

Part 4

Rules of Procedure

Article	Title	Page
1	Council Procedure Rules	4(5)
2	Cabinet Procedure Rules	4(28)
3	Joint Partnership Committee Procedure Rules	4(32)
4	Access to Information Procedure Rules	4(33)
5	Policy Framework and Budget Procedure Rules	4(39)
6	Scrutiny Procedure Rules	4(41)
7	Financial Regulations	4(48)
8	Contract Standing Orders	4(120)
9	Officer Employment Procedure Rules	4(151)

Council Procedure Rules

Article	Title	Page
1	Annual Meeting of Council	4(5)
2	Ordinary meetings of Council	4(6)
3	Special meetings of Council	4(7)
4	Substitute Members of the Committees and Sub Committees	4(8)
5	Time and place of meetings	4(9)
6	Notice of and summons to meetings	4(9)
7	Chairing of meeting	4(10)
8	Quorum	4(10)
9	Duration of meeting	4(10)
10	Questions by Public, Youth Councillors, and Councillors	4(11)
11	Motions on notice	4(14)
12	Motions without notice	4(16)
13	Motions on expenditure	4(17)
14	Petitions	4(17)
15	Rules of debate	4(17)
16	Main debate	4(21)
17	Urgent business	4(22)
18	Public speaking	4(22)
19	Decisions referred from Cabinet or Committees	4(23)
20	Previous decisions and motions	4(23)
21	Voting	4(24)
22	Minutes	4(24)

23	Disclosure	4(25)
24	Record of attendance	4(25)
25	Exclusion of public	4(25)
26	Councillors' conduct	4(25)
27	Disturbance by public	4(26)
28	Ruling of the Chair	4(26)
29	General disturbance	4(26)
30	Business of objectionable nature	4(27)
31	Suspension and amendment of Council Procedure Rules	4(27)
32	Application to Committees and Sub Committees	4(27)

1 Annual Meeting of Council

1.1. Timing and business

- a) In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on the eighth day after the retirement of Councillors or any other day within 21 days of the retirement of Councillors as the Council may decide. In any other year, the annual meeting will take place in March, April or May as the Council may decide.
- b) The Annual Meeting will:
 - i) elect a person to preside if the Chair of the Council is not present
 - ii) elect the Chair of the Council
 - iii) appoint the Vice Chair of the Council
 - iv) approve the minutes of the last meeting
 - v) receive any announcements from the Chair and/or Chief Executive
 - vi) elect the Leader of the Council when appropriate (see Article 6 of the Constitution)
 - vii) establish and appoint to Committees, Sub Committees and Working Groups, Parties and Panels as required, and as considered appropriate. Appointments will be made to those Committees and to outside bodies on which the Council is represented, as prescribed below
 - viii) appoint Member Champions where appropriate
 - ix) agree the scheme of delegation (as set out in Part 3 of the Constitution)
 - x) approve a programme of ordinary meetings of the Council for the year
 - xi) consider any business set out in the notice convening the meeting
 - xii) presentation of Civic Awards proposed by the Civic Awards Panel.

1.2. Appointment of Members on Committees, Sub-Committees, Working Groups, Parties, Panels and Outside Bodies

- a) When establishing Committees at the Annual Meeting, the Council will:
 - i) decide the size and terms of reference of Committees, Sub Committees, Working Groups, Parties and Panels
 - ii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules
 - iii) receive nominations of Councillors to serve on each Committee, Sub Committees, Working Group, Party, Panel and outside body
 - iv) appoint to those Committees, Sub Committees, Working Groups, Parties, Panels and outside bodies except where appointment to those bodies has been delegated by the Council to another body or person.

2 Ordinary Meetings of Council

2.1. Programme of meetings

- a) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The Chair will have the discretion to change the date and times of these meetings.

2.2. Business at ordinary meetings

- a) Ordinary meetings will:
 - i) elect a person to preside if the Chair and Vice Chair are not present
 - ii) receive any apologies for absence
 - iii) receive any declarations of interest from Councillors
 - iv) deal with any business required by law
 - v) approve and sign the minutes of the last Council meeting
 - vi) receive communications from the Chair
 - vii) receive petitions from the public
 - viii) receive and answer questions from the public
 - ix) where appropriate, receive and answer questions from the Youth Council

- x) receive and answer questions from Councillors
- xi) consider notices of motion in the order in which they were received
- xii) where appropriate, hold a main debate under Rule 16
- xiii) where appropriate, deal with any business from the last Council meeting
- xiv) where appropriate, receive reports from the Council's Cabinet and Committees and receive questions and answers on any of those reports
- xv) where appropriate, receive reports, ask questions and receive answers on business of joint arrangements and external organisations
- xvi) where appropriate, receive and consider reports from Officers
- xvii) receive and note information including:
 - communications from Committees
 - at the last ordinary meeting in the municipal year, written reports from Member Champions and Councillors nominated to outside bodies
- xviii) deal with any other business on the summons
- xix) deal with any items of an urgent nature (Rule 17).

2.3. Variation of business

- a) The Chair may at any meeting vary the order of business apart from the matters listed at i) to iv) inclusive.

3 Special Meetings of Council

3.1. Calling

- a) Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
 - i) the Council by resolution
 - ii) the Chair of the Council
 - iii) the Monitoring Officer

- iv) If the Chair has refused to call a meeting, five or more Councillors can call a meeting either in writing or by e-mail. This can only be done if the Chair has refused to call a meeting, or has failed to call a meeting within seven days of the request by Councillors.
- b) These meetings will take place on a date and time determined by the Council, or Chair of the Council. In the absence of the Chair, the Vice Chair will determine the time and place. In the absence of both the Chair and Vice Chair, the Chief Executive will determine the date and time.

3.2. Business

- a) The order of business at special meetings shall be as follows:
 - i) elect a Councillor to preside if the Chair and Vice Chair are not present to preside for the meeting
 - ii) receive any apologies for absence
 - iii) deal with any business required by law to be done
 - iv) receive any declarations of interests from Councillors
 - v) consider the business specified on the agenda. This will be the business, or notice of motion, presented to the Chair of the Council as a requisition for the meeting.
- b) The Chair at any meeting may vary the order of business apart from the matters listed at (i) to (iv) inclusive above.
- c) The order of business at any special meeting will exclude the business specified at Procedure Rules 2.2 v), vi), viii), ix), x), xi), and xiv) above.

4 Substitute Members of Committees and Sub Committees

4.1. Allocation

- a) As well as allocating seats on Committees and Sub Committees, Council will allow Councillors to be substituted on Committees (except for the Licensing Committee and its Sub Committee(s), or where membership of Cabinet or other Committee(s) prevents the Councillor from acting as a substitute.)

4.2. Number

- a) For each Committee or Sub Committee, each political group may nominate any Councillor from their political group as a substitute, unless that Councillor is disqualified from membership.

4.3. Powers and duties

- a) Substitute Councillors will only have the powers of an ordinary member of the Committee, unless they are elected as Chair during the meeting.

4.4. Substitution

- a) Substitute Councillors may attend meetings in the following capacity only:
 - i) to take the place of the ordinary Councillor for whom they are the designated substitute.
 - ii) where the ordinary Councillor will be absent for the whole of the meeting.
 - iii) after the ordinary Councillor has notified the Director of Governance and Corporate Support, or other appropriate Officer(s), before the start time of the meeting that a substitute will be attending in their place,. If the ordinary Councillor is absent due to exceptional circumstances then the Councillor who is acting as their substitute can notify the relevant Officer.

5 Time and Place of Meetings

- 5.1. The time and place of meetings will be determined by the Chair and notified in the summons for the meeting.

6 Notice and Summons to Meeting

- 6.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five (5) clear working days (excluding the day of the meeting) before a meeting, the Chief Executive will arrange for a summons for the meeting to be sent by post or electronically to every Councillor or arrange for it to be left at their usual place of residence if required. The summons will give the date, time and place of each meeting and specify the business to be transacted will also be accompanied by such reports as are available.

7 Chairing of Meeting

- 7.1. The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub Committee meetings, references to the Chair also include the Chair of Committees and Sub Committees.
- 7.2. If the Chair of a Committee is absent from a meeting of that body then the Vice Chair, if present, shall preside.
- 7.3. In the absence of the Chair and Vice Chair of a Committee from a meeting of that body or if both should be ineligible to preside, a Chair for the meeting or part thereof may be appointed by the Committee.

8 Quorum

- 8.1. The quorum of a meeting will be at least a quarter (rounded up) of the whole number of Councillors or three, whichever is the greater. If at the time set for the start of a meeting the required number of Councillors are not present, ten minutes will be allowed for Councillors to arrive. If after ten minutes the required number of Councillors are still not present, it can be declared that the meeting cannot proceed due to not enough members being present (inquorate). Business will be considered at the next ordinary meeting, unless the Chair agrees a date and time for the business to be considered.

9 Duration of Meeting

- 9.1. Duration and remaining business
 - a) Meeting will be a maximum of two hours unless the majority of Councillors present vote for the meeting to continue for a specified time or purpose. Remaining business will be considered at a time and date decided by the Chair. If they do not decide a date, the remaining business will be considered at the next ordinary meeting.
- 9.2. Recorded vote
 - a) If a recorded vote is called for when deciding whether to continue the meeting this will be taken immediately.
- 9.3. Motions that may be moved
 - a) During the process (set out in this Rule 9) the only other motions which may be moved are that a matter be withdrawn or be delegated or referred to an appropriate body or individual for decision or report.

9.4. Close

- a) When all business of the meeting has been dealt with, the Chair will declare the meeting closed.

10 Questions by Public, Youth Council and Councillors

10.1. General

- a) Members of the public, Youth Council and Councillors may, in accordance with the provisions of Rules 10.2, 10.3, 10.5 and 10.6 ask questions as follows:
 - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
 - ii) at a meeting of Cabinet to the Leader or a Portfolio Holder
 - iii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls within the terms of reference of that Committee or Sub Committee.
- b) Questions must relate to the business of the Council or affect the district.

10.2. Criteria

- a) A member of the public asking a question must either:
 - i) be a registered local government elector for the Harlow area, or
 - ii) for the previous 12 months:
 - occupied, as owner or tenant, property in the Harlow area
 - had their principal place of employment in the Harlow area
 - resided in the Harlow area.

10.3. Notice

- a) A question may only be asked if notice has been given in writing or by e-mail to the Chief Executive at least two clear working days (excluding the day of the meeting) before the meeting. For a meeting held on Thursday, a question must be submitted by Monday, provided there is no public holiday. Each question must give the name and address of the questioner and the name of the Councillor who will answer it. Any questions received will be acknowledged. The questioner will be provided with a copy of this Rule and an

explanation of the process of the meeting, including the provisions relating to supplementary questions.

- b) For Questions from Councillors, if the question relates to urgent matters, in order for the question to be asked, the Councillor must have:
 - i) The consent of the Chair of the meeting where the question is to be put; and
 - ii) Sent the question to the Chief Executive before the start of the relevant meeting.

10.4. Order

- a) Questions will be asked in the order in which they were received. The Chair, however, may group similar questions together.

10.5. Number

- a) At any one meeting no member of the public, Youth Councillor, or Councillor may submit more than two questions.

10.6. Rejection

- a) The Chief Executive may reject a question if it is:
 - i) not about a matter for which the Council has a responsibility or which affects the district
 - ii) defamatory, frivolous, vexatious or offensive
 - iii) substantially the same as a question which has been put at a meeting of the Council in the past six months
 - iv) requires the disclosure of confidential or exempt information.

10.7. Record

- a) The Chief Executive will keep a copy of each question. These will be attached to the minutes of the meeting. A copy of the question will be sent to the Councillor to who was asked the question. Rejected questions will include reasons for rejection. The Chief Executive will ensure that any question received (unless rejected) is referred to the next meeting of Council or the appropriate Committee unless the matter is exempt as defined by the Local Government Act 1972. The questioner will be advised whether their question has been rejected or accepted and, if accepted, where it has been referred to which Committee it has been referred.

10.8. Public availability

- a) Copies of all questions and written answers will be made available to Councillors and the public attending the meeting.

10.9. Editing

- a) Any question received by the Chief Executive may be edited by them to ensure it is concise and to avoid duplication and repetition. If a question is edited, the edited question will be provided to the questioner prior to the meeting.

10.10. Asking the question

- a) The Chair at the meeting will invite the questioner to ask their question. It will be asked in the form that it has been submitted, or amended by the Chief Executive. If a questioner who has submitted a question is not present when the item is called, it will be deleted from the list of questions to be asked.

10.11. Absence of discussion

- a) Every question from the public, Youth Councillor, and Councillor will be asked and answered without discussion. However, the Councillor who has been asked the question can decline to answer it.

10.12. Response

- a) An answer may take the form of:
 - i) a direct oral answer
 - ii) where the relevant or desired information is contained in the publication of the Council or other published work, a reference to that publication
 - iii) where the reply to the question cannot conveniently be given orally, a written answer will be circulated to all Councillors attending the meeting and to the questioner within ten working days of the meeting.

10.13. Supplementary question

- a) A questioner who has sent in a written question may also ask one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must relate directly to the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.6 above.

10.14. Written answers

- a) Any question which cannot be dealt with during public, Youth Councillor, or Councillor question time, either because of lack of time or because of the non-attendance of the Councillor who has been asked the question, will be dealt with by a written answer.

10.15. Referral to committees

- a) Although no discussion will take place on any questions asked, any Councillor may move that the question be referred to Council, Cabinet or the appropriate Committee or Sub Committee. If seconded, this motion will be voted on without discussion.

10.16. Time limit

- a) Public question time will be a maximum of 30 minutes at Council and 15 minutes at Cabinet, Committee, or Sub Committee meetings . If there are exceptional circumstances, the Chair of the meeting may extend the public question time. Youth Councillor, and Councillor question times will have the same time limits.

10.17. Questions without notice

- a) Councillors may, with to the consent of the Chair of a meeting, ask up to two questions without notice on any business item in a report when that item is being considered at the following meetings:
 - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
 - ii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls falls within the terms of reference of that Committee or Sub Committee.
- b) In the absence of the Leader or a Portfolio Holder, their designated deputy may answer in their place.
- c) The Councillor answering the question may also decline to answer the question, or provide a written answer within 10 working days of the meeting.

11 Motions on Notice

11.1. Notice

- a) Except for motions which can be moved without notice under Rule 12, written notice of every motion must be signed by at least two Councillors. There will be a proposer of the motion and a seconder.

Where notice of motion is given by e-mail, it must be sent by the proposer. The seconder must confirm by a separate e-mail that they are seconding the motion.

- b) Notice of the motion and separate seconding e-mail must reach the Chief Executive no later than 5pm seven clear working days prior to the day of the Council meeting at which the motion is intended to be moved. For a meeting on Thursday, the deadline would be Monday the week before, unless there is a public holiday. If a motion arises from a committee meeting held after that deadline, this notice must be received by mid-day on the working day after that meeting.
- c) E-mails must be sent from an e-mail account previously notified to the Council by the Councillor in question, prior to deadline set out in b) above, otherwise they will not be valid for the purposes of this provision.
- d) All notices and e-mails will be acknowledged by or on behalf of the Chief Executive.
- e) Any motion may be edited by the Chief Executive in consultation with the mover either to bring it into proper form or to make it more concise.

11.2. Motion set out in agenda

- a) Motions for which the required notice has been given will be listed on the agenda of the next relevant meeting. Motions will be listed in the order in which notice was received. If the Councillor giving notice wishes to move it to a later meeting or withdraw it, this must be confirmed in writing.

11.3. Scope

- a) Motions must relate to something the Council has power or responsibility over, or something which affects the Council or the district.
- b) If the subject matter of any motion of which notice has been given comes within the remit of any Committee, it will be referred to the relevant Committee. The Committee will report back to Council, subject to (c) below.
- c) The Chair may allow the motion to be dealt with at the meeting at which it is proposed if they consider it to be urgent, convenient or productive to the business of the meeting.
- d) If a motion is not moved at the meeting of Council at which the motion is set out in the summons either by the Councillor who gave notice or by the seconder, it will, unless postponed by consent of the

Council, be treated as withdrawn. It will not be moved without fresh notice being given.

- e) In the case of motions moved under this Rule and approved by Council, Officers will report to the relevant Committee on the progress made implementing the decision at the next meeting following the meeting when the decision was made. The Chief Executive will decide which Committee will receive a report.

12 Motions Without Notice

12.1. The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to refer something to an appropriate body or individual
- d) to appoint a Committee or Councillor arising from an item on the summons for the meeting
- e) to withdraw a motion
- f) to amend a motion
- g) to proceed to the next business
- h) that the question be now put
- i) to adjourn a debate
- j) to adjourn the meeting
- k) to suspend a particular Council Procedure Rule
- l) to exclude the public and press in accordance with the Access to Information Procedure Rules
- m) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5
- n) to give the consent of the Council where its consent is required by the Constitution
- o) that business of an objectionable character or seriously prejudicial to the interests of the Council be not entertained or further permitted
- p) motions and amendments arising out of the debate

- q) for such other purpose as the Chair may in their sole discretion approve.

