

PART 4 – RULES OF PROCEDURE

4.1 Procedural Standing Orders

Introduction

These Standing Orders regulate the proceedings of the Council Meetings and a wide range of Committee Meetings.

If a Member requires any advice on the operation of these Standing Orders, or the statutory provisions which affect Council and Committee Meetings, or on the declaration of interests at meetings, please contact Member Services before the meeting and they will be pleased to assist you.

In these Standing Orders the words mentioned below have the following meanings:-

1. Committee - means the Cabinet, Committees, Sub-Committees, Working Parties, Panels and Boards which include Council Members in their membership.
2. Minutes of the meetings of the Cabinet and other Committees - these may include recommendations (which require approval by the Council) and resolved minutes (which are resolutions made by the meeting under authority delegated by the Council and set out in their Terms of Reference).
3. The word “he” includes “she”.
4. Council Year - means the period from the Annual Council meeting in May to the next one.

Part A – Procedures common to Council and committee meetings

1. **Dates of Meetings**
 - 1.1 The **Annual Meeting** shall be held in May each year.
 - 1.2 **Ordinary meetings** of the Council and of Committees shall be held generally in accordance with a programme to be approved by the Council, although the dates and times of meetings may be adjusted by the Chairman
 - 1.3 A **special meeting** of the Council may be called by the Chairman of the Council; or by at least 5 Members giving a written request to the Director of Corporate Services.
 - 1.4 A special meeting of a Committee may be called by the Chairman of the Committee, or by 3 or more Members of the Committee giving a written request to the Director of Corporate Services.
 - 1.5 The special meeting will not normally be held until at least 5 working days have elapsed since the request was submitted, and no business shall be considered unless it is stated on the agenda.

1.6 A special meeting of the Council shall not include Public Question Time, Questions to the Executive and Late Items unless the Chairman of the Council so directs.

2. Quorum

2.1 The quorum for each Council meeting shall be 9 Members.

2.2 The quorum of the Cabinet shall be 4 Members.

2.3 The quorum of the Overview and Scrutiny Committee shall be 4 Members

2.4 The quorum of each of the other Committees shall be one quarter of its membership (with a minimum of 3 Members).

2.5 In the absence of a quorum the meeting shall be adjourned.

2.6 The business not transacted shall be deferred to the next ordinary meeting of the Council or Committee, or to a special meeting of it called in accordance with Standing Order 1.

3. Chairman

3.1 The chairman for each meeting shall be:

3.1.1 The Chairman of the Council or Committee, as appropriate; or

3.1.2 The Vice Chairman of the Council or Committee, as appropriate, in the absence of the Chairman; or

3.1.3 The Member elected by the meeting in the absence of both the Chairman and Vice Chairman.

3.2 The chairman of the meeting shall be entitled to give a final ruling on the interpretation of these procedural Standing Orders or to vary processes for particular meetings or circumstances within the general framework of these Standing Orders.

3.3 If the position of Chairman or Vice-Chairman of a Committee becomes vacant during the Council Year, the Council shall fill such a vacancy at its next meeting.

4. Agendas and Minutes

4.1 The content of the agendas for all Council and committee meetings shall be finalised by the Director of Corporate Services in consultation with the Chairman.

4.2 The Director of Corporate Services shall be responsible for the content of the published version of the minutes of all meetings subject to consultation with the relevant Chairman and approval under Standing Order 4.3 below.

4.3 The meeting shall consider approving and signing the minutes of the last

meeting as a correct record (or the minutes of an earlier meeting if they were not approved at a subsequent special meeting). Only the accuracy of the minutes may be discussed and then only by motion.

5. Announce Urgent Items

- 5.1 The chairman shall announce any matters which he has agreed will be considered as urgent items.

6. Public Question time

- 6.1 The public may ask questions in accordance with the Council's Scheme for Public Question Time (Part 5.6 of this Constitution).
- 6.2 Members may, with the chairman's consent, ask questions or make comments on the matters raised during public question time.
- 6.3 A Member may propose that a matter arising during public question time is referred to a Committee for consideration (if arising at a Council meeting) or (if arising at a Committee meeting) is considered by the Committee or another Committee – and if this is seconded the Council or Committee shall vote on the proposal.
- 6.4 The Chairman may extend the time limit for each member of the public asking questions (3 minutes) or the total time for public question time (15 minutes).

7. Declaration of Interests

- 7.1 Each councillor, and co-opted member with voting rights, shall declare interests at meetings and withdraw to the public seating area or from the meeting room as required by the Code of Conduct adopted by the Council.

8. Rules of Debate

- 8.1 A proposal at the full Council may only be discussed after it has been moved by one Member and seconded by another.
- 8.2 A member when speaking shall address the chairman of the meeting.
- 8.3 The Chairman will decide the order of speeches by Members and (at a Council meeting) whether a Member will be permitted to speak more than once on the same item.
- 8.4 Speeches by Members shall normally last not more than 5 minutes unless the chairman approves a longer period.
- 8.5 Amendments to motions shall be moved and seconded before they are discussed in detail and the chairman has discretion to allow more than one amendment to be discussed at the same time.
- 8.6 A Member may raise, without notice, any matter relating to the procedure of the meeting (for example rules of debate, reference of an item to a committee,

appointing a new committee, sub-committee or task and finish group etc., or a point of order – that is, an alleged breach of a statutory provision or a Standing Order).

8.7 During a debate a Member may move a “closure motion” that is, that the motion being discussed be voted upon, or that the Meeting should proceed to the next business, or that the Meeting should be adjourned.

8.8 If a “closure motion” is seconded, the chairman shall decide if the matter has been discussed sufficiently and he may then ask the Member who moved the original motion for his comments and the meeting shall then vote on the “closure motion”.

9. Voting Procedures

9.1 Except as stated in Standing Orders 9.5 and 9.7 below, generally voting on all motions shall be by show of hands.

9.2 In the event of an equality of votes, the chairman of the meeting shall have a second or casting vote.

9.3 After voting, a member may require the minutes of the meeting to record whether he voted for or against a motion, or abstained from voting.

9.4 A recorded vote shall be taken if at least 4 Members request it before the voting process starts, that is, the Minutes shall record whether each Member present voted for the motion, against it, or abstained from voting;

9.5 A recorded vote, as defined in 9.3 above, shall be taken at a budget decision meeting of the Council on any decision related to the level of Council Tax.

9.6 If a meeting considers matters relating to the level of Council Tax, any Member who is at least 2 months in arrears with payment of his Council Tax shall disclose this fact to the meeting – he may speak on the matters but shall not vote on them.

9.7 A secret ballot shall be conducted only if there are two or more candidates for the election of the Leader of the Council or any chairman or the appointment of the vice-chairman, that is, each Member present shall record his vote confidentially for, against or abstaining, on a blank piece of paper.

9.8 If there are 3 or more Members nominated for any appointment (for example as a committee chairman or vice-chairman or as a member of a committee, sub-committee etc. or another organisation) and after a vote none of the candidates has a clear majority of votes in his favour, the person with the least number of votes shall be deleted from the list and a fresh vote shall be taken until a majority of votes is given in favour of one person. A similar procedure shall be followed where a meeting is asked to choose between three or more options.

10. Members' Behaviour

10.1 A Member shall always comply with the directions and rulings of the chairman of the meeting on the conduct of the meeting and the interpretation of the

procedural Standing Orders.

10.2 If any Member acts improperly or willfully obstructs the business of the meeting the chairman may:

10.2.1 Direct the Member to stay silent; or

10.2.2 Direct the Member to leave the room; or

10.2.3 Adjourn the meeting.

11. Behaviour of the public, press and media

11.1 The public, press and media shall comply with the directions of the chairman during a meeting.

11.2 The chairman may order the removal of a member of the public, press and media from the meeting room if he is disrupting the meeting, and if there is general disturbance the chairman may adjourn the meeting.

11.3 Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of meetings of the Council and its Committees from the public seating area is permitted. To assist with the management of a meeting, anyone wishing to photograph, film or record is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for reporting on a meeting by the press and public using social media is permitted. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography and this could result in expulsion under Standing Order 11.2.

12. Record of Attendance at Committee Meetings

12.1 A record shall be kept of attendance at Council and Committee meetings.

Part B – Council meetings

13. The Annual Meeting

13.1 At the Annual Meeting of the Council the Council shall:

13.1.1 Elect the Chairman of the Council

13.1.2 Appoint the Vice Chairman of the Council

13.1.3 Elect the Leader of the Council (at the post-election Annual Meeting)

13.1.4 Appoint Committees (except the Cabinet) which exercise delegated authority including

13.1.4.1 Their membership in accordance (if applicable) with the Local Government (Committees and Political Groups) Regulations.

13.1.4.2 The appointment of their Chairmen and Vice-Chairmen.

13.1.5 Appoint Members to other organisations (where the appointments are not made by the Cabinet).

13.2 The decisions in Standing Order 13.1 above shall apply only until the next Annual Council meeting (except for the election of the Leader of the Council and the long term appointments to other organisations).

13.3 The content of the agenda for the Annual Meeting shall be finalised by the Director of Corporate Services in consultation with the Chairman of the Council and the meeting shall also consider other business as stated on the agenda in accordance with Standing Order 14 below.

14. The order of business at ordinary meetings of the Council

14.1 The order of business at ordinary Council meetings shall be as set out in 14.2 to 14.17 below - however the order may be varied by the chairman of the meeting, or by the Council after a vote on it.

14.2 The election of a chairman if the Chairman of the Council and the Vice Chairman of the Council are both absent.

14.3 Approve and sign the Minutes of the last Meeting of the Council as a correct record (or the minutes of an earlier meeting if they were not approved at a subsequent special meeting). Only the accuracy of the Minutes may be discussed and then only by motion (see S.O. 4).

14.4 Announce any matters which the Chairman has agreed will be considered as urgent items (see S.O. 5).

14.5 Declarations of interests by Members (see S.O. 7)

14.6 Chairman's announcements

14.7 To consider a petition (if any) in accordance with the Council's petition scheme (see S.O. 15).

14.8 Public question time (see S.O. 6)

14.9 Decisions to be made by the Council, (if any) on the recommendation of the Cabinet or a Committee

14.10 Topic for debate as directed by the Chairman (if any)

14.11 Questions to the Executive (for a maximum of 40 minutes) (see S.O. 16 and 17)

14.12 Receive reports from the Chief Executive and the Council's committees and receive questions and answers on any of those reports.

14.13 Receive reports about and receive questions and answers on the business of any joint arrangements and external organisations.

- 14.14 Consider motions proposed in advance by Members (see S.O. 18).
- 14.15 Consider other business stated on the agenda.
- 14.16 Consider any urgent items – the reasons for urgency being recorded in the minutes.
- 14.17 Consider items in private session.

15. Petitions

- 15.1 A petition that satisfies the criteria set out in the Council's petition scheme may be the subject of debate by the Council. Whether the criteria are met shall be determined by the Director of Corporate Services in consultation with the Chairman.
- 15.2 The organiser of the petition (or his or her nominee) may attend the meeting of the Council so as to address the Council for not more than five minutes. The relevant Member of the Executive (as determined by the Director of Corporate Services in consultation with the Leader of the Council) shall be entitled to speak for up to five minutes in reply and the matter may then be debated. The debate should, subject to the discretion of the Chairman, not last more than 30 minutes.
- 15.3 Where necessary for the purpose of advising the Council on whether the officer is directly affected by the content of the address, the Chairman may call upon a senior officer to advise the Executive member or, exceptionally, to address the Council.
- 15.4 Where the petition meets the criteria for requiring the attendance of a senior officer before a meeting of the Overview and Scrutiny Committee the organiser of the petition (or his or her nominee) may submit in writing at least five days before the meeting questions to be answered by the relevant senior officer at the meeting.

16. Councillors' Questions

- 16.1 Written questions must be received by Member Services no later than noon two working days prior to the day of the Council meeting (i.e. by noon on Friday where the Council meeting is on a Tuesday with no intervening bank holiday). Questions shall be addressed to the Leader or relevant Cabinet Member who shall be responsible for the content of the answer. Members of Cabinet shall have discretion to refer a question to another member if this is appropriate.
- 16.2 No more than three written questions shall be asked by each Councillor. In case of doubt, the Chairman shall decide whether it is appropriate for the matter to be considered at a Council Meeting and shall disallow any questions considered inappropriate.
- 16.3 Any Councillor, except any other Cabinet member, may ask the Leader or a Cabinet Member, as appropriate, one oral question without notice on any matter affecting the Council's area.

- 16.4 No question shall be asked on a matter concerning a Planning or Licensing application.
- 16.5 A Councillor may ask one brief supplementary question arising from the reply given to a question they have submitted but shall do so only if called by the Chairman.
- 16.6 A Councillor other than the original questioner may ask a brief supplementary question at the Chairman's discretion.
- 16.7 A record of all questions and answers will be included in the minutes of the meeting.

17. **Answers re: Public Question Time and Councillors' Oral Questions**

17.1 The relevant Member of the Cabinet or committee chairman may

17.1.1 Respond orally to the question/comment; and/or

17.1.2 Decline to respond; and/or

17.1.3 Make reference to an existing publication; and/or

17.1.4 Circulate a written response at the Council meeting or subsequently; and/or

17.1.5 Request a Senior Officer to respond where practicable

18. **Submitting a motion**

18.1 Members may submit motions in line with the motions procedure set out in Appendix which can be found at the end of section 4.1 of this Constitution.

