

Part 3

Standing Orders

**PROCEDURAL RULES GOVERNING THE
CONDUCT OF BUSINESS BY THE COUNCIL**

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1. DEFINITIONS

1.1 Definitions

In these standing orders the following definitions will apply:

'Cabinet Members' means those elected members appointed to the cabinet.

'Chair of the Council' means the elected member elected by the council annually to preside over meetings of the council.

'Committees' shall include sub-committees.

'Council' means any formal meeting to which all elected members are summoned to attend.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989.

'Leader' means the elected member appointed by the council to lead the cabinet.

'Leader and Portfolio Holder Sessions' shall mean sessions convened to enable individual cabinet members to take decisions under delegated powers.

'Local Member' shall mean an elected member who takes decisions under delegated powers in respect of his/her electoral division.

'Meeting' means any formal meeting of the council, cabinet, any committee or sub-committee, any joint committee or joint sub-committee.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy.

'Municipal year' means the period between annual meetings of the council which are usually held in May.

'Vice-Chair' means the elected member elected by the council annually to preside in the chair's absence.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

2. APPOINTMENTS

2.1 Duration - Leader of the Council

The appointment of the leader continues until:

- (i) the person appointed is replaced or removed by the council; or
- (ii) the person appointed ceases to be an elected member; or
- (iii) the person appointed resigns.

Where at a meeting the council has replaced or removed the leader it must appoint a new leader at the same meeting.

2.2 Duration - Cabinet and Deputy Leader

Appointments to the cabinet continue until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is replaced or removed by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

The leader must appoint one of the cabinet members to be the deputy leader. The deputy leader will hold office until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is removed or replaced by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

Should both the leader or deputy leader be unable to act or their offices be vacant then the cabinet as a collective body must act in the leader's place or arrange for a member of the cabinet to act in his/her place.

2.3 Duration - Committees

Appointments to committees continue until:

- (i) the person appointed is replaced or removed by the council or the appropriate body; or
- (ii) the appointment is changed by the relevant political group; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

2.4 Changes by Political Groups - Committees

If the appointment of an elected member to any committee is changed by their political group, the change is effective 2 clear days after written notice is received from the secretary or leader of that group by the head of paid service.

2.5 Continuity

After a four-yearly election those elected members who are re-elected shall continue to carry out the tasks of the relevant body until successors are appointed.

2.6 Outside Bodies

Appointments to outside bodies continue until they are:

- (i) terminated or replaced by the council or the appropriate body; or
- (ii) in the case of an elected member he/she is disqualified from membership of the council; or
- (iii) in the case of another appointee there is a legal requirement to remove him/her; or
- (iv) the appointee resigns.

2.7 Vacancies

A vacancy on the council or any committee or other body cannot invalidate its powers to make decisions or discuss appropriate items.

2.8 Appointment of Chairs

The council must elect a chair of the council and appoint a vice-chair at each annual meeting and when there is any vacancy. The leader shall be the chair of the cabinet. The council may also appoint the chair of the audit and standards committee. Other bodies must elect a chair at their first meeting after each annual council meeting and when there is any vacancy. Overview and scrutiny committee(s) and the regulatory committee may also appoint a vice-chair.

2.9 Duration - Chairs and Vice-Chairs

Every chair and any vice-chair shall remain in office until he/she resigns, is suspended or ceases to be an elected member or until a successor is appointed. In an election year the chair and vice-chair of the council, even if he/she has not been re-elected, shall remain in office until his/her successor is appointed.

3. SPECIAL RULES FOR MEETINGS OF THE COUNCIL

3.1 Annual Meeting

The council shall hold an 'annual meeting' once a year. All elected members are summoned to the annual council meeting, which takes place at Shire Hall, Warwick at 10am or such other time or place as fixed. The dates on which the annual meeting can be held are fixed by statute.

At the annual meeting the council will:

- (i) elect a person to preside if the chair of the council is not present;
- (ii) elect the chair of the council;
- (iii) elect the vice-chair of the council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the chair of the council and/or the head of paid service;
- (vii) appoint the leader (if the leader's four year term of office has ended or due to circumstances under standing order 2.1);
- (viii) appoint at least one overview and scrutiny committee, an audit and standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are executive functions; and
- (ix) consider any other business set out in the summons to the meeting.

3.2 Ordinary Meetings

Ordinary meetings of the council will take place in accordance with a programme decided by the council. Ordinary meetings will:

- (i) elect a person to preside if the chair of the council and vice-chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair of the council, leader, cabinet members or the head of paid service;
- (v) receive and consider any petitions in accordance with the council's petitions scheme;
- (vi) receive any addresses from the public in accordance with the public speaking provision under standing order 34;
- (vii) receive any addresses from external speakers invited to address the council;
- (viii) receive periodic updates including a 'State of Warwickshire' address from the leader, reports from cabinet portfolio holders, member feedback from external bodies to which they are appointed by the county council;
- (ix) consider any reports on policy development areas brought forward for discussion by the leader;
- (x) deal with any business from the last council meeting;
- (xi) consider any reports from the cabinet, committees, the head of paid service, the joint managing directors or strategic directors;
- (xii) consider any reports about joint arrangements and external organisations;
- (xiii) consider motions; and
- (xiv) consider any other business specified in the summons to the meeting.

3.3 Extraordinary Meetings

The chair of the council may call an extraordinary meeting at any time. The following may also require the chief executive to call such a meeting:

- (i) the council by resolution;
- (ii) the monitoring officer; or
- (iii) any five elected members who have presented a signed written request for an additional meeting to the chair of the council and he/she has either refused to call the meeting or has failed to call the meeting within 7 days.

3.4 Business

The only business that can be conducted at an extraordinary meeting shall be as specified in the summons to the meeting. Extraordinary meetings shall not consider previous minutes.

4. QUORUM AT COUNCIL

The quorum for a meeting of the council will be one quarter of the total number of members. In the unlikely event of more than one third of elected members being disqualified the quorum for the council shall be determined by reference to the number of elected members remaining.

5. MOTIONS ON NOTICE

5.1 Motions on Notice

At meetings of the council, except for motions which can be moved without notice under standing order 32, written notice of each full motion, signed by at least one elected member and seconded by another elected member, must be delivered to the head of paid service not later than 10 clear working days before the date of the meeting.

5.2 Motions Set Out in Agenda

Motions on notice will be listed on the agenda and taken in the order first received, unless the member giving notice states, in writing, that they propose to defer it to a later meeting or withdraw it.

5.3 Powers of the Chair of the Council

The chair of the council, in consultation with the head of paid service, may refer a resolution to another body before being debated at council.

If the chair, after consultation with the head of paid service, considers it inappropriate to take a motion to council, he/she acting reasonably may provide written reasons for the refusal or take the issue to council for a decision as to whether or not it should be taken.

The proposed mover of the motion (and the proposed seconder if known) will normally be notified before the agenda is printed.

6. SPEECHES AND RULES OF DEBATE AT COUNCIL

6.1 Speeches Generally

Any motion must be moved at the meeting. Before a proposed motion can be considered by a meeting of full council, it must first be seconded by another elected member of full council. No elected member may speak in support of a motion until it has been seconded.

When seconding a motion, an elected member may reserve their speech until later in the debate. An elected member proposing a motion, which has been seconded, has the right to reply at the end of the debate before the motion is put to the vote. (See standing order 32.4 for the order in which rights of reply may be exercised.)

6.2 Standing to Speak

No one shall speak or stand whilst the chair of the council is either speaking or standing. When the chair stands during a debate the meeting, including any elected member speaking at the time, must be silent.

When speaking at council elected members must stand (unless unable) and address the meeting through the chair of the council. Other elected members must remain seated during speeches unless they wish to make a point of order or a point of personal explanation. The chair has the final say where two elected members stand to speak at the same time.

6.3 Speaking More Than Once Upon an Issue

Elected members will normally only be allowed to speak once upon any issue under consideration. Exceptions to this are to exercise a right of reply, to make a point of order, to provide a personal explanation, to speak on a proposed amendment or after proposing or seconding a motion. This list is not exhaustive and other occasions shall be at the discretion of the chair of the council.

6.4 Length of Speeches and Relevancy

Speeches will be limited to five minutes except when specific time limits are issued with the papers for the meeting or with the consent of the chair of the council. Speeches must at all times be relevant to the council business under consideration.

6.5 Length of Debates

With the exception of debates on the annual budget, the chair of the council has discretion to limit debate but not to less than one hour. Any motion to curtail debate shall not be moved less than one hour into any debate.

6.6 Motions that may be Moved during Debate

When a motion is under debate, only the following procedural motions may be moved:

- (i) to withdraw the motion;
- (ii) to amend the motion;
- (iii) to proceed to next business in accordance with standing order 32.3;
- (iv) that the question now be put in accordance with standing order 32.3;
- (v) to adjourn the debate in accordance with standing order 32.3;
- (vi) to adjourn the meeting in accordance with standing order 32.3;
- (vii) that the meeting continue beyond 6 hours in duration;
- (viii) to exclude the public and press in accordance with standing order 36; and
- (ix) to not hear further a member named under standing order 37.1 or to exclude them from the meeting under standing order 37.2.

6.7 Amendments to Motions

The chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.

Amendments must be relevant to the motion and *must not negate* the motion. The ruling of the chair on the admissibility of an amendment is not open to challenge.

Amendments will either be:

- to leave out words; and/or
- to insert or add words; and/or
- to refer the matter to another body or person.

Amendments shall be voted on in the order in which they have been seconded.

If an amendment is carried the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.8 Point of Order

An elected member may raise a point of order at any time. A point of order may only relate to an alleged breach of these standing orders or the law. The elected member must cite the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

6.9 Personal Explanation

An elected member may at any time make a personal explanation, on a matter relating to some material part of his/her earlier speech, which appears to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

7. ELECTED MEMBER QUESTION TIME

7.1 At each ordinary council meeting a maximum of forty minutes will be allocated for questions to the leader, cabinet portfolio holders and chairs of overview and scrutiny committees. This is in addition to the normal rights of any elected member to ask a question without notice about an item in any report which is under consideration at the meeting.

Any member may ask one or more questions provided it relates to Warwickshire. Any member may ask a supplementary question. No prior notice of any question is required. However, members are encouraged to provide at least three working days' notice of questions to the head of paid service, in order that an informed answer may be given.

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all elected members and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

Questions will normally be taken in the order that they were received but the chair may, at his/her discretion, group the questions by subject.

At the meeting, the questioner will be invited to put the question and the relevant member will be invited to reply. The chair may impose a time limit subject to a maximum time of five minutes for each question.

A copy of any written answers will be attached as an appendix to the minutes unless the answer would involve disclosure of exempt or confidential information.

7.2 Power to Reject Questions

The chair, after consultation with the head of paid service and acting reasonably, has the power to exclude any question which:

- (i) has already been answered; or
- (ii) is not relevant to council business; or
- (iii) he/she considers unsuitable.

8. SUSPENSION / AMENDMENT OF STANDING ORDERS

8.1 Suspension

All or any part of these standing orders, subject to any statutory constraints, may only be suspended by the council if at least one half of the whole number of councillors are present and on a majority of two thirds of those voting and then only for such time as is specified in the resolution. The extent and duration of suspension shall be proportionate to the result to be achieved.

8.2 Amendment

Any motion to add to, vary or revoke these standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council unless the motion conforms in all material respects with the recommendation in a report of the monitoring officer that is under consideration at the meeting. The decision of the monitoring officer on the conformity of the motion with the recommendation shall be final.

The motion may only be carried on a majority of two thirds of those voting.

9. SPECIAL RULES FOR MEETINGS OF THE CABINET

9.1 Frequency of Meetings

The cabinet will meet at least five times per municipal year at times to be agreed by the leader.

9.2 Calling of Meetings

A cabinet meeting may be called by the leader or by the head of paid service if he/she considers it necessary or appropriate and must be called if required under standing order 9.4 below.

9.3 Business

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest;
- (iii) receive and consider any petitions in accordance with the council's petitions scheme;
- (iv) receive any addresses from the public in accordance with the public speaking standing order 34;
- (v) matters referred to the cabinet for their reconsideration in accordance with these standing orders;
- (vi) consideration of reports from overview and scrutiny committees;
- (vii) consideration of officer reports; and
- (viii) any other business specified in the agenda for the meeting.

9.4 Agendas for Meetings of the Cabinet

The leader, in consultation with the head of paid service, sets the agenda for meetings of the cabinet and may add any agenda item he/she wishes.

The following may also require the head of paid service to include an item on the agenda of the next available meeting of the cabinet:

- (i) the monitoring officer;
- (ii) the chief finance officer; or
- (iii) the head of paid service.

At the request of any elected member the leader can agree to add up to two additional items to the agenda of the next available meeting of the cabinet. Notice of the meeting will give the name of the member making the request and he/she may be invited by the leader to attend for that item.

If an item requires a decision before the next scheduled meeting of the cabinet any person(s) entitled to include an item on the agenda may require that a meeting be convened at which the item will be considered.

9.5 Organising the Agenda of Cabinet Meetings

The cabinet will organise its agenda according to the following rules:

- (i) any public petitions submitted in accordance with the council's petitions scheme;
- (ii) any matters for consideration at the meeting;
- (iii) any decisions which need to have immediate effect; or
- (iv) other decisions subject to the call-in procedures and/or referral to the council.

9.6 Officers' Attendance at Cabinet Meetings

The head of paid service, the chief finance officer and the monitoring officer, and their nominees are entitled to attend any meeting of the cabinet, its committees or sub-committees. The cabinet, its committees or sub-committees may not meet unless these officers have been given reasonable notice that a meeting is to take place.