13 Motions on Expenditure

13.1. The following motions, if agreed, will be discussed at the next ordinary meeting of the Council:

- a) any motion that increases expenditure on, or reduce the revenue from, any service which is under the management of any Committee
- b) any motion that involves capital expenditure.

13.2. Any Committee affected by the motion may report on the motion. The Cabinet will report on the financial aspects of the proposal and any other aspects as it thinks necessary.

13.3. This Rule will not apply to proposals:

- a) contained in a recommendation or report of the Cabinet
- b) contained in a recommendation, or report of another Committee which has been approved by the Cabinet
- c) with a value below £5,000.

14 Petitions

14.1. Details of the Council's Petitions Scheme are contained in Part 5 of the Constitution.

15 Rules of Debate

15.1. No speeches until motion seconded

- a) There will be no debate until the motion has been seconded.

15.2. Right to require motion in writing

- a) Unless notice of the motion has already been received in writing, the Chair may require it to be handed to them in writing before it is discussed.

15.3. Seconder's speech

- a) When seconding a motion or amendment, a Councillor may keep their right to speak later in the debate.

15.4. Content and length of speeches

- a) Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

15.5. When a Councillor may speak again

- a) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - i) to speak once on an amendment proposed by another Councillor
 - ii) to propose a further amendment if the motion has been amended since they last spoke
 - iii) if their first speech was on an amendment proposed by another Councillor, to speak on the main issue. It does not matter if the amendment was carried
 - iv) speaking to second a motion (or amendment) having previously reserved the right to speak later
 - v) in exercise of a right of reply
 - vi) on a point of order (which must be specified)
 - vii) by way of personal explanation (Rule 15.13)
 - viii) to give notice of a further amendment
 - ix) at the absolute discretion of the Chair
 - x) to propose any of the motions mentioned in Rules 12 and 15.11 (motions without notice and closure motions).

15.6. Amendment to motions

- a) Only one amendment may be proposed and discussed at any one time.
- b) No further amendment may be proposed until the amendment under discussion has been approved or rejected. However, the Chair may permit two or more motions or amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of business.
- c) An amendment to a motion must be relevant to the motion and must not contradict the motion. Amendments will either be to:

- i) refer the matter to an appropriate body or individual for consideration or reconsideration
 - ii) remove words
 - iii) remove words and add others
 - iv) add words.
- d) The Chair may accept an amendment in any form if it is strictly relevant to the motion and does not contradict the motion. .
 - e) If an amendment is not agreed, other amendments to the original motion may be proposed.
 - f) If an amendment is agreed, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments may be proposed.
 - g) After an amendment has been agreed, the Chair will read out the amended motion before accepting any further amendments or speakers. If there are no further amendments, the motion will be put to the vote.

15.7. Alteration of motion

- a) A Councillor may alter a motion of which they have proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Councillor may alter a motion they have proposed without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment under Rule 15.6 may be made.

15.8. Withdrawal of motion

- a) A Councillor may withdraw a motion they have proposed with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9. Right of reply

- a) The proposer of a motion has a right to reply at the end of the debate on the motion before it is put to the vote.

- b) If an amendment is proposed, the proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak about it.
- c) The proposer of the amendment has no right of reply to the debate on their amendment.

15.10. Motions which may be proposed during the debate

- a) When a motion is under debate, no other motion may be proposed except the following procedural motions:
 - i) to withdraw or postpone a motion
 - ii) to amend a motion
 - iii) to proceed to the next business
 - iv) that the question be now put
 - v) to adjourn the debate
 - vi) to adjourn the meeting
 - vii) to exclude the public and press in accordance with the Access to Information Procedure Rules
 - viii) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5.

15.11. Closure motions

- a) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the proposer of the original motion a right of reply and then put the procedural motion to the vote.
- b) If a motion that the matter has been discussed enough is seconded and the Chair agrees that the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before the motion is voted on.
- c) If a motion to adjourn the debate or meeting is seconded and the Chair thinks the item has not been sufficiently discussed, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If carried, the Council (or Committee) will decide whether the meeting will be adjourned or whether the debate will carry on with no break. If the meeting is

adjourned the Chair will identify the likely timescale for resumption of the debate/meeting.

15.12. Point of order

- a) A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or law. The Councillor must indicate the Rule or law and how they think it has been broken. The ruling of the Chair on the matter will be final.

15.13. Personal explanation

- a) A Councillor may make a personal explanation at any time. A personal explanation can only relate to some material part of an earlier speech made by the Councillor that may have been misunderstood in the present debate. The Chair will decide whether the personal explanation is admissible.

16 Main Debate

16.1. A debate concentrating on matters of interest to the community may be held at any ordinary meeting other than the first ordinary meeting of Council after the Annual Meeting. This will include any highlights, pressures and potential issues for the coming year.

16.2. The following procedure shall apply:

- a) the Leader will advise the Chief Executive in writing if they wish to have an annual debate and of the theme of the debate seven working days before the date of the intended meeting.
- b) the Chair will call on the Leader to introduce the topic
- c) the relevant Councillor will introduce the debate or call on an invited speaker to do so
- d) other Group Leaders will then be called to contribute to the debate. Afterwards, other Councillors will have the opportunity to speak once
- e) as the debate is not based on a motion the normal rules of debate at Council meetings will not apply to the main debate. The following Rules will apply
 - i) Length of speeches
 - The Leader of the Council and the Leader of the Opposition will be given ten minutes.
 - Other Councillors will be given five minutes.

- ii) Rule 15.12 (Point of order)
 - iii) Rule 15.13 (Personal explanation)
- f) at the end of the debate or after 40 minutes (whichever is sooner) the Chair shall call for a conclusion of the debate. The Councillor speaking at that point in time shall be permitted to finish their speech
 - g) each Group Leader shall then be given the opportunity to respond to the debate. The Leader of the Council will end the debate. Speeches at this stage will be up to five minutes.
 - h) issues raised during the debate that require further consideration will be referred to the relevant committee(s) by way of report from the Chief Executive to that Committee.
- 16.3. At the first ordinary meeting following the Annual Meeting, there will be a main debate on the work undertaken by the Council in the previous year, together with any highlights, pressures and potential issues for the coming year to which the above procedure shall apply.

17 Urgent Business

- 17.1. Urgent business can be considered at a meeting of Full Council or of a Committee where the Chair is of the opinion that the item should be considered as a matter of urgency by reason of special circumstances which must be specified in the minutes.
- 17.2. Without in any way restricting the opinion of the Chair:
- a) Councillors wishing to raise items of business they consider to be urgent should, wherever possible, notify the Chair of the meeting of the item prior to the start of the meeting
 - b) the item must be one that could not be deferred until the next meeting of Full Council or the appropriate Committee. It must include an issue that has arisen following publication of the agenda for the meeting.
 - c) The Chair of the relevant meeting will consult the Director of Governance and Corporate Services on the request for a matter of urgent business to be considered.

18 Public Speaking

- 18.1. Without prejudice to Rules 10 (Questions by the Public, Youth Councillors, and Councillors) and 14 (Petitions) and the provision made by the Council for the public and others to address the Development Management Committee, Licensing Sub Committee and Regulatory Sub Committee,

members of the public shall not address meetings of the Council and its Committees except in exceptional circumstances. They must also have the prior agreement of the Chair. Agreement of the Chair must be requested in writing.

18.2. Development Management Committee Public Participation Procedure.

- a) At the discretion of the Chair, the following procedure will apply to public participation in association with the consideration of Committee items. Comments will be invited from members of the public who have registered to speak with the Governance Support Section at least 24 hours in advance of the meeting, as follows:
 - i) three (maximum) speakers against an application
 - ii) three (maximum) speakers for an application
 - iii) the Ward Councillors (except if they are acting as a member of the Committee)
 - iv) one representative on behalf of the agent or applicant.
 - v) each speaker will be limited to 3 minutes (maximum).

19 Decisions Referred to Council from Cabinet or Committees

19.1. The procedure for dealing with decisions referred from Cabinet or Committees at the Council meeting is set out below:

- a) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will formally propose that the Committee decision on the item referred be reaffirmed
- b) the Deputy Leader or relevant Vice Chair (or other Councillor on the Deputy Leader or Vice Chair's behalf) will second the motion
- c) the normal rules of debate at Council meetings will then apply
- d) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will reply at the end of the debate
- e) Council will vote on the proposed motion(s).

20 Previous Decisions and Motions

20.1. A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.

20.2. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be proposed.

21 Voting

21.1. Majority

- a) Unless the Constitution states otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.

21.2. Chair's casting vote

- a) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

21.3. Show of hands

- a) Unless a recorded vote is demanded under Rule 21.4, the Chair will take the vote by show of hands or, if there is no disagreement, by the affirmation of the meeting.

21.4. Recorded vote

- a) Before a vote is taken, a Councillor may request a recorded vote. If the Councillor is supported by six other Councillors who show their support by a show of hands,, a general recorded vote will be taken by roll call. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The Chair will announce the result of the vote as soon as the result is known.

21.5. Right to require individual vote to be recorded

- a) Where any Councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

21.6. Voting on appointments

- a) If there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of 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. Where two nominated persons for any position remain with equal votes, the Chair of the meeting will have the casting vote.

22 Minutes

- 22.1. The Chair will sign the minutes of the proceedings at the next suitable meeting. They will propose that the minutes of the previous meeting be

signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

- 22.2. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.
- 22.3. When the minutes have been approved, the Chair will sign them. If there are matters arising from the minutes that are not covered by other items on the agenda these items may be raised by Councillors as questions or motions. Any discussion or debate shall be at the discretion of the Chair, unless prior notice has been given, or if the motion has been made in line with Rule 12.
- 22.4. Minutes will contain all motions and amendments (whether carried or lost) in the exact form and order the Chair put them.

23 Disclosure

- 23.1. Councillors must follow Part 1, Paragraph 5 of the Councillor Code of Conduct when deciding whether information should be disclosed.

24 Record of Attendance

- 24.1. All Councillors present during the whole or part of a meeting must sign their names on an attendance sheet before the conclusion of every meeting to assist with the record of attendance.

25 Exclusion of Public

- 25.1. The public and press may only be excluded either in accordance with paragraph 10 of the Access to Information Procedure Rules in Part 4 of the Constitution or Rule 27 (Disturbance by Public).

26 Councillors' Conduct

- 26.1. Councillor speaking
 - a) When a Councillor speaks they must address the meeting through the Chair. If more than one Councillor indicates that they wish to speak, the Chair will ask one to speak. Other Councillors must refrain from addressing the meeting whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

26.2. Chair standing

- a) When the Chair stands, or otherwise calls the meeting to order during a debate, any Councillor speaking at the time must stop. No other Councillor may speak.

26.3. Co-opted persons

- a) All the provisions of the Rules of Procedure which govern the conduct of Councillors at Committee meetings will apply to the co-opted persons as they do to the other members of the Committee.

26.4. Councillor not to be heard further

- a) If a Councillor persistently disregards the ruling of the Chair by behaving improperly, offensively, or deliberately obstructs business, the Chair may propose that the Councillor is not heard further. If seconded, the motion will be voted on without discussion.

26.5. Councillor to leave meeting

- a) If the Councillor continues to behave improperly after such a motion is carried, the Chair may propose that the Councillor leaves the meeting. If seconded, the motion will be voted on without discussion. Alternatively, the Chair may adjourn the meeting for a specified period.

27 Disturbance by Public

- 27.1. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room or call for the public to be cleared from the room.

28 Ruling of Chair

- 28.1. Any decision of the Chair on the rules of debate will be final and can only be challenged by a motion that the Chair vacates their position as Chair.
- 28.2. Upon such a motion being moved and seconded the Chief Executive (or in the absence of the Chief Executive another Officer), the Council will, without further discussion, put the matter to the vote.
- 28.3. If the motion is carried the Chair will vacate their position as Chair before discussion of the substantive matter under debate commences.

29 General Disturbance

- 29.1. If there is general disturbance making orderly business impossible the Chair may, with the consent of the meeting, adjourn the meeting for a

period they consider reasonable. If the meeting is to continue that day, it will be stated at the time of adjournment how long the meeting will be paused for. Otherwise the likely timescale will be indicated by the Chair.

30 Business of Objectionable Nature

- 30.1. If the Chair considers that any motion, amendment, business or matter which is proposed or moved is of an objectionable character, or seriously prejudicial to the interests of the Council, the Chair may intervene giving reasons. They will then put to the vote that the motion, amendment, business or matter in question is not discussed any further. If such motion is carried the matter shall not be considered for the rest of the meeting.

31 Suspension and Amendment of Council Procedure Rules

31.1. Suspension

- a) All of the Council Procedure Rules except Rules 21.5 and 22.2 (statutory mandatory standing orders) may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

31.2. Amendment

- a) Any motion to add to, vary or revoke the Council Procedure Rules will, when proposed and seconded, be adjourned to the next ordinary meeting of the Council.

32 Application to Committees and Sub Committees

- 32.1. All of the Council Procedure Rules apply to meetings of Full Council. All of the Council Procedure Rules shall apply to Committees and Sub-Committees except for Rules 1, 2, 16 and 21.4.

Cabinet Procedure Rules

1 Meetings of Cabinet

1.1. Programme of meetings

- a) Meetings of the Cabinet will take place in accordance with a programme decided by the Leader of the Council in consultation with the Chief Executive. The time and place of the meetings will be included in the summons to the meetings.

1.2. Business at meetings

- a) Meetings will:
 - i) receive any apologies for absence
 - ii) receive any declarations of interest from Councillors
 - iii) approve and sign the minutes of the last Cabinet meeting
 - iv) receive questions from the public in accordance with Rule 10 of the Council Procedure Rules
 - v) where appropriate, receive and answer questions from the Youth Council
 - vi) receive questions from Councillors in accordance with Rule 10 of the Council Procedure Rules
 - vii) receive petitions in accordance with Council's Petitions Scheme in Part 5 of the Constitution
 - viii) receive reports from the Portfolio Holders, Officers and/or Committees and receive questions and answers on any of those reports
 - ix) receive and note information including communications from Committees, Working Groups, Parties and Panels
 - x) deal with any other business on the agenda
 - xi) deal with any items of an urgent nature (Rule 7).

1.3. Variation of business

- a) The Leader may at any meeting vary the order of business in Rule 1.2 above except for the matters listed at (i) to (iv) inclusive.

2 Chairing of Cabinet

- 2.1. The Leader of the Council will chair all meetings of the Cabinet unless they are absent. If they are absent the Deputy Leader will chair the meeting.

3 Quorum

- 3.1. Council Procedure Rule 8 (Quorum) will apply.

4 Non-Executive Councillors

- 4.1. Each Group Leader of political groups not forming the Administration will be entitled to nominate people to speak on specific Cabinet functions at meetings of the Cabinet. Nominations will be reported to the Cabinet and will reflect the number of Portfolio Holders. Spokespeople will be entitled to nominate deputies to speak in their absence. Deputies must be other nominated spokespeople.
- 4.2. At the discretion of the Leader (or Deputy Leader in their absence), the nominated persons may contribute to discussion on items on which they are spokespeople. Spokespeople will not have the right to vote. All relevant rules on the disclosure of interests will also apply to those members.
- 4.3. At the discretion of the Leader (or Deputy Leader in their absence), other non-executive Councillors attending Cabinet meetings will be entitled to contribute to discussion on items that relate specifically to their wards or constituents. All relevant rules on the disclosure of interests will apply to those Councillors.

5 Rules of Debate

- 5.1. Rules 15.1-15.4 and 15.6-15.13 of the Rules of Debate set out in of the Council Procedure Rules shall apply to all meetings of the Cabinet.
- 5.2. Structure of debate
 - a) The proposer and seconder can make a speech on the motion, or reserve their right to speak until later.
 - b) The Leader will invite questions from the Cabinet and members of the Opposition.

- c) Questions will be responded to by the relevant Portfolio Holder, Leader or Officer.
- d) Supplementary questions may be asked at the discretion of the Leader.
- e) The Leader will invite comments from the Cabinet and members of the Opposition.
- f) The Leader and/or relevant Portfolio Holder/s can sum up.
- g) The motion will be voted on.

6 Urgent Business

- 6.1. Urgent business can be considered at Cabinet meetings where the Leader is of the opinion, after consultation with the Director of Governance and Corporate Services, that the item should be considered as a matter of urgency by reason of special circumstances. Such special circumstances must be specified in the minutes.

7 Public Speaking

- 7.1. Without prejudice to Rule 4 above and Council Procedure Rules 10 (Questions by the Public, Youth Councillors, and Councillors) and 14 (Petitions), members of the public will not address meetings of the Cabinet except in exceptional circumstances and with the prior agreement of the Leader. Prior agreement must be requested in writing before the meeting.