19. **Overturing a previous Council resolution**

19.1 No proposal to overturn a Council resolution shall be considered by the Council within six months of the resolution unless:

19.1.1 At least 13 Members of the Council sign a proposal under Standing Order 18, or

19.1.2 The proposal is included in a recommendation from a Committee

20. **Changing Procedural Standing Orders**

20.1 Any proposal to change any of the Procedural Standing Orders (unless the subject of a written report circulated with the Agenda) shall, after being proposed and seconded at a Council Meeting, be automatically deferred for

consideration at the next Council Meeting – although the proposal may be considered in the meantime by a Committee.

21. **Suspension of Standing Orders**

- 21.1 Any of the above Standing Orders may be suspended at a Council meeting, provided advance notice is given in accordance with Standing Order 18 or if at least 25 Members are present at the Meeting when the proposal to suspend Standing Orders is put forward.

Notes relating to the suspension of Procedural Standing Orders

- (a) Members should endeavour to state their reasons for requesting suspension of Procedural Standing Orders (Minute 31(c) of the Council meeting 21st June 2005).
- (b) The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 (see Article 16.01 (b) on page 40 and Article 1 on page 4).
- (c) It is not possible to suspend the requirement for the approval of the Minutes of a Council meeting if they were not approved at a subsequent Special Meeting (This is set out in Standing Order 5.3 and is made mandatory by regulations.)
- (d) It is not possible to suspend Standing Order 13.2 which entitles a Member to require the Minutes of a Council meeting to record whether he voted for or against a motion, or abstained from voting, as this is also a mandatory requirement in regulations.

Part C – Committee meetings

22. **Attendance by Members who are not appointed to the Committee**

- 22.1 All Members shall be informed of the dates of the meetings of all Committees.
- 22.2 Each Member who is not appointed to a Committee shall have the right to attend and observe its meetings from the area, if any, set aside for such members or from the public seating area only.
- 22.3 Each Member may, with the chairman's consent, speak at the Committee or temporarily sit and speak at the Committee table on a particular item on the agenda but shall then return to the seating area described in Standing Order 22.2.

Note: The Leader of the Council applies this Standing Order at Cabinet meetings by requesting that members should normally seek his consent in writing by email in advance of the meeting. They should do this by noon on the day before the meeting, outlining the substance of the matter that they wish to raise. The word "normally" is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where he would therefore retain his discretion to allow the

contribution without notice.

- 22.4 The Member who moved a motion at a Council meeting which was referred to a Committee shall be entitled to speak on the matter at the Committee meeting.

Part D - Miscellaneous

23. Proceedings to be confidential

- 23.1 All agenda, reports and other documents and all proceedings of Committees, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

24. Inspection of background documents by Members

- 24.1 Members shall have the right to inspect documents held by the Council which relate to items on the agenda of the Council meeting or Committee meetings unless a Senior Officer or the Monitoring Officer considers that they contain exempt information as defined in Section 100 F of the Local Government Act 1972.
- 24.2 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has any disclosable pecuniary or prejudicial interest.
- 24.3 Exceptionally a member of staff may seek a decision from the Cabinet on whether to compile information requested by a Member which would entail significant officer time and/or resources.

25. Standing Orders etc. to be given to Members

- 25.1 The Monitoring Officer shall provide each new Member of the Council with a copy of the Council's Standing Orders relating to procedures and contracts, financial regulations, terms of reference of Committees, and the scheme of delegation to officers.

26. The Appointment of Senior Officers

- 26.1 Where the Council proposes to appoint a Senior Officer and it is not proposed that the appointment be made exclusively from among their existing staff, they shall:-
- 26.1.1 Draw up a statement specifying the duties of the Senior Officer concerned, and any qualifications or qualities to be sought in the person to be appointed;
- 26.1.2 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
- 26.1.3 Make arrangements for a copy of the statement mentioned in paragraph 26.1.1 to be sent to any person on request.

- 26.2 Where a post has been advertised as provided in Standing Order 26.1.2 a committee of the Council shall:-
- 26.2.1 Interview all qualified applicants for the post; or
 - 26.2.2 Select a short list of such qualified applicants and interview those included on the short list.
- 26.3 Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraph 26.1.2 above.
- 26.4 Every appointment of a Senior Officer shall be made by the Council. In respect of the post of Chief Executive or a post advertised in accordance with 26.1-3 above the appointment shall be made following the recommendation of such an appointment by a Committee of the Council. In respect of an appointment exclusively from existing staff (except the Chief Executive post) the appointment shall be made on the recommendation of the Chief Executive.
- 26.5 The Full Council may only approve the appointment of a Senior Officer where no well-founded objection has been made by a member of the Cabinet.
- 27. Members and appointment of officers**
- 27.1 If a candidate for an appointment with the Council canvasses a Member of the Council on the appointment, the candidate shall be disqualified.
- 27.2 A Member shall not solicit an appointment for any person, although the Member may give a reference for a candidate if requested. The conduct of a Member in such matters may be reviewed by the Council's Standards Committee (see Standing Order 43 below).
- 27.3 A candidate for any appointment with the Council who knows that he is related to any Member, Chief or senior officer of the Council, shall, when making his application, disclose that relationship to the Director of Corporate Services.
- 27.4 A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- 27.5 Every Member and Senior Officer shall disclose to the Director of Corporate Services any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment with the Council.
- 27.6 For the purpose of this Standing Order persons shall be deemed to be related if they are husband and wife or are living together as such, or are partners, or if either of them, or the spouse of either of them, is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.
- 28. Disciplinary Action against the Chief Executive and certain other officers**
- 28.1 In the following paragraphs—

“the 2011 Act” means the Localism Act 2011;

“Chief Finance Officer”, “disciplinary action”, “head of the authority’s paid service” and “Monitoring Officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

“independent person” means a person appointed under section 28(7) of the 2011 Act;

“local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

“the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

“relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

“relevant officer” means the chief finance officer, head of the authority’s paid service or Monitoring Officer, as the case may be.

- 28.2 A relevant officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.
- 28.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 28.4 In paragraph 28.3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 28.5 Subject to paragraph 28.6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 28.3 in accordance with the following priority order—
- i. a relevant independent person who has been appointed by the authority and who is a local government elector;
 - ii. any other relevant independent person who has been appointed by the authority;
 - iii. a relevant independent person who has been appointed by another authority or authorities.
- 28.6 The authority is not required to appoint more than two relevant independent persons in accordance with paragraph 28.5 but may do so.
- 28.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 28.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
- any advice, views or recommendations of the Panel;

- the conclusions of any investigation into the proposed dismissal; and
- any representations from the relevant officer.

28.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

29. **Interests of officers in contracts**

29.1 Members may inspect the record regarding the interests of officers in contracts which have been declared under Section 117 of the Local Government Act 1972.

30. **Sealing of Documents**

30.1 The common seal of the Council shall be affixed to a document only if the sealing has been specifically authorised by the Council, a Committee or by an employee acting under delegated powers, or if the sealing is necessary in order to implement any of their decisions.

30.2 The common seal of the Council shall be kept in a safe place in the custody of the Legal and Democratic Services Divisional Manager.

30.3 The person who witnesses the sealing of the document shall sign the sealing register.

31. **Registers of Gifts and Hospitality**

31.1 The registers of gifts and hospitality offered or received by Members are available on the council's website. The registers of gifts and hospitality offered or received by officers shall be open to inspection by all Members and the public upon request to the Monitoring Officer.

32. **Members – works, property and management practices**

32.1 A Member shall not issue any order relating to any works being carried out by the Council or its contractors.

32.2 A Member shall not claim any right to enter or inspect any property in the district.

32.3 Members shall recognise the distinction between their role of determining policy and the responsibility of managers to manage the Council's day-to-day activities, and will conduct themselves accordingly.

33. **Standards Committee**

33.1 The Committee shall meet on an ad hoc basis and shall have responsibility for ensuring Members act in accordance with the Council's Code of Conduct and ethical values.

Appendix - Motions Procedure

1. Submitting a motion

- 1.1. A member may submit an original motion to a Council meeting by giving written notice to the Chairman and Director of Corporate Services at least 10 clear working days before the date of the Council meeting.
- 1.2. The motion must relate to one of the Council's functions or affect the wider district.
- 1.3. Motions shall be limited to one motion per member per council meeting.
- 1.4. Motions shall normally be no longer than 300 words.
- 1.5. Members are encouraged to consult the Director of Corporate Services before the closing date for submission on the wording of their motions to ensure the wording complies with the Constitution.
- 1.6. The Chairman may consult with Group Leaders where the Chairman considers it will be helpful to their consideration of a motion. The Chairman, in consultation with the Director of Corporate Services, shall determine whether the motion will be:
 - a) Included within the agenda to be moved and debated at the next Council meeting.
 - b) Referred to the Cabinet or relevant Committee/Panel where the motion has legal, financial or other regulatory implications, in order that those implications can be fully considered and understood in the most appropriate forum.
 - c) Reworded to enable the motion to be debated at Full Council. For example, where the matter to be debated is an Executive function (which cannot be resolved at Full Council), it may be necessary for the motion to be reworded as a recommendation to the Cabinet or other committee to consider (taking into account the views of Council).
 - d) Rejected as it does not relate to a function of the Council or affect the wider district.
 - e) Rejected as, in the view of the Chairman having consulted with the Director of Corporate Services, it contains more than one, unrelated motion or is unreasonably lengthy.
 - f) Rejected as, in the view of the Chairman having consulted with the Director of Corporate Services, the motion is out of order, illegal, irregular or improper.
- 1.7. The Director of Corporate Services will inform the Member who submitted the proposed motion of the Chairman's decision and the relevant criteria on which that decision was based. If a member disagrees with the basis of rejection they may raise this with the Monitoring Officer who will give their advice on this point to the member and the Chairman.
- 1.8. If more than one motion is accepted for any given Council meeting the motions will be taken in order determined by the Chairman in consultation with the Group Leaders. Any motions accepted in principle but which cannot be allocated time

for debate will be published in the agenda with a clear note that they will be considered at a future meeting.

2. Motions without notice

The following motions may be proposed and seconded without prior notice:

- a) To appoint a Chairman of the meeting where the Chairman is absent.
- b) To amend the minutes of the previous meeting.
- c) To adjourn a debate.
- d) To adjourn a meeting.
- e) To propose a closure motion.
- f) To exclude the press and public in accordance with legislation.
- g) To propose an amendment/s to recommendation (see Section 3 below).
- h) Minor amendments which do not significantly change the meaning of a Motion. (Such amendments will be dealt with orally during the meeting.)

3. Amendments

- 3.1. Amendments to a motion (called “amendments” in this procedure) which significantly change the nature of a motion should be submitted to the Chairman and the Director of Corporate Services no later than midday two working days before the Council Meeting.
- 3.2. The amendment must relate directly to a motion that has been tabled in the agenda pack and must not be a new motion which would require 10 clear working days’ notice. The decision whether to accept an amendment will be based on the rules relating to those for accepting motions as laid out in Section 1.6. The Chairman, in consultation with the Director of Corporate Services, will make this decision. The Director of Corporate Services will advise on the application of the Constitution, broader strategic and public law issues and obtain specific legal advice through the Monitoring Officer if needed.
- 3.3. Members are encouraged to share draft versions of their amendments with all Group Leaders, the Chairman and the Director of Corporate Services in advance of submission under section 3.1 of this procedure in order to avoid duplication, to encourage consideration and research by all Groups and in order to assist the effective running of the meeting.
- 3.4. The Director of Corporate Services will share all notified amendments with the Council Chairman and relevant officers in order to ensure the smooth running of the meeting.
- 3.5. All amendments received in advance and accepted as outlined at section 3.2 above will be circulated to all members by email by twelve noon one working day prior to the meeting and in hard copy at the meeting.

4. Debating a motion

- 4.1. All matters as to timing or the application of this procedure at the meeting shall be subject to the general discretionary powers of the Chairman to

ensure the efficient management of the meeting.

4.2. The time allowed for motions to be debated shall be restricted to 60 minutes in total. The time allowed for the proposer and the relevant Cabinet Member for any motion being debated shall be restricted to 5 minutes. Each other Speaker shall be restricted to 3 minutes. Each speaker is allowed to speak only once to the original motion and/or any amendment(s) unless a closure motion is put by any member other than the Chairman. If a closure motion is put the proposer or another member they nominate to speak on their behalf (only) may speak again in accordance with 4.11 below.

After the above closure motion process the Chairman will:

- a) If carried, close the debate and put the motion and any amendment(s) to the vote as 4.8 - 4.10 below, or;
- b) If the closure motion is not carried, allow the current motion being debated to conclude in the normal manner.

4.3. Any motion not debated will be deferred to a subsequent meeting of the Council.

4.4. At the Council meeting each motion must be proposed and seconded before it is debated.

4.5. The Chairman will invite the member who proposed the motion to speak first.

4.6. The Chairman will then invite any member who proposed an amendment in advance and then any Member who wishes to propose a minor amendment, to propose and second their proposal(s).

4.7. The Chairman will then invite the relevant Cabinet member or committee Chair to speak before inviting other members to speak in turn.

4.8. Following the debate the Chairman will first take a vote on the amendment(s), the result of which will be noted in the minutes of the meeting.

4.9. If there is no amendment, or the amendment vote is lost then the Chairman will take a vote on the original motion, the result of which will be noted in the minutes.

4.10. If there are multiple amendments submitted the Chairman shall determine the order in which they are put to the meeting. The Chairman may consider it appropriate to consult the Group Leaders in making this determination

4.11. After a closure motion being put to the vote and that vote being carried the Chairman shall permit the member who proposed the original motion - or another member nominated by the Proposer - to speak again for no more than three minutes by way of closing their motion.