SPECIAL RULES FOR EXECUTIVE DECISIONS

10. Leader and Portfolio Holder Decisions

10.1 Key Decision Procedure and Call-In to Apply

Any leader or portfolio holder decision shall comply with the procedure for taking key decisions set out in standing orders 16 to 18. This means that advance notice of the proposed decision should be given in the forward plan unless the requirements for a general exception notice or an urgent decision have been met.

Any decision made by the leader or a portfolio holder shall be subject to the call-in procedure under standing order 13 unless the requirements for an urgent decision have been met under standing order 18.

10.2 Reports and Process for Leader and Portfolio Holder Decisions

A report in the standard format for reports to member bodies shall be prepared for each proposed decision in accordance with the council's procedures and consultation requirements for reports.

Once the report has received the appropriate clearances, democratic services will submit the report to the leader or portfolio holder as appropriate for decision together with a draft decision record.

The leader or portfolio holder may confirm agreement with the proposed recommendation and draft decision record by electronic means provided the proposed decision is in accordance with the recommendations in the report.

However, where the leader or portfolio holder intends to make a substantive departure from a recommendation in the report he/she shall meet with a representative of democratic services to ensure that an appropriate decision record is produced. The portfolio holder may, in any circumstance, take the decision at a meeting open to other members and the public (subject to the exclusion of the public for any particular item as set out in standing order 36).

10.3 Record of Decisions and Publication

A record of any decision made by the leader or a portfolio holder shall comply with standing order 20.

The decision will normally be published by democratic services within 2 working days of the decision being taken.

No step may be taken to implement the decision until the decision has been published and any relevant call-in period has expired or, if called in, the call-in process has been completed.

11. Local Member Decisions

11.1 The leader or the council may delegate powers to local members to make decisions in relation to their electoral divisions provided they relate to local government matters and affect the electoral division of the member concerned.

11.2 At least 2 weeks' notice of an intention to make a local member decision shall be given in the forward plan.

11.3 Standing orders 13 to 15 shall apply to local member executive decisions.

11.4 If a local member executive decision would fall within the definition of a key decision then the decision-making process also must comply with the requirements for key decisions.

11.5 Standing order 20 (record of decisions) shall apply to all local member decisions and, subject to meeting any requirements set out above, no local member decision may take effect until 5 working days after the record of the decision has been published by democratic services.

12. KEY DECISIONS - Meaning

A key decision means a decision made in the exercise of an executive function by any person (including officers) or body, which meets one or more of the following conditions:

- (i) the decision is likely to result in the local authority incurring expenditure or the making of savings in excess of £1,000,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the treasury management strategy.

Chief officers' delegated powers to make executive decisions are subject to the key decision/call-in regime where it is likely the local authority would incur expenditure or make savings above the threshold of £1,000,000.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 to £1,500,000 or 5% for contracts of over £1,500,000.

OR

- (ii) the decision is likely to be significant in terms of its effects on communities living or working in any electoral division in Warwickshire.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

In making this decision consultation should be undertaken with members whose electoral divisions might be affected in accordance with paragraph 13 of the Protocol on Member/Officer Relations in part 4 section 3 of this constitution.

OR

- (iii) the consideration by the executive of any matters which involve proposals or decisions:

- to change any plan or strategy included in the policy framework; or
- to develop any major new plan or strategy; or
- for the annual budget; or
- which would otherwise be contrary to and not in accordance with the policy framework or budget.

13. CALL-IN

- 13.1 Subject to standing orders 15 and 18 below call-in applies to the following executive decisions i.e. decisions made by:

- the leader or any portfolio holder;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

- 13.2 Any such decision shall be published electronically, normally within 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions at the same time.

- 13.3 The decision will come into force and may then be implemented on the expiry of 5 working days after the date of electronic publication of the decision, unless the monitoring officer receives a written request as set out in 13.4 below.

- 13.4 During that period if the monitoring officer receives a written request from:

- (i) the chair of the relevant overview and scrutiny committee; or
- (ii) any four members of the council;

he/she will notify the decision-maker and the chair of the relevant overview and scrutiny committee that the decision has been called in. Any such request must set out the nature of the concern and the reasons for the call-in.

- 13.5 Where it appears that the decision might reasonably be considered by the monitoring officer to be contrary to the policy framework or budget the monitoring officer may refer the matter for consideration by the full council instead of the overview and scrutiny committee with the agreement of the chair of the relevant overview and scrutiny committee and the chair of the council.

- 13.6 The relevant overview and scrutiny committee or the council in relation to referrals under standing order 13.5 shall meet to consider the decision no later than 10 working days after receipt of the call-in request.

13.7 Having considered the decision the relevant overview and scrutiny committee may:

- (i) refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern; or
- (ii) decide to take no action.

The outcome of the overview and scrutiny committee consideration will normally be published electronically within 2 working days of the meeting.

13.8 If the overview and scrutiny committee decides to take no action, the decision shall take effect on the date of the overview and scrutiny meeting. If the overview and scrutiny committee refers the decision back to the decision-making person or body, the decision will take effect on the date the decision-maker determines the matter.

13.9 The council may, after considering a decision under standing order 13.5:

- (i) make the decision with or without amendment, if it falls within the council's power to do so; or
- (ii) decide to take no action.

13.10 If the council decides to take no action or makes the decision itself the decision shall take effect on the date of the council meeting.

13.11 Once the call-in has been considered, either by the relevant overview and scrutiny committee or by the council under standing order 13.5, no further right of call-in may be exercised.

14. Cabinet Call-in of Local Member Decisions

Any member of the cabinet may call-in an executive decision made by a local member within 5 working days of the publication of the decision.

Where a decision has been called-in under this standing order the decision made by the local member shall be of no effect.

Any call-in by a cabinet member under this standing order shall invalidate any call-in of the local member decision under standing order 13.

The cabinet or leader or portfolio holder shall consider the called-in decision at the next available meeting or session and shall have power to make such decision as it sees fit in respect of the matter provided it falls within its powers to do so.

Nothing in this standing order prevents the decision once made by the cabinet or the leader or portfolio holder being called-in under standing order 13.

15. Limitations on Call-in

In order to ensure that call-in does not cause unreasonable delay and is not abused, the following limitations shall apply:

The call-in procedure may only be used once in respect of any particular decision.

Where, as a result of call-in, the matter is referred back to the decision-maker for final decision or the decision is otherwise deemed to take effect no further call-in may be exercised.

Only key executive decisions made by officers shall be subject to call-in. There shall be no right of call-in in relation to operational or day-to-day management decisions.

Call-in shall not apply to urgent decisions that comply with standing order 18 below.

16. Procedure before taking Key Decisions

16.1 Subject to standing orders 17 (general exception) and 18 (urgency), a key decision may not be taken by any person or body unless:

- (a) notice has been given in the published forward plan in connection with the matter in question; and
- (b) at least 5 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 standing order 28.2 (notice of meetings).

16.2 A copy of any report submitted to an individual decision-taker (member or officer) in connection with a proposal to take a key decision shall be supplied as soon as reasonably practicable to the chair of any relevant overview and scrutiny committee or all members of that committee if there is no chair. Any such report shall be made available for public inspection unless it contains confidential or exempt information and shall include a list of background papers.

17. General Exception

Where a matter which is likely to be a key decision has not been included in the forward plan the decision may still be taken if the following conditions are met or the conditions for taking urgent decisions under standing order 18 are met:

- (a) it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates; and
- (b) the monitoring officer has given written notice to the chair of a relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made; and
- (c) the monitoring officer has made copies of that notice available to the public at the designated officer of the council; and
- (d) at least 5 clear days have elapsed since the monitoring officer complied with (b) and (c).

Where such a decision is taken by a member body or by the leader or portfolio holder, it must be taken in public unless it would involve the disclosure of confidential or exempt information.

18. Urgency

This standing order applies to any key decision and any decisions made by:

- the leader or portfolio holders;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

Where the decision is urgent and it is impracticable to comply with standing orders 16 and 17 the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision obtains the consent of the chair of a relevant overview and scrutiny committee or, if no chair of an overview and scrutiny committee is able to act, the consent of the chair of the council or in his/her absence the vice-chair, in writing that:

- (i) the decision cannot reasonably be deferred; and
- (ii) the decision should be treated as a matter of urgency; and

- (iii) where the proposed decision is contrary to or not wholly in accordance with the policy framework or budget it is not practicable to convene a quorate meeting of the full council.

All group leaders shall be informed in writing before the urgent decision is made. The record of the decision and the notice by which it is made public shall state whether or not the decision is an urgent one.

A decision will be urgent if any delay likely to be caused by call-in would seriously prejudice the council or the public interest.

19. REPORTS TO COUNCIL

19.1 General Requirements

The leader will report to council on an annual basis details of urgent decisions taken under standing order 18 (urgency) containing the details of each decision taken and the reason for the urgency.

The call-in and urgency procedures shall be monitored annually and a report submitted to the council by the monitoring officer with proposals for review if necessary.

19.2 When an Overview and Scrutiny Committee can Require a Report

If the relevant overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure (standing order 17); or
- (c) the subject of an agreement under standing order 18;

that committee may require the leader to submit a report to the council in accordance with standing order 19.3 below.

19.3 Leader's Report to Council

Where required under standing order 19.2 the leader will prepare and submit a report to the next available council meeting. The next available council meeting means the next council meeting falling at least 7 clear days after the relevant overview and scrutiny committee meeting. The report to the council will set out the decision and reasons for the decision, the individual or body making the decision and, if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

20. RECORD OF DECISIONS

20.1 After any meeting of the cabinet or any of its committees or sub-committees or leader and portfolio holder decisions under standing order 10 or local member decisions under standing order 11, whether taken in public or private, the monitoring officer will produce a record of every decision taken as soon as practicable. The record will include:

- (i) a record of the decision;
- (ii) the reasons for the decision;
- (iii) any alternative options considered and rejected;
- (iv) any declaration of interest by any member relating to the decision and any dispensation granted by the audit and standards committee;
- (v) a list of any reports considered; and
- (vi) a list of any background papers.

20.2 Where any officer takes a key executive decision he/she shall produce a written statement in accordance with standing order 20.1.

The officer shall forward a copy of that written statement and any reports considered immediately to the monitoring officer.

- 20.3 The monitoring officer shall make any written record or written statement and any reports considered available for public inspection, unless it would involve the disclosure of confidential or exempt information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to Copies

Subject to standing order 21.2 below, a member of an overview and scrutiny committee (including its sub-committees if any) will be entitled to copies of any document which is in the possession or control of the leader or portfolio holder, cabinet, its committees or sub-committees, local member or an officer and which contains material relating to:

- (a) any business transacted at a public or private meeting of the cabinet, its committees or sub-committees; or
- (b) a leader or portfolio holder decision under standing order 10;
- (c) a local member decision under standing order 11;
- (d) any key decision that has been made by an officer of the authority.

21.2 Limit on Rights

A member of an overview and scrutiny committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or relevant to any review contained in any programme of work of such a committee or sub-committee.

22. RIGHTS OF ALL MEMBERS TO INSPECT DOCUMENTS

All members will be entitled to inspect any document which is in the possession or under the control of the cabinet, its committees or sub-committees, the leader or portfolio holder in relation to decisions under standing order 10 or a local member in relation to decisions under standing order 11 and contains material relating to any business previously transacted in private or any key decision made by an officer unless it contains confidential or exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

23 THE FORWARD PLAN

23.1 Annual Notice of the Forward Plan

The monitoring officer will publish a notice once a year stating:

- (a) that key decisions are to be taken on behalf of the council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the designated office;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of the documents (if any) as they become available;

and

- (i) the dates of each month in the following year on which each forward plan will be published and available to the public at the designated office.

23.2 Period of Forward Plan

Forward plans will be prepared by the council to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

23.3 Publication of the Forward Plan

The forward plan must be published at least 14 days before the start of the period covered.

23.4 Contents of the Forward Plan

The forward plan will contain matters which the council has reason to believe are likely to be the subject of a key decision to be taken by the leader, portfolio holder, cabinet or body or person exercising delegated powers during the period covered by the plan. Any outstanding matters contained in the previous forward plan must be included in the latest forward plan.

Exempt information need not be included in a forward plan and confidential information cannot be included.

Subject to the above it will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an officer, his/her name and title, if any and, where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult, where appropriate, before taking the decision;
- (e) the means by which any such consultation (if appropriate) is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

24. DEVELOPING THE BUDGET AND POLICY FRAMEWORK

- 24.1 The council is responsible for agreeing the budget and policy framework as set out in Article 4. Once the budget or policy framework is agreed, the leader is responsible for implementing the agreed policy framework within the set budget.

The leader is also responsible for leading the development of the policy framework and putting forward proposals for the draft budget, plans and strategies for the council to consider.