8 Decisions Referred from Committees

- 8.1. The procedure for dealing with decisions referred from Committees, Working Parties and Panels at Cabinet meetings is set out below:
 - a) the relevant Portfolio Holder will formally move that the decision on the item referred be reaffirmed
 - b) another member of the Cabinet will second the motion
 - c) the normal rules of debate at Cabinet meetings will then apply
 - d) the Leader will reply at the end of the debate
 - e) Cabinet will vote on the proposed motion(s).

9 Voting

- 9.1. Council Procedure Rules 21.1 (Majority), 21.2 (Chair's casting vote) and 21.3 (Show of hands) will apply.

10 Minutes

- 10.1. The Leader will propose that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.
- 10.2. When the minutes have been approved, the Leader will sign them as an accurate record. If there are matters arising from the minutes that are not covered by other items on the agenda these items may be raised by members of the Cabinet either as questions or motions. Any discussion or debate will be at the discretion of the Leader.
- 10.3. Minutes will contain all motions and amendments (whether carried or lost) in the exact form and order the Leader put them.

11 Disclosure

- 11.1. Council Procedure Rule 23 (Disclosure) will apply.

12 Record of Attendance

- 12.1. Council Procedure Rule 24 (Record of Attendance) will apply.

13 Exclusion of Public

- 13.1. Council Procedure Rule 25 (Exclusion of Public) will apply.

14 Councillor's Conduct

- 14.1. Council Procedure Rule 26 (Councillor's Conduct) will apply.

15 Disturbance by Public

- 15.1. Council Procedure Rule 27 (Disturbance by Public) will apply.

16 General Disturbance

- 16.1. Council Procedure Rule 29 (General Disturbance) will apply.

Joint Partnership Committee Procedure Rules

- 1 The Joint Committee Procedure Rules will be consistent with the Council's procedure rules as amended from time to time by the Joint Committee.

Access to Information Procedure Rules

1 Scope

- 1.1. These rules apply to all meetings of the Council, Cabinet and other Committees (together, called meetings).

2 Additional Rights to Information

- 2.1. These rules do not affect any more specific rights to information contained elsewhere in the Constitution or Law.

3 Notices of Meeting

- 3.1. The Council will give at least five clear working days (excluding the day of the meeting) notice of any meeting by posting details of the meeting at the Civic Centre and on its website.

4 Access to Agenda and Reports Before Meeting

- 4.1. The Council will make copies of the agenda and reports available to the public for inspection at the Civic Centre five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be available to the public as soon as the report is completed and sent to Councillors. The agendas and reports will also be made available on the Council's website.

5 Supply of Copies

- 5.1. The following documents will be published on the Council's website and supplied to any person on payment of a charge or to any newspaper on payment of postage or other necessary charge(s):
 - a) any agenda and reports which are open to public inspection
 - b) any further statements or particulars necessary to indicate the nature of the items in the agenda
 - c) if the Chief Executive/Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

6 Access to Minutes and Decisions After Meeting

- 6.1. The Council will make copies of the following available for six years after a meeting:
- a) the minutes of the meeting or records of decisions taken. This will exclude any part of the minutes of proceedings when the meeting was not open to the public or which disclosed exempt or confidential information
 - b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
 - c) the agenda for the meeting
 - d) reports relating to items when the meeting was open to the public.

Cabinet will publish a list of Key Decisions as soon practicable after each of its meetings. This list will comply with any legal requirements. Decisions taken by Portfolio Holders or Officers will also be subject to any provisions set out in the Access to Information Rules.

7 Background Papers

- 7.1. The Officer writing a report will set out a list of the documents (called background papers) enclosed with the report that relate to the subject matter of the report which:
- a) disclose any facts or matters on which the report or a part of the report is based
 - b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined) or the advice of a political advisor.
- 7.2. The Council will make one copy of each of the documents on the list of background paper available for public inspection for four years after the date of the meeting.

8 Summary of Public's Right

- 8.1. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the Civic Centre.

9 Exclusion of Access by Public to Meetings

- 9.1. Members of the public may attend all meetings subject only to the exceptions in these Rules.
- 9.2. Confidential information
 - a) This is information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order. The public must be excluded from meetings when confidential information would be disclosed.
- 9.3. Exempt information – discretion to exclude public
 - a) The public may be excluded from meetings when it is likely that exempt information would be disclosed.
 - b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in article 6. The reason must also be recorded in the minutes.
- 9.4. Meaning of exempt information
 - a) Paragraph 1 – Information relating to any individual
 - i) Information is not exempt information unless it relates to an individual i.e. it must relate to and be recognisable as referring to a particular individual.
 - b) Paragraph 2 – Information which is likely to reveal the identity of an individual
 - i) Information is not exempt information unless it relates to an individual i.e. it must relate to and be recognisable as referring to a particular individual.
 - c) Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)
 - i) Information is not exempt information if it is required to be registered under:
 - the Companies Act 1985
 - the Friendly Societies Act 1974
 - the Friendly Societies Act 1992
 - the Industrial and Provident Societies Act 1965 to 1978

- the Building Societies Act 1986
 - the Charities Act 1993. To be exempt the information must relate to a particular third person who is identifiable.
- d) Paragraph 4 – Information relating to consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
- i) Information is only exempt information if and so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. “Labour Relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions Act 1974, i.e. matters which may be the subject of a trade dispute.
 - ii) For the purposes of the paragraph this shall apply to office holder under the authority as it applies in relation to employees of the authority.
- e) Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- f) Paragraph 6 - Information that reveals that the authority proposes:
- i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person
 - ii) to make an order or direction under any enactment.
- g) Information is exempt information only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
- h) Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- i) 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 Country Planning General Regulations 1992.
- j) Information which:
- i) falls within paragraphs a-h of paragraph 10.3 above; and

- ii) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.5. The public may also be excluded to maintain orderly conduct or prevent misbehaviour.

10 Exclusion of Access by Public to Reports

10.1. If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked "Confidential" together with the category of information likely to be disclosed.

11 Additional Rights of Councillors to Information

- 11.1. Any Councillor may ask the Chief Executive for written factual information about a service. The request will be met subject to any legal requirements and to paragraph 12.2. A copy of the Chief Executive's response may be given to the Leader or relevant Chair/Vice Chair of an appropriate Committee unless the Councillor's letter is marked personal and/or confidential. If the information provided is of a routine or minor nature or if the request concerns matters relating to the Councillor's ward.
- 11.2. The Chief Executive can reject a request to provide information if they consider that the information requested could only be provided at unreasonable cost or at the expense of other matters being delayed.. In addition, the Chief Executive should consult with the Monitoring Officer in order to confirm the legal entitlement to the information. Councillors should note that access to information is subject to legal rights and restrictions such as The General Data Protection Regulations 2016/676 (as applied), Data Protection Act 2018 and Freedom of Information Act for which separate guidance is available.
- 11.3. Councillors should not put Officers under pressure to release information and/or documents to which the Councillor is not entitled to have access.
- 11.4. The common law right of Councillors is based on the principle that any Councillor has a right to inspect Council documents if their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties. This is the "need to know" principle.
- 11.5. The exercise of this common law right depends upon the Councillor's ability to demonstrate that they have the necessary basis for a "need to know" entitlement to access. The "need to know" basis will initially be determined by the Chief Executive (with advice from the Monitoring Officer). If a decision is taken to refuse a Councillor's request for access to

information, the Councillor may appeal to the Cabinet, or the Information Commissioner's Office.

- 11.6. In some circumstances a Councillor's "need to know" will normally be presumed. In other circumstances a Councillor will normally be expected to justify the request in specific terms.

Policy Framework and Budget Procedure Rules

1 The Framework for Decision Making

- 1.1. The Council will be responsible for the adoption of its policy framework and its budget as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2 Process for Developing the Framework

- 2.1. The process by which the policy framework and budget shall be developed is that:
 - a) each year the Cabinet will publish a programme for establishing the policy framework and budget .Within this programme, it will identify the strategic policy or resource issues on which it wishes to request studies by the Scrutiny Committee or the Cabinet Working Group(s). The programme will be informed by corporate policy and procedures, including the Medium Term Financial Strategy and Corporate Strategy
 - b) within the overall programme, the Cabinet may identify any studies it wishes to request from the Scrutiny Committee or the Cabinet Policy Development Working Group related to the activities of external organisations or individuals on which they wish to make recommendations as part of the policy framework and budget
 - c) work undertaken by the Scrutiny Committee or a relevant Working Group should engage as widely as possible with residents, organisations and stakeholders in the community. It should use a variety of methods to gauge public views/information. The results should be presented to the Cabinet with clear recommendations.

3 Virement

- 3.1. Virement (the transfer of items between approved budgets) will be allowed within the limits prescribed in the Financial Regulations or otherwise determined by Council.

4 In Year Changes to Policy Framework

- 4.1. The responsibility for agreeing the policy framework and budget lies with the Council. decisions by the Cabinet or Officers with delegated authority must be in accordance with it.
- 4.2. Changes to any policy and strategy which forms part of the policy framework may be made by the Cabinet or an Officer with delegated authority except where such changes:
 - a) will result in the closure or end of a service or part of a service to meet a budgetary constraint
 - b) are necessary to ensure compliance with the law, ministerial direction or Government guidance
 - c) in relation to the policy framework, in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration.
- 4.3. For any action taken to be taken in the respect of exceptions (a) to (c) above a report should be submitted to the next meeting of the Council.

Scrutiny Procedure Rules

1 Scrutiny

- 1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. Full Council will decide the number of Councillors on each body. Currently this comprises:
 - a) A Scrutiny Committee
 - b) A Call In Sub Committee of the Scrutiny Committee
- 1.2. The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called in.

2 Membership of the Scrutiny Committee

- 2.1. Scrutiny Committee
 - a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.
- 2.2. Call In Sub Committee
 - a) Membership of the Call In Sub Committee will comprise of members of the Scrutiny Committee. The Chair will be the Vice Chair of the Scrutiny Committee.

3 Co-optees

- 3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

4 Meetings of the Scrutiny Committee

- 4.1. There will be at least six ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if they consider it necessary.

5 Quorum

- 5.1. The quorum for meetings will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

6 Who Chairs Scrutiny Committee Meetings?

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council.

7 Scrutiny Committee Work Plan

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

8 Agenda Items

- 8.1. Any member of the Scrutiny Committee will be entitled to give notice to the Chief Executive that they wish for an item to be included on the agenda for the next available meeting of the Committee or Sub Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet or Council. The Council or the Cabinet will consider the report of the Scrutiny Committee at their next ordinary meeting.

9 Reports from the Scrutiny Committee

- 9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 9.2. If the Scrutiny Committee cannot agree on a single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- 9.3. The Cabinet will consider the report of the Scrutiny Committee at its next ordinary meeting.

10 Making Sure that Scrutiny Reports are Considered by the Cabinet

- 10.1. The agenda for Cabinet meetings will include an item entitled "Communications from Committees/Working Groups/Parties and Panels". The reports of the Scrutiny Committee referred to the Cabinet shall be

included at this point in the agenda (unless they have been previously considered on a substantive item on the agenda).

11 Rights of Scrutiny Councillors to Documents

11.1. In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

12 Councillors and Officers Giving Account to the Call In Sub Committee

12.1. The Call In Sub Committee scrutinises and reviews decisions which have called in through the Council's call in procedures.. As well as reviewing documentation, it may require any member of the Cabinet, the Chief Executive or any senior Officer to attend before it to explain:

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

12.2. It is the duty of those persons to attend if so required.

12.3. Where any Councillor or Officer is required to attend the Call In Sub Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive will inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to give account and whether any papers are required to be produced for the Sub Committee. Where the account to be given needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document.

12.4. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, the Call In Sub Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be within 28 days from the date of the original request.

13 Attendance by Others at Call In Sub Committee

13.1. Individuals, representatives or organisations may be invited other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions.

13.2. Attendance is optional but desirable.

14 Call In

- 14.1. Call in should only be used in exceptional circumstances. These are where members of the Call In Sub Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.
- 14.2. When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and shall be available at the main offices of the Council normally within five working days of being made.
- 14.3. The decision notice will have the date it was published and will specify that the decision will come into force and may then be implemented, five clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call In Sub Committee.
- 14.4. During the period stated above any two Members of the Call In Sub Committee may give written notice to the Chief Executive, identifying the decision to be called-in, supported by reasons. This notice must be received before 5pm on the fifth day (4.30pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and will call a meeting of the Sub Committee on such date as they may determine in consultation with the Chair (or Vice-Chair) of the Sub Committee and in any case within ten (10) working days of the receipt of the call in request.
- 14.5. No further action may be taken to implement the decision until the call in process has been completed.
- 14.6. The decision making body or person may amend the draft minute of the decision or action called in in consultation with relevant Officers if in their opinion it is inaccurate.
- 14.7. If a decision has been called in and the Sub Committee does not meet in the period set out above the decision will take effect following that period. If the Sub Committee does meet during that period but does not refer the matter back to the decision making person or body, the decision will take effect on the date of the Call In Sub Committee meeting.
- 14.8. If, having considered the decision, the Call In Sub Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration. The Call In Sub Committee will set out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision maker they will reconsider it within a further ten clear working days and make a final decision on the route of action they propose.
- 14.9. If the matter was referred to Full Council and it does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.

However, if the Council does object, it can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing it. The decision maker will reconsider the decision within ten clear working days of the Council request.

- 14.10. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

15 Withdrawal or Modification of Call In

- 15.1. The Council's requirements for Call In are set out within in the Scrutiny Procedure Rules in Part 4 of the Constitution. A valid call in can be withdrawn at any time by the lead signatory (the member calling in the decision).
- 15.2. Following a valid Call In, the lead signatory, or the relevant Portfolio Holder, may request a meeting with the Chair of the Call In Sub Committee prior to the Sub Committee taking place, in order to discuss:
 - a) The potential removal of objections raised in the Call In request; or
 - b) The withdrawal of the Call In; or
 - c) Whether the Cabinet or Portfolio Holder decision could be amended to take account of objections; and
 - d) The anticipated structure of the debate at the Call In Sub Committee.
- 15.3. The meeting with the Chair of the Call In Sub Committee will be arranged as soon as possible and will be attended by relevant Councillors, Chair of the Scrutiny Committee and Officers, including up to one additional supporting signatory of the Call In request. The following documents will be supplied to those in attendance:
 - a) Documents considered by the Decision Taker;
 - b) The Call In Notice; and
 - c) Other relevant documentation.
- 15.4. The meeting will have the following procedure:
 - a) The lead signatory presents their case and the reasons for Call In;

- b) The Portfolio Holder and the Chair of the Sub Committee may ask questions of the lead signatory;
 - c) The Portfolio Holder will set out the reasons why the decision has been taken; and
 - d) The signatories, and the Chair of the Sub Committee, may ask questions of the Portfolio Holder.
- 15.5. Having considered the representations, the Chair of the Sub Committee will consider whether there can be an agreement to withdraw or modify the Call In. The lead signatory will determine whether the Call In can be withdrawn or modified.
- 15.6. If it's agreed to modify the Call In request, the Sub Committee will be notified of the changes as soon as possible. Where it is withdrawn, all Councillors will be notified together with actions agreed by the decision taker if appropriate.
- 15.7. Where no agreement to withdraw the Call In is reached, the matter will still be referred to the Sub Committee within the timescales set out with the council constitution.

16 Call In Exceptions

- 16.1. In order to ensure that call in is not abused or causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call in:
- a) a decision that stands as a recommendation to Full Council
 - b) a decision to implement a decision approved in principle by Council within the preceding six months
 - c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent where any delay that may result from call in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
 - d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
 - e) a decision on a procedural matter or a matter reported for information only
 - f) a decision of a Committee when acting in an appeal capacity
 - g) any other non-executive decision making.

17 Call In and Urgency

17.1. The call in procedure set out above will not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state whether, in the opinion of the decision making person or body, the decision is an urgent one and therefore not subject to call in. The Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or their nominee's consent shall be required.

17.2. The operation of the provisions relating to call in and urgency shall be monitored annually. A report needs to be submitted to Council with proposals for review if necessary.

18 The Party Whip

18.1. If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements will be recorded in the minutes of the meeting.

19 Procedure at Scrutiny Committee Meetings

19.1. The Scrutiny Committee will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

19.2. The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the principles set out in the Cabinet-Scrutiny Protocol:

19.3. Following any investigation or review, the Scrutiny Committee will prepare a report that will be submitted to the Cabinet or Council as appropriate. The report will be made public unless there is legal reason for the report to be confidential.