4.12. If a motion is referred to the Cabinet or relevant Committee/Panel the member who proposed the motion will be invited to address the Cabinet or Committee/Panel.

5. Delegations

For the avoidance of doubt, in the absence of the relevant person/s the following substitutes are authorised to carry out the above:

- a) For the Council Chairman, the Vice-Chairman
- b) For the Director of Corporate Services, the Divisional Manager for Democratic Services (or in the absence of both, the Democratic Services Manager, or any Director of the Council).

6. Annual Full Council and Budget setting meeting

- 6.1 The Chairman shall pay particular care as to whether motions submitted for inclusion at Annual Full Council and annual Budget setting meetings are relevant to the matters specific to those meetings or are otherwise so urgent as to make delaying the motion to a later meeting inappropriate. Motions as to alternate budget proposals shall be submitted no later than ten working days in advance of the annual Budget Setting meeting as usual as in 1.1 above. Due to the increased complexity associated with them, amendments which present alternative budget proposals shall also be submitted no later than ten working days in advance of the annual Budget Setting meeting, following 1.1 above rather than 3.1 as would normally be the case for amendments.
- 6.2 The Chairman shall not be required to apply the time limits set out at Section 4 of this procedure for the Annual Full Council or Budget setting meetings and will entirely rely upon their own discretion to enable proper debate and to ensure that the meetings are otherwise effective. The Chairman's other powers to control the meeting are unaffected by this section.

4.2 Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, the Overview and Scrutiny Committee, Corporate Governance and Audit Committee, area committees, the Standards Committee and regulatory committees and the Cabinet (together called meetings).

2. Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to attend meetings

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

4. Public Question Time

The public may ask questions at most meetings in accordance with the scheme for public question time.

5. Public speaking at certain committees and Council

The public may speak at meetings of the Planning Committee and Council when they are considering planning applications and planning enforcement matters.

6. Notices of meeting

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at East Pallant House, East Pallant, and Chichester and on the Council's website, or where the meeting is convened at shorter notice, at the time that the meeting is convened.

7. Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's web site at least five clear days before the meeting. If an item is added to the agenda later, the supplementary agenda and report (if open to the public) will be available for public inspection from the time the item was added to the agenda.

8. Supply of copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) if a Chief Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

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

9. **Access to minutes etc. after the meeting**

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive 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.

10. **Background papers**

10.1 List of background papers:

Every report open to the public will include a list of those documents (called background papers) relating to the subject matter of the report which

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 12 below)

10.2 Public inspection of background papers

The Council will make available at the designated office and on the Council's website 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.

11. **Summary of public's rights**

This 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 East Pallant House, East Pallant, Chichester, at the Council's Area Offices and on the Council's web site.

12. **Exclusion of access by the public to meetings**

12.1 Confidential information – requirement to exclude public

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

12.2 Meaning of confidential information

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

12.3 Exempt information – discretion to exclude public

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

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.

Note:

The powers to exclude the public from meetings when exempt information would be disclosed do not apply to the Alcohol & Entertainment Licensing Committee when it is considering matters under the Licensing Act 2003 nor to the Alcohol & Entertainment Licensing Sub Committees because specific provision for excluding the public is made in Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, i.e. "The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public".

12.4 Meaning of exempt information

Schedule 12A to the Local Government Act 1972
Access to Information: Exempt Information Part 1
PART 1

Descriptions of Exempt Information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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 professional privilege could be

maintained in legal proceedings.

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

PART 2

Qualifications: England

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which—
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 3

Interpretation: England

11. (1) In Parts 1 and 2 and this Part of this Schedule—

"employee" means a person employed under a contract of service; "financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1)

of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

- (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

- (2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

- a. in the case of a principal council, to any committee or sub-committee of the council; and
- b. in the case of a committee, to—
 - i. any constituent principal council;
 - ii. any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - iii. any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- c. in the case of a sub-committee, to—
 - i. the committee, or any of the committees, of which it is a sub-committee; and
 - ii. any principal council which falls within paragraph (b) above in relation to that committee.

13. Exclusion of access by the public to reports

If a Senior Officer thinks fit, and subject to the advice of the Monitoring Officer, he or she may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 12, 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.

14. Application of rules to the Cabinet

Rules 15-22 below apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1-4, and 6-13 unless Rule 17 (general exception) or Rule 18 (special urgency) applies. A key decision is as defined in Article 13.03 of this Constitution.

This requirement does not include meetings whose sole purpose is for Council officers to brief members.

15. Procedures before private meetings of the Cabinet

15.1 A private meeting of the Cabinet shall include any meeting or part of a meeting at which members of the public are to be excluded in accordance with Rule 12.

15.2 At least 28 clear days prior to any private meeting of the Cabinet, the Leader of the Council shall cause to be published Notice of the Cabinet's intention to hold all or part of the meeting in private, together with a statement of reasons for the meeting to be held in private.

15.3 At least five clear days prior to any private meeting of the Cabinet, the Director of Corporate Services shall publish a further Notice on the agenda for the meeting and the Council's website of the Cabinet's intention to hold all or part of the meeting in private, a statement of the reasons for privacy and details of any representations received by the Council as to why the meeting should be held in public and the Cabinet's response to those representations.

15.4 Where the date by which a meeting must be held makes compliance with Rules 15.2 and 15.3 impracticable, the meeting may still be held in private where the Cabinet has obtained the agreement from:

- (a) the Chairman of the Overview and Scrutiny Committee; or
- (b) if there is no such person or such a person is unable to act, the agreement of the Chairman of the Council; or
- (c) if the Chairman of the Council is unable to act, the agreement of the Vice- Chairman of the Council,

that the meeting is urgent and cannot reasonably be deferred.

16. Procedure before taking key decisions

Subject to Rule 17 (general exception) and Rule 18 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the forward plan; and

- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 6 (notice of meetings).

17. General exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 18 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until 28 clear days' notice has been given in accordance with Rule 16;
- (b) the Director of Corporate Services has informed the chairman of the Overview and Scrutiny Committee, by notice in writing, of the matter about which the decision is to be made;
- (c) the Director of Corporate Services has made copies of that notice available to the public at the offices of the Council and on the Council's web site; and
- (d) at least 5 clear days have elapsed since the Director of Corporate Services complied with (b) and (c).

As soon as reasonably practicable after (b) and (c) have been complied with a notice setting out the reasons why it is impracticable to comply with Rule 16 will be made available at the designated office and published on the Council's website.

18. Special urgency

If by virtue of the date by which a decision must be taken Rule 17 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision or the Director of Corporate Services on their behalf, obtains the agreement of the chairman of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no chairman of the Overview and Scrutiny Committee, or if this chairman is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.

As soon as reasonably practicable after such agreement has been obtained a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred will be made available at the designated office and on the Council's website.

19. Report to Council

19.1 When the Overview and Scrutiny Committee can require a report

If the Overview and Scrutiny Committee considers that a key decision has been taken which was not treated as being a key decision and the Committee is of the opinion that it should have been so treated, the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The report must include

details of the decision and the reasons for it, the decision maker by whom the decision was made, and (if the Cabinet is of the opinion that the decision was not a key decision, the reasons for that opinion.

20. Record of decisions

After any meeting of the Cabinet or any of its committees, a record of every decision taken at that meeting will be produced as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

21. Decisions by individual members of the Executive

21.1 Reports intended to be taken into account

Where an individual member of the executive receives a report which he intends to take into account in making any key decision, then he will not make the decision until at least 3 clear days after receipt of that report.

21.2 Provision of copies of reports to the Overview and Scrutiny Committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of the Overview and Scrutiny Committee as soon as reasonably practicable, and (subject to the rules relating to confidential and exempt information) make it publicly available at the same time.

21.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the executive or an executive decision has been taken by an employee, a record will be prepared of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 9 and 10 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information.

22. Overview and Scrutiny Committee's access to documents

22.1 Rights to copies

Subject to Rule 22.2 below, the Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the executive.

- (c) any decision that has been made by an officer of the authority in accordance with executive arrangements.

22.2 Limit on rights

The Overview and Scrutiny Committee will not be entitled to any document that is in draft form.

4.3 Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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 Cabinet to implement it and to monitor its delivery.

2. Process for developing the framework

The policy framework or amendments to it shall be approved by the Council, having considered the proposals of the Cabinet. In formulating its proposals, the Cabinet shall take into account as appropriate the views of local stakeholders, and any views expressed by the Overview and Scrutiny Committee, the Corporate Governance and Audit Committee or any other relevant Committee.

The Council's budgets must be constructed so as to ensure that resource allocations properly reflect the Council's priorities, and the financial principles approved in the medium term financial plan. The process by which the budget shall be developed is:

- (a) A financial strategy based on a rolling five year cycle is risk assessed by Corporate Governance & Audit Committee. This sets out the likely envelope of resources available to the council over the following five years for both revenue and capital spending. This strategy shall be approved by Council, having first been considered by Corporate Governance & Audit Committee and then Cabinet. This strategy will set out the key financial principles to be utilised and key actions that need to be undertaken to ensure the council is able to continue to balance its finances over the medium term.
- (b) The draft budget is prepared following the financial strategy principles, taking into account the council's priorities from the corporate plan. The draft budget shall be approved by Council, having been recommended by Cabinet. Cabinet in considering the draft budget shall take into account any recommendations from the Overview & Scrutiny and Corporate Governance & Audit Committees as appropriate.
- (c) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any recommendations from the Overview and Scrutiny Committee and the Corporate Governance & Audit Committee.
- (d) The Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (e) If the Leader objects to the decision of the Council, he/she shall give written notice to the Director of Corporate Services to that effect prior to the date upon which the decision is to be effective. The written notification must state

the reasons for the objection. Where such notification is received, the Director of Corporate Services shall convene a Special meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

- (f) The Special Council meeting should take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (g) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public, and shall be implemented immediately.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 3(c) and 4 below.
- (b) If the Cabinet, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Senior Officers, the Monitoring Officer and the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.
- (c) For the avoidance of doubt, the Cabinet may approve the use of reserves for expenditure not exceeding £100,000 in any case, provided that this does not reduce the general fund reserve below the minimum level approved by the Council, and such approvals shall be regarded as in line with the budget.

4. Urgent budget or policy framework decisions

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council;
 - and

- ii) if the chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the Overview and Scrutiny Committee the consent of the Chairman of the Council, and in the absence of both, the Vice-Chairman will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **Virement**

Virement refers to the transfer of a sum from one revenue budget to another. The transfer may relate either to an expenditure budget or an income budget.

Virement can be authorised by the Cabinet and Senior Officers depending on the value of the sum involved. Details are set out in the Financial Regulations in Part 4.8 of this Constitution.

6. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (b) 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.

7. **Call-in of budget or policy framework decisions**

- (a) Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Senior Officers, the Monitoring Officer and/or the Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief

Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
- i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; *Or*
 - ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/chief financial officer.

4.4 Executive Procedure Rules

1. How does the Executive operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council which may provide for executive functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual member of the Cabinet where expressly authorised by the Cabinet;
- iv) The Senior Officers,
- v) an area committee;
- vi) joint arrangements; or
- vii) another local authority.

1.2 The Council's scheme of delegation and executive functions

- (a) The scheme of delegation for the discharge of the executive functions of the Council is determined by the Leader. The scheme of delegation is set out in Part 3 of this Constitution.

1.3 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If any member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member, or a member of staff, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.4 Cabinet meetings

The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.5 Public or private meetings of the Cabinet?

All meetings of the Cabinet will be held in public. Items will be considered in private session only if they qualify under the grounds to exclude the public set out in the Access to Information Procedure Rules.

1.6 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be 4 members.

1.7 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are the Cabinet meetings conducted?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. If both are absent the Cabinet will elect a chairman for the meeting.

2.2 Who may attend?

Councillors who are not members of the Cabinet may attend and observe the proceedings of the Cabinet. They may speak at the meetings if the Leader consents to it (except for the Chairman of the Council).

All Chief Officers and the Chief Finance Officer are entitled to attend and to participate in all meetings of the Cabinet.

The public and press can observe any proceedings of the Cabinet held in public session.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- i) signing of the minutes of the last meeting;
- ii) public question time
- iii) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set

out in Part 4 of this Constitution;

- iv) consideration of reports from the Overview and Scrutiny Committee;
- v) consideration of reports from panels and forums; and
- vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet's agenda?

The following may require an item to be considered at the next available meeting of the Cabinet:-

- the Leader or any other member of the Cabinet
- the Council, the Overview and Scrutiny Committee, the Corporate Governance and Audit Committee, or the Standards Committee
- any Chief Officer
- the Chief Finance Officer or Monitoring Officer

In addition any member of the Council (not on the Cabinet) may request the Leader that an item be considered by the Cabinet and it will be considered only at the discretion of the Leader.

4.5 Overview and Scrutiny Procedure Rules

Introduction

1. The Overview and Scrutiny Committee is the main means by which the Cabinet is held to account. The guiding principle is that it should make a positive impact on the delivery of public services and ensure continuous improvement.
2. Overview and Scrutiny Committees have the power to scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions and may also scrutinise any matters affecting the area or its inhabitants. Scrutiny of external bodies is subject to the agreement of that body, except where there are specific powers of scrutiny, such as the powers to scrutinise partners involved in tackling crime and disorder.