24.2 Approved Changes to the Budget or Policy Framework

The leader, or person(s) or body nominated by him/her, are authorised to make changes to the budget by:

- (a) approving virements for revenue and capital monies in accordance with the financial regulations approved by the council;

- (b) agreeing any increases or reductions in capital starts/payments totals as part of the capital review process;
 - (c) approving the addition to the capital programme of projects costing less than £2,000,000 which are fully funded from external grants, developer contribution or from revenue; and
 - (d) approving individual projects within the allocations made by the council.
- 24.3 The joint managing director (resources) and the head of finance are authorized to exercise those powers set out in the revenue and capital budget resolutions.
- 24.4 The leader or the cabinet shall have power to amend, modify, vary or revoke the policy framework to the extent that:
- (a) it is required for giving effect to the requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy or any part thereof submitted for his/her approval; or
 - (b) it is authorised by the council when approving or adopting the plan or strategy; or
 - (c) it is authorised by the council to update and maintain any action plans supporting a plan or strategy within the policy framework.
- 24.5 The council, when approving or adopting any plan or strategy, shall consider the extent to which the leader or the cabinet may make changes to the plan or strategy.
- 24.6 Any other changes to the policy and budgetary framework are reserved to the council.
- 25. LEADER OR CABINET PROPOSALS FOR THE BUDGET**
- 25.1** The leader or cabinet shall produce an outline budget proposal at the December cabinet meeting in any year. A detailed proposal shall be produced at the January meeting of cabinet. Any opposition proposals shall be produced no later than three clear working days before the council meeting at which the budget is to be considered. These provisions do not restrict any amendments to proposals being made on the day of the budget meeting.
- 25.2** If the leader fails to make proposals for the draft budget by 8th February preceding the commencement of the financial year to which the budget relates, the council may make a decision that has immediate effect and Standing order 25.3 – 25.9 below shall not apply.
- 25.3** In reaching a decision, the council may adopt the leader's or the cabinet's proposals, amend them, refer them back to the leader or the cabinet for further consideration, or substitute its own proposals in their place.
- 25.4** Where the council accepts the recommendation of the leader or the cabinet without amendment, the council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision.
- 25.5** The council must inform the leader of any objections it has to the proposals and instruct the leader to reconsider any proposal in the light of those objections within the period specified by the council, which shall not be less than 5 working days beginning with the day after the date the leader receives those instructions.
- 25.6** An in-principle decision will automatically take effect after the end of the specified period unless the leader informs the head of paid service in writing within that period that he/she objects to the decision becoming effective and provides reasons why.
- 25.7** Where an objection from the leader is received the head of paid service will call a council meeting within a further 5 working days. The council must meet to re-consider its decision and the leader's written submission within a further 10 working days.
- 25.8** After considering the leader's objection and the reasons for it, the council may:

- (i) approve the leader's or the cabinet's recommendation by a simple majority of votes cast at the meeting; or
- (ii) approve a different decision that does not accord with the recommendation of the leader or the cabinet by a simple majority.

25.9 Any decision made under Standing order 25.6 above has immediate effect.

26. SPECIAL RULES FOR OVERVIEW AND SCRUTINY COMMITTEES

26.1 Frequency of Meetings

There shall be at least four meetings of each overview and scrutiny committee in each municipal year.

26.2 Calling of Meetings

An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, by any five members of the committee or by the head of paid service if he/she considers it necessary or appropriate.

26.3 Business

Overview and scrutiny committees and sub-committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision under standing order 13 above;
- (iv) responses of the leader, portfolio holder or the cabinet to reports of the overview and scrutiny committee; and
- (v) any other business specified in the agenda for the meeting.

26.4 Agenda Items for Overview and Scrutiny Committee Meetings

Any person appointed to an overview and scrutiny committee or sub-committee, may require the chief executive to include an item on the agenda of the next available meeting.

Any five members of the council who are not members of the overview and scrutiny committee may give written notice to the head of paid service that they wish an item to be included on the agenda of an overview and scrutiny committee or sub-committee. Notice of the meeting will give the name of the member(s) making the request and the first named member may be invited by the chair to attend for that item.

27. Councillor Call for Action

- 27.1 A member may, in respect of a matter affecting his/her electoral division, refer the matter to the relevant overview and scrutiny committee for consideration (councillor call for action) by giving notice to the monitoring officer.
- 27.2 The monitoring officer will refer the councillor call for action to the chair of the relevant overview and scrutiny committee unless it relates to an excluded matter.
- 27.3 The monitoring officer will reject a councillor call for action where it deals with excluded matters. A copy of the decision will be sent to the chair of the relevant overview and scrutiny committee.
- 27.4 The relevant chair of the overview and scrutiny committee will either refer the matter back to the member on the basis it is premature and specify what steps the member should take towards resolving the matter OR refer the matter to the next available meeting of the overview and scrutiny committee.

- 27.5 If a councillor call for action is included on the agenda of an overview and scrutiny committee, any further action is entirely within the discretion of the committee.
- 27.6 Further guidance on the use of the councillor call for action can be found in part 4 section 3 of this constitution.

28. GENERAL RULES FOR ALL MEETINGS

28.1 Time and Place

With the exception of the annual meeting of the council, and meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the time and place of other meetings will be determined by the relevant body, the chair of the relevant body, or the head of paid service as appropriate.

28.2 Notice of and Summons to Meetings

The head of paid service will give at least 5 clear days' notice to the public of the time and place of any meeting by posting details at Shire Hall, Warwick, which is the designated office and by publication on the council's website. Meeting includes for these purposes any leader or portfolio holder session.

At least 5 clear days before a meeting, a summons signed by the head of paid service must be sent by post to every member of the relevant body or decision-makers or left at their usual place of residence or such other alternative address as notified to the head of paid service in writing or by electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Lack of proper service of a summons upon any member will not invalidate the meeting.

28.3 Agenda Items

With the exception of the annual meeting of the council, meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the agendas for other meetings will be fixed by the relevant chair in consultation with the head of paid service subject to any legal requirements.

28.4 Public Access to Agenda and Reports

The monitoring officer will make copies of the agenda and accompanying reports available for inspection by the public at the designated office at least 5 clear days before the meeting.

Where a report is not included with the agenda the head of paid service shall make each such report available to the public for inspection as soon as the report is completed and sent to councillors.

Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in standing order 40.

28.5 Quorum

With the exception of the council, the quorum at meetings of member bodies shall be one fifth of the number on that body or two, whichever is the greater. Any legal requirements which from time to time specify a particular quorum for any body will be observed.

28.6 No Proper Quorum

If the chair declares there is no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body.

28.7 Duration of Meetings

Unless the majority of members present vote for the meeting to continue, any council meeting that has lasted for 6 hours and any other meeting of a member body that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body. This rule does not apply to council meetings at which the annual budget is being debated.

28.8 Attendance by Elected Members as Observers

Except at meetings dealing with disciplinary matters or staff appointments any elected member can attend any meeting of an elected member body or leader and portfolio holder session as a non-speaking observer. Such an observer may be invited at the chair's, the leader's or relevant portfolio holder's discretion to speak at that meeting, but may not vote.

28.9 Record of Attendance

Each member present during the whole or any part of any meeting must sign his/her name in the relevant attendance book.

29. MINUTES

29.1 Taking Minutes

Minutes will be taken of every meeting to which these standing orders apply.

29.2 Form of Minutes

Minutes will contain all motions and amendments moved at the relevant meeting.

29.3 Approving and Signing the Minutes

Every set of minutes must be taken to the next suitable meeting where the chair will move that they be approved as an accurate record. Once approved the minutes shall be signed by the chair.

An extraordinary meeting shall not be treated as a suitable meeting for the purposes of this standing order.

30. THE CHAIR

30.1 Powers and Duties

It shall be the duty of any chair to conduct the meeting efficiently and effectively and at all times to act reasonably. The chair shall have full power to conduct the meeting in the way that he/she considers most expedient and to decide upon any points of procedure subject only to statutory requirements (if any) and these standing orders. The decision of the chair shall be final, however, where two or more elected members raise a point about procedure or the conduct of the meeting the chair must seek and take account of the advice of the monitoring officer (or his/her nominee) before giving any decision.

30.2 Power to Adjourn

If at any meeting there is a general disturbance making orderly conduct of business not reasonably possible, the chair may adjourn the meeting for as long as he/she thinks necessary.

30.3 Absent Chair

If at any meeting the relevant chair or vice-chair is not present to preside, another member chosen by those present shall preside for that meeting. In the event that no member is chosen to preside, the head of paid service (or his/her nominee) may chair the meeting.

30.4 Powers of the Person Presiding

Any person presiding at the meeting has the same powers and duties as the chair with the exception that where the head of paid service presides he/she does not have a power to vote.

31. VOTING

31.1 Majority

All issues will be decided by a majority of those present and voting unless the law or these standing orders specifically require otherwise. Unless allowed by law co-opted members will not have the power to vote.

31.2 Chair Casting Vote

In the event of equality of votes the chair, if otherwise eligible to vote, will have a casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

31.3 Show of Hands

Unless a recorded vote is demanded under standing order 31.4, the chair will take the vote by show of hands or, if there is no dissent, by affirmation of the meeting. standing order 33.4 applies only to meetings of the council.

31.4 Recorded Vote

There must be a recorded vote at a council meeting when deciding on the annual budget, setting the precept or making requisite calculations. In relation to any other matter at a council meeting before the vote is taken the chair, or three or more elected members present at the meeting, may demand that a poll of the results be recorded in writing and entered into the minutes.

31.5 Right to Require Individual Vote to be Recorded

Immediately after the vote is taken any member at any meeting can require that their individual vote be recorded in the minutes.

31.6 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is no clear majority in favour of one person, the person with the least votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

32. MOTIONS

32.1 Scope of Motions

All motions (which includes any suggested amendments) must be moved at the meeting and must be about matters for which the council has a responsibility or which affect the area.

32.2 Procedural Resolutions

At meetings procedural motions may be moved without notice. Procedural motions generally, but not exclusively, relate to:

- (a) Procedural matters on the agenda - such as appointing a chair, accuracy of the minutes, changing the order of business, amending or withdrawing a motion, extending the duration of meeting;
- (b) General matters of procedure - such as referring an item to an appropriate body or individual, receiving reports or adopting recommendations of the cabinet or committees or officers and any motions or amendments following from them, excluding the public and press in accordance with standing order 36, not to hear further a member named under standing order 37.1 or to exclude him/her from the meeting under standing order 37.2;
- (c) Closure motions - to proceed to the next business, that the question now be put, to adjourn a debate or to adjourn a meeting.

In rare circumstances urgent item resolutions which the chair of the relevant body considers are genuinely urgent and can be dealt with at the meeting may be moved without notice in accordance with these standing orders.

32.3 Closure Motions - Procedure

Closure motions shall be moved without comment by a member who has not spoken on the matter, at the conclusion of the speech of another member.

- (i) If a closure motion '**to proceed to the next business**' is seconded the chair, if he/she considers there has been sufficient discussion about the matter shall, without further discussion, give the mover(s) of the original motion and any amendments a right of reply before the closure motion is put to the vote.
- (ii) If a closure motion '**that the question now be put**' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without debate. If the closure motion is passed, then without further discussion the mover(s) of the original motion and any amendments will be given a right of reply before the original motion is put to the vote.
- (iii) If a closure motion '**to adjourn the debate**' or '**to adjourn the meeting**' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without discussion.
- (iv) If a closure motion is not carried, the same motion shall not be moved within a period of 30 minutes without leave of the chair.

32.4 Rights of Reply - Order

Rights of reply shall be exercised in the following order:

- (a) the mover of an amendment;
- (b) where there is more than one amendment the rights of reply shall be exercised in the order the amendments were moved;
- (c) the mover of the original (substantive) motion.

A member exercising a right of reply shall confine his/herself strictly to answering previous observations and shall not introduce any new matter.

32.5 Motion to Rescind a Previous Decision

No motion or amendment which would have the effect of rescinding a decision made at a council meeting within the previous 6 months can be moved unless the written notice of the proposed motion or amendment is signed by at least four members.

32.6 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a council meeting in the previous 6 months cannot be moved unless the written notice of the proposed motion or amendment is signed by at least four members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

33. RULES OF DEBATE

Subject to legal requirements and also to the agreed formats for local authority meetings, it is intended that meetings other than the council have the greatest amount of flexibility to conduct business in the way that they consider most effective.

The conduct of business, including speeches and debates at such meetings, will be at the discretion of the chair acting reasonably. The chair may impose the limits set out in standing orders 6.1, 6.4, 6.5 and 6.6 above.

34. PUBLIC SPEAKING

34.1 Applicability

This standing order shall apply to council, cabinet and overview and scrutiny committees.

34.2 General

The chair of a meeting shall have power to manage public speaking in a way that facilitates the proper and timely conduct of the meeting including placing a limit on the time allotted for public speakers. The chair has discretion to reject any statement that:

- (i) has already been made at this or a previous meeting; or
- (ii) is not relevant to the business of the body; or
- (iii) he/she considers unsuitable.

34.3 Eligibility to Speak

Any member of the public who is resident or working in Warwickshire or whom is in receipt of services from the council may speak at meetings of the council, cabinet or an overview and scrutiny committee.

Speakers at cabinet and council meetings may only speak on matters that relate to the agenda of that meeting. Speakers at overview and scrutiny committee meetings may address any matter relevant to the remit of that committee. Any address must not contain any defamatory, frivolous or offensive statements.

A member of the public for the purposes of this standing order does not include:

- any employee of the council in relation to any matter connected with his/her employment;
- any representative of an employee of the council or group of such employees;

- any person in a contractual relationship with the council in relation to any matter connected with that contract;
- any member of any local authority on a matter concerning that authority;
- any person who is an applicant for a consent, approval, permission, licence or similar decision given by the council;
- any person intending to refer to any confidential or exempt matter on the agenda; or
- a person who is engaged professionally to speak on behalf of another.

34.4 Procedure

Any member of the public who wishes to speak on an item must give notice in writing or by electronic means to the head of paid service at least 2 working days before the meeting.

Any questions should be notified in writing or by electronic means and received by the head of paid service at least 2 working days before the meeting.

Each speaker must give their name and address and the subject upon which they wish to speak.

If more than one person wishes to speak on a subject the first person shall have priority. At the chair's discretion a second person may speak on the subject if it is clear that the area of concern is different and/or it will enable the meeting to receive a balance of views.

Each speaker shall have a maximum of three minutes to speak.

A summary of addresses made by the public will be recorded in the minutes of the meeting.

34.5 Absence of Public Speaker

In the absence of a speaker the chair has discretion over how to deal with the matter and may put the question/statement him/herself to the meeting.