Financial Regulations

Article	Title	Page
1	Introduction	4(50)
A	Financial Management	4(51)
2	Financial Management – Roles	4(51)
3	Financial Management Standards	4(52)
4	Internal controls	4(53)
5	Virement	4(55)
6	Carry-overs	4(56)
7	Accounting policies	4(57)
8	Accounting Records and Returns	4(58)
9	Annual Statement of Accounts	4(59)
B	Financial Planning	4(61)
10	Budgeting – medium-term planning	4(61)
11	Reserves	4(63)
12	Budget – format	4(64)
13	Budget – revenue budget preparation, monitoring and control	4(64)
14	Capital programme	4(67)
C	Financial Systems and Procedures	4(69)
15	General	4(69)
16	Assets	4(71)
17	Asset disposal	4(74)
18	Internal Audit	4(76)
19	External Audit	4(78)

20	Banking	4(80)
21	Cash handling	4(80)
22	Creditors	4(82)
23	Contracts	4(85)
24	Debtors	4(87)
25	External funding	4(89)
26	Inventories	4(90)
27	Intellectual property	4(92)
28	Partnerships	4(92)
29	Payroll (including Members' allowances and expenses)	4(95)
30	Performance plans	4(98)
31	Petty Cash	4(99)
32	Preventing fraud and corruption	4(100)
33	Procurement	4(102)
34	Purchase orders	4(103)
35	Risk management and insurance	4(104)
36	Stocks and stores	4(108)
37	Taxation	4(109)
38	Trading accounts, business units and work for third parties	4(110)
39	Treasury management	4(112)
40	Trust funds and funds held for third parties	4(113)
Appendix	Financial Limits	4(114)

1 Introduction

- 1.1. Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Councillor and Officer of the Council and anyone acting on its behalf. All Councillors and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.2. The Section 151 Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Full Council for approval. They are also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council.
- 1.3. Members of the Senior Management Board are responsible for ensuring that all staff are aware of the existence and content of the Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that there is adequate access to Financial Regulations within all of the service areas of the Council.
- 1.4. The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Councillors, Officers and others acting on behalf of the Council must follow.

Financial Regulations

(Part A) Financial Management

2 Financial Management – Roles

2.1. The Statutory Officers

- a) The Head of Paid Service (Chief Executive) is responsible for the corporate and overall strategic management of the Council as a whole. They must report to, and provide information for, the Full Council, Cabinet, the Audit and Standards Committee and other Committees. They are responsible for establishing a framework for the management, direction, style and standards to be achieved by the Council.
- b) The Monitoring Officer (Director of Governance and Corporate Services) is responsible for reporting (and wherever possible preventing) any actual or potential breaches of the law or maladministration to the Full Council.
- c) The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
 - i) Section 151 of the Local Government Act 1972
 - ii) The Local Government Finance Act 1988
 - iii) The Local Government and Housing Act 1989
 - iv) The Accounts and Audit (England) Regulations 2011.
- d) The Section 151 Officer is responsible for:
 - i) the proper administration of the Council's financial affairs
 - ii) setting and monitoring compliance with financial management standards

- iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - iv) providing financial information
 - v) preparing the revenue budget and capital programme
 - vi) treasury management.
- e) Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the Full Council and external auditor if the Council or one of its Officers:
- i) has made, or is about to make a decision, which involves incurring unlawful expenditure
 - ii) has taken, or is about to take an unlawful action, which has resulted or would result in a loss or deficiency to the Council
 - iii) is about to make an unlawful entry in the Council's accounts.

2.2. Senior Managers

- a) In the context of the Financial Regulations, the term 'Senior Managers' refers to members of the Senior Management Board and the Heads of Service. Senior Managers are responsible for:
- i) ensuring that Councillors are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer
 - ii) signing contracts on behalf of the Council.
- b) It is the responsibility of Senior Managers to consult the Section 151 Officer to seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

3 Financial Management Standards

3.1. Why are these important?

- a) All Officers and Councillors have a duty to abide by the highest standards of probity. Clear standards and effective controls for all financial management work make it straightforward to maintain the necessary probity.

3.2. Key controls

- a) Senior Managers promote Financial Management Standards throughout the Council.

- b) A monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards, are reported to Councillors.

3.3. Responsibilities of the Section 151 Officer

- a) The Section 151 Officer's responsibilities are as set out in paragraph 2.1 d) above.

3.4. Responsibilities of Senior Managers

- a) To promote the financial management standards set by the Section 151 Officer in their service areas and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer.
- b) To promote sound financial practices in relation to the standards, performance and development of Officers in their sections.

4 Internal controls

4.1. What are they?

- a) Internal controls are measures (such as reviews, checks and balances, methods and procedures) which are put in place in a system so that the Council can conduct its business in an orderly and efficient manner, manage risk, safeguard its assets and resources, deter and detect errors, fraud, and theft, ensure accuracy and completeness of its accounting data, produce reliable and timely financial and management information, and ensure adherence to its policies and plans.

4.2. Why are these important?

- a) The Council requires internal controls to manage and monitor progress towards its strategic objectives.
- b) The Council has statutory obligations that require internal controls to identify, meet and monitor compliance with these obligations.
- c) The Council faces a wide range of financial, administrative and commercial risks, from both internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- d) The system of internal controls is established to provide measurable achievement of:
 - i) efficient and effective operations

- ii) reliable financial information and reporting
- iii) compliance with laws and regulations
- iv) risk management.

4.3. Key controls

- a) Regular review of the key controls in each system.
- b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- d) An effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any statutory obligations and regulations.

4.4. Responsibilities of the Audit Manager

- a) The Audit Manager role is to assist the Council to set up and maintain an appropriate control environment and effective internal controls which provide assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations. It is also the role of the Audit Manager to advise of concerns where such assurance cannot be given.

4.5. Responsibilities of Senior Managers

- a) To manage processes to check that established controls are being adhered to, and to evaluate their effectiveness, in order to be confident of the proper use of resources, the achievement of objectives and the management of risks.
- b) To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Audit Manager. Senior Managers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

- c) To ensure staff have a clear understanding of the consequences of lack of operating in an appropriate control system.

5 Virement

5.1. What is it?

- a) Virement is the approved transfer of money from the budget heading to which it has been allocated to another budget heading.

5.2. Why is this important?

- a) The scheme of virement is intended to allow a degree of flexibility in managing budgets within the overall policy framework determined by the Full Council. It seeks to enable Senior Managers and other Officers with appropriate delegated authority, to optimise the use of resources.
- b) Virement is defined as switching resources between approved expenditure heads. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis. A virement does not create an additional budget, otherwise known as a 'Supplementary Estimate'.

5.3. Key controls

- a) Virement is administered by the Section 151 Officer within guidelines set by the Cabinet. Any variation from this scheme requires the approval of Full Council.
- b) The overall budget is agreed by the Cabinet and approved by the Full Council. Senior Managers and budget managers are authorised to spend in line with the budgeted estimates.
- c) Senior Managers and their Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off savings or additional income; or create future commitments (including full-year effects of decisions made part way through a year) for which they have not identified future resources. Senior Managers must ensure that the funding of such commitments is accommodated from within their own budgets.

5.4. Responsibilities of the Section 151 Officer

- a) To specify the procedure for the authorising of virements.

5.5. Responsibilities of Senior Managers

- a) Notify the Section 151 Officer of any intended virements.
- b) Once they have notified the Section 151 Officer, Officers may exercise virement on budgets under their control for amounts up to the limits shown in the Appendix.
- c) Amounts greater than the limits shown for Officers require the approval of the Portfolio Holder, Cabinet or Full Council as appropriate, following a report by the relevant Senior Manager. The report must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,000 require the approval of the Full Council.
- d) Virement that is likely to affect the level of service of another service area should be implemented only after agreement with the relevant Senior Manager.
- e) All virements must be made before the end of a financial year. Retrospective virements for previous financial years are not allowed.
- f) Where an approved budget is a lump-sum or contingency intended for allocation during the year, allocation will not be treated as a virement requiring specific authorisation, provided that it is used in accordance with the purposes for which it has been established.
- g) Amounts below the 'de minimus' level shown in the Appendix will not be transferred between budget lines.

6 Carryovers

6.1. What are they?

- a) Carry overs are where approved budget from one year is not used and it is agreed that the budget allocation can be transferred to the subsequent year.

6.2. Why is this important?

- a) To allow some flexibility in the timing of expenditure.

6.3. Key controls

- a) Appropriate accounting procedures operate to ensure that carry-over totals are correct.

6.4. Responsibilities of the Section 151 Officer

- a) To supervise the administration of the scheme of carry-over within the guidelines approved by the Full Council.

6.5. Responsibilities of Senior Management Board

- a) The Senior Management Board will agree requests for carry-overs after consultation with the Leader of the Council and make recommendations to Cabinet. These requests will be included in the year-end outturn report to Cabinet.
- b) Each carry-over request (revenue, capital, General Fund and HRA) will be considered on a case by case basis by the Director of Finance in conjunction with SMB. Clear justification must accompany each request, such as:
 - i) why the carry-over occurred
 - ii) whether the proposed carry-over is still required to meet its original purpose
 - iii) the consequences of not spending the carry-over.
- c) Budget holders must not start spending against carryovers until they have been approved.

7 Accounting Policies

7.1. Why are these important?

- a) The Section 151 Officer is responsible for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom based on International Financial Reporting Standards (LASAAC), for each financial year ending 31 March.

7.2. Key controls

- a) Systems of internal control operate to ensure that financial transactions are lawful.
- b) There are suitable accounting policies, applied consistently.
- c) Proper accounting records are maintained.
- d) Financial statements are prepared which present the financial position of the Council and its expenditure and income fairly.

7.3. Responsibilities of the Section 151 Officer

- a) To adopt suitable accounting policies, and ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year.
- 7.4. Responsibilities of Senior Managers

- a) To ensure adherence to the approved accounting policies and guidelines.

8 Accounting Records and Returns

8.1. Why are these important?

- a) Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present its operations during the year fairly. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that sound arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

8.2. Key controls

- a) The key controls for accounting records and returns are: all Heads of Service, finance staff and budget managers operate within the required accounting standards and timetables:
 - i) all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
 - ii) sound procedures operate to enable accounting records to be reconstituted in the event of systems failure
 - iii) reconciliations are carried out to ensure transactions are correctly recorded
 - iv) prime documents are retained in accordance with legislative and other requirements.

8.3. Responsibilities of the Section 151 Officer

- a) To determine the accounting procedures and records for the Council. Where these are maintained outside the Finance Department, the Section 151 Officer should consult the Senior Manager concerned.
- b) To arrange for the compilation of all accounts and accounting records under his direction.

- c) To comply with the following principles when allocating accounting duties:
 - i) separating the duties of providing information about sums due to or from the Council and calculating; checking and recording these sums from the duty of collecting or disbursing them.
 - ii) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- d) Employees must not set or amend their own personal accounts e.g. rent, council tax.
- e) To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2011.
- f) To ensure that all claims for funds including grants are made by the due date.
- g) To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable.
- h) To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention schedule.

8.4. Responsibilities of Senior Managers

- a) To consult and obtain the approval of the Section 151 Officer before making any changes to accounting records and procedures.
- b) To comply, as far as possible, with the principles outlined in paragraph 8.3 c) when allocating accounting duties.
- c) To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements, and vice versa.
- d) To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.

9 Annual Statement of Accounts

9.1. Why is this important?

- a) The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Audit and Standards Committee is responsible for approving the statutory

annual statement of accounts, as well as the accompanying annual governance statement. These documents are signed off by the Chief Executive, Section 151 Officer and the Chair of the Audit and Standards Committee.

9.2. Key Controls

- a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its Officers has the responsibility for the administration of these affairs. At Harlow Council, that Officer is the Section 151 Officer.
- b) The Council's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

9.3. Responsibilities of the Section 151 Officer

- a) To select suitable accounting policies and to apply them consistently.
- b) To make judgements and estimates that are reasonable and prudent.
- c) To comply with the Code of Practice on Local Authority Accounting in England and Wales.
- d) To sign and date the statement of accounts as required by regulations, stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year then ended.
- e) To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

9.4. Responsibilities of Senior Managers

- a) To comply with accounting guidance provided by the Section 151 Officer and to supply him information when required.

Financial Regulations

(Part B) Financial Planning

10 Budgeting – Medium Term Planning

10.1. What is this and why is this important?

- a) The Council is responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities.
- b) The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a council to budget for a deficit.
- c) Medium term planning (or a three to five year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium term plan. This ensures that the Council is always preparing for events in advance. The Corporate document articulating these plans is the Medium Term Financial Strategy.
- d) The Council has an additional requirement to prepare and present to Councillors annually a 30 year Business Plan to support the operation of, and demonstrate the sustainability of its Housing Revenue Account under self-financing.

10.2. Key controls

- a) The key controls for budgets and medium term planning are:
 - i) specific budget approval for all expenditure
 - ii) budget managers are consulted in the preparation of the budgets for which they will be held responsible
 - iii) there is an effective monitoring process to review the effectiveness and operation of budget preparation regularly, and to ensure that any necessary corrective action is taken.

10.3. Responsibilities of the Section 151 Officer

- a) To prepare and submit reports on budget prospects for the Council, including resource constraints set by the Government. Reports should take account of a range of medium term scenarios.
- b) To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council.
- c) To prepare and submit reports to the Cabinet on the aggregate spending plans of service areas and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax /rental income to be levied.
- d) To advise on the medium term implications of spending decisions.
- e) To encourage the best value for money by working with Senior Managers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- f) To advise the Full Council on proposals in accordance with his responsibilities under section 151 of the Local Government Act 1972.

10.4. Responsibilities of Senior Managers

- a) To prepare estimates of income and expenditure, in consultation with the Section 151 Officer.
- b) To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and within guidelines issued by the Section 151 Officer.
- c) To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- d) In consultation with the Section 151 Officer and in accordance with the guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by Councillors.
- e) When drawing up draft budget requirements, to have regard to:
 - i) spending patterns and pressures revealed through the budget monitoring process
 - ii) legal requirements

- iii) policy requirements as defined by the Full Council in the approved policy framework
- iv) initiatives already under way.

11 Reserves

11.1. Why are these important?

- a) The Council must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.
- b) The Council must also determine a level of general reserves it wishes to maintain in its Housing Revenue Account, known as the 'Minimum Working Balance', The Council should also have regard to the future need to repay HRA debt and make an appropriate annual transfer from its HRA Operating Account to its Major Repairs Reserve Account.

11.2. Key controls

- a) To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.
- b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- c) Authorisation and expenditure from reserves by the appropriate Senior Manager in consultation with the Section 151 Officer.

11.3. Responsibilities of the Section 151 Officer

- a) To advise the Cabinet on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.

11.4. Responsibilities of Senior Managers

- a) To ensure that resources are used only for the purposes for which they were intended.

12 Budget – Format

12.1. Why is this important?

- a) The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virements operate, and how cash limits work. It sets the level at which funds may be reallocated within budgets.

12.2. Key controls

- a) The format complies with all legal requirements.
- b) The format follows CIPFA's Best Value Accounting – Code of Practice.
- c) The format reflects the accountabilities of service delivery.

12.3. Responsibilities of the Section 151 Officer

- a) To advise the Cabinet on the format of the budget that is approved by Full Council.

12.4. Responsibilities of Senior Managers

- a) To comply with accounting guidance provided by the Section 151 Officer.

13 Budget – Revenue Budget Preparation, Monitoring and Control

13.1. Why is this important?

- a) Budget management ensures that once the budget has been approved by Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget. The Budget Management Protocol provides corporate guidance to budget holders.
- b) By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council operates within an annual approved budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

- c) For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the scheme of delegation.

13.2. Key control

- a) Budget managers should be responsible only for income and expenditure that they can influence.
- b) There is a nominated budget manager for each cost centre heading.
- c) Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- d) Budget managers follow an approved certification process for all expenditure.
- e) Income and expenditure are properly recorded and accounted for.
- f) Performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

13.3. Responsibilities of the Section 151 Officer

- a) To establish an appropriate framework of budgetary management and control that ensures that:
 - i) budget management is exercised within the overall approved budget
 - ii) each Senior Manager has available timely information on receipts and payments on each budget, which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
 - iii) expenditure is committed only against an approved budget head
 - iv) all Officers responsible for committing expenditure comply with relevant guidance, and the Financial Regulations
 - v) each cost centre has a single named manager, determined by the relevant Senior Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure

- vi) significant variances from approved budgets are investigated and reported by budget managers regularly.
- b) To administer the Council's scheme of virement.
- c) To submit reports to the appropriate Councillor, in consultation with the relevant Senior Manager, where a Senior Manager is unable to balance expenditure and resources within existing approved budgets under his or her control.
- d) To prepare and submit reports on the Council's projected income and expenditure compared with the budget on a regular basis.

13.4. Responsibilities of Senior Managers

- a) To maintain budgetary control within their service areas, in adherence to the principles in 13.3 a), and to ensure that all income and expenditure is properly recorded and accounted for.
- b) To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Senior Manager. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- c) To ensure that spending remains within the service's overall budget, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- d) To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- e) To prepare and submit to Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer.
- f) To ensure that any overspends or reductions in income are met by virements (see section 5).
- g) To ensure prior approval by Full Council new proposals, of whatever amount, that:
 - i) create financial commitments in future years
 - ii) change existing policies, initiate new policies or cease existing policies
 - iii) materially extend or reduce the Council's services.