Working arrangements

3. The Council will appoint members to the Overview and Scrutiny Committee as it considers appropriate from time to time.
4. The chairman and vice-chairman of the committee will be appointed by the Council. In the absence of the chairman at a meeting of the committee, the vice-chairman will chair the meeting. In the absence of both the chairman and vice-chairman, a member of the committee will be elected to chair the meeting.
5. The quorum for the Overview and Scrutiny Committee will be four councillors.
6. In addition to the five ordinary meetings of the Overview and Scrutiny Committee in each year, an additional meeting may be called by the chairman of the committee, by any three members of the committee or by a chief officer in consultation with the chairman if he/she considers it necessary or appropriate.
7. The chairman and vice-chairman will work closely together to ensure the proper conduct of the committee.
8. The Overview and Scrutiny Committee and any sub-committee shall be entitled to recommend to Council the appointment of up to two people as non-voting co-optees.
9. No member may be involved in scrutinising a decision in which he/she has been directly involved.

Work programme

10. An outline annual work programme is prepared by members, endorsed by the Overview and Scrutiny Committee and approved by the Council. Items of work can be received in the following ways during the year:
 - a) any member of the council is entitled to require an item to be included on the agenda for the next available meeting of the committee

- b) receipt of a call-in request (dealt with under the Call-In Procedure)
 - c) any item included in the council's Forward Plan, either as a preview to a decision being taken or a review of a decision taken six months after the decision has been taken
 - d) a petition received as part of the council's Petition Scheme with over 500 signatures
 - e) any item on any local crime and disorder or health matter
 - f) any item of joint scrutiny work undertaken by and referred under the auspices of the West Sussex Joint Scrutiny Steering Group for onward transmission to the Cabinet for a decision.
11. The Overview and Scrutiny Committee may from time to time appoint ad hoc informal working arrangements such as scrutiny task and finish groups, Member working groups (including Standing Panels) or carry out one-off topic specific scrutiny reviews.
12. **Task and finish groups** may be set up, in accordance with the Protocol on Task and Finish Groups in Part 5 of this Constitution, to consider a specific topic for a fixed period, on the expiry of which they shall cease to exist. Scrutiny task and finish groups will consist of four to five members drawn from the Overview and Scrutiny Committee membership. If there is insufficient interest by committee members, volunteers will be sought from the wider council membership. Task and finish groups are not open to the public as the final report will normally be considered by the Overview and Scrutiny Committee in public session.

Procedure at Overview and Scrutiny Committee meetings

13. The Overview and Scrutiny Committee shall consider the following business:
- a) minutes of the last meeting;
 - b) declarations of interest (including whipping declarations);
 - c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
 - d) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - e) the business otherwise set out on the agenda for the meeting.
14. The committee may request people to attend to give evidence at committee meetings which 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.

15. Following any investigation or review, the committee or its appointed sub-committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public, subject to confidentiality requirements of the matter being considered.

Speakers giving evidence

16. The Overview and Scrutiny Committee or its task and finish groups may require any member of the Cabinet or any senior officer to attend before it to explain in relation to matters within their remit. Other public sector or public service officials, external partners and/or residents and stakeholders may also be invited to address the committee, discuss issues of local concern and/or answer questions.

Documentation

17. The Overview and Scrutiny Committee and its task and finish groups can see a range of background information from any relevant document in the council's possession including council plans and strategies, as well as external documents.
18. In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Conclusions and recommendations from a meeting

19. The chairman of the committee should be satisfied that a matter has been properly discussed, and the views of any minority reasonably heard, before closing a debate or accepting a motion. It is good practice for the chairman to sum up the debate prior to finalisation of recommendations.
20. On completion of a scrutiny review carried out by a sub-group such as a task and finish group, a report will be considered by the committee and recommendations made as appropriate to the Cabinet.
21. Recommendations may be made to the Cabinet or directly to Council. In scrutinising an external partner or partnership, the recommendations may be made directly to that body.
22. The views of the Overview and Scrutiny Committee may be reported to the Cabinet or the Council, and the chairman of the committee shall be entitled to address the meeting on the committee's views.
23. If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or the Cabinet then up to one minority report may be prepared and submitted for consideration by the meeting with the majority report and a member representing the minority view may, with the chairman's consent, address the meeting.

24. The committee will consider and endorse its annual report summarising the work of the committee and its task and finish groups and recommend this to the Council.

Call-in procedure

25. A 'call-in' is where the Overview and Scrutiny Committee decides to review a decision made by the Cabinet or one of its members before the decision is implemented. Call-ins should be used only in exceptional circumstances.
26. A decision is made by the Cabinet or one of its members but the decision does not come into effect until a call-In period has elapsed.
27. Within two working days of the decision being made, the Member Services Team will notify all council members of the decision, stating the date of the notification, and the date the decision will come into effect if there is no call-in on it. The "effective date" of the decision is normally at 10am on the day after the expiry of three clear working days from the notification to Members, excluding Saturdays, Sundays and Bank Holidays. (For example, in respect of a decision made by the Cabinet on a Tuesday, notification will be given to all members by Thursday of the same week, and the effective date of the decision will be 10am on the following Wednesday.)
28. A request for a call-in of the decision must be received by the Member Services Team between the date of notification to members and the effective date of the decision.
29. For the call-in to be valid, the request must satisfy all of the following provisions:-
 - i) Be in writing (on paper or e-mail)
 - ii) Specify the decision which is to be the subject of the call-in.
 - iii) Be supported by at least five members of the council excluding members of the executive.
 - iv) Written confirmation that such members have each considered all of the following matters before requesting a call-in of the decision:-
 - a) Whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it.
 - b) Whether the matter has been subject to consultation or debate with relevant interested parties.
 - c) Whether the delay in implementing the decision is likely to cause significant harm to the council or others.
 - d) Whether the decision is against an approved policy or budget provision of the council.
 - e) Whether the decision was made against the advice of professional staff.

- f) Whether the decision is contrary to a provision in the Community Strategy, the Corporate Plan or other Policy Framework document or the Budget.
- g) Whether the decision-maker complied with the decision making principles set out in Article 13 of the constitution.
- h) Whether the views of the members requesting the call-in were taken into account in arriving at the decision.

(v) State the reasons for the call-in of the decision and specify the evidence which demonstrates the alleged breach of any of the criteria listed in 29(iv) above.

30. The call-in request will be considered by the chairman of the Overview and Scrutiny Committee to decide whether criteria (a)-(h) above have been met and whether the call-in request should be referred for consideration at a meeting of the Overview and Scrutiny Committee.
31. If having considered the decision, the Overview and Scrutiny Committee is still concerned about it, the committee may:
 - a) refer it back to the decision-maker for reconsideration, setting out in writing the nature of the Committee's concerns
 - b) refer the matter to Council setting out in writing the nature of the committee's concerns;
 - c) decide that neither a) or b) above applies in which case the decision will be effective immediately thereafter and will not be subject to further call-in.
32. If the matter is referred back to the decision-maker, they shall consider the concerns of the committee as soon as practicable, amending the decision or not, before adopting a final decision.
33. If the matter is referred to Council, and the Council does not object to the decision, the decision will be effective immediately thereafter.
34. However, if the Council does object to the decision, it may
 - (a) overrule the decision if it is against an approved policy or budget provision of the council, or
 - (b) refer it back to the decision-maker with the views of the Council - in this case the decision-maker shall, as soon as practicable, consider the Council's views and make a final decision, and the decision shall then be implemented.
35. If the Overview and Scrutiny Committee does not meet within one calendar month from the date of the request for the call-in, or does meet but does not refer the matter back to the decision-maker, or to full Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or on the expiry of the one month period, whichever is the earlier.

Urgent Decisions

36. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or one of its members is considered by them to be urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's interests or the public's interests. The record of the decision shall state whether in the opinion of the decision-maker the decision is an urgent one, and therefore not subject to call-in. The consent of the chairman of the Council must be obtained both that the decision is reasonable in all the circumstances and to it being treated as a matter of urgency. (In the absence of the chairman, the vice-chairman's consent shall be required and in the absence of both, the Chief Executive or his/her nominee's consent shall be required.) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The party whip

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

4.6 Staff Employment Procedure Rules

1. Recruitment and appointment generally

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an employee 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 employee of the Council or of the partner of such a person.
- ii) No candidate so related to a councillor or an employee will be appointed without the authority of the relevant chief officer or an employee nominated by him/her.

(b) Canvassing support for appointment

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly canvasses 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.
- ii) Subject to paragraph (iii), no councillor or employee will seek support for any person for any appointment with the Council as this would lead to disqualification of the applicant.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment and Appointment of Senior Officers

Please refer to Part 4.1 paragraph 26 for the recruitment and appointment process of Senior Officers.

3. Other appointments

Appointment of officers below Director level is the responsibility of the Directors or their Divisional Managers and shall not be made by councillors.

4. Disciplinary action

Disciplinary action against the Chief Executive, the Monitoring Officer and the Chief Finance Officer should be in accordance with the Council's approved Disciplinary Procedure for the Chief Executive, Chief Finance Officer and Monitoring Officer.

Disciplinary action for all other officers, including Senior Officers and should be in accordance the Council's approved Disciplinary and Contract Termination Procedure.

5. **Dismissal**

Councillors will not be involved in the dismissal of any employee below Director level, other than the Monitoring Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

4.7 Complaints Scheme

Section 1 Introduction

Chichester District Council tries to make sure that the public always receive a first class service. We hope the public will never need to complain. Sometimes the Council may fail to meet the high standards that it sets for itself and that the public deserve. However, on occasion the Council is required to act in the wider public interest or is compelled to act in a prescribed manner by law - in which case the views of an individual may not coincide with those of the Council.

The Council recognises that sometimes things do go wrong. When they do, the Council wants to deal with the problem fairly and promptly and to take action to prevent similar occurrences in the future.

The Council is keen for the public to make their views known in order that investigations can be undertaken and service improvements made wherever required.

In the first instance, the Council expects issues to be resolved before the need for a formal complaint. Sensible discussion with the service concerned should be fully explored.

Section 2 What is a Complaint and what is not a Complaint?

It is important that we understand what exactly is meant by a complaint, in order that they are accurately recorded and that they can be dealt with in the appropriate way.

Many "complaints" by customers are in fact queries about the service, whereas others are genuine complaints about the way in which their application or case has been handled, about procedures followed, or about service provision.

Senior Manager in this scheme refers to a senior manager reporting directly to a Senior Officer.

What is a Complaint?

A complaint may arise where the Council has:

- ✓ Failed to do something it should have done
- ✓ Done something it shouldn't have done
- ✓ Done something badly
- ✓ Treated someone unfairly, slowly or rudely
- ✓ Failed to satisfactorily investigate a complaint about an incident of a racist nature.

Examples:

"I believe that your officers have been biased against me in my application for Housing Benefits", is a complaint.

"I think that the Council has behaved in an unprofessional way in dealing with my planning application", is a complaint

“When the bin was returned to my drive way, I found that it had been damaged beyond repair by your bin men”, is a complaint

What is not a Complaint?

“I disagree with the amount of Housing Benefit I have been awarded, because.....” is not a complaint – but a further explanation of how the benefit was awarded should be supplied.

“I disagreed with your reasons for refusing my planning application” is not a complaint, but a further explanation of why the decision was made should be supplied.

“The bin men didn’t pick up my bin today” is not a complaint, but arrangements should be made to pick up the bin as soon as possible.

Comments, favourable or unfavourable, where the person concerned does not wish to take the matter further is not a complaint

Criticisms of a policy adopted by the Council is not a complaint

It is important to state that whether officers are dealing with a query about the service, or a genuine complaint, that the customer feels that he or she has been dealt with in a fair and professional manner, and that they are, as far as is possible, satisfied with the outcome. The Council advises officers to “Treat customers as you would wish to be treated”.

Section 3 Complaint Stages, 1, 2, and 3

A complaint may be received in written form, by letter, the “Complaints leaflet”, electronically, via email, the web site etc., or verbally. If the complaint is verbal, e.g. by phone, the customer should be encouraged to put it in writing, especially if the complaint involves a serious allegation about an officer, or council activity. It is also essential that a complaint, which may give rise to an insurance claim, be in writing for onwards transmission to the Council’s insurers.

Senior Officers in conjunction with the Director of Corporate Services are able to make payments to the customer by way of compensation, but “without prejudice”, under section 92 of the Local Government Act 2000. Payments may be up to a maximum of £500. The Chief Executive is responsible for making payments above this amount. If injustice is found, the Council undertakes to review its procedures.

Stage 1

When a complaint is received, it is dealt with by the relevant Manager.

If the complaint is received by post or electronically, it should be acknowledged in writing within 3 working days, and within 10 working days the customer will be provided with a full explanation and details of how the situation will be resolved, or in complicated cases, a progress report within 7 working days stating when a full response may be expected.

If a customer completes a complaint form and hands it to an Officer, that Officer must record the date and time of receipt on the form, together with their name and job

title and take a copy for the customer to retain before passing to the Central Complaints Administrator.

It is sometimes the case that a customer will write in directly to the Chief Executive with a complaint. In normal circumstances, (except in cases of serious charges against officers), the Chief Executive will pass the complaint to the relevant Manager to resolve the case at Stage 1 level.

When responding to a Stage 1 complaint with the outcome of the investigation the Senior Manager must advise the complainant of their option to request their complaint be dealt with at Stage 2 should they be dissatisfied with the Stage 1 investigation.

Stage 2

Where the customer is not satisfied with the explanations or the remedy offered following investigation at Stage 1 level, the customer can request the matter be reviewed. All stage 2 complaints should be forwarded to the relevant Director who will investigate the complaint and respond to the customer.