34.6 Form of Answers

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

34.7 Referral of a Matter

The chair has discretion to decide whether discussion will take place on any matter raised by a public speaker, but any member may move that the subject matter be referred to the cabinet or another appropriate committee. Once seconded, such a motion will be voted on without discussion.

34.8 Public Speaking at Regulatory Committee

Standing orders 34.8 and 34.9 apply only to applications for planning permission, and for approvals under planning conditions, decided by the regulatory committee.

A councilor of any local authority (including town and parish councils) representing the area in which the application site is situated, and anyone who has made written representations mentioned in the office report, is eligible to speak at the committee.

If a person speaks against an application, the applicant has a right of reply. Anyone entitled to speak may nominate a representative to speak on their behalf. Speakers may be questioned by officers and members of the committee.

No more than three objectors and three supporters (not counting local councillors with a right to speak) may speak on any one application. If more than three request to speak in either category, they will be asked to agree a smaller number of representatives. If they fail to agree, the chair shall have discretion to select the representatives.

Anyone wishing to speak to the committee must make a request either by letter or electronic means to the development group at least three working days before the committee meets.

The chair may stop a speaker if what they are saying is irrelevant or offensive or if they attempt to introduce substantial new issues or evidence. Speakers cannot circulate new documents other than photographs and no presentation aids may be used.

Speakers will not be permitted to question any other person and will not be allowed to speak more than once. If it is necessary to make a factual correction after speaking, the information should be supplied to an officer.

If the committee defers an application to obtain further information or to visit the site, speakers will be allowed to speak when the application is next considered only if they spoke at the first meeting and only in order to address any new information which has emerged in the meantime.

34.9 Order of Speaking at Regulatory Committee

Applications on which people have requested to speak will be dealt with before other items on the agenda. Public speaking on each application will take place after the planning officer has introduced the application. Each speaker has a maximum of 3 minutes. The order of speaking will be:

- (i) the county councillor;
- (ii) other councillors;
- (iii) objectors;
- (iv) supporters;
- (v) applicant.

The chair may exercise discretion to depart from the rules of this scheme in exceptional circumstances.

35. PETITIONS - Public Rights under the Petition Scheme

- 35.1 Members of the public have a right to petition the council in accordance with the petitions scheme approved by the full council.
- 35.2 On receipt of a petition which meets the requirements of the scheme the democratic services manager will notify the appropriate portfolio holder, strategic director and, if appropriate, the local member of the receipt of the petition and its subject matter.
- 35.3 The democratic services manager will make arrangements for the petition to be included on the agenda of the next available meeting of the body concerned. The petition organiser or a person he/she nominates will have a right to speak for up to five minutes in support of the petition at that meeting. A petition may only be presented once.
- 35.4 Following presentation of the petition to the meeting the petition will normally be referred to the relevant strategic director or chief officer for consideration and response. The strategic director will normally advise the petitions organiser within 10 working days of the meeting of the action proposed to be taken in response to the petition.
- 35.5 Where more than one petition is received in time for a particular meeting, supporting the same outcome on a particular matter (duplicate petitions), each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

36. ACCESS BY THE PUBLIC TO MEETINGS

Members of the public may attend all meetings including leader and portfolio holder sessions subject only to the exceptions in these standing orders.

36.1 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.

36.2 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 or under any enactment or by court order.

36.3 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.

36.4 Meaning of Exempt Information

Subject to (i) and (ii) below exempt information means information falling within the seven categories set out in column 1 of the table at the end of these standing orders subject to any qualification in column 2 for that category:

- (i) Exempt information is only exempt 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.
- (ii) Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

36.5 Removal of a Member of the Public

Any member of the public who interrupts proceedings or acts improperly shall firstly be warned by the chair that, if their conduct continues, the chair will request that they leave or order them to be removed from the meeting.

36.6 Clearance of Part of the Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

37. DISORDERLY CONDUCT BY MEMBERS

37.1 Member Not to be Heard Further

If at any meeting a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member not be heard further. If seconded, the motion will be voted on without discussion.

37.2 Member to Leave the Meeting

If at any meeting the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

38. THE PARTY WHIP

38.1 It will not normally be appropriate for the party whip to operate in relation to overview and scrutiny functions.

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

38.3 A party whip shall not be applied in any situation where members are considering planning applications, appeals of any sort or acting as a tribunal.

39. PROBITY AND ETHICS

(a) Members will abide by any ethical rules or guidance set out in any of the following:

- (i) as stipulated by law (whether common law, statute, subsidiary legislation, statutory code or guidance);
- (ii) as issued by any other organisation/body if such rules or guidance are adopted by the local authority;
- (iii) as set out in the council's code of conduct for members in part 4 of this constitution;
- (iv) any other rules or guidance issued by the local authority itself.

(b) A member attending a meeting where a matter arises in which he/she has a disclosable pecuniary interest must (unless he/she has a dispensation) leave the meeting room until the matter has been dealt with.

40. ACCESS TO INFORMATION AND CONFIDENTIALITY

Any confidential or exempt information and documentation shall be kept confidential by all members.

Any disputes relating to the rights of access of any person under these standing orders or any statutory provision or common law rights shall be referred to the monitoring officer of the council.

These standing orders do not affect any more specific rights to information contained elsewhere in this constitution or the law.

41. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the monitoring officer thinks fit, the council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with standing order 36, 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.

42. ACCESS TO MINUTES ETC. AFTER THE MEETING

The council will retain copies of the following for public inspection for six years after the date of the meeting or the date of the decision:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the council, the cabinet or any committees and any leader and portfolio holder sessions excluding any part of the minutes or record when the meeting was not open to the public which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes or record of the decision open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting or session;
- (d) reports relating to items when the meeting or session was open to the public;
- (e) local member decisions under standing order 11 and officer key decision records excluding any part of the record which would disclose exempt or confidential information.

43. BACKGROUND PAPERS

43.1 List of Background Papers

The chief officer originating the report, or in the case of a joint report the first named chief officer, shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

except published works or those which would disclose exempt or confidential information (as defined in standing order 36).

43.2 Public Inspection of Background Papers

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

44. FILMING AND USE OF SOCIAL MEDIA AT MEETINGS

44.1 General

The chair of any meeting has powers to deal with issues relating to the conduct of those present to ensure the due and orderly dispatch of business.

The purpose of this standing order is to provide guidance on the conduct within meetings which is acceptable, particularly in the context of the use of modern media tools (e.g. blogging and tweeting) and filming and recording at meetings.

The principle is that the proceedings of the meeting concerned should not be impaired or handicapped by the use of media tools and that it is a matter for the chair to determine on the day, in the particular circumstances, what he or she regards as not appropriate.

The standing order attempts to recognize the different obligations which rest on elected members, representatives of the media and members of the public respectively.

44.2 Recording of meetings

The council shall use audio visual equipment to record all full council and overview and scrutiny meetings and make these available online for a period of at least one year.

44.3 Press and public recording of meetings

Any member of the public (including press or individuals) may report on the meeting using any communication method (including filming, audio recording and social media).

Any person who wishes to film or record a meeting is encouraged to contact Democratic Services at least 24 hours before the meeting so that arrangements can be made to accommodate them at the meeting, and so that notice can be given to other attendees before/at the start of the meeting that they will be/are being recorded.

Any recording must respect the wishes of members of the public who reasonably do not wish to be recorded.

The chair will have discretion to terminate or suspend recording at any time if the chair considers continuation would prejudice the conduct of the meeting.

Recordings should be of sufficient quality so that listeners or viewers cannot misunderstand, misconstrue or be misinformed as a result of a poor quality broadcast.

44.4 Councillor responsibilities

Councillors are in a different position to members of the public and their actions affect the reputation of the council. Councillors have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. This is in addition to the general point of showing respect and courtesy to other participants. Any use of modern media tools by councillors in meetings should be considered in this context.

Councillors should also ensure that their use of social media does not misrepresent council proceedings, misinform the public or show a lack of respect for other councillors. Councillors must also respect confidentiality

45. SUPPLY OF COPIES

The council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any local member decision under standing order 11 or officer key decision record which is open to public inspection;
- (c) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (d) if the monitoring 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.

46. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the designated office.

47. DELEGATION OF POWERS

The council's scheme of delegation setting out the local authority's decision-making functions is set out in part 2 of the constitution as issued and approved from time to time.

48. PROTOCOLS AS FURTHER GUIDANCE

The council may approve 'protocols' from time to time, which will stand as further guidance.

APPENDIX: TABLE OF EXEMPT INFORMATION ~ STANDING ORDER 36

	Category of Exempt Information	Qualifications
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).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act, Building Societies Act.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
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: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	
7.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
<i>The following additional categories apply only to a committee or sub-committee exercising the functions of a standards committee under section 58(1)(c), 60(2) or (3), 64(2), 70(4) or (5) or 71(2) Local Government Act 2000 or considering any matter under Regulation 13 or 16 to 20 Standards Committee (England) Regulations 2008</i>		
7A.	Information which is subject to any obligation of confidentiality.	
7B.	Information which relates in any way to matters concerning national security.	
7C.	The deliberations of a standards committee or sub-committee in reaching any finding on a matter referred.	

SECTION 2 – OFFICER EMPLOYMENT STANDING ORDERS**1. Recruitment and Appointment****(a) Declarations**

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

(b) Seeking support for appointment

- (i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) No councillor will seek support for any person for any appointment with the council.

2. Recruitment of Head of Paid Service, Strategic Directors, Chief Officers and Heads of Service

Where the council proposes to appoint the head of paid service, strategic director, chief officer or head of service and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

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

Except in the case of the head of paid service, a longlist of qualified applicants will be prepared for a panel of appropriate officers. The officer panel will interview the longlist candidates and draw up a shortlist of candidates for interviews by an appropriate member body. Where no qualified person has applied, the council will make arrangements for the post to be re-advertised.

The selection of an appropriate officer panel to interview candidates will be made by:

- The head of paid service (or monitoring officer if the former is unavailable) in relation to the appointment of strategic directors or chief officers.
- The appropriate strategic director for the group or chief officer in relation to the appointment of heads of service.

Appointments Sub-Committee

Composition:

At least three elected members drawn from a pool of members agreed by the Staff and Pensions Committee to sit as and when required. The chief executive will make arrangements for the sub-committee with membership being proportionate to the representation of the political groups and individual members on the council, and nominated by the leaders of the political groups.

Role:

- (a) To deal with the appointment of strategic directors and chief officers, heads of service and other statutory officers appointed by the council.
- (b) To make recommendations to council regarding the appointment of the head of paid service.

3. Appointment of Head of Paid Service, Monitoring Officer and Chief Finance Officer

- (a) An appointments sub-committee of the council will carry out the function of interviewing qualified applicants and making recommendations to council. The sub-committee must include at least one cabinet member.
- (b) The full council must approve the appointment of the head of paid service before an offer of employment is made.
- (c) The full council may only make or approve the appointment of the head of paid service, monitoring officer and chief finance officer where no well-founded objection has been made by any cabinet member.

4. Appointment of Strategic Directors and Heads of Service

- (a) A longlist of qualified applicants will be interviewed by an officer panel in accordance with 2 above and a shortlist of candidates produced for interview by an appropriate member body.
- (b) An appointments sub-committee of the council will carry out the function of interviewing qualified applicants from the shortlist and appointing strategic directors or heads of service. The appointments sub-committee must be politically balanced and must include at least one cabinet member.
- (c) An offer of employment as a strategic director or head of service shall only be made where no well-founded objection from any cabinet member has been received.

5. Other Appointments

Appointment of officers below strategic director or heads of service (other than political assistants to the groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.

6. Disciplinary Action

- (a) With the statutory exceptions set out below, disciplinary action in relation to officers is governed by the council's agreed procedures.
- (b) In relation to the head of paid service, monitoring officer and chief finance officer ("statutory officers") the following restrictions apply: -

- *Statutory officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.*
- *In an emergency, the head of paid service or the monitoring officer may suspend a statutory officer. In other cases, only the Disciplinary Sub-Committee may suspend a statutory officer.*
- *No other disciplinary action may be taken in respect of statutory officers except in accordance with a recommendation in a report made by a designated independent investigator.*

(c) Councillors will not be involved in disciplinary action against any officer below strategic director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where the council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to members in respect of disciplinary action.

7. Dismissal of Statutory Officers

Where the Disciplinary Sub-Committee is carrying out the function of dismissing the statutory officer, it must include at least one cabinet member.

Notice of dismissal of the statutory officer shall only be given where no well-founded objection has been received from any cabinet member.

No notice of dismissal of a statutory officer may be given by the council before the proposal has been considered by an independent panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

8. Dismissal of Strategic Directors

Where a committee or sub-committee of the council is carrying out the function of dismissing a strategic director it must include at least one cabinet member.

Notice of dismissal of a strategic director shall only be given where no well-founded objection has been received from any cabinet member.

9. Other Dismissals

Councillors will not be involved in the dismissal of any officer below strategic director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where the council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to members in respect of dismissals.

SECTION 3 – CONTRACT STANDING ORDERS

Council rules for buying and supplying goods, works, or services and for disposing of assets

Effective from September 2013

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SECTION A

1. Scope and Purpose

- 1.1 Contract standing orders (CSOs) aim to promote good procurement practice, public accountability, deter corruption and provide protection for staff against allegations of impropriety.
- 1.2 All procurement and disposal procedures must:
- Achieve best value for money;
 - Be consistent with the highest standards of integrity;
 - Ensure fairness in allocating public contracts;
 - Comply with all legal requirements; and
 - Support the council's corporate aims and policies.
- 1.3 A relevant contract for the purposes of CSOs is any arrangement made by, or on behalf of, the council for the carrying out of works or for the supply of goods, materials or services, for example:
- the supply or disposal of goods;
 - hire, rental or lease of goods or equipment; and
 - the delivery of services.
- 1.4 Contract also includes arrangements where the council is supplying goods, works or services.
- 1.5 Contracts must comply with these CSOs, irrespective of the method of funding (e.g. capital, revenue, sponsorship, donations or grant monies from a third party).
- 1.6 The following contracts are excluded from CSOs:
- (a) Contracts of employment which make an individual a direct employee of the council;
 - (b) Agreements for the acquisition, disposal, or transfer of land;
 - (c) Contracts entered into by or on behalf of the monitoring officer for the appointment of counsel and/or experts; or
 - (d) Loans to banks or other financial institutions made in accordance with the treasury management strategy.