- h) All reports to Councillors which have financial implications must be prepared in consultation with the Section 151 Officer and include any comments required by this Officer. Heads of Service must plan to contain the financial implications of such proposals within their budgets.
- i) To agree with the relevant Head(s) of Service where it appears that a budget proposal, including a virement proposal, may materially affect another service area or Senior Manager's level of service activity.

14 Capital programme

14.1. Why is this important?

- a) Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- b) The Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

14.2. Key controls

- a) The key controls for capital programmes are:
 - i) specific approval by the Full Council for the programme of capital expenditure
 - ii) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for the Council's Section 151 Officer
 - iii) proposals for improvements and alterations to buildings must be approved by the appropriate Senior Manager
 - iv) the development and implementation of asset management plans
 - v) accountability for each proposal is accepted by a named manager
 - vi) monitoring of progress in conjunction with expenditure and comparison with approved budget.

14.3. Responsibilities of the Section 151 Officer

- a) To prepare capital estimates jointly with Senior Managers and to report them to the Full Council for approval.
- b) To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- c) To issue guidance on capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

14.4. Responsibilities of Senior Managers

- a) To follow guidance for capital schemes and controls issued by the Section 151 Officer.
- b) To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Section 151 Officer.
- c) To report regularly to Cabinet, reviewing the capital programme provisions for the Council.
- d) To ensure that adequate records are maintained for all capital contracts.
- e) To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.
- f) To ensure that credit arrangements, such as any financing agreements, are only entered into with the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- g) To consult with the Section 151 Officer where the Senior Manager proposes to bid for supplementary credit approvals to be issued by government departments to support expenditure that has not been included in the current year's capital programme.

Financial Regulations (Part C) Financial Systems and Procedures

15 General

15.1. Why are these important?

- a) Service areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Service areas are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- b) The Section 151 Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

15.2. Key controls

- a) Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated.
- b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
- c) Early warning is provided of deviations from target, plans and budgets that require management attention.
- d) Operating systems and procedures are secure.

15.3. Responsibilities of the Section 151 Officer

- a) To make arrangements for the proper administration of the Council's financial affairs, including:
 - i) issue advice, guidance and procedures for officers and others acting on the Council's behalf

- ii) determine the accounting systems, form of accounts and supporting financial records
- iii) establish arrangements for audit of the Council's financial affairs
- iv) approve any new financial systems to be introduced
- v) approve any changes to be made to existing financial systems.

15.4. Responsibilities of Senior Managers

- a) To ensure that accounting records are properly maintained and held securely.
- b) To ensure that vouchers and documents with financial implications are not destroyed except in accordance with arrangements approved by the Section 151 Officer.
- c) To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- d) To incorporate appropriate controls to ensure that, where relevant:
 - i) all input is genuine, complete, accurate, timely and not previously processed
 - ii) all processing is carried out in an complete, accurate and timely manner
 - iii) output from the system is complete, accurate and timely.
- e) To ensure that the organisational structure provides appropriate segregation of duties to give adequate internal controls and to minimise the risk of fraud or other malpractice.
- f) To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- g) To ensure that systems are documented and staff trained in operations.
- h) To consult the Section 151 Officer before changing any existing financial system or introducing new systems.

- i) To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- j) To ensure that relevant standards and guidelines for computer systems which are available on the Infonet are followed.
- k) To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- l) To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
 - i) only software legally acquired and installed by the Council is used on its computers
 - ii) staff are aware of legislative provisions
 - iii) in developing systems, due regard is given to the intellectual property rights.
- m) To establish a scheme of delegation identifying Officers authorised to act upon the Senior Manager's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- n) To supply certified lists of authorised Officers, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations.

16 Assets

16.1. Why is this important?

- a) The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up to date Corporate Asset Register is a prerequisite for proper fixed asset accounting and sound asset management.

16.2. Key controls

- a) The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
 - i) resources are used only for the purposes of the Council and are properly accounted for

- ii) resources are available for use when required
- iii) resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits
- iv) an asset register is maintained by the Council. Assets are recorded when they are acquired by the Council, valued and accounted for in accordance with International Financial Reporting Standards, and updated for changes in the location, category or condition of the asset
- v) all Officers are aware of their responsibilities for safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- vi) all Officers are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

16.3. Responsibilities of the Section 151 Officer

- a) To ensure that an asset register is maintained in accordance with good practice for all individual fixed assets with a value in excess of £20,000 for Land & Buildings, £2,000 for Vehicles, and £5,000 for other assets. In addition the asset register will record assets which have been divided into components (componentised) in accordance with accounting policy. The function of the asset register is to provide the Council with information about fixed assets so that they are:
 - i) safeguarded
 - ii) used efficiently and effectively
 - iii) adequately maintained
 - iv) properly accounted for.
- b) To receive the information required for accounting, costing and financial records from each Senior Manager.
- c) To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

16.4. Responsibilities of Senior Managers

- a) To consult the Senior Insurance Officer on all matters of security, including the installation of safes, alarm systems, and cash handling machines.
- b) To advise the Senior Insurance Officer immediately if any alarmed premises are withdrawn from response by the police or the alarm company involved.
- c) To comply with insurance requirements advised by the Senior Insurance Officer. To inform the Section 151 Officer immediately if requirements cannot be complied with.
- d) To advise the Senior Insurance Officer of any theft of property or break in to premises immediately and in writing. Such incidents shall be reported to the police without delay.
- e) An asset register is to be maintained, in a form approved by the Section 151 Officer for all properties, plant and machinery and moveable assets currently owned or used by the Council. Any use of assets by a service area or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- f) To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Senior Manager in consultation with the Section 151 Officer, has been established as appropriate.
- g) To ensure the proper security of all buildings and other assets under their control. To consult the Senior Insurance Officer if security is thought to be defective.
- h) To pass any title deeds to the Director of Governance and Corporate Services who is responsible for custody of all title deeds.
- i) To ensure that no Council asset is subject to personal use by an employee without proper authority.
- j) To consult the Senior Insurance Officer at an early stage in proposals for new buildings or alterations to existing buildings to allow consideration for design of security.
- k) To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- l) To maintain an up to date list of key holders. To ensure that keys to safes and similar receptacles are carried on the person of those

responsible at all times; loss of any such keys must be reported to the Senior Insurance Officer and the Audit Manager as soon as possible.

- m) To ensure that combination numbers to safes are held securely. The combination must be changed at regular intervals and immediately when staff leave.
- n) To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.
- o) To ensure that all employees are aware that they have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.
- p) To ensure that employees are aware that packages for despatch containing documents or articles of value are sent by registered, insured or recorded post.

17 Asset Disposal

17.1. Why is this important?

- a) It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

17.2. Key controls

- a) Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value (see Appendix of financial limits), disposal should be by competitive tender or public auction.
- b) Procedures protect staff involved in the disposal from accusations of personal gain.

17.3. Responsibilities of the Section 151 Officer

- a) To issue guidelines representing best practice for disposal of assets.
- b) To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to account for any sale proceeds.

17.4. Responsibilities of Senior Managers

- a) To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.
- b) To ensure that income received for the disposal of an asset is properly banked and coded.
- c) To record all disposal or part exchange of assets that should normally be by competitive tender or public auction.
- d) To follow the guidelines issued by the Section 151 Officer.

17.5. Land

- a) Except where otherwise provided for in Standing Orders, disposal of land or buildings must have consent from the Cabinet, after due consideration of a report to which the Chief Executive (or external independent valuer), the Director of Governance and Corporate Services and the Section 151 Officer have contributed.
- b) Disposal of land must comply with section 123 of the Local Government Act 1972, and any other relevant legislation. Reference shall be made to standing orders relating to disposal of land.

17.6. Stores and equipment

- a) To arrange for the disposal of obsolete and redundant equipment, after making a reasonable estimate of the current market value (see Appendix for financial limits), using the following routes:
 - i) disposal of items where the current market value is likely to be less than the lower stated limit may be sold on a first come, first served basis
 - ii) where an item is likely to exceed the lower limit, but is below the upper limit, Councillors, Officers or the public may be invited to submit a written bid. The highest bid will be accepted where there is more than one offer
 - iii) where the current market value is likely to exceed the upper limit, at least two quotations must be obtained (where possible), or the item may be sold at a recognised public auction
 - iv) when selling through a recognised public auction, a reserve price should be agreed for each item or lot.

17.7. Transport and Plant

- a) Disposal of transport and plant is at the discretion of the Chief Executive who shall endeavour to ensure, and by reference to documentation be able to demonstrate, that value for money is obtained.

18 Internal Audit

18.1. Why is this important?

- a) Section 151 of the Local Government Act 1972 requires that councils “make arrangements for the proper administration of their financial affairs”, and implies the need for an internal audit function. The Accounts and Audit (England) Regulations 2011, regulation 6, require that a “relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.
- b) Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

18.2. Key controls

- a) Internal Audit is independent in its planning and operation.
- b) The Audit Manager has direct access to the Head of Paid Service, all levels of management and directly to Councillors.
- c) Internal Audit complies with the Public Sector Internal Auditing Standards 2013 (PSIAS).

18.3. Scope of Internal Audit activity

- a) The work of Internal Audit embraces the whole system of internal controls, including financial and non-financial controls. Internal Audit will:
 - i) undertake a continuous, systematic and structured review to evaluate the soundness, adequacy and application of the Council’s internal control system
 - ii) review arrangements for securing economy, efficiency and effectiveness in the use of resources

- iii) advise and, where appropriate, assist management to investigate suspected cases of fraud, corruption and irregularity
 - iv) review and advise upon the development of systems
 - v) provide advice on financial systems, procedures, regulations, corporate governance issues and risk management
 - vi) contribute to the Council's pursuit of best value.
- b) Internal audit will prepare a three-year strategic audit plan of reviews to be undertaken. This plan will be based on a risk assessment that considers financial materiality and the business risk relating to the Council's objectives.
- c) Internal Audit will have no executive responsibilities. It is not an extension of or a substitute for the functions of management. Responsibility for internal control rests solely with managers, who should ensure that arrangements are appropriate and adequate. It is for Corporate Management Team to accept and implement audit recommendations or to accept the risk resulting from not taking any action.

18.4. Responsibilities of the Head of Paid Service

- a) To ensure that internal auditors have the authority to:
- i) enter Council premises at reasonable times
 - ii) examine all assets, records, documents, correspondence and control systems
 - iii) receive any information and explanation considered necessary concerning any matter under consideration
 - iv) require any Officer of the Council to account for cash, stores or any other Council asset under his or her control
 - v) examine records belonging to third parties, such as contractors, when required
 - vi) report directly to the Head of Paid Service, the Cabinet, and any other Officer or Councillor that the Audit Manager considers appropriate.
- b) To ensure that the Council has effective fraud investigation procedures to deal with any fraud or irregularity promptly.
- c) To ensure a continuous audit of the Council's systems and procedures.

18.5. Responsibilities of Senior Managers

- a) The Corporate Management Team to approve the annual and rolling audit plans, which take account of service characteristics and relative risks.
- b) To ensure that appropriate and adequate internal controls exist.
- c) To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- d) To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- e) To consider and respond to audit reports or other requests for information within 14 days. The Audit Manager may refer any failure to respond to Corporate Management Team for resolution.
- f) Corporate Management Team to have overall responsibility for ensuring that all internal audit recommendations are implemented by the agreed date.
- g) To notify the Audit Manager immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources; and of any material failure in financial systems and controls. Pending investigation and reporting, the Senior Manager should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- h) To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed and agreed with the Audit Manager prior to implementation.

18.6. Responsibilities of the Audit Manager

- a) To deliver an efficient, effective and economic internal audit service.
- b) To provide an annual opinion on the Council's internal control arrangements.

19 External Audit

19.1. Why is this important?

- a) The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each Council in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.

- b) The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:
 - i) the financial aspects of the audited body's corporate governance arrangements
 - ii) the audited body's financial statements
 - iii) aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP (Best Value Performance Plan).
- c) The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

19.2. Key controls

- a) External auditors are appointed by the Audit Commission, normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

19.3. Responsibilities of the Chief Executive

- a) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- b) To ensure there is effective liaison between external and internal audit.
- c) To work with the external auditor and advise the Council, and Senior Managers on their responsibilities in relation to external audit.

19.4. Responsibilities of Senior Managers

- a) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

- b) To ensure that all records and systems are up to date and available for inspection.

20 Banking

20.1. Why is this important?

- a) Almost all Council activities involve either receiving or paying money, ultimately through the Council's bank accounts. Secure and efficient operation are therefore fundamental to the Council's business, and reconciliation of all bank balances forms a critical part of the Council's financial controls, and underpins the Council's final accounts.

20.2. Key controls

- a) No Officer may open or close any bank account or other banking facility without approval from the Section 151 Officer.

20.3. Responsibilities of Section 151 Officer

- a) To operate bank accounts as necessary.
- b) To be responsible for all arrangements and communications with the Council's bank.
- c) To authorise the bank on the payment of cheques and limits for the use of pre-printed signatures on cheques. Current limits are shown in the Appendix.

20.4. Responsibilities of Senior Managers

- a) To follow the instructions on banking issued by the Section 151 Officer.
- b) To report any problems, concerns about fraud or anomalies to the Section 151 Officer promptly. Any fraud issues must also be reported to the Audit Manager.

21 Cash Handling

21.1. Why is this important?

- a) Cash is a vulnerable asset and effective income collection systems are necessary to protect it.
- b) "Cash" is deemed to include cheques, postal orders, and all other negotiable items.

- c) See the section on Petty Cash for rules applying to money paid out by the Council.

21.2. Key controls

- a) All money received by an employee on behalf of the Council is paid without delay to the Section 151 Officer or, as he directs, to the Council's bank, and properly recorded.
- b) The responsibility for cash collection should be separated from those for:
 - i) identifying the amount due
 - ii) reconciling the amount due to the amount received.
- c) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

21.3. Responsibilities of the Section 151 Officer

- a) To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- b) To order and supply to service areas all receipt forms, books or tickets and similar items and to satisfy himself regarding the arrangements for their control.
- c) To be responsible for arranging the collection of cash and other income from Council offices and its transfer and banking.

21.4. Responsibilities of Senior Managers

- a) To ensure staff involved in the collection of money due to the Council follow the cash handling procedures, available from the Section 151 Officer.
- b) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- c) To issue official receipts or other vouchers for income received, except where other arrangements have been approved by the Section 151 Officer.
- d) To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

- e) To hold receipts, tickets and other records of income securely for the appropriate period. Those responsible for the use of receipts and other documents of controlled stationery should not also be responsible for ordering, control and issue of the stationery.
- f) To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- g) To ensure cash is held in a safe or strong room outside normal working hours, and that cash holdings are kept to a minimum.
- h) To ensure that income is paid fully and promptly into the appropriate Council bank account. The Section 151 Officer should be informed immediately of failure to bank money on the agreed day. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- i) To ensure income is not used to cash personal cheques or to make payments.
- j) There is a limit on the approved levels of cash that can be held on the Council premises overnight. See Appendix of financial limits.
- k) To keep a record of every transfer of money between employees of the Council. The receiving Officer must sign for the transfer and the transferor must retain a copy.

22 Creditors

- 22.1. Any change in method of payment shall be approved by the Section 151 Officer. The use of direct debit shall require the prior agreement of the Section 151 Officer.
- 22.2. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.
- 22.3. Key Controls
 - a) Works, goods and services received are checked to ensure they are in accordance with the order.
 - b) Payments are made only when the Council has received goods matching the order for price, quantity and quality.
 - c) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.

- d) All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule.
- e) All expenditure, including VAT, is recorded accurately against the right budget and any exceptions are corrected.
- f) E-business/e-commerce and electronic purchasing arrangements maintain the security and integrity of data.

22.4. Responsibilities of the Section 151 Officer

- a) To ensure that all the Council's financial systems and procedures are sound and properly administered.
- b) To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- c) To make payments from the Council's funds on the relevant Head of Service's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- d) To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- e) To make payments to contractors on the certificate of the appropriate Head of Service, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- f) To provide advice and encouragement on making payments by the most economical means.

22.5. Responsibilities of Senior Managers

- a) To ensure that payment is made on a proper VAT invoice, checked, coded and certified for payment, confirming:
 - i) receipt of goods or services. Reference should be made to documentary evidence and where appropriate the invoice should be marked off against the copy of the official order
 - ii) that the invoice has not previously been paid
 - iii) that expenditure has been properly incurred and is within budget provision
 - iv) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices

- v) correct accounting treatment of tax
 - vi) that the expenditure is correctly coded
 - vii) that discounts have been taken where available
 - viii) that appropriate entries will be made in accounting records
 - ix) that where appropriate, entries have been made in the inventory, and the Senior Insurance Officer has been advised of any additional risks
 - x) if a tax invoice is not available at the time payment is made, the authorising Officer must ensure that a VAT receipt is acquired and passed to the Payments Section for retention
 - xi) unless there is a query to be resolved with the supplier the invoice is passed for payment to ensure payment is made within 30 days of the date of invoice.
- b) To ensure that at least two authorised members of staff are involved in the procurement process.
 - c) To ensure that the service area maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising Officers together with specimen signatures as appropriate and details of the limits of their authority shall be forwarded to the Section 151 Officer.
 - d) To obtain approval from the appropriate Head of Service/budget holder to authorise any expenditure outside their own cost centres.
 - e) To ensure that staff do not pay photocopied invoices unless they are clearly marked by the authorising Officer, “copy invoice – original not available” An original invoice should be obtained if possible to support any payment made on a copy, and clearly marked “not for payment – copy passed for payment dd/mm/yy” and forwarded to the Payments Section.
 - f) To encourage suppliers of Works, Goods and Services to receive payment by the most economical means for the Council. However, any change to the normal method of payment should have the prior approval of the Section 151 Officer.
 - g) Special procedures for corporate purchasing cards are available from Accountancy.
 - h) To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer.