The review within Stage 2 may involve more extensive investigations, interviews with relevant officers, the customer who made the complaint, other members of staff (as determined by the investigating Director), and in some cases an on-site visit. In more serious cases, where for example, a serious complaint has been made about a member of staff e.g. a Manager, the complaint handling process may bypass Stage 1, and move directly to Stage 2.

As with Stage 1, the complaint will be acknowledged within 3 working days, and within 10 working days the customer will be provided with a full explanation and details of how the situation will be resolved, or in complicated cases, a progress report within 7 working days stating when a full response may be expected.

When responding to a Stage 2 complaint with the outcome of the investigation the Head of Service must advise the complainant of their option to request an independent investigation by the Local Government Ombudsman should they be dissatisfied with the Stage 2 investigation and must provide the Ombudsman's contact details.

Stage 3

Should a customer remain dissatisfied with the explanations or the remedy offered following investigation at Stage 2, they may have the right to submit a complaint to the Local Government Ombudsman, who is independent of the Council. The Ombudsman has the same powers as the High Court, and can order anyone to produce documents for their investigation.

It is sometimes the case that the Ombudsman will receive a complaint which has not previously been raised with the Council, and which we have not had an opportunity to comment on or resolve. In these circumstances, the Ombudsman will normally refer them back to the Council to seek resolution at local level. These will normally be referred to the Stage 1 process, except in the most serious allegations, where it would go straight to Stage 2.

Contact details for the Local Government Ombudsman Advice Team are:-
Tel: 0300 061 0614

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

[Local Government Ombudsman Online Complaints Form](#)

Section 4 Formal Complaints against Councillors or the Chief Executive

A complaint concerning the conduct of a Councillor should be referred directly to the Council's Monitoring Officer who will investigate the complaint in accordance with the Members Code of Conduct and Standards Committee.

A complaint concerning the conduct of the Chief Executive or an Executive Director should be made to the Chairman of the Council.

Section 5 The Role of the Service Complaints Administrators & Senior Managers

Each Director should identify appropriate officers to administer complaints handling to be referred to in this scheme as a Complaints Administrator. The role is one of logging the complaint with Customer Services and acknowledging it, passing the complaint to the relevant Manager for investigation, monitoring progress, and reporting the outcome of decisions to the Central Complaints Administrator (within Customer Services).

The relevant Manager should be an officer directly reporting to the Director, with experience of the operations of the service to which the complaint relates.

The relevant Manager may be nominated by their Director to fulfil both the role of relevant Manager and Complaints Administrator.

The relevant Manager should:-

- Investigate the complaint at the Stage 1 level
- Look at a complaint from a service point of view
- Communicate with the customer directly, including answering correspondence
- Ensure the Council's complaints response times are adhered to
- The Service Complaints Administrator should:-
- Maintain a register of complaints and data for the relevant Manager and the central monitoring process
- Ensure the Central Complaints Administrator is kept informed of progress of a complaint and such progress is recorded in the CRM

Section 6 The Role of the Central Complaints Administrator

The Central Complaints Administrator is one of the functions of the Director of Residents' Services and her role is to:

- Provide information, statistics and trends on Stages 1, 2 and 3 Level complaints to the Senior Leadership Team, Corporate Governance and Audit Committee and Standards Committee as required.
- To be the central reference point for formal complaints.
- To be the Council's "Link Officer" with the Ombudsman, ensuring that Ombudsman

cases are dealt with in a timely manner.

- To ensure that the list of Complaints Administrators and relevant Managers is up to date.
- To ensure new officers are aware of the formal complaints procedure.
- Maintain and update the Council's Complaints procedure and public information as appropriate.
- Attend meetings of the Corporate Governance and Audit Committee and Standards Committee as requested.

Section 7 The Role of the Chief Executive

The Chief Executive has overall responsibility for the management of the Council's complaints system and procedures, and for ensuring that: -

- Through relevant Managers, Stage 1 complaints are resolved as appropriate.
- That Stage 2 complaints are thoroughly investigated by the appropriate Director or herself (depending on the gravity of the complaint).
- That Ombudsman complaints are resolved as appropriate and are reported to the Corporate Governance and Audit Committee.

Section 8 The Role of the Standards Committee

This Committee will consider reports from the Monitoring Officer concerning complaints about the conduct of Members.

Section 9 The Role of the Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee will receive reports from the Central Complaints Administrator on an annual basis. Its main functions are;

- To ensure that information / opportunities for improvement in the handling of complaints (and in preventing complaints) are shared.
- That actions required to effect an improvement are followed through.
- To analyse trends in a particular service or across services and act upon them.
- To ensure that Cabinet (through the Portfolio Holder) are fully aware of the situation on complaints.

Section 10 The Role of Other Officers of the Council in the Complaints Procedure

The Monitoring Officer

The Council's Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers on issues concerning Members, and make reports or recommendations in respect of them to the Council's Standards Committee.

The Monitoring Officer must be consulted if an Executive Director of the Treasurer wishes to make a payment to the customer by way of compensation

Director of Corporate Services / Financial Services Divisional Manager

The Director of Corporate Services and the Financial Services Divisional Manager, acting in their role as advisor to the Council on Insurance matters, must be kept fully informed of any complaints which may give rise to an insurance claim or possible liability issue.

It is important to remember that admitting liability can prejudice any defence which the Council or our insurance company may wish to make, and could lead to the insurance company refusing to meet any financial liabilities arising from such an admission.

The District Treasurer must be consulted if an Executive Director wishes to make a payment to the customer by way of compensation

The Director of Housing and Communities

The Director of Housing and Communities is responsible for investigating and recording complaints of a racial nature.

4.8 Financial Regulations

Overall Financial Responsibilities

All Councillors and Officers

All actions and decisions must be to support the Council's Corporate Plan and the Sustainable Community Strategy, in accordance with Council policies and strategies, comply with legal requirements and to attain value for money the community.

Director of Corporate Services (Chief Finance Officer)

The responsible Financial Officer in accordance with Sections 114 of the Local Government Act 1988 and 151 of the Local Government Act 1972 and, under the general direction of the Cabinet, is responsible for the proper administration of the Council's financial affairs.

The Chief Executive and the Financial Services Divisional Manager (Deputy S.151 Officer) are given authority to act on behalf of the Chief Finance Officer in all financial matters.

Senior Officers

1. Consult with the Chief Finance Officer regarding any matter within their range of responsibilities which could potentially adversely affect the Council's finances, prior to incurring any commitment.
2. Designate officers to administer the financial and accounting matters in that service and agree with the Chief Finance Officer the limits of financial responsibility for each officer.
3. Consult the Chief Finance Officer before introducing, amending, discontinuing or disposing of any accounting record or procedure relating to cash, stores, equipment, income or expenditure.
4. Have the following responsibilities:
 - (a) To maintain budgetary control in their service areas, and ensure that all income and expenditure is properly recorded and accounted for.
 - (b) To ensure spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
 - (c) To review performance of services in conjunction with the budgets, and ensure they are operating effectively.
 - (d) To ensure prior approval by Council or Cabinet (as appropriate) for new proposals that:
 - (i) create financial commitments in future years
 - (ii) change existing policies, initiate new policies or cease existing policies

- (iii) materially extend or reduce the authority's services.

Budget Managers

Designated by their Directors as being responsible for specified budgets relating to the service for which they manage.

Medium Term

The Council will develop a medium term financial strategy and a financial plan in order to deliver balanced budgets over the medium term. These documents will be subject to review, at least annually by the Cabinet.

Financial Planning

1. The Chief Finance Officer has a responsibility to:-
 - (i) manage the annual budget preparation process in accordance with the Council's budget strategy and budget timetable;
 - (ii) inform Senior Officers and budget managers about the budget strategy, the annual budget timetable and their involvement in the process;
2. Senior Officers have a responsibility to:-
 - (i) assist the Chief Finance Officer, as directed, in the preparation of revenue and capital estimates;
 - (ii) annually review and scrutinise every budget within their control;
3. Medium Term Budget Strategy (5 years)

The medium term budget strategy shall have regard to the following criteria:

- (i) be constructed to resource the forthcoming Corporate Plan;
- (ii) identify and quantify all known factors likely to impact on the Council's budget in the medium term (the financial risk matrix);
- (iii) use the service review process to identify efficiencies in order to maintain a balanced budget over the medium term;
- (iv) have regard to the current and potential legislative and national financial issues;
- (v) community needs and taxation implications.

Proposals against any new policy initiative, revenue or capital resources can be considered at any stage during the financial year providing they generate a measurable benefit to Corporate Plan objectives.

5. Capital
 - (i) The capital programme shall be based on the Corporate Plan and

Sustainable Community Strategy which will identify the need for investment.

- (ii) A capital scheme can only start with specific Cabinet approval (and Council if funded from reserves).
- (iii) Projects with a significant outcome for the community will require approval from the Strategic Leadership Team (SLT) prior to approval by Cabinet.
- (iv) Each capital proposal over £175,000 will include:
 - an option appraisal and Project Initiation Document (PID),
 - judgement about the expected outcomes and the contribution towards meeting specific Corporate Plan targets (a business case),
 - detailed capital estimates on a whole life cost basis,
 - revenue implications, including details of how they will be met
 - external funding opportunities, identifying any associated risks
 - consideration of risk management and health and safety issues,
 - overall monitoring during implementation of the scheme
 - an exit strategy
 - alternative methods of delivering the desired outcomes
- (v) Approval of the capital programme constitutes an acceptance of the need to invest and recognition of both the priority relative to other initiatives and resource availability.
- (vi) Detailed project management of each capital proposal shall be carried out by a project group of officers operating to the Council's approved project management guidance and Contract Standing Orders reporting to SLT and/or Cabinet. The constitution of the project group will depend on the size, cost and nature of the project. All major projects shall include a representative of the Chief Finance Officer to ensure that all governance issues are complied with; this person shall have no operational responsibilities within that team. (A major project is currently defined as any project estimated to exceed £175k as stated in the council's Project Management Guidance).
- (vii) A post project appraisal shall be carried out within 6 months of handing over the asset to the operational manager.

6. Income

- (i) All Senior Officers have the authority to increase fees and charges by the appropriate indices, as advised by the Chief Finance Officer or as otherwise prescribed by the Council's Charging Policy.
- (ii) Income estimates must provide for a prudent contribution to provisions in respect of potential bad debts and write offs, as advised by the Chief Finance Officer.

Budgetary Control

Each of the Council's budgets will be delegated to a designated budget manager.

1. Cabinet responsibilities:

- (i) Determine all increases in capital budgets in excess of 10% or £50,000, whichever is less, subject to the availability of funding.
- (ii) Determine individual asset renewal projects over £175,000 funded from the asset renewal programme.
- (iii) Approve the use of reserves for expenditure not exceeding £100,000 in any case, provided that this does not reduce the general fund reserve below the minimum level approved by the Council.
- (iv) Receive a report of all increase in capital budgets approved by Senior Officers.

2. The Chief Finance Officer has a responsibility to:

- (i) actively support Senior Officers and budget managers in meeting their budgetary control responsibilities;
- (ii) provide appropriate and accurate financial advice;
- (iii) assist budget managers to exercise proper financial management responsibility in a way which positively contributes to the financial health of the Council as a whole.

3. Senior Officers have a responsibility to:

- (i) ensure their budget managers operate within the Financial Regulations;
- (ii) determine an increase in a capital budget of up to 10% or £50,000, whichever is less, subject to the availability of funding.
- (iii) Determine individual asset renewal projects up to £175,000 funded from the approved asset renewal programme in consultation with the Chief Finance Officer.
- (iv) Subject to liaison with the Chief Executive or Chief Finance Officer (in consultation with the Leader), incur expenditure which is essential to meet any immediate needs created by a sudden emergency which comes within Section 138 of the Local Government Act 1972 i.e. an emergency or disaster involving destruction of or danger to life or property, occurs or is imminent, or to meet other legal obligations.

4. Budget Managers have a responsibility to:

- (i) Only incur expenditure or vire budget provision for which they have approved budgets or specific authority.
- (ii) Monitor and control revenue and capital expenditure and income under their control.
- (iii) Submit periodic capital and revenue monitoring reports to members.

- (iv) On becoming aware of a potential overspend either take remedial action to prevent such an overspend or submit a virement proposal prior to the overspend occurring.
- (v) Should a need to incur unavoidable or non-controllable expenditure be identified, a proposal for a supplementary estimate shall be submitted to Cabinet.
- (vi) Not to take any action which will reduce income, without a prior virement.
- (vii) As advised by the Chief Finance Officer, at the end of every financial year make a prudent contribution to the bad debts provision against which any irrecoverable debts will eventually be written off.

Virement

Definition: The transfer of any budget provision, either permanently or temporarily. The transfer may relate either to an expenditure budget or an income budget. Restrictions may apply to transfers between capital and revenue budgets.

Virement Rules:

Having had regard to value for money principles, approved budgets may be vired to another purpose in accordance with the following levels of authority:

Cabinet

1. Determine all virements over £50,000.

Individual Cabinet Members

2. Determine (in consultation with the appropriate Senior Officers, Divisional Managers and the Chief Finance Officer) budget virements between £20,000 and £50,000.

NB. If the virement is between portfolio holder responsibilities, both Cabinet members need to agree to the virement.

Senior Officers

1. Determine virements up to £20,000.
2. In conjunction with the Director of Corporate Services determine all recurring virements which affect employees or their conditions of service. In conjunction with the Director of Corporate Services determine all virements relating to training budgets.

Budget Managers

1. Determine virements up to £5,000.

Exceptions to virements by staff

2. Proposed expenditure of a recurring nature cannot be funded from non-recurring savings.
3. Proposed expenditure cannot be funded from additional income until the income has been received or is contractually committed.
4. Proposed expenditure cannot be funded from additional income unless the income and expenditure are linked, i.e. demand led services.
5. Savings cannot be proposed against expenditure controlled by a different budget manager without his prior specific approval.