2. General Requirements

2.1 Classification and Valuation of Contracts

The following classifications apply for the purposes of CSOs:

- Minor contract – total value less than £50,000
- Ordinary contract – total value of £50,000 or more but below £500,000
- Major contract – total value of £500,000 or more

The total value of the contract should be calculated in accordance with the most appropriate of the following:

- (a) Fixed term contracts - the total price expected to be paid during the whole of the contract period, including possible extensions; or

- (b) Where the contract period is uncertain, multiply the price expected to be paid each month by 48.
- (c) If the purchase involves a series of separate transactions for the same type of item, the 'total value' is the expected aggregate value of all of those transactions in the coming 12 months.
- (d) For feasibility studies, it is the value of the scheme or contracts which may be awarded as a result.

A *contract manager* **must not** select a method of calculating the *total value* in order to minimise the application of these CSOs.

2.2 Guiding Principles

- (a) All contracts must be let through a competitive process which meets the requirements of Section C unless an exemption has been granted or the arrangement is otherwise authorised by these CSOs.
- (b) Any contract which exceeds the applicable EU threshold must comply with any legal requirements imposed by the EU procurement regime.
- (c) There must be a procurement plan for all major contracts and any contract which exceeds the applicable EU threshold. The procurement plan must be submitted to the head of finance and approved before the procurement process commences.
- (d) E-tendering and E-procurement is the preferred option over paper based systems. Only approved E-systems should be used and advice should be sought from the strategic procurement manager on their use. The use of e- procurement technology does not negate the requirement to comply with all elements of these CSOs, particularly those relating to competition and value for money.
- (e) The following are excluded from the requirement for competition:
 - (i) Purchases made via a local authority purchasing consortium (e.g. ESPO) however, purchases above the *EU Threshold* will only be excluded if the consortium has let their contract in accordance with *EU Procedures* on behalf of the council.
 - (ii) Contracts entered into through sub-regional working or collaboration with other local authorities or public bodies, where a competitive process has been followed that complies with the CSOs of the lead organisation will be deemed to comply with these CSOs.
 - (iii) Collaborative proposals for joint working or shared services with other public authorities which the head of law and governance has approved as meeting the following conditions i.e.:
 - The principal activity of the collaborative arrangement is the provision of services back to the participating authorities;
 - The collaborating public authorities when acting together exercise the same kind of control over the service provision as they would over in- house service provision; **and**
 - There is no independent or private sector partner involved in the collaborative arrangement.
 - (iv) for residential placements sought for an individual with a registered care provider of their choice under the National Assistance Act 1948, or

- (v) for *personal care services* where, in the opinion of the appropriate head of service, the particular needs of an individual require a specific social care package which is only available from a one provider.
- (vi) In relation to (iv) and (v) above the head of service must ensure that adequate records are maintained to demonstrate:
 - The provider meets the relevant national minimum standards;
 - Appropriate mechanisms for price review are in place
 - The reasons for the choice of provider; and
 - Why these were best possible terms for the council in the circumstances.

2.3 Approvals

- (a) All contracts must be appropriately authorised in accordance with the council's scheme of delegation before a procurement process (whether to be undertaken by negotiation or competition) is begun or a contract awarded.
- (b) Any proposal to let a contract with an estimated total value of more than £3,000,000 can only be approved by either the cabinet or the leader.
- (c) All contracts should be in written form and once the terms and conditions are agreed should be submitted to the appropriate person for signature. The written formalities should be completed **before** the contract is due to start.
- (d) The table below sets out in more detail the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts awarded from framework arrangements or select lists including those let using an ESPO etc. framework.
- (e) Any *major contract* **must** comply with the key decision regime. In relation to letting *major contracts*, the key decision is the proposal to begin a procurement process for a particular contract.
- (f) The subsequent decision to award the *major contract* to a specific contractor will not be a key decision provided the value of the contract does not vary above the original estimated value by 10% or more.

Total Contract Value	Column 1:	Column 2:	Column 3:	Column 4:
	Authority to start process	Contract Terms	Authority to award contract	Contract Signing
Major Contracts More than £3,000,000	Cabinet or leader. This will be a key decision. This authority will also generally give the strategic director delegated authority to award the contract.	Head of law and governance, unless standards terms and conditions have already been approved.	Generally covered by column 1. If bids exceed the original estimates by 10% or more than report back to leader or cabinet before award.	Send to head of law and governance for signing / sealing by designated officers. The relevant authority must be provided at the same time.
Major Contracts £1,000,000 up to £3,000,000	Relevant portfolio holder. This will be a key decision. This authority will also generally give the strategic director delegated authority to award the contract.	Head of law and governance unless standard terms and conditions have already been approved.	Generally covered by column 1. If bids exceed original estimates by 10% or more then report back to Relevant portfolio holder or leader before award.	Send to head of law and governance for signing / sealing by designated officers. The relevant authority must be provided at the same time.
Major Contracts £500,000 or more but below £1,000,000	Strategic director or person authorised in writing by the strategic director. This will be a key decision.	Head of law and governance unless standard terms and conditions have already been approved.	Same as column 1. If bids exceed original estimates by 10% or more the key decision regime must be complied with before an award can be made	Send to head of law and governance for signing / sealing by designated officers. The relevant key decision record must be provided at the same time.
Ordinary Contracts £50,000 or more but below £500,000	Head of service or third tier manager or person authorised in writing by the head of service.	Head of law and governance unless standards terms and conditions have already been approved.	Line manager or above of person who starts the process (column 1).	Head of service or above.
Minor Contracts Below £50,000	Cost centre manager or above.	Purchase order terms can be used unless the contract is for works, software or the services of a consultant, in which case legal or procurement advice must be taken.	Line manager or above of person who starts the process (column 1)	Third tier manager or cost centre manager or above.

2.4 Exemptions

2.4.1 Any requirement of CSOs may be waived with the consent of both the head of finance and the head of law and governance subject to any legal restraints.

2.4.2 An application for a waiver shall be:

- (a) submitted on the approved 'exemption form';
- (b) set out the reason for requiring the waiver; and
- (c) show how the proposal complies with any applicable law, demonstrates propriety, value for money and support for the council's objectives.

2.4.3 Where an exemption from competition is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services the relevant strategic director and head of service must submit a report to the *head of finance* and the *head of law and governance as soon as practicable following the event*. Any contract entered into for these purposes should be the minimum required to remove the immediate risk to persons or property or to reduce the disruption to council services to a manageable level.

2.4.4 In cases of urgency if the contract is likely to exceed £500,000 then the urgent key decision regime must be complied with **before** any contract is entered into.

2.5 Contract Formalities and Sealing

2.5.1 Contracts shall be signed by the council as follows:

Major Contracts: Under the common seal of the council and witnessed (signed) by one *designated officer* **OR** signed by at least two *designated officers*.

Ordinary Contracts: Signed by head of service or above.

Minor Contracts: Signed by cost centre manager or above.

2.5.2 All *contracts* must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the *head of law and governance*.

2.5.3 The *contract manager* is responsible for securing signature of the contract and must ensure that the person signing for the other contracting party has authority to enter into a legal agreement.

2.5.4 A contract must be sealed where:

- The council wishes to enforce the contract more than six years after its end;
- The price paid or received under the contract is nominal and does not reflect the value of the goods or services.

2.6 Contract Documents

2.6.1 All *contracts*, irrespective of value, shall clearly specify:

- What is to be supplied;
- The price to be paid and when;
- Clear dates and times for performance; and
- Liquidated damages and termination provisions.

2.6.2 The terms and conditions of all contracts must have been approved by the head of law and governance. Either as a standard form contract for particular types of matters or through a specific approval.

2.7 Record Keeping

2.7 *Contract managers* shall ensure that the following records are kept:

- (a) **Successful tenders** - The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract is interpreted) for at least 6 years after contract comes to an end. If made as a deed / under seal they must be kept forever.
- (b) **Un-successful or late tenders** – for at least 2 years from the date the contract starts.

2.8 Contract Management, Evaluation and Review

2.8.1 *Contract managers* should, for all *ordinary* and *major contracts*:

- Maintain up to date risk registers throughout the procurement process and contract periods;

- Undertake appropriate risk assessments;
- For identified risks, ensure appropriate actions are put in place to manage them.

And should regularly monitor and report on:

- performance;
- compliance with programme, specification and contract;
- estimated final cost compared to budgets;
- any value for money requirements; and
- user satisfaction and risk management.

2.8.2 In relation to all major contracts the *contract manager* must carry out the *project management* role or appoint a named person to carry out that role. The *contract manager* is responsible for ensuring that role is carried out effectively. The *contract manager* must prepare a business case at the outset. Adequate resources to manage such contracts, for their entirety, must be identified in the business case. If the business case is approved the *contract manager* must prepare a procurement plan and submit it for approval to the head of finance.

2.8.3 Where a *major contract* is to be re-let, the information required by CSO 2.8.1 above, should be made available to the head of service early enough to enable lessons learnt to be identified and inform the approach to re-letting the contract.

Section B

3. Officers' Responsibilities

3.1 General

3.1.1 All *officers and any agents or consultants acting on their behalf* must comply with these CSOs, financial regulations, the *Code of Conduct* and with all legal requirements. They must also comply with codes of practice, guidance and instructions regarding contractual arrangements issued by the *head of finance or head of law and governance*.

3.1.2 All *officers* must comply with the *Code of Conduct* and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to show that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal.

3.2. Contract managers must in relation to contracts for which they are responsible:

- (a) Ensure they have all appropriate approvals before seeking any quotes or tenders or awarding a contract;
- (b) Seek all necessary legal, procurement, financial, risk management and technical advice in good time; and
- (c) Ensure there is sufficient budgetary provision before awarding any contract.
- (d) Comply with the requirements of these CSOs and observe any codes of practice guidance or instructions relating to contracting matters issued *by the head of law and governance and head of finance*;
- (e) Ensure there is a procurement plan approved by the head of finance for major contracts and contracts above the applicable EU threshold.
- (f) Carry out the *project management* role or appoint a person to do so in relation to any major contract.

- (g) Check whether a suitable *corporate contract* exists before seeking to let a contract. Where a suitable *corporate contract* exists that contract must be used;
- (h) Ensure council suppliers have sufficient insurance cover appropriate to the contract in accordance with the council's insurance guidance;
- (i) Maintain details of all ordinary and major contracts they are responsible for in the contracts management system;
- (j) Ensure a record is kept for every ordinary and major contract of the method for obtaining bids; any *contracting decision* and the reasons for it; any exemption from CSOs together with the reasons for it; and the *award criteria*;
- (k) Ensure that where an employee of the council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting *tenders* or quotations.

3.3 Strategic directors must in relation to their group:

- (a) Nominate at least one member of their staff as *contracts co-ordinator* for their group;
- (b) Submit the scheme of delegation for their respective group, including details of *contract managers* and their *contracts co-ordinators*, to the *head of law and governance and head of finance* for approval;
- (c) Any delegation made does not prevent the strategic director from exercising those delegated powers his/herself.
- (d) Ensure all heads of service and *contract co-ordinators within their group* are sufficiently skilled in procurement matters to fulfil the duties of their post.

3.4 Heads of Service must in relation to their service:

- (a) Ensure all *contract managers*:
 - Comply with CSOs;
 - Are sufficiently skilled in procurement matters to fulfil the duties of their post; and
 - Complete any required learning and development.
- (b) Ensure the List of *contract managers* is maintained up to date and sent to the *head of law and governance*;
- (c) Ensure there are effective systems in place to control budgets properly;
- (d) Ensure all major contracts have a named person to carry out the project management role for the entirety of the contract and that a business cases is prepared at the outset;
- (e) Ensure there are appropriate arrangements in place for the safekeeping of tenders until the appointed time of opening;
- (f) Ensure there are effective contract management arrangements in place for all ordinary and major contracts; and
- (g) Provide any information requested by the head of finance or the head of law and governance regarding their contracts.

3.5 Strategic Director for Resources, Head of Finance and Head of Law and Governance**3.5.1 Strategic Director for Resources**

The strategic director for resources may exercise any of the powers and responsibilities of the head of finance and the head of law and governance in relation to contract standing orders except where he/she is not allowed to do so by law.

3.5.2 The head of finance and the head of law and governance must report quarterly to the strategic director for resources relating to contracting matters and compliance with these contract standing orders and must provide any other information which he/she requests.

3.5.3 The *head of finance* and the *head of law and governance* may:

- (a) with the consent of each other waive any provision of these CSOs and may nominate other officers to exercise all or part of these powers on their behalf.
- (b) Issue codes of practice, guidance and instructions on any matters which are relevant to contracting arrangements.
- (c) Specify the approved learning and development requirements in procurement matters that officers must complete to meet the minimum competency standards to fulfil their duties under CSOs.

3.5.4 The *head of finance* may:

- (a) Veto the inclusion of any contractor in a contractor's list; or
- (b) Approve procurement plans for major contracts and contracts above the applicable EU threshold.