- i) With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes, and the procedures for validation of subcontractors' tax status.
- j) To notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- k) To ensure that all appropriate payment records are retained and stored for the period specified.
- l) Wherever it is considered reasonable, and cover is not provided under existing insurance policies, ex gratia payments are permitted within the limits shown in the Appendix of financial limits.

23 Contracts

23.1. Why is this important?

- a) A large part of the Council's budget is spent through payments on contracts for goods, works and services. Most of the spend on individual contracts is large enough to trigger Contracts Standing Orders and the European Procurement Regulations. Therefore, the Council must ensure that procedures are in place to govern the spending of public money in order to:
 - i) provide a framework for the Council to get value for money when entering into contracts
 - ii) demonstrate best value to the public
 - iii) set out how the Council complies with the laws that govern public spending
 - iv) protect the Council, Officers and Councillors from unfair criticism and allegations of wrongdoing
 - v) regulate the manner in which bids, tenders and quotations are invited.

23.2. Key Controls

- a) Contract Standing Orders set out the rules for entering into contracts for goods, works and services.
- b) Please see also section 33 on Procurement.

23.3. Responsibilities of the Section 151 Officer

- a) To specify systems to ensure compliance with the Council's Contract Standing Orders.

23.4. Responsibilities of Senior Managers

- a) To ensure that every one in their area knows that they must comply with the Council's Contract Standing Orders, and avoid any impropriety or the appearance of impropriety.
- b) To ensure that guidance, advice and the appropriate level of support is sought from Corporate Procurement when inviting tenders and quotations for all goods, works and services that exceed the limit shown in the Appendix.
- c) To ensure that appropriate warranties and/or guarantees are obtained to protect the Council's interests. In particular, Performance Bonds are required for contracts in excess of the limit shown in the Appendix unless the requirement is waived in accordance with the Council's Contract Standing Orders.
- d) To comply with EU and Government legislation when inviting tenders.
- e) To ensure that a priced copy of the bills of quantities, schedule of rates, specification and other technical documents are retained by the authorised Officer and that they are incorporated into the final contract document.
- f) To ensure that the Director of Governance and Corporate Services is supplied with the original executed copy of the contract.
- g) To inform the Section 151 Officer of all contracts, agreements and awards, involving the payment or receipt of money on behalf of the Council.
- h) To ensure that payments to contractors (including sub-contractors) are authorised on a certificate signed by the appropriate Officer showing the total amount of the contract, the value of works executed to date, retention to be withheld and the amount currently certified.
- i) To ensure that every variation of a contract is priced and authorised in writing by the Lead Officer. Where the net additional cost of variation(s) to a single contract exceeds 10 per cent of the contract sum or £5,000, whichever is the greater, the Service Manager shall receive a full report of the reasons for the variation. A copy of the report shall be forwarded to the Section 151 Officer.

- j) The authorised Officer acting on behalf of the Council shall issue written instructions to the contractor with regard to the expenditure of all prime cost and provisional sums included in the contract prior to any such work being undertaken.
- k) Copies of written instructions showing the agreed or estimated prices of such instructions shall be held by the Lead Officer.
- l) Unsettled claims from contractors shall be referred to the Director of Governance and Corporate Services for consideration of the Council's legal liability and, where necessary, to the Section 151 Officer for financial consideration before settlement is reached.
- m) Any contract with a duration of 12 months or greater, or an aggregate value of £50,000 or more will be the subject of a formal post contract review and the authorised Officer shall provide a report to the Service Manager, Legal Services Manager and Section 151 Officer. This will include:
 - i) a review of the contractor's performance
 - ii) report on the general management of the contract by authorised Officer
 - iii) an analysis of final scheme costs
 - iv) client/stakeholder's satisfaction with the complete scheme.
- n) Where completion of a contract is delayed, the authorised Officer shall take appropriate action and claim for liquidated and ascertained damages, in accordance with the terms and conditions of the contract.
- o) The final contract certificate specifying the total sum due under a contract shall not be issued by the authorised Officer until a detailed Final Account has been produced. Payment shall be made exclusive of any retentions sums which are normally withheld for 12 months (the defects liability period) after which they can be released for payment to the contractor.
- p) Final scheme costs will be submitted to the Cabinet if they are five per cent or £75,000 (whichever is the lower) above the costs, previously reported to the Cabinet.

24 Debtors

24.1. Why is this important?

- a) Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly.

24.2. Key controls

- a) All income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
- b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.
- c) Effective action is taken to pursue non-payment within defined timescales.
- d) Formal approval for debt write-off is obtained.
- e) Appropriate write-off action is taken within defined timescales.
- f) Appropriate accounting adjustments are made following write-off action.
- g) All appropriate income documents are retained and stored in accordance with the document retention schedule.

24.3. Responsibilities of the Section 151 Officer

- a) To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- b) To agree the write-off of bad debts up to the limits shown in the Appendix and to refer larger sums to the Cabinet.
- c) To approve all debts to be written off in consultation with the relevant Senior Manager and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (England) Regulations 2011.
- d) To obtain the approval of the Cabinet in consultation with the relevant Senior Manager for writing off debts in excess of the approved limit.
- e) To ensure that appropriate accounting adjustments are made following write-off action.

24.4. Responsibilities of Senior Managers

- a) To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies and report annually to Cabinet as part of the Annual Fees and Charges Section of the Budget Report. The setting of housing rents must be approved by the Cabinet.

- b) The relevant Head of Service is responsible for ensuring that the negotiation of rent reviews due to the Council are instituted at the appropriate time.
- c) Wherever possible, to ensure that payment is made at the time of the delivery or in advance, so as to avoid the need to raise a debtor account.
- d) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- e) To give the Section 151 Officer details of work done, goods supplied, services rendered and other amounts due, to enable the Section 151 Officer to record them correctly and to ensure accounts are sent out promptly. Areas of concern over recovery of income should be reported to the Section 151 Officer. Senior Managers have a responsibility to assist the Section 151 Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.
- f) To ensure that write off of debts are contained within the limits shown in the Appendix. Debts should only be written off where a debtor cannot be traced, or in conjunction with the Director of Governance and Corporate Services, is not economic to pursue. The Section 151 Officer must be informed of debts written off, where Officers have specific limits such as housing rents. In the case of rechargeable repairs, Senior Managers are empowered to negotiate settlement at a reduced amount, subject to the approval of the Section 151 Officer.
- g) Once raised, no genuine debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- h) To notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable set by the Section 151 Officer.
- i) The Director of Governance and Corporate Services is authorised to agree settlement of disputed amounts in the best interest of the Council in the light of decisions by the courts or to resolve legal proceedings, or potential proceedings.

25 External Funding

25.1. Why is this important?

- a) External funding is potentially a very important source of income. The Council should consider funding conditions carefully to ensure that they are compatible with its aims and objectives. Councils are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the Council to deliver services to the local community. In some cases, funding is linked to tight specifications, and may not be flexible enough to link to the Council's overall plan.

25.2. Key controls

- a) Key conditions of funding and any statutory requirements are complied with, and the responsibilities of the accountable body are clearly understood.
- b) Funds are acquired only to meet the priorities approved in the policy framework by the Full Council.
- c) Officers consider any match-funding requirements before entering long-term agreements, and reflect these in future revenue budgets.

25.3. Responsibilities of the Section 151 Officer

- a) To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- b) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- c) To ensure that audit requirements are met.

25.4. Responsibilities of Senior Managers

- a) To ensure that all claims for funds are made by the due date.
- b) To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

26 Inventories

26.1. Why is this important?

- a) Inventories that are fit for purpose and up-to-date facilitate the Council's management of its assets, deter and prevent loss and fraud, and provide a sound basis for any insurance claim for loss or damage to assets.

26.2. Key controls

- a) The Council maintains records of all assets in a form that facilitates checking and confirming their continued existence and usefulness.

26.3. Responsibilities of Senior Managers

- a) To maintain inventories and record an adequate description of equipment, furniture and fittings.
- b) To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.
- c) To present the relevant portion of the inventory on request where an insurance claim is made.
- d) To make sure that property is only used in the course of the Council's business, unless the Senior Manager concerned has given permission otherwise.
- e) Any property or equipment with a replacement cost exceeding the limit in the Appendix shall be notified in writing to the Section 151 Officer at the time of acquisition or replacement.
- f) The Chief Executive shall maintain registers of all property owned by the Council:
 - i) Housing stock for all properties under the Housing Act
 - ii) All other property, recording the purpose for which held, location, extent, plan reference, purchase details, nature of interest, rent payable and particulars of tenancies granted.
- g) To keep utilisation records for vehicles in a form agreed by the Section 151 Officer. Forms to be completed and signed by all drivers and countersigned by the appropriate supervising Officer.
- h) To ensure that staff do not take vehicles, plant or equipment home without approval, and that staff do not use them for non-Council purposes.

26.4. Lost property

- a) To maintain a register of lost property, handed in or reported lost at premises for which the Senior Manager is responsible.
- b) To allow the owner of the property at least one month's notice to collect the property from sending them notification that their property has been found.
- c) Where any items of money or valuables that have significant monetary value are found they are to be taken to the police station.

27 Intellectual Property

27.1. Why is this important?

- a) Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- b) Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are within the description "intellectual property".

27.2. Key controls

- a) In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.

27.3. Responsibilities of Senior Managers

- a) To develop and disseminate good practice.
- b) To ensure that controls operate to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

28 Partnerships

28.1. Why is this important?

- a) Partnerships play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council works in partnership with others including public agencies, private companies, community groups and voluntary organisations. The Council delivers many services, but it also has a distinctive leadership role to bring together the contributions of the various stakeholders.

- b) The Council can mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.
- c) A partner is defined as either:
 - i) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
 - ii) a body whose nature or status gives it a right or obligation to support the project.
- d) Partners participate in projects by:
 - i) acting as a project deliverer or sponsor, solely or in concert with others
 - ii) acting as a project funder or part funder
 - iii) being the beneficiary group of the activity undertaken in a project.

28.2. Key controls

- a) If appropriate, to be aware of their responsibilities under the Council's Financial Regulations and the Contract Standing Orders.
- b) To ensure that risk management processes are in place to identify and assess all known risks.
- c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
- d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.
- e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

28.3. Responsibilities of the Section 151 Officer

- a) To advise on effective controls that will ensure that resources are not wasted.
- b) To advise on the key elements of funding a project. They include:

- i) a scheme appraisal for financial viability in both the current and future years
 - ii) resourcing, including taxation issues
 - iii) audit, security and control requirements
 - iv) carry-forward arrangements.
- c) To ensure that the accounting arrangements are satisfactory.

28.4. Responsibilities of Senior Managers

- a) To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.
- b) To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.
- c) To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
- d) To ensure that all agreements and arrangements are properly documented.
- e) To provide appropriate information to the Section 151 Officer to enable a note to be entered into the Council's statement of accounts concerning material items.

28.5. Responsibilities of Partners

- a) To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation.
- b) To act in good faith at all times and in the best interests of the partnership's aims and objectives.
- c) To be open about any conflict of interests that might arise.
- d) To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.
- e) To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.
- f) To act wherever possible as ambassadors for the project.
- g) To observe a governance regime compatible with the Council's own, and to respect the Nolan Principles.

29 Payroll (including Members' allowances and expenses)

29.1. Why is this important?

- a) In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.
- b) Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by Full Council.

29.2. Key controls

- a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
- b) There are effective procedures for forecasting staffing requirements and cost.
- c) Controls are implemented that ensure that staff time is used efficiently and to the benefit of the Council.
- d) Checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.
- e) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - i) starters
 - ii) leavers
 - iii) variations
 - iv) enhancements.
- f) Payments are made on the basis of timesheets or claims.
- g) Frequent reconciliation of payroll expenditure against approved budget and bank account.

h) All appropriate payroll documents are retained and stored for a defined period.

i) Inland Revenue regulations are complied with.

29.3. Responsibilities of the Section 151 Officer

a) To ensure that budget provision exists for all existing and new employees.

b) To act as an advisor to Senior Managers on areas such as national insurance and pension contributions, as appropriate.

c) To specify which payments are to be made via Payroll.

d) To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

29.4. Responsibilities of the Human Resources Manager

a) To record and make arrangements for accurate and timely payment of salaries, wages and members' allowances; tax, superannuation and other deductions.

b) To implement national and local agreements concerning levels of wages and salaries; and conditions of employment.

c) To make arrangements for payment of all travel and subsistence claims or financial loss allowance. To consult the Section 151 Officer on the form of time records and other pay documents.

d) To make arrangements for paying Councillors' travel or other allowances upon receiving the prescribed form, duly completed and authorised.

e) To consult the Section 151 Officer on taxation issues when any new payments to Officers or Councillors are introduced.

f) To consult the Section 151 Officer if there is the need to write off employee debts.

29.5. Responsibilities of Senior Managers

a) To produce an annual staffing budget.

b) To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

c) To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

- d) To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- e) To ensure that the Human Resources Manager and the Section 151 Officer are immediately informed if the staffing budget is likely to be materially over or under spent.
- f) To notify the Human Resources Manager immediately of all appointments, resignations, suspensions, absences from duty (other than annual leave or flexitime), transfers and changes in remuneration (other than normal increments).
- g) To obtain written authority from the Chief Executive and Human Resources Manager before filling a vacancy. The Chief Executive shall give consideration to the need to fill a vacancy, taking into account any changes in operational needs. All appointments must be included in the approved establishment list.
- h) To ensure that appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- i) To notify the Human Resources Manager of all appointments, terminations, sickness or variations which may affect the pay, or pension of an employee or former employee, in the form and to the timescale required.
- j) To ensure that adequate and effective systems and procedures are operated, so that:
 - i) payments are only authorised to genuine employees
 - ii) payments are only made where there is a valid entitlement
 - iii) conditions and contracts of employment are correctly applied
 - iv) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- k) To send an up-to-date list of the names of Officers authorised to sign records and claims to the Human Resources Manager together with specimen signatures.
- l) To ensure that payroll transactions are processed only through the payroll system. Senior Managers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Section 151 Officer.

- m) To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Human Resources Manager is informed where appropriate.
- n) To ensure that the Human Resources Manager is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- o) To ensure that all appropriate payroll documents are retained and stored for the period specified by the Council's document retention policy.
- p) To ensure claims for overtime and reimbursement of expenses e.g. car mileage allowances, are submitted within two months from the date worked. Claims outside these periods will only be paid in exceptional circumstances with the written authorisation of the Human Resources Manager. A VAT invoice for fuel should accompany mileage claims. The invoice for fuel purchased can be greater than the mileage claim but should be dated in advance of the journey undertaken.
- q) To ensure that approval is obtained from the Chief Executive in advance of any overtime work.

29.6. Responsibilities of employees

- a) To submit timesheets and claims for travel and subsistence allowances on a monthly basis.

29.7. Responsibilities of Councillors

- a) To submit claims for travel and subsistence allowances on a monthly basis.

30 Performance Plans

30.1. Why is this important?

- a) Performance plans explain overall priorities and objectives, current performance, and proposals for further improvement. They provide a framework of expectations that allow managers to monitor progress and take corrective action where problems arise.
- b) They also frame the work plans for teams and individuals, relating these directly to the Council's overall objectives.

30.2. Key controls

- a) Ensure that all relevant plans are produced and that they are consistent.
- b) Produce plans in accordance with statutory requirements.
- c) Meet the timetables set.
- d) Ensure that all performance information is accurate, complete and up to date.
- e) Provide improvement targets which are meaningful, realistic and challenging.

30.3. Responsibilities of the Section 151 Officer

- a) To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

30.4. Responsibilities of Senior Managers

- a) To operate systems to measure activity and outputs, and collect accurate information for use as performance indicators.
- b) To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are in doubt.
- c) To contribute to developing performance plans in line with statutory requirements.
- d) To develop service targets, objectives and performance information, and contribute to developing corporate systems and information.

31 Petty Cash (“Imprest accounts”)

31.1. Responsibilities of the Section 151 Officer

- a) To provide Officers with a petty cash facility to meet minor expenditure on behalf of the Council and to prescribe rules for operating this facility. A centralised petty cash float is operated through Contact Harlow although a small number of outstations maintain their own petty cash imprest accounts. Minor items of expenditure should not exceed £10.

