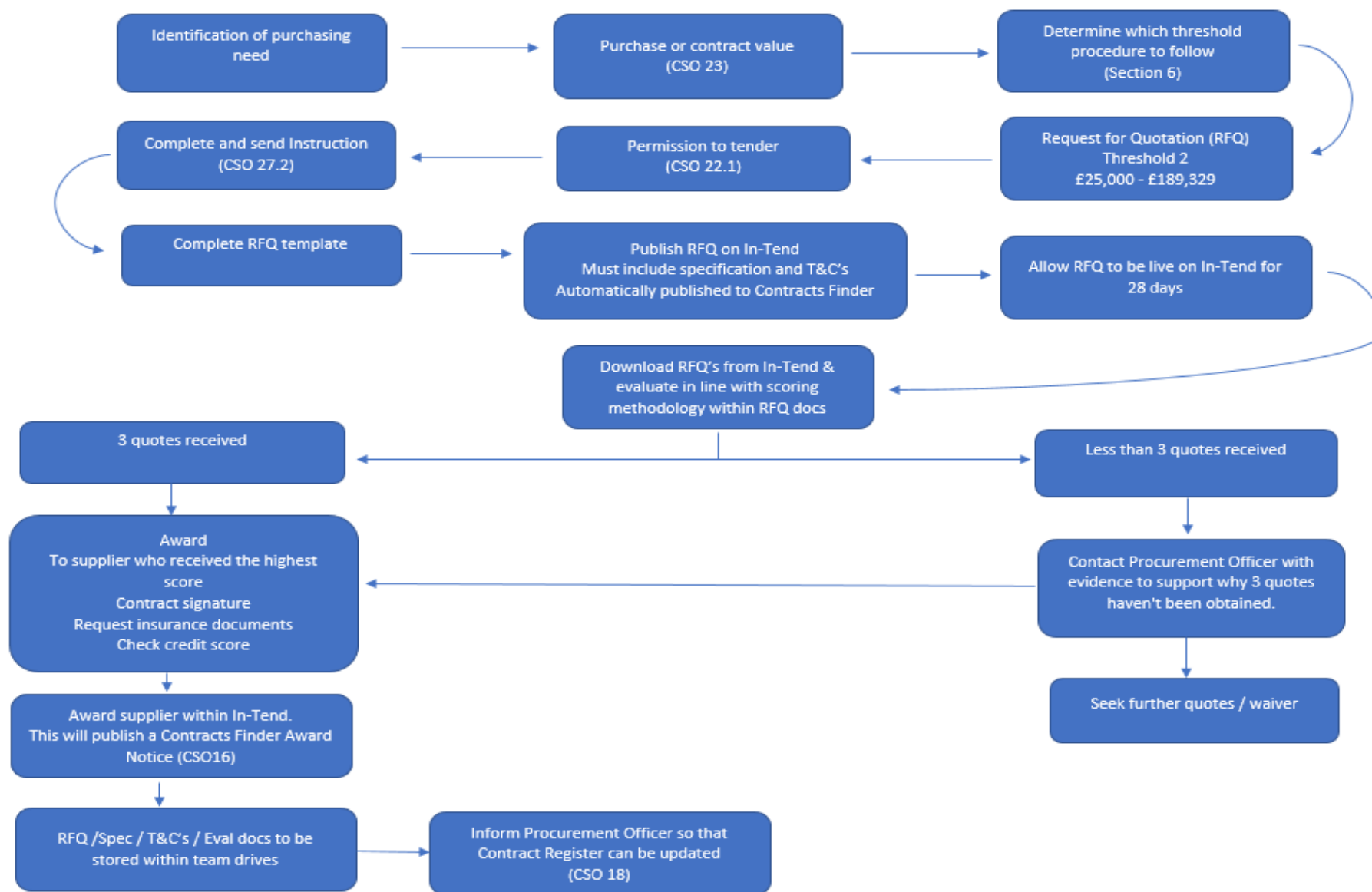
## Annex 1 – Officers Process Guide

- Quick Quote (QQ)





## Request for Quotation (RFQ)



## Annex 2 – EU Procurement Directive threshold

The financial thresholds are amended, generally every 2 years and the most up to date can be found here: <https://www.ojeu.eu/thresholds.aspx>

<b>Public Contract Regulations 2015</b>		
Supplies and Services		
	Schedule 1 Bodies	£122,976
	All bodies	£189,330
Subsidised Service Contracts		
	All Bodies	£189,330
Works (including subsidised Works Contracts)		
	All Bodies	£4,733,252
Light Touch Regime for Services		
	All Bodies	£663,540
<b>The Utilities Contract Regulations</b>		
Supplies and Services		
	All Sectors	£378,660
Works		
	All Sectors	£4,733,252
<b>The Concession Regulations</b>		
	Concession Regulations	£4,733,252

### **Annex 3 – Procurement in the UK regulations:**

1. [Public Contracts Regulations 2015](#)
2. [The Utilities Contract Regulations 2016](#)
3. [The Concession Contracts Regulations 2016](#)
4. [The Public Services \(social value\) Act 2012](#)
5. [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)
6. [Modern Slavery Act 2015](#)
7. [Social Value Act 2012](#)
8. [Local government Transparency Code 2015](#)
9. [Freedom of Information Act 2000](#)
10. [IR35 Guidance](#)
11. [Local Government Act 1999 \(Section 3; best value\)](#)

## **SECTION 7 - 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 Directors**

2.1 Where the Council proposes to appoint a Director, 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.

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 Directors**

- 3.1 The panel referred to in 2.2, above, will have power to appoint Directors.

### **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 Directors**

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

### **6 Disciplinary Action for Alleged Misconduct (including Dismissal)**

- 6.1 **Suspension:** The Chief Executive, Director of Finance and Resources 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.
- 6.2 **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.
- 6.3 **Involvement of Councillors:** Councillors will not be involved in any disciplinary action against any officer below Director 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.