3.5.5 The *head of law and governance* shall:

- (a) Approve the form of contract to be used;
- (b) Maintain central registers of all major contracts and all contracts completed under seal and arrange for the safekeeping of such contracts on council premises; and
- (c) Maintain a central register of all exemption applications relating to contracts of £50,000 or more.

3.6 Contract co-ordinators shall, on behalf of their group:

- (a) Ensure details of all *ordinary* and *major* contracts are accurately recorded in the contracts management system;
- (b) Be authorised to approve exemptions from undertaking a competitive process for minor contracts;
- (c) Submit an annual report by 31 March each year to the *head of law and governance* detailing any exemptions that they have approved.

Section C – The Contracting Process

This section sets out in more detail the requirements to be met when dealing with a specific contract.

4. Steps Prior to Purchase

4.1 Before beginning a purchase, *contract managers* must:

- (a) Assess the need for the expenditure;
- (b) Define the objectives of the purchase;
- (c) Calculate the *total value*;
- (d) Make sure that the appropriate authority is in place to start the process and that the budget covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
- (e) Make sure the *forward plan* requirements have been followed where the purchase is a *key decision*;
- (f) Ensure sufficient legal, procurement, finance, risk management and technical support is available throughout the entire procurement process;
- (g) Ensure sufficient resources will be available (i.e. people with sufficient skills and capacity) to manage the contract once it has been let;
- (h) If the purchase is a *major contract* or above the applicable EU threshold submit a fully completed procurement plan for approval by the *head of finance*.

4.2 *Contract managers* must:

- (a) Where no suitable corporate contract exists carry out an options appraisal to decide the best way to achieve the purchasing objectives, including internal or external sourcing, partnering, and collaborative procurement arrangements with another public authority or government department;
- (b) Consult users where appropriate about the proposed procurement, contract standards, performance and user satisfaction monitoring;
- (c) Assess the risks and how to manage them;
- (d) Agree with the *head of law and governance*, the approved form of contract to be used or if none for the type of purchase the terms and conditions that are to apply to the proposed contract; and
- (e) Set out these matters in writing and create an entry in the contracts management system for all *ordinary and major contracts*.

Pre-Tender Market Research and Consultation

4.3 *Contract managers* may consult potential suppliers prior to the issue of an invitation to tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.

4.4 *Contract managers* must not seek or accept technical advice on the preparation of an invitation to tender or quotation from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential tenderers and distort competition.

Prevention of Corruption

4.5 The following clause must be included in every council contract:

"The council may terminate this contract and recover all its loss if the contractor, its employees or anyone acting on the contractor's behalf do any of the following things:

- (a) Offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other council contract (even if the contractor does not know what has been done); or
- (b) Commits an offence under the Bribery Act 2010 or s117(2) of the Local Government Act 1972; or
- (c) Commits any fraud in connection with this or any other council contract whether alone or in conjunction with council members, contractors or employees.

Any clause limiting the contractor's liability shall not apply to this clause".

5. Advertising and Framework Agreements

5.1 Advertising and assessing potential tenderers

5.1.1 The minimum advertising requirements are:

- All contracts above £50,000 must be published on the council's website.
- All contracts exceeding the applicable EU threshold must be published in Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED).

Advertisements for *contracts exceeding the applicable EU threshold* should not appear on the council's website until after they have appeared in the OJEU Journal.

5.1.2 Within reasonable costs *contract managers* should seek to maximise publicity to encourage competition. Examples of where further advertisements may be appropriate include portal websites specifically created for contract advertisements e.g. contract finder or national official journals.

5.1.3 *Contract managers* are responsible for ensuring that all *tenderers* for a contract are suitably assessed. The assessment process shall establish that all potential *tenderers* have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the council.

5.2 Framework Agreements

5.2.1 The term of a framework agreement must not exceed four years without the written consent of the *head of law and governance*. Also, an agreement must not be concluded with only two providers (i.e. it must be with either one or three or more providers) unless more than two were sought but only two met the award criteria.

5.2.2 Contracts based on framework agreements may be awarded by either:

- Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
- Where the terms laid down in the framework agreement are not precise enough for the particular call-off, by holding a mini competition in accordance with the following procedure:
 - Inviting the organisations within the framework agreement who are capable of delivering the contract to submit written tenders;

- Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
- Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement; and
- Observing the standstill period before finalising the award for contracts above the EU threshold.

6. Conducting a Purchase or Disposal

6.1 Purchasing – Competition Requirements

6.1.1 Where the *total value* for a purchase is within the values in the first column below, the *award procedure* in the second column must be followed.

Total Value	Award Procedure
Minor – up to £10,000	One oral <i>quotation</i> confirmed in writing.
Minor - £10,000 to below £50,000	<i>Three written quotations of which one should be local if appropriate. Local means has a place of business in Warwickshire.</i>
Ordinary & Major - £50,000 or more	<i>Invitation to tender to at least three tenderers. If the contract value exceeds the applicable EU threshold the procedure must also be EU compliant.</i>

6.1.2 Where the EU Procedure is required the *contract manager* shall consult the strategic procurement manager to determine the method of conducting the purchase.

6.2 The Appointment of Consultants to Provide Services

6.2.1 Professional *consultants* are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with these CSOs.

6.2.2 The engagement of a *consultant* shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment.

6.2.3 Records of consultancy appointments shall be maintained in accordance with these CSOs.

6.2.4 *Consultants* shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the council's insurance manager for the periods specified in the respective agreement.

7. The Council as a Supplier – Providing Works, Goods or Services to External Organisations

7.1 The *head of finance* and the *head of law and governance* must be consulted where contracts to work for organisations other than the council are contemplated.

7.2 *Contract managers* shall produce robust business cases for the council acting as a supplier which fully takes into account the costs to the council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the *head of finance*.

7.3 *Contract managers* shall liaise with the council's insurance manager to ensure any potential liabilities are sufficiently covered by the council's insurance policies.

7.4 Where the *total value* of the proposed contract is likely to be £500,000 or more the key decision regime applies **and before** tenders are prepared the *head of finance* and the head of law and governance must jointly approve the business case including:

- (a) Confirming the council can legally enter into the contract;
- (b) Accepting the legality of the charging arrangements; and
- (c) Approving the terms and conditions of the proposed contract.

8. Disposal of Assets

8.1 Assets for disposal must be sent to public auction except where:

- (a) Better value for money is likely to be obtained by inviting quotations or tenders; or
- (b) The prior approval of the *head of finance* and the *head of law and governance* has been obtained to the selling of specified items on an auction website such as eBay; or
- (c) Specific disposal procedures have been agreed by the council for certain types of assets.

9. Collaborative and partnership arrangements

9.1 In order to secure value for money the council may enter into collaborative procurement arrangements. The *contract manager* must consult the *head of law and governance* and the *strategic procurement manager* where the purchase is to be made using collaborative procurement arrangements.

9.2 Collaborative and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.

9.3 Collaborative arrangements between public authorities for shared services where the aim of the arrangement is for the participating authorities to be provided with services by each other or through a Teckal company rather than by an external provider may fall outside the need for competition if the conditions in CSO 2.2(e) (iii) can be met.

10. Setting Standards and Award Criteria

10.1 The *contract manager* must, before seeking prices, define *selection* and *award criteria* that are appropriate to the purchase and designed to secure an outcome giving value for money for the council. The basic criterion shall be:

- (i) "most economically advantageous" (where considerations other than price also apply);
- (ii) "lowest price" where payment is to be made by the council; or
- (iii) "highest price" if payment is to be received.

If the first criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, social value and any other relevant matters.

10.2 *Selection* and *award criteria* must not include:

- *Non-commercial considerations; or*
- matters which discriminate against suppliers from the *European Economic Area* or signatories to the *Government Procurement Agreement*.

- 10.3 Any shortlisting exercise must have regard to the financial and technical standards relevant to the contract and the *selection and award criteria*.
- 10.4 Full details about the scoring of a pre-qualification questionnaire (PQQ), including any weighting and sub-criteria, must be made known to suppliers, as must any “pass mark” for the PQQ. Suppliers should be given details if an unsatisfactory answer to any PQQ questions may lead to exclusion, irrespective of the score on the rest of the PQQ.
- 10.5 As soon as reasonably practical, the contract manager must notify those tenderers who are eliminated at the pre-qualification (selection) stage of a shortlisting process. The letter needs to give reasons why the tenderer was unsuccessful.

11. Invitations to Tender / Quotations

- 11.1 All invitations to tender or quotation must:
- (a) Specify the goods, service or works that are required, together with the terms and conditions of contract that will apply; and
 - (b) State that the council is not bound to accept any *quotation or tender*.
- 11.2 All tenderers invited to *tender* or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 11.3 All invitations to *tender* shall include:
- (a) Clear instructions on how and where tenders are to be submitted, together with the date and time by which they are to be received;
 - (b) A specification that describes the council’s requirements in sufficient detail to enable the submission of competitive offers;
 - (c) A description of the *award procedure* and, unless defined in a prior advertisement, details of the *award criteria* in objective terms;
 - (d) An outline of the method by which any arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa; and
 - (e) Information on the council’s policies and requirement on:
 - (i) Equalities;
 - (ii) Complaints;
 - (iii) Sustainable procurement;
 - (iv) Public interest reporting code (whistle blowing);
 - (v) Business continuity;
 - (vi) Risk; and
 - (vii) Special contract arrangements where contracts are awarded to sheltered workshops.
- 11.4 All *invitations to tender* shall state that any *tender* received after the date and time stipulated in the *invitation to tender* might be rejected and not considered.
- 11.5 All invitations to tender shall include requirements for tenderers to:
- (a) Declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose e.g. legal, financial advice etc); and

- (b) Complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
 - (c) Submit tenders to the council on the basis that they are compiled at the tenderer's expense.
- 11.6 An approved E-tendering system should be used in preference to any paper based arrangement.
- 11.7 No tender will be considered unless submitted in accordance with the requirements of the e-tendering system. If a paper based system is being used tenders should be enclosed in sealed envelope or container which bears the word 'Tender' followed by the contract reference number and subject to which it relates but no other name or mark indicating the sender.

12. Submission, Receipt and Opening of Tenders

12.1 Tenderers must be given an adequate period in which to prepare and submit a *tender*, consistent with the complexity of the contract. The *EU Procedure* lays down specific time periods.

12.2 All tenders must be returned:

- (a) In accordance with the system requirements of an electronic tendering system approved jointly by the *head of finance* and the *head of law and governance* (electronic tender process); or
- (b) To the respective head of service or his/her nominee in a plain sealed envelope or container which bears the word 'Tender' followed by the contract reference number and subject to which it relates but no other name or mark indicating the sender (paper tender process).

Tenders received by fax or other electronic means (e.g. email) must be rejected. Quotations for minor contracts under £10,000 may be received by email.

12.3 Heads of service shall be responsible for the safekeeping of *tenders* until the appointed time of opening. Each *tender*, immediately on receipt, must be:

- (a) Suitably marked to indicate the date and precise time it was received (an approved electronic tendering system will automatically log these details);
- (b) Recorded in a tender record log, so as to provide a separate record of the precise time and date it was received (an approved electronic tendering system will automatically log these details); and
- (c) Adequately protected to guard against amendment of its contents.
- (d) Tenders returned via an approved electronic tendering system will automatically satisfy the requirements of (a),(b) and (c) above.

12.4 Heads of service must ensure that all *tenders* are opened at the same session after the period for their submission has ended. *Tenders* must be opened in the presence of at least two officers. In relation to *major contracts* one of the officers must be the *head of law and governance* or his/her representative unless the tenders are returned via an approved electronic tendering system.

12.5 Tenders returned via an approved electronic tendering system will automatically satisfy the requirements of CSO 12.6.

- 12.6 Upon opening the tenders, a summary of the main terms of each *tender* must be recorded on a tender Opening Control Sheet. Each *Officer* must sign and date the tender Opening Control Sheet. The *Officers* opening the *tenders* must sign the total price page. Where the prices are not contained in a single page or where other pages contain relevant pricing information (e.g. hourly or discounted rates), all relevant pages containing pricing information must be signed.
- 12.7 The arithmetic in compliant *tenders* must be checked. If arithmetical errors are found they should be notified to the *tenderer*, who should be requested to confirm their *tender*. If the rates in the *tender*, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.
- 12.8 Tenders received after the date and time stipulated in the *invitation to tender* should normally be rejected unless there are exceptional circumstances and may only be considered with the approval of the *head of law and governance*.

13. Clarification Procedures and Post-Tender Negotiations

- 13.1 Providing clarification of an *invitation to tender* to potential or actual tenderers or seeking clarification of a *tender* whether in writing or by way of a meeting is permitted.
- 13.2 However, discussions with tenderers after submission of a *tender* and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) **must be the exception** rather than the rule. In particular, such negotiations must not be conducted in an *EU Procedure* (other than within the provisions of the EU negotiated and competitive dialogue procedures) without the agreement of the *head of law and governance*.
- 13.3 If post tender negotiations appear necessary after a single stage tender or after the second stage of a two stage tender then you should take legal advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those who have met the selection criteria in the original process. During negotiations, the council's requirements set out in the original procedure should not be substantially altered. The prior approval of the head of law and governance is required to any proposal to negotiate in other circumstances.