Virement approval procedure:

1. Details of all proposed virements must be provided to the Chief Finance Officer on a virement request form and certified by the appropriate employee.
2. Senior Officers will be responsible for reporting virement requests to Cabinet where approval is required.
3. The Chief Finance Officer will be responsible for reporting approved virements to members and for actioning approved virements.

Financial and Service Performance

Revenue Outturn Reporting:

1. At the end of each financial year, the Cabinet may determine that unspent balances of a specific nature may be carried forward into the following financial year, and that overspent budgets of a specific nature may be clawed back from the appropriate budget in the following financial year.
2. Prior to 30th September, or any statutory deadline that may be introduced, the Chief Finance Officer will submit a report to the Corporate Governance and Audit Committee on the draft annual accounts along with the revenue outturn performance for the preceding financial year.

Capital Schemes:

Within six months of the capital scheme becoming operationally complete, a report shall be submitted to the SLT and the Cabinet:

- (i) final cost of the scheme and reasons for any variations from the approved budget;
- (ii) an assessment of the benefits arising from the scheme, in relation to Sustainable Community Strategy objectives.

Accounting

1. The Chief Finance Officer has a responsibility to:-
 - (i) Complete the annual accounts of the Council in accordance with the Accounts and Audit Regulations. Submit the draft accounts to the Corporate

Governance and Audit Committee and, after the conclusion of the Audit of Accounts, report on any amendments made to the accounts as a result of the external audit.

- (ii) Determine all accounting procedures and financial records in accordance with statutory regulations, professional codes of practice and current guidance notes.
 - (iii) Compile all accounts and accounting records of the Council.
 - (iv) Advise on the appropriate timing of the disposal of accounting records.
2. There must be clear separation of duties between the provision of information regarding amounts due to or from the Council and the accounting for those sums.
 3. Officers responsible for examining and checking the accounts of cash transactions shall not themselves be engaged in any of those transactions.
 4. Staff responsible for cash or funds shall submit accounts in accordance with the requirements of the Chief Finance Officer.

Internal Audit Service

1. The Internal Audit Service will provide a continuous and independent appraisal and review of all internal control systems. It will objectively examine, evaluate and report upon the adequacy of such internal controls as a contribution towards Corporate Plan objectives, value for money practices, the proper and efficient use of resources and to minimise the risk of irregularity. It will operate a managed audit process in co-operation with the External Auditor.
2. The findings and recommendations from each audit review shall be reported to Corporate Governance and Audit Committee.
3. The Chief Executive or his authorised representative has a responsibility to:
 - (i) enter Council property or land at all times;
 - (ii) have access to all records, documents and correspondence relating to any transactions of the Council;
 - (iii) request and receive such explanations as are necessary concerning any matters under examination;
 - (iv) require any officer to produce cash, stores or any other property under his control;
 - (v) require the assistance of officers at all levels of the Council in the preparation of internal audit reports;
 - (vi) make arrangements for investigation, reporting and subsequent action regarding any suspected irregularity.

4. Senior Officers and all managers have a responsibility, and other officers have a duty to:
 - (i) maintain the internal control systems;
 - (ii) ensure resources are properly applied and in a manner and on activities consistent with Corporate Plan objectives;
 - (iii) implement appropriate systems of control in order to prevent and detect fraud and other illegal acts;
 - (iv) notify the Chief Finance Officer of any matter thought to involve irregularities concerning Council assets or service delivery.
5. The Internal Audit Service will be conducted in accordance with the latest professional guidance including close co-operation with the external auditor.
6. An annual audit plan of agreed objectives will be produced and used to monitor the service.

Banking Arrangements

1. The Chief Finance Officer has a responsibility to:
 - (i) make all necessary banking arrangements and operate the necessary bank accounts;
 - (ii) order, issue and make proper arrangements for the safe custody of cheques;
 - (iii) agree a list of other officers authorised to sign cheques and release money by other methods of payment;
 - (iv) issue corporate charge / credit cards, together with instructions for their use.
 - (v) make 'daylight' and 'overdraft' facilities with the Council's bankers, within the overall borrowing policy;
 - (vi) make arrangements for the safe transit and transmission of cash and cheques.
 - (vii) nominate appropriate post holders to fulfil the role of bank signatories.
2. Cheques on the Council's main banking accounts will be electronically signed by the Chief Finance Officer.
3. The banking arrangements will be subject to value for money practices with a review of banking services being carried out at least every five years.

Treasury Management

1. The Council will create and maintain, as the cornerstone for effective treasury management (TM):

- a treasury management policy statement, stating policies, objectives and approach to risk management of its treasury management activities
- suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The context of the policy statement and TMPs will follow the recommendations contained in the CIPFA Code of Practice on TM of the Code

2. The authority 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, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
3. The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the organisation's policy statement and TMPs and, if the Chief Finance Officer is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

This organisation nominates the Corporate Governance and Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

Insurances and Risk Management

1. The Chief Finance Officer has a responsibility to:
 - (i) annually review all external and self-funded insurances and assess the amount of insurance cover to be maintained by both sources of provider;
 - (ii) arrange all insurance cover and negotiate claims within the overall insurance policy;
 - (iii) arrange fidelity guarantee insurance for all employees;
 - (iv) negotiate and settle all claims falling below insurance thresholds, self-insured risks, ex gratia claims;
 - (v) incur any necessary expenditure in meeting recoverable insurance claims subject to prior consultation with the Council's insurers.
 - (vi) to support the Corporate Risk Group.
2. Senior Officers and all managers have a responsibility to:
 - (i) give prompt notification of the extent and nature of new insurable risks, newly acquired properties, assets, liabilities and rights of services under their control;
 - (ii) give written notification of any loss, liability, damage or event potentially

leading to a claim;

- (iii) consult the Chief Finance Officer regarding the terms of any indemnity;
 - (iv) give prior notification of work to be undertaken by staff on behalf of other bodies.
 - (v) support the Corporate Risk Group.
3. The insurance arrangements will be subject to value for money practices with a review of insurance services being carried out at least every five years.

Income

1. The Chief Finance Officer has a responsibility to:
- (i) ensure there are satisfactory arrangements for collection, custody, control, disposal and prompt and proper accounting for all cash, remittances and income;
 - (ii) inspect any documents;
 - (iii) make arrangements for the order, control and issue of all official receipts, tickets and vouchers;
 - (iv) approve arrangements for the safe keeping of cash and safe keys;
 - (v) approve write offs of amounts due if satisfied that the debt is irrecoverable, not attributable to fraud, theft or error of employee and that all practicable steps have been taken to recover the debt. The total of all such write offs shall be published for members' information.
2. All officers and nominated contractors have a responsibility to:
- (i) notify the Chief Finance Officer of all contracts, deeds and arrangements involving the receipt of money;
 - (ii) comply with the income arrangement determined by the Chief Finance Officer;
 - (iii) minimise cash held overnight, make secure arrangements for its safe keeping and not exceed limits laid down by the insurers;
 - (iv) maintain strict segregation of personal money and cheques from Council monies;
 - (v) maintain signed records of every transfer of official money between officers.
3. Prescribed receipts or tickets must be issued at the time payment is received.
4. All money must be paid into the Council's bank account or at a nominated cash point daily or at agreed intervals. No deductions may be made from such money unless authorised by Chief Finance Officer.

5. Cheques shall be listed on receipt with the receipt number noted on the reverse side of the cheque.
6. These accounting arrangements for Council income will apply to direct employees and external contractors operating on behalf of the Council.

Ordering of Works, Goods and Services under Official Orders

1. The Chief Finance Officer has a responsibility to:
 - (i) determine arrangements for the placing of and accounting for official orders for works, goods and services; whether in electronic or paper format;
 - (ii) determine appropriate authorisation levels for individual officers to authorise orders and/or payment of invoices.
 - (iii) Waive ordering requirements in exceptional circumstances e.g. utility services, periodic payments, rent and rates.
 - (iv) report any breaches of Contract Standing Orders, where the contract value is in excess of £50,000 to the Corporate Governance and Audit Committee.
2. Senior Officers and all managers have a responsibility to:
 - (i) pursue value for money when placing each order;
 - (ii) establish that there is sufficient approved budget provision before issuing an order;
 - (iii) observe Contract Standing Orders when obtaining tenders and quotations;
 - (iv) seek annual tenders or quotations where goods and services are obtained regularly under agreement from a supplier;
 - (v) use any central purchasing arrangements for equipment or materials and state on each order:-
 - the tendered or quoted price of the work, goods or services;
 - complete and accurate identification of the work, goods and services;
 - the quotation, contract or agreement;
 - (vi) confirm oral orders by an official order on the same day;
 - (vii) only pay invoices for which there is an official order;
 - (viii) only use the Council's electronic ordering system except in exceptional circumstances where an official paper order must be used;
 - (ix) maintain a list of staff and specimen signatures, to the Chief Finance Officer, who are authorised to approve orders.
 - (x) report any breaches of Contract Standing Orders to the Chief Finance Officer.

Payment of Accounts

1. The Chief Finance Officer has a responsibility to:
 - (i) promptly make all payments;
 - (ii) determine arrangements to ensure that before payment, the liability has been properly incurred and not previously discharged.
2. Senior Officers and all managers have a responsibility to:
 - (i) make proper arrangements for promptly checking, coding and certifying all invoices, claims and accounts except where invoices are matched electronically to properly approved orders using the Council's electronic ordering system. Invoices in excess of £2,000 must be individually checked and electronically certified by an authorised signatory. Orders over £10,000 will also require a second approver;
 - (ii) promptly send all invoices, claims and accounts to the Chief Finance Officer for payment;
 - (iii) maintain a list of officers and specimen signatures, to the Chief Finance Officer, who are authorised to approve invoices;
 - (iv) ensure there is a division of duties between processing of orders, receipt of goods and services and certification of invoices;
 - (v) obtain all discounts and avoid interest charges by promptly processing accounts;
 - (vi) determine reasons before certifying amendments to accounts;
 - (vii) notify the Chief Finance Officer of accounts relating to the previous financial year.
3. All vouchers and documents must be retained until after the completion of the annual audit of accounts.
4. All requests, including the reason, for the redirection of cheques must be submitted on a redirection request slip, and sent to for consideration by the Chief Finance Officer or other bank signatory in his absence.

Salaries, Wages and Pensions

1. The Director of Corporate Services has a responsibility to:
 - (i) make payment of salaries, wages and expenses to employees, former employees and all agency staff;
 - (ii) make arrangements for maintaining time records and pay documents.
2. Senior Officers and all managers have a responsibility to:

- (i) notify the Director of Corporate Services of all matters affecting payments to employees or former employees including appointments, regulations, dismissals, suspensions, secondments, transfers, absences from duty other than approved leave and changes in remuneration;
- (ii) provide information to maintain records of income tax, pension, national insurance and pensions;
- (iii) make appointments in accordance with Council regulations, approved staffing establishments, budgets, grades, rates of pay and employment contracts;
- (iv) maintain a list of officers and specimen signatures, to the Director of Corporate Services, who are authorised to sign salaries and wages records.

Petty Cash Accounts and Floats

1. The Chief Finance Officer has a responsibility to:
 - (i) maintain a system of accounts for officers incurring petty cash and other minor expenses;
 - (ii) maintain a list of officers administering petty cash funds and floats.
2. Senior Officers, managers and staff have a responsibility to:
 - (i) only use the petty cash account for minor items of expenditure;
 - (ii) provide receipts to support petty cash claims;
 - (iii) annually or on ceasing to be entitled to hold a petty cash account, provide a statement of petty cash advanced.
3. No income shall be paid into a petty cash account but banked in accordance with Income Financial Regulations.

Travelling, Subsistence and Other Allowances

1. The Director of Corporate Services has a responsibility to:
 - (i) determine arrangements for the proper submission and payment of certified travelling, subsistence and other allowances from officers and members;
 - (ii) inspect insurance policies and driving licences of all officers who use vehicles for official journeys;
 - (iii) determine and review the scale of petrol allowances payable for mileage claims.
2. Chief Officers and all managers have a responsibility to:
 - (i) submit detailed certified claims for payment of car allowances, subsistence

allowances, travelling and other expenses, generally on a monthly basis and always within three months of incurring the expense;

- (ii) maintain a list of officers and specimen signatures, to the Head of Business Improvement Services, who are authorised to sign such claims;
 - (iii) be satisfied that the journeys were authorised and appropriately planned, the expenses properly and necessarily incurred and that the allowances are properly payable;
 - (iv) ensure that officers comply with the Driving at Work Policy.
3. All personal claims submitted by a Chief Officer must be independently certified by another Chief Officer.
 4. All officers who use their private cars for official journeys must indemnify the Council against claims from third parties.

Property

1. The Director of Growth and Place shall maintain a record of all properties owned by the Council, recording the purpose for which held, location, extent and plan reference, purchase details, details and nature of any interests, rents payable and details of tenancies granted. Disposals shall be clearly recorded and reference made of appropriate authority.
2. The Legal and Democratic Services Divisional Manager shall have custody of all title deeds under secure arrangements.
3. When marketing properties for disposal or to let the Director of Growth and Place will ensure that the premises are given adequate coverage in the marketplace and will undertake all marketing in accordance with best professional practice. When the appropriate method of disposal is by way of tenders, all tenders are to be returned in an envelope which does not bear the identity of the sender and are opened in the presence of the Director of Growth and Place, a Senior Solicitor and Chief Finance Officer (or their representatives).