- b) To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of this advance or float.

31.2. Responsibilities of Senior Managers

- a) To ensure that Officers operating an Imprest account:
 - i) obtain and retain vouchers to support each payment from the Imprest account. Where appropriate, an official receipted VAT invoice must be obtained
 - ii) make adequate arrangements for the safe custody of the account
 - iii) produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the Imprest amount
 - iv) record transactions promptly
 - v) reconcile and balance the account at least monthly. Reconciliation sheets will be signed and retained by the Imprest holder
 - vi) provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year
 - vii) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
 - viii) on leaving the Council's employment or otherwise ceasing to be entitled to hold an Imprest advance, an Officer shall reconcile the balance and sign it over, together with relevant vouchers and invoices, to his/her line manager
 - ix) where a petty cash float is no longer required, the balance should be reconciled, banked and the income code used for banking notified to the Section 151 Officer
 - x) payments shall be limited to minor items of expenditure as approved by the Section 151 Officer and shall be supported by a voucher signed by an authorised signatory.

32 Preventing fraud and corruption

32.1. Why is it this important?

- a) The Council will not tolerate fraud and corruption, whether inside or outside The Council.
- b) The Council expects that Councillors and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, practices and all relevant professional standards.
- c) The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

32.2. Key controls

- a) The key controls regarding the prevention of financial irregularities are that:
 - i) the Council has an effective anti-fraud and anti-corruption policy, fraud response plan and maintains a culture that will not tolerate fraud or corruption
 - ii) all Councillors and staff act with integrity and lead by example
 - iii) Senior Managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt
 - iv) high standards of conduct are promoted amongst Councillors by the Audit and Standards Committee
 - v) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
 - vi) whistle blowing procedures exist and operate effectively
 - vii) legislation including the Public Interest Disclosure Act 1998 is adhered to.

32.3. Responsibilities of the Audit Manager

- a) To develop and maintain an anti-fraud and anti-corruption policy and fraud response plan.
- b) To advise managers on maintaining adequate and effective internal control arrangements.
- c) To ensure that all suspected irregularities are reported to the Section 151 Officer, the Monitoring Officer and the Head of Paid Service.

32.4. Responsibilities of Senior Managers

- a) To develop and maintain sound systems for governance, risk management, and internal control, including measures to prevent and detect error and fraud.
- b) To ensure that all suspected irregularities are reported to the Audit Manager.
- c) To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- d) To ensure that where financial impropriety is discovered, the Audit Manager is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- e) To inform and update service areas registers of interests.

33 Procurement

33.1. Why is this important?

- a) Public money should be spent with demonstrable probity and in accordance with the Council's Contract Standing Orders. The Council has a statutory duty to achieve value-for-money. The Council's Contract Standing Orders help to ensure that services obtain value for money from their purchasing arrangements.

33.2. Responsibilities of Senior Managers

- a) To ensure that every Officer and Councillor declares any links or personal interests that they may have with purchasers, suppliers or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with the Council's codes of conduct.
- b) Where goods, works and services are over the limit prescribed in the Council's Contract Standing Orders, advice must be sought from Corporate Procurement.
- c) To ensure that orders are not deliberately divided so as to avoid the financial limits for inviting tenders and quotations set out in the Council's Contract Standing Orders.

- d) To ensure that the rules regarding advertising in Europe are adhered to, for purchases over a certain limit. As these limits are subject to change, refer to Corporate Procurement for the most up to date figures.
- e) All tenders, quotations and other supporting documentation must be retained for a minimum period of six years. Electronic retention of documentation is permitted.
- f) All tenders and quotations received must be examined to establish whether any qualifications apply. Qualified tenders or quotations that have not been submitted in accordance with the Council's instructions should be rejected.
- g) Contracts under seal or signed and delivered as a deed, are to be retained for a period of 12 years. All other contracts are to be retained at least for six years.
- h) To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

34 Purchase Orders

34.1. Official orders must be in a form approved by the Section 151 Officer and the Director of Governance and Corporate Services and be let in conjunction with Corporate Procurement (see Contract Standing Orders).

34.2. Key controls

- a) All works, goods and services are ordered only by appropriate Officers and are correctly recorded.
- b) All orders are placed in accordance with the Council's Contract Standing Orders unless the Section 151 Officer in consultation with the relevant Head of Service approves exceptions.

34.3. Responsibilities of the Section 151 Officer

- a) To define the system for purchase orders.
- b) To approve, in conjunction with the Director of Governance and Corporate Services, the form of official orders and associated terms and conditions.

34.4. Responsibilities of Senior Managers

- a) To ensure that unique pre-numbered electronic orders are used for all Works, Goods and Services, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases, or other exceptions approved by the Section 151 Officer in consultation with the relevant Head of Service.
- b) To ensure that the Council's standard terms and conditions are not varied without the prior approval of the Section 151 Officer and the Director of Governance and Corporate Services.
- c) To ensure that orders are only used for Council business. Individuals must not use official orders for their private use.
- d) To ensure that only those staff authorised by him or her sign/authorise orders and to maintain an up-to-date list of such authorised staff, including specimen signatures if appropriate, identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the Works, Goods and Services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary.
- e) To ensure that Works, Goods and Services are checked on receipt to verify that they are in accordance with the order. Where appropriate, entries should then be made in inventories or stores records.
- f) Where in exceptional circumstances verbal orders are given, to ensure that they are confirmed by an electronic order as soon as possible, and not later than two working days after the verbal order. Such orders shall be clearly marked "confirmation order" and give the date of the verbal order.
- g) Running orders may be issued where similar purchases are required from the same supplier on a regular basis. Such orders must be valid for a finite period not exceeding 12 months, and clearly state the start and finish dates during which the order is to be valid. Financial limits apply to total order values.
- h) Where the cost of the purchase is not known, the order shall be clearly marked with the limit of the value.

35 Risk management and insurance

35.1. Why is this important?

- a) A risk is an uncertain event or a set of events which, should it occur, will have an impact upon the achievement of objectives. Risk management is the ongoing process of identifying, evaluating, recording and where necessary, taking action in respect of the risks.

The aim of risk management is that the Council achieves its objectives.

- b) Risk management is central to business planning and an essential part of routine management. It should be part of the corporate objective setting process and also part of the 'day job' of all officers and managers.

35.2. Key controls

- a) The Council's risk management processes provide a level of formality so that officers consider record and communicate business risks systematically.
- b) Monitoring and independent challenge by senior officers and Councillors ensures that risks to the Council's objectives are regularly reviewed and evaluated. Risk management should be a continuous process.
- c) The level of any risk is assessed according to its likelihood and its impact on achievement of the associated objective.
- d) Councillors and senior officers have agreed the level of risk that the Council will tolerate, its risk appetite. Risks assessed as being greater than the agreed level will not be tolerated and control action is taken to reduce the level of risk. The risk appetite is kept under review.
- e) Officers determine the necessary management action to ensure that risks do not exceed the agreed tolerance level.
- f) Corporate strategic risks are recorded in the corporate risk register. Risks that impact on service objectives are recorded in service plans and feed through into the corporate risk register. Operational risks at team level are recorded in team plans.
- g) The Council has in place a Risk Management Strategy.
- h) Insurance is a control action suitable for certain specific risks, whereby an element of the risk is transferred from the Council to the insurer. Officers make provision for financial losses that might result from the risks that remain and investigate claims within the required timescales.
- i) The Council has identified business continuity and contingency plans in case of disaster resulting in significant loss or damage to its resources or interruption of essential service provision.

35.3. Responsibilities of the Chief Executive

- a) The Chief Executive has ultimate responsibility for the Council's risk management strategy and ensuring that the Council has agreed and stated its risk appetite.
- b) To support Councillors and SMB in the identification of risk during the annual corporate planning cycle and throughout the year.
- c) Together with Senior Managers, regularly review and monitor the quality of the corporate risk register, ensuring inclusion of key strategic corporate risks.
- d) To ensure Audit & Standards Committee understand their role of scrutiny and monitoring.
- e) To evaluate and advise the Audit & Standards Committee on:
 - i) any risks to Council objectives that cannot be controlled sufficiently to reduce the risk to below the level of tolerance
 - ii) the most effective and efficient control actions in respect of risks
 - iii) the most efficient methods of financing monetary losses resulting from risks whether by insurance or other means
 - iv) maintaining an awareness of the nature and potential costs of risks to the Council.
- f) To include all appropriate employees of the Council in a suitable fidelity guarantee insurance. To notify the Section 151 Officer immediately of any suspected dishonesty on the part of any Officer.
- g) To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other Officers, where necessary.
- h) In consultation with Senior Managers, conduct an annual review of insurances and further review at the expiry or termination of any existing long term agreement with insurers.

35.4. Responsibilities of the Section 151 Officer

- a) To be the ambassador of risk management, be responsible for influencing improvements in risk management and help ensure consistency in risk reporting across the Council and chair the Risk Management Group.
- b) To report regularly on risk management to the Chief Executive and SMB/Directors and to report exceptional risks to Cabinet within the Joint Performance and Finance Report.

35.5. Responsibilities of Senior Managers

- a) To challenge and take an overarching view of risk management and the risk register and to support SMB in the identification and evaluation of risk.
- b) To identify and record service based risks and regularly monitor and update risks through the Council's service planning database.
- c) To identify, evaluate, record and monitor all: project based, partnership based and any other risks in their service areas that are not included in the service planning database.
- d) To ensure all officers receive appropriate risk management training.
- e) The Chief Executive and Senior Managers shall satisfy themselves of the adequacy and cost effectiveness of measures to reduce risks to the Council and the adequacy of insurance of independent contractors to the Council.
- f) To notify the Senior Insurance Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Section 151 Officer or the Council's insurers.
- g) To notify the Senior Insurance Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- h) To produce to the Senior Insurance Officer when requested schedules of all property and assets under their control showing replacement values. In the case of real estate, rebuilding costs, the value of contents and postcodes must be shown.
- i) To ensure Officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- j) To inform the Senior Insurance Officer of Officers who provide advice which is outside statutory duties, to ensure that professional indemnity insurance is adequate.
- k) To ensure that authorised motor vehicle users know their insurance must cover them for third party claims while driving on Council business.

- l) To obtain approval from the Senior Insurance Officer before making any payment arising from any incident which could lead to a claim against or by the Council.
- m) To consult the Senior Insurance Officer about proposals to insure property belonging to third parties, and to supply copies of all relevant documentation.
- n) In the event of loss or damage to Council property, to advise the Senior Insurance Officer of replacement costs without delay. Failure to provide this information within 90 days will negate an insurance claim. In the case of damage to a building, the full postcode must be provided.

36 Stocks and stores

36.1. Why is this important?

- a) The Council may have large sums invested in stocks and stores, and should therefore protect its interest carefully.
- b) Under partnership arrangements, these may be under the control and care of a third party, and it is important to ensure that all partners and contractors make proper arrangements for security, inventory management, and stock checking.

36.2. Responsibilities of Senior Managers

- a) To make arrangements for sound systems of stock control in the service areas.
- b) To arrange and approve suitable systems where stocks and stores are held by other organisations on the Council's behalf.
- c) To ensure that all materials other than for immediate consumption are delivered to stores, properly controlled under the provisions of these financial regulations.
- d) To keep stores records in a form approved by the Section 151 Officer.
- e) To ensure that all issues from stores are made on a duly authorised requisition, which must show the location at which and by whom the items are required.
- f) To arrange for the periodical test examination of stores in hand and ensure that all stores are checked at least once in every financial year.

- g) To arrange for stocktaking to be independent of storekeepers and stores accounting staff.
- h) As soon as possible after the year-end, to give the Section 151 Officer full and accurate accounts and statements duly certified as to the stocks and stores in their areas.
- i) To report surpluses and deficits in excess of 2.5 per cent of turnover at each stock check to the Cabinet, in conjunction with the Section 151 Officer.
- j) The responsible Officer, in conjunction with the Section 151 Officer, shall write off redundant stock to a maximum of one per cent of turnover each year. Any write-offs in excess of this limit to be approved by the Cabinet.
- k) To keep stocks in line with normal requirements, except in special circumstances with approval from the Cabinet.
- l) To ensure that there are no sub-stores without the consent of the Section 151 Officer.

37 Taxation

37.1. Why is this important?

- a) Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to understand their role.

37.2. Key controls

- a) Budget managers are provided with relevant information and kept up to date on tax issues.
- b) Budget managers are instructed on required record keeping.
- c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
- d) Records are maintained in accordance with instructions.
- e) Returns are made to the appropriate authorities within the stipulated timescale.

37.3. Responsibilities of the Section 151 Officer

- a) To complete all Inland Revenue returns regarding PAYE.

- b) To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
- c) To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- d) To maintain up-to-date guidance for Council employees on taxation issues.

37.4. Responsibilities of Senior Managers

- a) To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
- b) To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- c) To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- d) To ensure the Section 151 Officer is aware of any new or renewed contracts, land deals or leases to consider the Council's VAT position, for example, to mitigate VAT liability or with regard to the benefits of opting to tax such schemes.
- e) To follow guidance on taxation issued by the Section 151 Officer.

38 Trading accounts, business units and work for third parties

38.1. Why is this important?

- a) Current legislation allows the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. The arrangements should ensure that any risks associated with this work are minimised and that such work is intra vires.
- b) Trading accounts and business units have become more important as councils have developed a more commercial culture.

38.2. Key controls

- a) Proposals are costed properly in accordance with guidance provided by the Section 151 Officer.

- b) Officers draw up contracts using guidance provided by the Section 151 Officer, and follow the formal approvals process.
- c) Guidance on the financial aspects of third party contracts and the maintenance of the contract register is issued and observed.

38.3. Responsibilities of the Section 151 Officer

- a) To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
- b) To advise on the establishment and operation of trading accounts and business units.

38.4. Responsibilities of Senior Managers

- a) To ensure that the service area has the appropriate expertise to undertake the work or contract.
- b) To consult the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- c) To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- d) To ensure that the same accounting principles are applied to trading accounts as to other services.
- e) To ensure that each business unit prepares an annual business plan.
- f) To obtain appropriate Councillor approval before any negotiations are concluded to work for third parties.
- g) To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Section 151 Officer.
- h) To ensure that appropriate insurance arrangements are made.
- i) To ensure that the Council is not put at risk from any bad debts.
- j) To ensure that no contract is subsidised by the Council.
- k) To ensure that, wherever possible, payment is received before delivery of the service.

- l) To ensure that such contracts do not adversely affect the Council's own services.
- m) To ensure that all contracts are properly documented.
- n) To provide appropriate information so that a note can be prepared for annual accounts purposes.

39 Treasury management

39.1. Why is this important?

- a) In order to manage the Council's daily cash flow movements, the Council often lends and borrows on the short-term money market. In so doing, the key objectives are to maximise the security of any investments, ensure adequate liquidity of funds and to secure value for money by working to optimise the return on balances. These objectives spread risk beyond its own bankers on large balances held. The Council also borrows in the medium and long term to finance major capital projects within defined limits on borrowing.
- b) Codes of practice exist to help ensure that the Council's investments comply with the CIPFA Code of Practice on Treasury Management, regulations issued by the Government and with the Council's annual treasury management strategy statement. The Council's borrowing should be affordable, compliant with approved prudential indicators and procured under the guidance of both the CIPFA Code of Practice and the Prudential Code for Capital Finance in Local Authorities.

39.2. Key controls

- a) The Council's investments comply with the CIPFA Code of Practice on Treasury Management and with the treasury policy statement. The Council's borrowing should comply with the CIPFA Code of Practice, the Prudential Code for Capital Finance in Local Authorities.

39.3. Responsibilities of Section 151 Officer

- a) To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, the management strategy statement and the Council's Treasury Management Practices. To report to the Cabinet and Full Council on treasury management activities, as required under the CIPFA Code of Practice on Treasury Management.
- b) To seek advice on the Council's legal authority to enter into agreements.

- c) To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the Cabinet.
- d) To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Senior Manager.
- e) To effect all borrowings in the name of the Council.
- f) To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing and investment of money by the Council.

39.4. Responsibilities of Senior Managers

- a) To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Section 151 Officer.
- b) To notify the Section 151 Officer of all contracts that entail lease arrangements, including embedded lease arrangements.
- c) To notify the Treasury Management Team in advance of the receipt of all substantial sums of income, and to notify the projected cash flow profiles attached to all grant-funded arrangements involving the remittance of substantial payments.