14. Evaluation, Award of Contract and Debriefing Tenderers

- 14.1 Apart from the debriefing required or permitted by these CSOs, the confidentiality of *quotations, tenders* and the identity of *tenderers* must be preserved at all times and information about one *tenderer's* response must not be given to another during the evaluation process.
- 14.2 Quotations and *tenders* must be evaluated in accordance with the *award criteria*. During this process, *contract managers* shall ensure that submitted tender prices are compared with any pre-tender estimates and that any significant differences are examined and resolved satisfactorily.
- 14.3 Where the *total value* is £50,000 or more, *contract managers* must advise all tenderers in writing of their award decisions. For contracts that are subject to the *EU Procedure*, this must be in the form of intention to award letters (award notification letters) that are issued simultaneously to all *tenderers* advising them of the intention to award the contract to the successful *tenderer* and providing them with a 'standstill period' of at least 15 days (10 days if notification letters are sent by fax or electronic means) in which to challenge the decision before the contract award is confirmed.
- 14.4 Award notification letters must include the following debriefing information, and no additional details should be given without taking the advice of the *head of law and governance*:

- (i) How the award criteria were applied
 - (ii) The name of the successful *tenderer(s)*;
 - (iii) The score/price of the *tenderer*, together with the score/price of the successful *tenderer*;
 - (iv) Details of the reason for the decision, including the characteristics and relative advantages of the successful *tender*; and
 - (v) Confirmation of the date before which the council will not enter into the contract (i.e. the date after the end of the 'standstill period').
- 14.5 If a decision is challenged by an unsuccessful *tenderer*, after the issue of an award notification letter, then the *contract manager* shall not award the contract but shall immediately inform the head of finance and seek the advice of the *head of law and governance*.
- 14.6 *Heads of service* shall ensure that contracts are awarded by completion of the contract formalities.

Appendix: Definitions

"Agent"	A person or organisation acting on behalf of the council.
"Contract Managers"	Those officers authorised by their strategic directors to carry out the day to day activities required to let and manage a contract.
"Award Criteria"	The criteria by which the successful <i>quotation</i> or <i>tender</i> is to be selected. (see further CSO 10).
"Award Procedure"	The procedure for awarding a contract as specified in CSO 14.
"Tenderer"	Any person who asks or is invited to submit a quotation or <i>tender</i> .
"Code of Conduct"	The 'Officers' Code of Conduct' (see part 4 section 4 of the council's constitution).
"Consultant"	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.
"Contracting Decision"	Any of the following decisions: <ul style="list-style-type: none"> • withdrawal of invitation to tender • whom to invite to submit a quotation or <i>tender</i> • Shortlisting • award of contract • any decision to terminate a contract.
"Contracts Co-ordinator"	<i>Officers</i> nominated by strategic directors in accordance with CSO 3.6 as the point of contact within their group for matters relating to procurement and contracting, and who are authorised to grant exemptions from competition for minor contracts.
"Corporate Contract"	A contract entered into directly by the council that can be utilised by all heads of service for the supply of the goods, works or services specified within its terms. Also, a contract which the <i>head of finance</i> has confirmed may be legally utilised by the council either through a sub-regional collaborative arrangement, or through purchasing organisations such as the Government Procurement Service (formerly OGC Buying Solutions) and ESPO.
"Designated Officer"	The chief executive, the strategic director for resources and any other officer authorised by either or both of them.
"ESPO"	The Eastern Shires' Purchasing Organisation.
"EU Procedure"	The procedure required by the EU where the <i>total value</i> exceeds the <i>EU threshold</i> .
"EU Threshold"	The contract value at which the EU public procurement directives must be applied.
"Forward Plan"	The forward plan, which is prepared on a rolling basis and contains matters which the council has reason to believe are likely to be the subject of key decisions during the following four months.
"Framework Agreement"	An agreement between one or more contracting authorities and one or more economic operators, 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.
"Head of Finance"	The head of finance or his/her specified nominee.
"Head of Law and Governance"	The head of law and governance or his/her specified nominee.
"Invitation to Tender"	An invitation to tender sent to tenderers inviting bids for works goods or services.
"Key Decision"	Decisions that are defined as key decisions in the constitution. In relation to letting contracts, the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £500,000 or more.
"Major Contract"	A contract that has a total value of £500,000 or more.
"Minor Contract"	A contract where the total value is less than £50,000.
"Non-Commercial Considerations"	<ol style="list-style-type: none"> (a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ("workforce matters"); (b) whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only; (c) any involvement of the business activities or interests of contractors with irrelevant fields of government policy;

- (d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);
- (e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;
- (f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;
- (g) financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;
- (h) use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations for the purposes of s17(5) Local Government Act (LGA) 1988 and part 1 of the LGA 1999 (Best Value); or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply.

“Officer”	A person employed by the council.
“Ordinary Contract”	A contract where the total value is £50,000 or more but is less than £500,000.
“Pecuniary Interest”	Any direct or indirect financial interest. An indirect interest is distinct from a direct interest in as much as it is not a contract to which the member or employee is directly a party. A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the greater) is not a pecuniary interest for the purposes of these CSOs.
“Personal Care Services”	Services provided to people who have personal care needs as assessed by the strategic director for people. As such these services can be provided to people of all ages whose needs may result from old age, physical disability, sensory loss, mental illness or learning disability.
"Quotation"	A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).
“Relevant Contract”	A contract to which these contract standing orders apply (see CSO 1).
“Selection Criteria”	The criteria by which tenderers are chosen to be invited to submit quotations or tenders.
"Shortlisting"	The process of selecting tenderers who are to be invited to submit quotations or tenders or to proceed to final evaluation.
“Teckal company”	A company which meets particular legal requirements relating to its ownership and activities i.e. wholly public sector owned and its main business is providing services to its members. Take legal advice on whether or not a proposal meets the requirements.
"Tender Record Log"	The logs kept by heads of service to record details of tenders received (see CSO 12).
"Tender"	A tenderer's proposal submitted in response to an invitation to tender.
"Total Value"	As defined in CSO 2.1.
"TUPE" Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246]	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a ‘contracting-out’ or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

SECTION 4 – FINANCIAL REGULATIONS

1. INTRODUCTION

1.1 What are Financial Regulations?

- 1.1.1 The county council is responsible for providing a wide range of services for its citizens which involve receiving and spending large sums of money each year. Financial regulations aim to ensure that the county council makes the best use of the money it has available to spend.
- 1.1.2 The financial regulations is very much a strategic document and at the highest level sets out the financial responsibilities of members, and some of the most senior officers, strategic directors (including the chief fire officer), heads of service and the chief finance officer (also known as the head of finance or Section 151 officer) of the county council.
- 1.1.3 The financial regulations form a part of the means by which the county council manages its business. They clarify roles and responsibilities and provide a framework for financial decision-making. Where there are specific statutory powers and duties the financial regulations seek to ensure these are duly complied with, as well as reflecting best professional practice and decision-making of the county council, cabinet and committees. In summary the financial regulations are the regulatory framework within which the financial affairs of the county council operate.
- 1.1.4 Supporting the financial regulations are detailed financial procedure rules which deal with the day to day work of the county council. All members and all officers of the county council must abide by both the financial regulations and the financial procedure rules.

1.2 Why are Financial Regulations important?

- 1.2.1 To conduct its business effectively, the county council needs to ensure that sound financial management arrangements are in place and they are strictly adhered to in practice. In particular financial regulations:
- Provide a framework for all members and officers for the proper and efficient administration of the council's financial affairs;
 - Encourage all members and officers to abide by the highest standards of probity and integrity with clear standards which need to be continually maintained and there are controls to ensure that these standards are met;
 - Ensure that there are clear roles, responsibilities and accountabilities for members and officers in order to protect the council's money and assets; and
 - Ensure that the use of resources is legal, properly authorised and gives value for money.
- 1.2.2 In seeking to achieve value for money all members and officers shall give due consideration to:
- How each service fits within the corporate activities;
 - Acquiring resources at an appropriate quality and minimum cost;
 - Ensuring that the maximum benefit is obtained from the resources used;
 - Ensuring that the benefit from providing a service is achieving the desired result or predefined target; and
 - How performance can be assessed objectively and what evidence needs to be provided to allow this to be evaluated by the community we serve.
- 1.2.3 The financial regulations should be read in conjunction with other documents and sections of the constitution, in particular:
- Budget and policy framework
 - Contract standing orders
 - General scheme of delegation

1.3 Who do Financial Regulations apply to?

- 1.3.1 Financial regulations apply to all members and officers of the county council and anyone acting on its behalf, for example, contractors or interim managers. All members and officers have a responsibility for ensuring any resources or assets under their control are kept securely and used for council business only.
- 1.3.2 The county council is the administering authority for the Local Government Pensions Scheme in Warwickshire. These financial regulations apply to the administration of the Local Government Pension Scheme in Warwickshire.
- 1.3.3 The financial regulations will also apply to any joint commissioning or partnership arrangement where the county council is the accountable body, unless full council expressly agrees otherwise.

1.4 Who is responsible for ensuring Financial Regulations are adhered to?

- 1.4.1 The most senior officers, chief executive, strategic directors and heads of service, are ultimately responsible for ensuring financial regulations are applied and observed by staff and contractors, providing services on behalf of the council, at all times. In addition all members and officers have a responsibility for reporting any breaches of these financial regulations to the chief finance officer as soon as they come to light.
- 1.4.2 The chief finance officer in turn is responsible for reporting any breaches of these financial regulations to elected members and advising members on alternative causes of action which may be taken.
- 1.4.3 The chief finance officer is responsible for keeping the financial regulations under continued review ensuring any changes or additions are submitted to full council for approval.
- 1.4.4 The chief finance officer is also responsible for issuing rules on specific issues underpinning the financial regulations.
- 1.4.5 If a senior officer of the county council believes that complying with financial regulations would either not achieve value for money or would not be in the best interest of the county council then this should be raised with the chief finance officer. The chief finance officer would then need to consider whether to seek council approval to waive compliance with financial regulations or an amendment to the financial regulations is required.

1.5 What may happen if you do not comply with Financial Regulations?

- 1.5.1 Failure to comply with financial regulations and financial procedure rules may have the following consequences:
- For officers, these regulations supplement the Employer and Employee Responsibilities code and therefore a breach may be considered a disciplinary matter and could lead to dismissal.
 - For members, these regulations supplement the Members' Code of Conduct and therefore a breach may be reported to the Audit and Standards Committee for them to take appropriate action.

2. GENERAL ROLES AND RESPONSIBILITIES

2.1 Introduction

- 2.1.1 The county council is a single entity with certain devolved accountabilities but the overall responsibility for financial administration of the county council remains with the chief finance officer. Members and senior officers also have responsibilities and accountabilities for financial administration which are outlined in this section.

2.2 Members

- 2.2.1 Members have a number of roles and responsibilities which are discharged collectively through the Audit and Standards Committee, the cabinet or full council, in particular members must:
- 2.2.2 Approve the financial regulations through full council.
- 2.2.3 Propose the budget and policy framework through cabinet.
- 2.2.4 Set the budget and policy framework through full council.
- 2.2.5 Monitor service and budget performance through the quarterly organisational health report through cabinet.
- 2.2.6 Ensure a balanced budget is set by full council at its meeting in February each year.
- 2.2.7 Agree efficiency and savings plans and targets through full council.
- 2.2.8 Scrutinise financial probity through the Audit and Standards Committee, scrutiny committees and, if necessary, cabinet.
- 2.2.9 Agree financial allocations to ensure the finance function is suitably resourced to support management in securing effective financial control through full council.

2.3 The Chief Finance Officer

- 2.3.1 The chief finance officer must discharge the statutory duties defined in the following legislation and codes:
- The Local Government Act 1972, section 151;
 - The Local Government Finance Act 1988, sections 112-114;
 - The Local Government and Housing Act 1989;
 - The Local Government Act 2003;
 - The Accounts and Audit (England) Regulations 2011;
 - The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
 - The Prudential Code for Capital Finance in Local Authorities; and
 - Any CIPFA statements defining best practice.
- 2.3.2 One of the most significant pieces of legislation is Section 151 of The Local Government Act 1972 which states:
- '.....every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs.'*
- 2.3.3 The county council has designated the chief finance officer as the officer responsible for the administration of its financial affairs and that is why the chief finance officer is sometimes referred to as the 'Section 151 officer'.
- 2.3.4 To fulfil the statutory responsibilities the chief finance officer must:
- Nominate a named officer (an available officer from the finance leadership team) as the deputy Section 151 officer to act in this role in the absence of the chief finance officer;
 - Provide financial advice to members to support the strategic planning and policy making processes and service development to ensure efficient and effective use of resources;
 - Provide advice and financial information to members, strategic directors and heads of service on the optimum use and adequacy of available resources and management of both capital and revenue budgets;

- Establish the county council's accounting records and control systems including:
 - Approving any changes to be made to existing financial systems, or new systems introduced within the county council, ensuring that all the county council's financial systems help cost centre managers achieve value for money by providing accurate, relevant and timely information for decision- making;
 - Ensure the maintenance of proper accounting records;
 - Formulate measures to prevent and detect inaccuracies and potential fraud and corruption and the ability to reconstitute primary records in the event of them being lost;
 - Define the procedures used by members and strategic directors for the write-off of assets, including obsolete items;
 - Define the procedures used by members and strategic directors for the write-off of debts owed to the county council;
 - Publish an annual statement of accounts in the prescribed format.

2.4 The Monitoring Officer (Strategic Director for Resources)

2.4.1 The monitoring officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Audit and Standards Committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to cabinet and/or full council and for ensuring that the procedures for recording and reporting key decisions are operated effectively.

2.4.2 The monitoring officer is responsible for:

- Ensuring that reports encompass the statutory obligations with regard to their legal and financial advice and content;
- Ensuring member decisions and the reasons for them are made public;
- Advising both members and officers about who has authority to take a particular decision;
- Advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the county council's budget and policy framework;
- Maintaining an up to date constitution; and
- Maintaining a register of members' and officers' interests.

2.4.3 The monitoring officer together with the chief finance officer is responsible for advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget or budget setting process and may include:

- Initiating a new policy outside the budget setting process;
- Incurring budget transfers between business units above virement limits;
- Committing expenditure during the year which is above the approved revenue or capital budget; or
- Committing expenditure in future years which is above the approved revenue or capital budget.