Stocks and Stores

1. The Chief Finance Officer has a responsibility to:
 - (i) make arrangements for maintaining the systems, recording, authorising receipts and issue of stores;
 - (ii) carry out a stores audit;
 - (iii) approve write off of amounts up to £3,000 for any one commodity. Amounts above this shall be reported to the Cabinet;
 - (iv) agree appropriate methods for disposal of surplus stock and equipment.
2. Senior Officers and all managers have a responsibility to:

- (i) ensure receipt, care, custody, issue and return of stocks and stores under his charge, including the determination of levels of stocks to be held;
- (ii) supply information for the financial and accounting records of stocks and stores;
- (iii) make arrangements for annual, independent checks of stocks including a certified statement of stock items for submission to the Chief Finance Officer;
- (iv) promptly report surpluses and deficiencies of stock to the Chief Finance Officer;
- (v) dispose of materials, stores or equipment, which are surplus to requirements, by competitive tender or public auction, unless in the opinion of the Chief Finance Officer the Council's interests would be better served by other means of disposal.

Inventories

1. The Director of Corporate Services shall set up and maintain a comprehensive inventory of Council assets to include furniture, portable items of equipment, computer hardware and software, tools, vehicle, plant and machinery.
2. The Chief Finance Officer has a responsibility to:
 - (i) make arrangements for the routine audit of a comprehensive inventory;
 - (ii) be notified of any deficiencies;
 - (iii) determine write off of amounts up to £3,000 for any one commodity. Amounts above this shall be reported to the Cabinet.
3. Senior Officers and all managers have a responsibility to:
 - (i) where practicable, mark articles as Council property;
 - (ii) ensure articles are only used for Council purposes, unless they give authority otherwise;
 - (iii) carry out an annual stock check of all items;
 - (iv) provide an annual stock check certificate;
 - (v) notify the Chief Finance Officer of, and investigate, any deficiencies;
 - (vi) update inventories as and when changes occur.

Security

1. Senior Officers and managers have a responsibility to:
 - (i) maintain proper security at all times for all buildings, stocks, stores, furniture, equipment and cash under his control;

- (ii) consult the Chief Finance Officer where security is thought to be defective or special security arrangements may be needed;
- (iii) maintain proper security and privacy of information held on computer files and for its use in accordance with Data Protection requirements and current regulation;
- (iv) maintain proper security of computer systems, office systems and control over the access to the Internet.

Members' Allowances

1. The Legal & Democratic Services Divisional Manager will administer the Scheme of Members' Allowances including:-
 - (i) making arrangements for the publication of the total sum paid to each member;
 - (ii) payments to members will be made monthly by direct transfer into their bank account.

Glossary of Financial Terms

Actuals

The term is often used as an abbreviation for actual expenditure or "out-turn". It refers to the amount spent against a budget in a particular period and is normally compared to an estimate. The difference between the actual expenditure and the budget is known as the "variance".

Base Budget

The cost of existing approved policies, before growth or reductions are included. The base budget is expressed at out-turn prices.

Budget

A statement of an authority's plans for net revenue or capital expenditure over a specified period of time. The annual budget is prepared as part of the Council's Annual Council tax setting process. The budget, once approved, is an instrument of delegation which is used to authorise, monitor and control expenditure (and income). Every Council must set a legal budget by the 11th March preceding the financial year.

Budget Centre (or Cost Centre)

A term which is interchangeable with cost centre. It is often related to a specific service provision, and enables costs and income to be separately identified to a discrete unit e.g. a vehicle, members' allowances, East Pallant House, etc. A cost centre could equally be a person or team with responsibility to control several budget centres e.g. legal services, pest control team.

Budget Requirement

This is the net revenue expenditure required by the Council in any one year. It is needed to calculate the level of council tax and by the government for capping purposes.

Capital Expenditure

This is expenditure that provides an asset which is capable of providing a benefit for more than one year e.g. the acquisition, construction and enhancement of buildings, land, vehicles and equipment etc. Rules and regulations govern the manner in which the Council can undertake capital expenditure e.g. borrowing controls. All expenditure is revenue expenditure unless it can be clearly demonstrated that it is 'expenditure for capital purposes'.

Capital Financing

The raising of money to pay for the Capital expenditure, for example, by borrowing, leasing, capital receipts, revenue or grants.

Capital Receipts

These are monies received from the sale of assets e.g. Council houses, surplus land. The Council is required, under current legislation, to "set aside" a proportion of the receipt to meet debt repayments.

Capital Programme

The capital schemes that the authority proposes to undertake over a set time; the Council has a 5 year programme.

Cash Limited Budget

This is a budget that is strictly limited by cash spending. Within the overall cash limit it is possible that individual committees can have freedom to spend as they wish (with virement rules) to meet their defined objectives.

The Council's revenue budgets have been set on a cash limited basis.

Council Tax

Council tax is a tax that is set by the billing authority, and is levied on all domestic dwellings, and 'main or sole residences'.

Direct Service Organisation (DSO)

An organisation within the Council, operating as a discrete trading activity, consisting of officers directly employed by the authority to carry out specified Council services under agreement.

Estimate

An approximate calculation of items of expenditure or income.

Fees and Charges

Fees and charges are levied on a wide range of services, from car parks to planning applications. Discretion in pricing policy is available in some areas, for example the Council is able to vary car park charges as an aid to traffic management. Income from fees and charges has a direct impact on the level of council tax. Financial regulations require that all scales of charges or other levels of income shall be regularly reviewed.

General Fund

The main revenue account of the Council. It summarises the cost of all services provided by the Council, except that it excludes the Housing revenue account.

Historic Cost

Amounts recorded at the cost they were incurred, not adjusted for the effect of subsequent price increases.

Holding Account

An account in which the costs of an activity are collected prior to their reallocation to the users of an activity e.g. a service budget centre.

Internal Audit

The Accounts and Audit regulations 2003 require all local authorities to maintain an adequate and effective internal audit service. Its responsibilities are to review the economy, efficiency and effectiveness of the services provided and include the detection and prevention of fraud.

Net Expenditure

The cost of providing a service after deduction of income.

Out-turn

The actual expenditure and income for a particular year. The term is often used when comparing actual expenditure against budgets.

Overheads

Expenses not directly allocated to a cost centre i.e. support costs.

Price Base

This is the basis on which costs are shown in a budget. Costs may be shown at current prices, or with an allowance for future price increases (called "out-turn" prices). The Council's budgets are compiled on the basis of "out-turn" costs i.e. the actual costs in cash terms.

Provision

A term, which represents money that is set aside to meet a future liability, but which cannot be accurately quantified at present e.g. a bad debt provision. Provisions are held separately from reserves and balances.

Recharges (Internal)

These are the costs of the charges levied for a service provided by one service with the Council to another.

Reserves and Balances

These are monies that are still held at the end of the year, after allowing for all the expenditure and income that has taken place. Some of this money may be earmarked for specific purposes e.g. the Council has transferred accumulated monies into a capital projects reserve.

Revenue Expenditure

This can be defined as expenditure on the day to day running of the authority e.g. wages and salaries, non-domestic rates, heating, lighting etc.

Revised Estimates

The approved estimates as amended for any supplementary estimates or virements. It is an update of the anticipated out-turn for the current year and is usually prepared in conjunction with the estimates for the following year.

Section 151 Officer

Section 151 of the Local Government Act 1972 states that “every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”. The section 151 officer must be a member of one of the recognised chartered accountancy bodies (e.g. Cipfa).

In the event of serious financial problems e.g. unlawful activity of officers and/or members in authority affairs, or expenditure likely to exceed its resources in the financial year, the S151 officer (Chief Finance Officer) must report to the authority. A copy of the report must be sent to all members of the authority and to the authority’s external auditor.

Supplementary Estimates

An approved increase to a budget during the year, granted in accordance with the Council’s financial regulations (generally only in exceptional circumstances).

Tax Base

The council tax base is expressed in terms of its equivalent number of dwellings in valuation band D. This is used to set the tax rate of the authority and in the calculation of the Council’s entitlement to Revenue Support Grant (RSG).

Virement

This is the term used for switching resources between budget heads. Financial regulations determine the level at which (and amounts) virement can take place i.e. by budget holders, chief officers, and spending committees.

Write-offs

Where all debt recovery procedures have been exhausted, those debts which are not recoverable are written out of the accounts.

Contract Standing Orders

1. Interpretation
2. Status of, and Compliance with, Contract Standing Orders
3. Approval to spend
4. Contract Value and Aggregation
5. Framework Agreements, Dynamic Purchasing Systems and Suitability of Contractors
6. Publication of Notices
7. Purchasing Procedures for Contracts of a Value less than £50,000
8. Tendering Procedures for Contracts of a Value of £50,000 or greater but less than relevant UK Threshold
9. Tendering Procedures for Contracts Above UK Thresholds
10. Receipt and Opening of Tenders
11. Evaluation of Tenders and Award of Contract
12. Waiver of Contract Standing Orders

Contract Standing Order 1: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

“Advance Works Order” means an advance works order issued under CSO 11.10

“Area of Responsibility” means the function and area of responsibility for a Chief Officer as detailed in the District Council’s Constitution

“Chief Officer” means the Chief Executive or any Director

“Contract” means

(i) a binding agreement on fixed terms for the supply of goods, services, or the execution of works to or for the Council, including the use of consultants;

(ii) any Framework Agreement; or

(iii) any agreement where no payment is made by the District Council but which is of financial value to the Contractor (e.g. a catering concession) but does not include (without exception)

(iv) an employment contract: or

(v) a Grant Agreement

"Contract Administrator / Lead Officer" means a District Council officer responsible for the supervision and execution of the contract, and/or nominated to deal with Contracts in accordance with CSO 3.3. An officer defined as a project officer under the Council project management guidance will also be the Contract Administrator.

“Contractor” means the party or potential party to a Contract

“Contracts Finder” means a web-based portal provided for the purposes of the UK Regulations by or on behalf of the Cabinet Office

“CSO”/ "CSOs" means Contract Standing Order/ Contract Standing Orders

“District Council” means Chichester District Council

means an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors “EU Public Procurement Directives

“Evaluation Report” means a report on the evaluation of tenders prepared under CSO 11

"Framework Agreement" means an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors as defined in CSO 5.1

“Grant Agreement” means an agreement giving financial assistance to an individual

or organisation with no supply of goods or services, or execution of works, in return

“The Most Economically Advantageous Tender” (also known as MEAT) is a method of [assessment](#) that can be used as the selection procedure, allowing the Council as [contracting](#) party to award the [contract](#) based on aspects of the [tender submission](#) other than just [price](#) such as environmental or social benefit factors.

“Procurement Network” means a formal group of officers of the District Council representing all departments and procurement teams whose main purpose is to provide leadership on procurement matters for the District Council

“Senior Officer” means a District Council officer defined as a Senior Officer in the Current Constitution.

“UK e-Notification Service” means a single web-based portal provided for the purposes of the UK Regulations by or on behalf of the Cabinet Office.

“UK Regulations” means the Public Contracts Regulations 2015 as may be amended from time to time by statutory instrument.

“UK Thresholds” means the thresholds for public advertisement of goods, works and service contracts as provided for in the UK Regulations.

“Works”, “Supplies” & “Services” are as defined in the EU Public Procurement Directives or relevant UK legislation.

Contract Standing Order 2: Status of, and Compliance with, Contract Standing Orders

- 2.1 By law, the District Council is required to make standing orders with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.
- 2.2 The District Council is a contracting authority for the purposes of the UK Regulations and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.
- 2.3 The District Council has therefore adopted these Contract Standing Orders (CSOs), setting out the procedures that must be followed in relation to the procurement and award of a Contract. CSOs provide a framework to ensure that the District Council uses its resources efficiently in making purchasing decisions to obtain best value in public services. CSOs also provide a means of safeguarding the reputation of the District Council and its staff from any implication of dishonesty or corruption.
- 2.4 The statutory S.151 Officer and the Monitoring Officer are the joint custodians of these CSOs and are responsible for keeping them under review. This includes giving advice on their implementation and interpretation.
- 2.5 Every Contract made by the District Council or on its behalf (irrespective of the source of funding) shall comply with the UK Regulations, CSOs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall apply.
- 2.6 The UK Regulations, including non-discrimination, equal treatment, transparency and proportionality, apply generally in the award of public contracts – including those of a value below the UK Thresholds. Care must be taken at all times to ensure that nothing is done which is discriminatory, improper or which distorts competition.
- 2.7 It is the role of the Divisional Manager for Democratic Services to manage procurement support and to maintain a Procurement Network on behalf of the District Council.
- 2.8 These CSOs supplement the Officers' Code of Conduct and a failure to comply will normally be regarded as a disciplinary offence. Where a person who is not a District Council employee is contracted to a position where they are authorised to carry out purchasing functions, it is a condition of their contract that they comply with CSOs.
- 2.9 These CSOs shall always be interpreted and applied in a way that supports the achievement of the District Council's identified business objectives, within relevant legal frameworks.
- 2.10 Any contracts procured and awarded by way of collaboration with other public bodies where a competitive process has been followed that complies with the equivalent of these CSOs of the leading organisation will be deemed to comply with these CSOs and no waiver in accordance with CSO 12 will be required.
- 2.11 These standing orders do not cover contracts to buy or sell land or any interest

in land (e.g. lease or right of way). Where the sale of land and property (or an interest therein) is involved, the tendering procedures used must ensure transparency, fair competition and achievement of the best consideration in the circumstances and to recognise the District Council's corporate objectives.