2.5 Strategic Directors

2.5.1 Strategic directors have overall responsibility for ensuring the heads of service within their group manage their resources within the revenue and capital budget limits set by full council each year.

2.5.2 Strategic directors must act within the budget and policy framework, promote probity and sound financial control.

2.5.3 Strategic directors must report to the chief finance officer on any matter which may result in a failure of their group's financial control processes or any other matter which could adversely affect the financial standing of their group.

2.5.4 Specifically strategic directors must report to the chief finance officer if:

- There are potential budget overspends;
- The group is not going to meet any savings or efficiency targets;
- Proposed variations to policy will have financial implications; or
- Organisational changes might impact on the demand for financial support services.

2.6 Heads of Service

2.6.1 Heads of service have responsibility for articulating their services plans into the annual budget cycle ensuring strategic directors are fully aware of any planned or future service delivery issues.

2.6.2 Heads of service are responsible for managing expenditure and income against revenue and capital budgets and must provide information to strategic directors or the chief finance officer of any issue where corrective action needs to be taken to keep expenditure within budget.

2.6.3 Heads of service are responsible for monitoring the budgetary position of their service and for keeping strategic directors informed of this position.

3. STRATEGIC FINANCIAL MANAGEMENT

3.1 The roles and responsibilities of the most senior officers of the county council (strategic directors, chief finance officer and heads of service) can be grouped under a number of critical functions.

3.2 There are four key strategic financial management processes covered by financial regulations:

- Financial decision making
- Planning for the use of resources
- Controlling the use of resources
- Accounting for the use of resources

3.3 Each of these is taken in turn, explaining why they are important to ensure sound strategic financial management and detailing the additional responsibilities of the most senior officers.

3.4 FINANCIAL DECISION MAKING

Why is this important?

3.4.1 In making financial decisions, members take account of the information and advice given to them by officers and, in particular, the chief finance officer. The chief finance officer also has delegated financial responsibilities which require him to take financial decisions, usually in consultation with the strategic director for Resources. These decisions can have major financial and legal implications, and it is therefore important that they are soundly based on accurate and appropriate information.

The Chief Finance Officer must:

3.4.2 Provide advice and financial information to members, strategic directors and heads of service on the optimum use and adequacy of available resources and management of both capital and revenue budgets. In particular this should:

- take account of all relevant corporate and group considerations;
- take account of both long and short term costs and benefits;
- take account of professional advice, for example legal or financial advice;

- be compiled in accordance with best professional practices by suitable staff;
- be appropriate and provide a sound basis for financial decision making; and
- be presented at the most appropriate time to allow effective decisions to be made.

3.4.3 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by both members and officers.

The Strategic Director for Resources must:

3.4.4 Ensure that all legal advice given to members or used by officers to make decisions with financial implications:

- takes account of all relevant group and corporate considerations;
- is compiled in accordance with best professional practice by suitable staff;
- is appropriate and provides a sound basis for decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.5 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Strategic Directors must:

3.4.6 Ensure that all financial information given to members or officers in order for them to make decisions with financial implications:

- takes account of all relevant group and corporate considerations;
- takes account of both long and short term costs and benefits;
- takes account of financial advice and any financial implications (the chief finance officer or their representative should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the monitoring officer should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.7 Strategic directors are reminded that these requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Heads of Service must:

3.4.8 Ensure that all financial information given to strategic directors and cost centre managers or other officers within their groups:

- takes account of all relevant group and corporate considerations;
- takes account of both long and short term costs and benefits;
- takes account of financial advice and any financial implication (the chief finance officer or their representative should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the monitoring officer or their representative should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.5 PLANNING FOR THE USE OF RESOURCES

Why is this important?

- 3.5.1 The county council is a large complex organisation providing a multitude of different services, and like any organisation of this scale it needs to plan effectively and develop systems to ensure that scarce resources are allocated in accordance with carefully weighed priorities. All decisions on the revenue budget are taken by full council except those that relate to the current year's approved budget and the use of any earmarked reserves which have been delegated to the cabinet.
- 3.5.2 All items of income and expenditure of the county council are classified as either revenue or capital.
- 3.5.3 The revenue budget is the expression in financial terms of individual service's plans. It is concerned with the day to day spending required to provide a service, for example, employee pay, supplies and services, energy costs, etc.
- 3.5.4 The capital programme is the expression in financial terms of individual service's plans to purchase, construct or improve assets with a lasting value, for example, land, buildings and large items of equipment.
- 3.5.5 The process for preparing and setting the budget should ensure that it reflects each service's aims and objectives in financial terms for the period ahead. Budgets should be based on projections about pay and inflation and all cost savings should be identified, assessed for achievability and planned in advance. Known developments should be anticipated and full cost implications should be determined. Revenue and capital budgets should be integrated and presented as such to members.
- 3.5.6 It is important to ensure that the full revenue consequence of capital expenditure is reflected in the revenue budget and the options of either a revenue or capital approach to service delivery is considered.

The Chief Finance Officer must:

- 3.5.7 In consultation with corporate board prepare and submit reports to the cabinet outlining likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the county council.
- 3.5.8 Also in consultation with corporate board prepare and submit reports to the cabinet summarising the budget proposals and, where appropriate, identify the implications for the level of precept to be levied by the county council and the impact on local taxpayers.
- 3.5.9 Establish formal procedures and timetables for planning the budget by:
- providing heads of service with a framework and timetable for reporting anticipated savings and spending pressures; and
 - providing heads of service with preliminary budget targets for the following year in time for them to prepare business/service plans, and
 - providing heads of service with a final budget by 31 March.
- 3.5.10 Produce an annual treasury management policy statement and strategy setting out the arrangements for the operation, management and performance assessment of the treasury management function and gain full member approval for the policy statement and strategy.

Strategic Directors must:

- 3.5.11 Ensure that each business unit within their group prepares a written statement of the Service's aims and objectives which is used as the basis for constructing budget plans.
- 3.5.12 Prepare and submit, with the chief finance officer, joint reports to the cabinet outlining likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the county council.
- 3.5.13 Comply with guidance concerning capital expenditure, issued by the chief finance officer.
- 3.5.14 Ensure that their group maintains an asset register, as defined by the chief finance officer, for the purpose of calculating notional capital charges.

Heads of Service must:

- 3.5.15 Comply with the formal procedures and timetable for planning their budget by:
- identifying, costing and reporting spending pressures and any anticipated savings, in accordance with the published budget framework and timetable; and
 - preparing detailed revenue estimates of planned spending and income for the year ahead within the budget targets set by their strategic director.
- 3.5.16 Notify their strategic director of the continuing potential financial impact in future years of decisions they are taking in the current financial year. These need to be done so as to be taken into account when producing next year's budget.
- 3.5.17 Fully comply with capital expenditure rules issued by the chief finance officer.

3.6 CONTROLLING THE USE OF RESOURCES**Why is this important?**

- 3.6.1 Budgetary control is the process by which services monitor, review and adjust financial targets during the financial year. The identification and explanation of variances against budgetary targets provides a mechanism by which the county council can identify changes in trends and resource requirements at the earliest opportunity.
- 3.6.2 There is also an additional pressure to monitor capital schemes carefully, to ensure that the county council's capital financing capacity, governed by the Prudential Code for Capital Finance, including other internal funds and external grants and receipts, is fully utilised, but not exceeded.

The Chief Finance Officer must:

- 3.6.3 Administer the county council's scheme of virement as set out in the financial procedure rules.
- 3.6.4 Ensure heads of service and cost centre managers have access to regular and frequent reports on spending, including sums committed, but not yet paid, against the approved budget.
- 3.6.5 Prepare and submit, with strategic directors, joint reports to the cabinet in respect of any revenue expenditure for which the strategic director concerned is unable to identify appropriate resourcing from within the existing approved budget.

- 3.6.6 Prepare and submit reports to the cabinet in respect of any planned or actual expenditure which the chief finance officer (in consultation with the strategic director for resources) believes to be unlawful; and during the time between the possibility of unlawful expenditure coming to light and its consideration by cabinet, prevent any payments other than those which are contractual commitments (this applies equally to revenue and capital expenditure).
- 3.6.7 Prepare and submit regular reports to the cabinet on progress against the approved capital programme, highlighting any slippage and detailing any requests for amendments to approved programmes.
- 3.6.8 Administer the authorisation of capital schemes approved by full council as detailed in the financial procedure rules.
- 3.6.9 Provide strategic directors, heads of service and cost centre managers with appropriate guidance and financial procedure rules.
- 3.6.10 Administer the county council's arrangements for under and overspendings to be carried forward to the following financial year as outlined in the financial procedure rules.
- 3.6.11 Prepare and submit a report to the relevant overview and scrutiny committee by 30 September each year comparing actual treasury management performance against the approved strategy, for the previous financial year.

Strategic Directors must:

- 3.6.12 Ensure that their heads of service comply with the county council's scheme of virement and notify the chief finance officer of any additional authorisation limits/reporting arrangements they may wish to set.
- 3.6.13 Recommend to members the level of their group's carry forward underspends from one financial year to the next.
- 3.6.14 Inform the chief finance officer immediately of any planned or actual expenditure that the strategic director believes to be illegal. During the time between informing the chief finance officer and receiving his response, ensure that no payments are incurred other than those required to meet contractual commitments (this applies equally to revenue and capital expenditure).

Heads of Service must:

Revenue Expenditure:

- 3.6.15 Prepare and submit, with the chief finance officer and their strategic director, joint reports to the cabinet in respect of any revenue expenditure for which the head of service concerned is unable to identify appropriate resourcing from within the existing approved budget.
- 3.6.16 Make sure that expenditure for each financial year does not exceed the available budget.
- 3.6.17 Make sure that all income and expenditure, including forecasts of future income and expenditure, are entered on the general ledger.
- 3.6.18 Seek cabinet approval for all virements within their business unit which exceed the lower of £500,000 or 5% of the business unit's net revenue budget (whether individual or as part of a cumulative total).
- 3.6.19 Seek cabinet approval for all virements between business units irrespective of the amount of the virement.

- 3.6.20 Ensure that, when budgets are delegated, responsibility for financial control is clearly defined.
- 3.6.21 Ensure that cost centre managers are notified of any virements affecting their cost centre and that the reason for the virement is explained.

Capital Expenditure:

- 3.6.22 Ensure a project manager is allocated to all capital projects.
- 3.6.23 Ensure that all project managers comply with all the rules relating to capital expenditure and financing.
- 3.6.24 Ensure all appropriate approvals have been granted before committing to any capital expenditure.
- 3.6.25 Ensure adequate funding is in place for all capital expenditure over the lifetime of a project and that accurate phasing of capital expenditure over financial years is undertaken at the same time.
- 3.6.26 Record capital income and capital expenditure separately.
- 3.6.27 Ensure capital expenditure does not exceed the approved budget limit.
- 3.6.28 Ensure that capital expenditure is not moved between schemes without member approval.
- 3.6.29 Ensure that adequate information is kept to ensure accurate capital accounting rules are maintained.
- 3.6.30 Ensure members, their strategic director and the chief finance officer are kept informed of progress and latest cost estimates for all capital projects.
- 3.6.31 Provide financial and performance information on capital projects when requested by members, their strategic director or the chief finance officer.

3.7 ACCOUNTING FOR THE USE OF RESOURCES

Why is this area important?

- 3.7.1 The county council has a statutory responsibility to prepare its annual accounts to fairly represent its operations during the year. Full council is responsible for approving the annual accounts. These are subject to external audit scrutiny before publication. External audit scrutiny provides assurance that all expenditure is legal, the accounts are properly prepared and appropriate accounting practices have been followed.

The Chief Finance Officer must:

- 3.7.2 Provide heads of service with guidance and a timetable for closing their accounts, to ensure compliance with the statutory timetables.
- 3.7.3 Prepare and submit reports to the cabinet outlining, firstly, probable and, subsequently, the actual income and expenditure of the county council, for each financial year.
- 3.7.4 Prepare and publish the audited accounts of the county council for each financial year in accordance with the accounts and audit regulations, in particular:
- make appropriate arrangements for the external audit of the county council's accounts;
 - publish the statement of accounts, with the auditor's certificate or report, within 6 months of the financial year end.

- 3.7.5 Provide heads of service with a detailed closedown timetable in order to meet the deadlines specified by the chief finance officer.

Heads of Service must:

- 3.7.6 Ensure that all expenditure and income is coded to appropriate areas of their budget to accurately reflect service activity in the financial year.
- 3.7.7 Make sure that they comply with the procedures and timetable for closing the accounts at the end of the financial year.
- 3.7.8 Maintain suitable accounting records and make these records available for inspection by external auditors when requested.

4. FINANCIAL ADMINISTRATION

Why is this area important?

- 4.1.1 The county council, being a public body, has a responsibility to the local community to ensure that its financial affairs are properly managed and its assets safeguarded. The public is entitled to expect the highest standards of financial conduct and integrity. It is the chief finance officer's responsibility to ensure that appropriate systems and controls are in place to satisfy these expectations.
- 4.1.2 The county council has a statutory responsibility to make arrangements for the proper administration of its financial affairs. This includes determining the accounting systems and procedures, the form of accounts and supporting financial records.

The Chief Finance Officer must:

- 4.1.3 Produce detailed financial procedure rules outlining the roles and responsibilities of officers for the financial administration of services under their control.
- 4.1.4 Ensure that both members and officers comply fully with the financial procedure rules as they have equal importance along with the financial regulations and non-compliance will be dealt with in the same way as non-compliance with the financial regulations.
- 4.1.5 In consultation with the strategic director for resources, review the adequacy of the financial regulations annually and where necessary recommend amendments to either the financial regulations or the financial procedure rules.