Contract Standing Order 3: Approval to spend

- 3.1 The procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Constitution. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the District Council's capital programme or revenue budget, or has been approved via a separate report to cabinet and (depending on value) Council.
- 3.2 In estimating the value of the Contract, the principles of CSO 4 shall be applied
- 3.3 In all cases, the Chief Officer within whose Area of Responsibility the Contract falls shall designate a Senior Officer as Contract Administrator / Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CSOs.
- 3.4 For spend over £10,000 the Procurement Officer is to be informed and over £50,000 the Procurement Officer is to be consulted in advance of the procurement being undertaken.
- 3.5 In the event that the value of the contract represents more than 25% of the company's annual turnover, the Chief Officer or Divisional Manager and the Chief Finance Officer must be advised and a further assessment undertaken to their satisfaction.
- 3.6 The Procurement Officer shall be responsible for management of any Frameworks created by the Chichester District Council.

Contract Standing Order 4: Contract Value and Aggregation

- 4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the District Council to the Contractor which shall include any option to extend the term under the contract. Where the Contract is one where no payment is made by the Council (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.
- 4.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.
- 4.3 The estimated value of a Framework Agreement or Dynamic Purchasing System (DPS) is the total value of all the Contracts which have been identified as potentially to be entered into by the District Council, further to that Framework Agreement or DPS. The Procurement Officer shall keep all Framework agreements under review and advise relevant officers as to those Framework agreements.
- 4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs or UK Regulations.
- 4.5 Contracts which are each of a value below the relevant UK Threshold may nevertheless be subject to the full UK Regulations tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

Contract Standing Order 5: Framework Agreements, Dynamic Purchasing Systems and Suitability of Contractors

- 5.1 A Framework Agreement is an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Framework Agreements may be established by the District Council, by other public bodies, by public sector buying consortia or via the "Constructionline" service (originally introduced by the Department for Transport, Local Government and Regions) as arrangements through which the District Council, along with other public bodies, may make specific purchases.
- 5.2 Where appropriate a Framework Agreement that has been approved as suitable by the Director Corporate Services should be used for the making of the proposed purchase. The Procurement Officer shall advise the Director of Corporate Services as to whether a particular Framework Agreement shall be appropriate for the specific requirement and procured in compliance with the UK Regulations, and ensure that the terms and conditions applicable shall meet the minimum requirements of the District Council.
- 5.3 Provisions contained in the UK Regulations which govern Framework Agreements must be complied with when concluding a Framework Agreement or awarding a contract based on a Framework Agreement.
- 5.4 A Dynamic Purchasing Systems (or DPS) is a procedure available for contracts for works, services and goods commonly available on the market. It has some aspects that are similar to an electronic Framework Agreement but where new suppliers can join at any time.
- 5.5 A DPS has its own specific set of requirements. It must be run as a completely electronic process and should be set up using the restricted procedure and other conditions as set out in Regulation 34 of the Public Contract Regulations 2015.
- 5.6 In the initial setup stage, all suppliers who meet the selection criteria and are not excluded must be admitted to the DPS. The District Council must not impose any limit on the number of suppliers who may join a DPS. Individual contracts are awarded during the second stage, in which the District Council invites all suppliers on the DPS (or relevant category/lot) to bid for the specific contract.
- 5.7 In all cases where a Contract is awarded under these CSOs, a Contractor can only be appointed who, as a minimum:
- a) meets the District Council's insurance requirements for the Contract (in respect of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract)
 - b) is registered for tax and holds a valid certificate (where appropriate)

Contract Standing Order 6: Publication of Notices

- 6.1 In all cases where, by virtue of these CSOs or by UK Regulations, a public notice is required, it shall be placed on the South East Shared Services In-tend Portal, on the District Council's website and/or on Contracts Finder.
- 6.2 Where the estimated total value of a proposed Contract is £50,000 or above, the notice may additionally be placed in at least one relevant local publication and/or journal circulating among Contractors who undertake Contracts of that nature.
- 6.3 Where the value of the contract is £25,000 or greater the information regarding the Contract notice is required to be placed on Contracts Finder.
- 6.4 Where the value of the Contract exceeds the relevant UK Threshold, the Contract notice and Contract award notice shall also be placed on the UK e-Notification Service in accordance with the UK Regulations.

Contract Standing Order 7: Purchasing Procedures for Contracts of a Value less than £50,000

7.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is greater than £10,000 and less than £50,000 and there is a suitable Framework Agreement already approved by the Director of Corporate Services under CSO 5.2, that Framework Agreement shall be used.

7.2 Where no previously approved Framework Agreement is available, and/or where the estimated value of the Contract, calculated in accordance with CSO 4, is less than £50,000, then two written quotations should be obtained, one of which should normally be from a local* contractor if possible.

If the minimum number of contractors/suppliers cannot be invited to tender, the Contract Administrator / Lead Officer shall seek the approval of the Director Corporate Services (or his appointed representative) to proceed with invitations to tender to fewer organisations.

7.4 Contractors wishing to be considered for tenders should be registered with the Contractors Health and Safety Assessment Scheme (CHAS) or equivalent and be prepared to provide membership and/or reference details. Where a contractor is not registered with CHAS the CDC Health and Safety Manager should provide advice, support and guidance to ensure that the contractor submits sufficient documentation to comply with Health and Safety legislation.

7.5 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.

7.6 The Contract shall be evidenced in writing, by submission of an order in accordance with the Framework Agreement or, where a Framework Agreement is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.

* "local" is defined as meaning that the main place of business of the contractor is located in Chichester District or the adjoining Districts on its boundaries.

Contract Standing Order 8: Tendering Procedures for Contracts of a Value of £50,000 or greater but less than relevant UK Threshold

- 8.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £50,000 or greater but less than the relevant UK Threshold, and there is a suitable Framework Agreement approved by the Director of Corporate Services, under CSO 5.2, the Procurement Officer shall advise as to whether a suitable Framework Agreement is available.
- 8.2 One of the following methodologies should be used:
- A Framework Agreement
 - A DPS
 - An Open Competitive Procedure;
 - at least four written quotations against a written request for quotation under the Restricted Competitive Procedure;
 - “Constructionline” as detailed under CSO 5.1.
- 8.3 The procedure requires the publication of a notice in accordance with CSO 6. The public notice shall specify (i) a time period within which interested parties may express an interest in tendering and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a reasonable period for tenders to be returned.
- 8.4 In all cases, every invitation to tender shall include the following:
- A statement that the tendering process will be conducted within the District Council’s corporate electronic tendering system or a tendering system approved in writing for that purpose by the Monitoring Officer;
 - Full instructions on how to submit their tender to this system;
 - Advice that tenders, once received in the system, will be anonymous until the time specified for their opening;
 - Advice as to the deadline for submission of tenders to this system
- 8.5 In exceptional circumstances, and with the prior approval of Director of Corporate Services, an invitation to tender maybe sent to tenderers in hard copy paper form, rather than through the electronic tendering system. For such cases the Procurement Officer shall be responsible for oversight of the tender and evaluation process from receipt of tender paperwork to the evaluation process.
- 8.6 The invitation to tender shall state the evaluation criteria, including subcriteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.
- 8.7 Contractors wishing to be considered for tenders should be registered with the Contractors Health and Safety Assessment Scheme (CHAS) or equivalent and be prepared to provide membership and/or reference details. Where a contractor is not registered with CHAS the CDC Corporate Health and Safety Manager should provide advice, support and guidance to ensure that the contractor submits sufficient documentation to comply with Health and Safety legislation.
- 8.8 Any company/organisation/individual that has been involved in the preparation of

a design/scope/procurement of a project should automatically be excluded from bidding for that project, unless there are exceptional circumstances, in which case specific Cabinet approval will be required.

- 8.9 Contracts arising from the tender exercise(s) shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved by the Monitoring Officer or other person authorised by him for this purpose.
- 8.10 All officers involved in tendering shall comply with the officer handbook, relevant policies and statutory legal duties in particular the duties of transparency. Individual Councillors shall not be involved with the tendering process and groups of Councillors given delegated responsibilities as to tendering such as being involved in evaluation processes shall comply with the Code of Conduct and the principles of good decision making set out in the Constitution of the District Council.

Contract Standing Order 9: Tendering Procedures for Contracts above UK Thresholds

- 9.1 The UK Regulations set a financial threshold beyond which prescribed tendering procedures must be followed. The UK Thresholds are reviewed every two years, and the updated figures can be found on line.
- 9.2 Where the estimated value of the Contract is in excess of the relevant UK Threshold, the procedures set out in the UK Legislation must be followed. In most cases, the open procedure, restricted procedure or competitive procedure with negotiation will be used, but in certain specialist cases, the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Monitoring Officer.
- 9.3 Where the estimated value of the contract is £50,000 or greater but less than UK Threshold approval of the Section 151 officer or the Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.
- 9.5 Any proposed modifications to existing contracts which have not been provided for in the initial procurement documents in clear, precise and unequivocal review clauses shall be approved by the Monitoring Officer where the value of the modification is less than £1 million and by the Executive where the value of the modification is £1 million or greater prior to agreement of such modification.

Contract Standing Order 10: Receipt and Opening of Tenders

- 10.1 Subject to CSO 10.2 – 10.3, all electronic tenders shall be opened at the same time, by an officer appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders. People under contract to the District Council, but not permanent employees of the District Council shall not open tenders unless approved by a Chief Officer or the Monitoring Officer.
- 10.2 For a Contract of a value of £50,000 or greater, the officer opening tenders shall be certified as having completed the required training and the officer's name shall appear on a list held by the Monitoring Officer and authorised for that purpose.
- 10.3 The officer opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.
- 10.4 Electronic tenders shall be used for all tendering except that for contracts under £10,000 where use of hard copy tendering has been agreed with the Procurement Officer in advance. Such contracts shall be overseen by a Divisional Manager.

Contract Standing Order 11: Evaluation of Tenders and Award of Contract

- 11.1 The Contract Administrator / Lead Officer (who should normally be an employee of the District Council) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.
- 11.2 The Contract Administrator / Lead Officer shall produce a written report evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the most economically advantageous tender i.e. the tender that achieves the best score in the evaluation and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CSO 11.4.
- 11.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the District Council's capital or revenue accounts in accordance with CSO 3.1. The Evaluation Report shall confirm how this requirement is met.
- 11.4 Each Chief Officer, or the Monitoring Officer are authorised to award and sign any contract entered into on the District Council's behalf, and where the value of the Contract is less than the UK threshold. Such Contracts may be awarded and signed by any Senior Officer or the Monitoring Officer. All other Contracts at or higher than the UK threshold shall be awarded by the Executive.
- 11.5 Where the value of a Contract is above the relevant UK Threshold, the Contract shall be awarded in accordance with the UK Regulations and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.
- 11.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies, services or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.
- 11.7 Where purchases of a value less than £50,000 are made for which standard terms and conditions have been approved by the Monitoring Officer those standard terms should be used. Where a Contract is estimated at a value £50,000 or above or is of an unusual or complex nature, the Monitoring Officer shall be consulted to produce a suitable set of conditions of contract or to advise on existing conditions for use under a Framework Agreement
- 11.8 Every contract must also include certain clauses, in a form approved by the Monitoring Officer, to protect the District Council from fraud and to ensure that Contractors understand their responsibilities when they are acting on the District Council's behalf as well as clauses required to comply with the UK Regulations.
- 11.9 The Chief Officer within whose area of responsibility the Contract falls shall allocate to a Senior Officer responsibility for the ongoing management of the Contract.
- 11.10 In exceptional circumstances, where a Contract has been awarded under CSO

11.4, but it is considered necessary in the best interests of the District Council to initiate the provision of goods or services under that Contract prior to the Contract being signed, the issue of an Advance Works Order by the Monitoring Officer may be requested. Issue will be subject to confirmation that a decision to award the Contract has been made in accordance with CSOs, the necessary funding for the Contract having been approved, and the value of the Advance Works Order not exceeding £50,000.

11.11 Contracts with a value from £50,001 up to £175,000 in value can be awarded by a Senior Officer in consultation with the Chief Finance Officer. Contracts with a value in excess of £175,000 shall be awarded by the Cabinet.

Contract Standing Order 12: Waiver of Contract Standing Orders

Any of the requirements of these CSOs may be waived in an individual case, by the person authorised as follows:

- Where the estimated value of the Contract is less than £10,000, the Chief Officer/Divisional Manager or senior officers so authorised by a Divisional Manager within whose Area of Responsibility the Contract falls;
- Where the estimated value of the Contract is between £10,000 and £50,000, the Chief Officer/Divisional Manager within whose Area of Responsibility the Contract falls and the Chief Finance Officer;
- Where the estimated value of the Contract is £50,000 or greater but less than the UK threshold the Section 151 Officer and the Monitoring Officer, before authorisation not to obtain tenders is sought from the relevant portfolio holder in consultation with the relevant Senior Officer prior to the award of the contract; Where the Section 151 Officer is the relevant Senior Officer then the portfolio holder shall consult with the Chief Executive;
- Where the estimated value of the Contract is above the UK threshold, the Executive or, in respect of Non-Executive matters, the Committee with delegated responsibility for the relevant service area.

Where works are required urgently by Senior Officers or the Divisional Manager for CCS they may award a contract and report that award and explain the urgency which led to the award to the next meeting of Cabinet.

12.2 A request for the issue of a waiver must be made in writing to the person authorised under CSO 12.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.

12.3 The District Council is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the UK Thresholds, and subject to obligations under the UK Regulations to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.

12.4 It is understood that a waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.