40 Trust funds and funds held for third parties

40.1. Responsibilities of Senior Managers

- a) To arrange for all trust funds to be held, wherever possible, in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
- b) To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer, and to maintain written records of all transactions.
- c) To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Financial Regulations (Appendix 1) Financial Limits

Section	Description	Financial Limits (£)
Individual Virement Limits		
5.8	Individual Cost Centre Manager	5,000
	Director	50,000
	Chief Executive	75,000
	Chief Executive in consultation with the Portfolio Holder	100,000
5.10	Cabinet	500,000
	Full Council	500,000 +
5.14	De minimus level for virements	1,000
Assets		
16.3	De minimus level for recording in asset register: Vehicles	2,000
	Other assets	5,000
	Land and buildings	20,000
Disposal of Assets, Stores and Equipment		
17.2	Offer to first come, first served	50
	Invitation to bid	50 < 1,000
	Quotations/public auction sale	>1,000

Banking

19.5	Cheque requires a second manual signature	>3,000
	Pre-signed cheque limit	100,000

Cash Handling

20.19	Maximum cash limit to be held overnight in locked safe/strong room	50,000
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Ex-gratia Payment Limits

21.26	Head of Paid Service with notification to Section 151 Officer	1,000
	Agreement of Chief Executive and Section 151 Officer	2,000
	Agreement of Chief Executive after consultation with the Section 151 Officer and the Leader of the Council in consultation with the Section 151 Officer and the relevant Portfolio Holder	2,000+

Orders/Purchasing and Contracts

22.6	Quotations for purchase of works goods and services	<5,000
	Inviting tenders and quotations (refer to Corporate Procurement and Contract Standing Orders)	5,000+
22.7	Performance bonds for contracts	100,000+

Write Off Limits (Debits and Credits)

23.10	Revenues & Benefits Manager	1,000
	Heads of Service	2,000
	Chief Executive, Section 151 Officer	5,000
	Portfolio Holder in consultation with S151 Officer	20,000

Cabinet 20,000+

Inventories

25.7 Notify Section 151 Officer of new property or equipment >1,000

Contract Standing Orders

Section	Title	Page
	Introduction	4(120)
1	Introduction	4(120)
2	The Purpose of CSOs	4(120)
3	ICT Procurement	4(121)
4	Use of Agency Worker, Interims and Consultants	4(121)
5	Innovative Procurement	4(121)
6	Public Services (Social Value) Act 2012	4(122)
7	Governance Expectations	4(122)
8	Key Decisions	4(123)
9	General Matters	4(123)
1	The Scope of Contract Standing Orders	4(124)
1	Activities Covered by CSOs	4(124)
2	Legislation	4(125)
3	Exceptions to CSOs (Granting a Waiver)	4(125)
4	Probity	4(125)
5	Emergency Works	4(126)
6	Aggregation Rules	4(126)
7	Specification	4(126)
8	Evaluation of Tenders and Quotations	4(127)
9	Thresholds and Awards Process	4(128)
10	Selective Tendering (Below Advertising Threshold)	4(130)
11	Advertising Contracts	4(130)

12	Electronic Tendering	4(132)
13	Tenders and Quotations	4(132)
14	Opening Tenders and Quotations	4(132)
15	Amending Tenders and Quotations	4(133)
16	Late Tenders and Quotations	4(134)
17	Negotiations and Discussions	4(134)
18	Accepting Tenders and Quotations	4(134)
19	Extending Contracts	4(135)
20	Contract Management	4(136)
21	Contract Formalities	4(137)
22	Bonds and Other Security	4(137)
23	Insurances	4(138)
24	Retendering	4(138)
25	Declaration of Interest	4(138)
26	Freedom of Information Act (2000)	4(138)
27	Bankruptcies and Liquidations	4(138)
28	Disposals of Assets (including ICT Equipment)	4(139)
29	Concessions and Sponsorship	4(139)
30	Corrupt Practices	4(139)
2	Disposal of Land	4(140)
31	Introduction	4(140)
32	Exceptions	4(140)
33	Authority to Dispose of Land	4(140)
34	Entering into Contracts	4(141)

35	Selective Bidding by Advertisement (Where EU Regulations do not Apply)	4(141)
36	Selective Bidding Invited Housing Providers	4(141)
37	Best Consideration	4(142)
38	Sales at Less than Best Consideration	4(142)
39	State Aid	4(142)
40	Planning Permission	4(143)
41	Marketing and Sale of Land – Choice of Procedures	4(143)
42	Opening Tenders	4(143)
43	Negotiations with Developers/Purchasers	4(143)
44	Accepting Bids/Offers	4(144)
45	Revised Bids/Offers	4(144)
46	General Requirements	4(144)
47	Exemptions and Special Cases	4(145)
3	Definitions	4(146)

Contract Standing Orders

Introduction

1 Introduction

- 1.1. This version of Contract Standing Orders (CSOs) dated 3 February 2022 approved by Full Council supersedes Contracts Standing Orders dated 27 July 2016.
- 1.2. This document is part of the Council's Constitution and is a requirement of Section 135 of the Local Government Act 1972.
- 1.3. CSOs set out the rules for all Council spending and the disposal of land. CSOs must be followed every time there is a requirement to:
 - a) purchase goods, works or services (including consultancy services)
 - b) enter into a contract for the disposal of land (see Section 2)
 - c) enter into contracts for hire and lease/rental agreements
 - d) enter into contracts for interim and agency workers
- 1.4. CSOs do not apply to contracts of employment.
- 1.5. CSOs should be read in conjunction with the Council's Procurement Strategy and Guidance Documents (which gives direction and advice on the appointment of Suppliers and setting up contracts), Financial Regulations and the Officer Code of Conduct.
- 1.6. The Monitoring Officer or their nominee will interpret and advise on legal issues arising from CSOs, subject to the statutory responsibilities of the Section 151 Officer.
- 1.7. All values in CSOs exclude VAT.

2 The Purpose of CSOs

- 2.1. CSOs have five main purposes. These are to:
 - a) provide a framework for the Council to get value for money when entering into contracts
 - b) enable the Council to demonstrate best value to the public

- c) set out how the Council complies with the laws that govern public spending
- d) protect the Council, Officers and Councillors from unfair criticism and allegations of wrongdoing
- e) regulate the manner in which bids, tenders and quotations are invited
- f) regulate the manner in which Suppliers are appointed.

3 ICT Procurement

3.1. All procurement activity relating to Information and Communications Technology must be undertaken in conjunction with ICT Services and Corporate Procurement. This includes but is not limited to:

- a) hardware, software and equipment
- b) consumables such as printer cartridges and keyboards
- c) telecoms.

4 Use of Agency Workers, Interims and Consultants

4.1. The engagement of Agency Workers and Interims must be undertaken in accordance with the Human Resources Policy Statement and Recruitment Policy. This states that:

- a) a full consultation with the Human Resources Manager must take place prior to any decision to engage an agency worker or interim.
- b) contracts with a recruitment/employment agency must be reviewed by the Human Resources Manager in agreement with the Director prior to any formal agreement being entered into.

4.2. All contracts for the appointment of a Consultant must be procured in accordance with CSOs in conjunction with Corporate Procurement.

5 Innovative Procurement

5.1. New or different ways of purchasing goods, works or services which give better value for money are encouraged. Proposals for innovative procurement should always be approved by the Legal Services Manager to ensure that the proposed procurement route is legally sound and where appropriate, OJEU compliant. Examples of innovative procurement solutions include:

- a) purchasing consortia, subject to following the consortium's procedures

- b) partnership agreements which involve a joint venture or contractual arrangement with a private sector body
- c) partnerships with the Third Sector
- d) shared services, partnerships or collaborations with other local authorities
- e) Framework Agreements
- f) Public Service Mutuals/Trading Company
- g) e-auctions.

6 Public Services (Social Value) Act 2012

- 6.1. Full consideration shall be given to the following matters when entering into service contracts. These are:
 - a) how proposed procurements could make local improvements and how these could be delivered via the procurement process
 - b) whether or not to undertake a consultation process
 - c) how what is being procured may improve the economic, social and environmental well-being of Harlow and the surrounding area.
 - d) equality, diversity and sustainability issues.
- 6.2. Reasonable steps should be taken to encourage a diverse and competitive supply market, including small firms, social enterprises, ethnic minority businesses, voluntary and community sector suppliers.
- 6.3. The Council has a duty to keep an accurate record and full audit trail demonstrating that its duties under the Act have been properly discharged.

7 Governance Expectations

- 7.1. The Council's Governance Expectations set out the Council's aspirations and how the Council expects its Suppliers to act. This document highlights areas that may apply to goods, works and services being procured, provided that this is proportionate and relevant to the subject matter of the contract, including:
 - a) blacklisting and other discriminatory practices
 - b) zero hours contracts

- c) Living Wage
- d) apprenticeship and local employment
- e) ethics.

8 Key Decisions

- 8.1. The letting of a large contract may be a Key Decision as defined below and will be administered in accordance with CSO 18 and CSO 44 for the disposal of land.
- 8.2. A Key Decision means a Cabinet/Portfolio Holder decision which is likely to:
 - a) result in the Council incurring expenditure which is, or the making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates. Expenditure or savings are deemed to be significant if they exceed £50,000.
 - b) be significant in terms of its effects on communities living in an area comprising two or more wards or electoral divisions in the area of the local authority.

9 General Matters

- 9.1. Officers are required to seek early advice from Corporate Procurement for any procurement activity with an estimated value of £5,000 or greater.
- 9.2. Corporate Procurement will give the appropriate level of support, advice and guidance to Officers.
- 9.3. Failure to comply with CSOs may result in disciplinary action.
- 9.4. The Legal Services Manager will submit an annual report at the end of each financial year to the Corporate Management Team summarising procurement activity and issues arising during that period.
- 9.5. The Legal Services Manager will instigate an annual review of CSOs and arrange for the latest version to be available on the Council's internal and external websites.

Contract Standing Orders (Part 1) The Scope of Contract Standing Orders (CSOs)

1 Activities Covered by CSOs

- 1.1. These CSOs apply to every contract the Council enters into for:
 - a) goods, works or services (including consultants' advice and expertise)
 - b) contract hire and lease/rental agreements
 - c) concessions and sponsorship
 - d) the disposal of land with an estimated aggregate value equal to or above the sum currently specified in CSO 9 (and Section 2, CSO 33 for the disposal of land) and Financial Regulations
 - e) the appointment of interim or agency workers.
- 1.2. For every contract, the Director will:
 - a) delegate operational responsibilities to a Lead Officer who will be responsible for all the activities necessary to deliver the Council's objectives (including the arrangements for contract management and monitoring post contract award)
 - b) advise any agent, consultant or agency/interim member of staff appointed to act on the Council's behalf that they must also comply with CSOs, Financial Regulations and with all UK and EU governing legislation as if they were an Officer of the Council
 - c) ensure that everyone in their Service knows that they must follow CSOs, and avoid any impropriety or the appearance of impropriety
 - d) ensure that everyone in their Service knows that it is a disciplinary offence to fail to comply with CSOs

- e) ensure that everyone in their Service knows that if they have concerns in relation to breaches of CSOs that they can discuss the matter with the Legal Services Manager, Audit Manager or Monitoring Officer.
- 1.3. In all cases, the Lead Officer must notify Corporate Procurement before starting the procurement process to establish the appropriate procurement route and level of procurement support required.
 - 1.4. A simple reference in these CSOs to an Officer or Officers without any further description shall mean the Officer or Officers responsible to the Council for the conduct of any of the activities covered by these CSOs.

2 Legislation

- 2.1. The Public Contracts Regulations 2015 and all relevant and applicable government legislation and regulations for the time being in force in the United Kingdom must be complied with and shall prevail in relation to these CSOs.

3 Exceptions to CSOs (“Waivers”)

- 3.1. No exceptions shall be made from these CSOs otherwise than by a joint written decision of the appropriate Director and/or the Section 151 Officer in agreement with the Legal Services Manager and in consultation with the relevant Portfolio Holder.
- 3.2. This is permissible when Lead Officer has given detailed reasons for the Exception, such as efficiencies, savings, limited market, statutory duty or requirement, social value, furtherance of equality duty, engagement of SME or third sector organisation, or some other substantial reason.
- 3.3. The appointment by the Playhouse of Specialist Artists, and the appointment of Barristers, Arbitrators or similar shall be subject to prior written approval by the appropriate Director.

4 Probity

- 4.1. The Lead Officer must:
 - a) maintain a complete record of bids, offers, quotations or tenders received, reasons for making an award decision, Minutes of meetings, supporting correspondence and documentation
 - b) treat all Suppliers equally in an open, fair and transparent way
 - c) under no circumstances provide a Supplier with information that has not been given to other Suppliers bidding for the same contract

- d) under no circumstances disclose to Suppliers details of bids invited or prices received before a contract has been awarded.

5 Emergency Works

- 5.1. If an emergency or disaster threatens life or property CSOs may be deemed waived to the extent necessary in the circumstances, but the Lead Officer must report any action taken to the Legal Services Manager in writing within two weeks of the waiver.

6 Aggregation Rules

- 6.1. In estimating the value of a contract, the Lead Officer must not artificially split up any contract, either in structure, duration or value to avoid financial thresholds.
- 6.2. The estimated value of a single purchase must be calculated as follows:
 - a) Where the contract is for a fixed period, estimate the total cost over the whole of that period.
 - b) Where there will be a number of transactions over a period of twelve months, estimate the total cost over the full period.
 - c) Where the contract is for an uncertain or undefined duration greater than twelve months, multiply the annual estimated cost by 4.
 - d) Calculate the "whole life cost", applicable when the contract price will include additional/on-going costs such as maintenance and support, disposal, expenses, training. The estimated contract value is the sum of all of the amounts payable to the Supplier over the term of the contract, not just the initial purchase price.
 - e) Projected income payable to the Council.
 - f) Project income payable to the Supplier by a third party.

7 Specification

- 7.1. The Lead Officer must ensure that the specification:
 - a) clearly describes the Council's requirements in sufficient detail to enable the submission of competitive offers
 - b) includes relevant robust performance measures so that the contractor's performance can be properly and adequately monitored
 - c) incorporates all relevant quality standards, qualifications and accreditations

- d) does not discriminate or inhibit competition
- e) does not refer to trade names or patents unless “or equivalent” is also stated
- f) clearly sets out the mechanism for pricing, payments and delivery period.

7.2. The Lead Officer shall give consideration to social, economic, environmental, sustainability, equalities and diversity issues to the extent that they may be relevant and proportionate to the project.

8 Evaluation of Tenders and Quotations

8.1. The method of evaluation must be determined before inviting bids and this should reflect the type, value, duration and complexity of the contract. Suppliers must be advised how their bids will be evaluated and given weightings for all criteria and sub-criteria, where applicable.

8.2. The method of evaluation must not be altered after the closing date and time for the receipt of bids under any circumstances. Evaluation can be on the basis of:

- a) lowest price, where payment is to be made by the Council
- b) highest price, where payment is to be received by the Council
- c) most economically advantageous (such as 60 percent Quality, 40 percent Price)
- d) any other method clearly explained in the invitation to bid documentation that complies with relevant legislation.

8.3. Abnormally Low Tenders

- a) If any Tender is more than 20 percent less than the next lowest it will, on the face of it, be considered to be an abnormally low offer and the Council may seek an explanation from the Tenderer as to why this is the case and some assurances that the goods, works or services can be delivered at the price offered.
- b) To enable all tenders to be evaluated in full compliance with the principles of equal treatment and transparency the abnormally low tenderer should be asked to provide an explanation of their tender price to satisfy the Council that they can sustain the contract over the contract duration at no additional cost to the Council.
- c) The Council has a duty to the competing tenderers to investigate an abnormally low tender and may, subject to the foregoing, reject an abnormally low tender.

9 Thresholds and Award Process

9.1. The thresholds, minimum number of Suppliers to be invited to bid and the different award processes for appointing Suppliers are set out below.

Process	Threshold (Estimated Value of Contract)	Minimum Number of Suppliers	Awarding Contracts (refer to CSO 18)
Quotation	Less than £10,000	1	Lead Officer issues Agresso Order
Quotation (Leaseholder Properties only)	Low value Leaseholder contracts – see CSO 9.5, 9.6 & 9.7	3	Lead Officer issues Agresso Order
Quotation	£10,000 but less than £50,000	3	Lead Officer issues Agresso Order
Quotation	£50,000 but less than £75,000	3	Lead Officer in agreement with the Legal Services Manager
Tender	£75,000 but less than £350,000	4	Lead Officer in agreement with the Director and Legal Services Manager in consultation with the relevant Portfolio Holder
Tender	£350,000 or greater***	5	Lead Officer in agreement with the Director and Legal Services Manager. Decision to award subject to approval of Cabinet or Full Council.

****must be included on the Forward Plan of Cabinet*

9.2. The Public Procurement Regulations 2015 must be followed if the estimated aggregate value of a contract (inclusive of VAT) exceeds the following limits:

Goods and Services	£213,477
Works/Civic Engineering	£5,336,937

Thresholds are subject to review in January 2024

9.3. Leaseholder Contracts

- a) If the value of the goods, works or services directly affect leaseholder service charges by £250 or more per property, or £100 per property for a qualifying long term agreement of twelve months or greater, or such other value as may be prescribed from time to time by statute. The Home Ownership Manager must be notified to ensure that:
 - i) Initial Notice of Intent leaseholder consultation is carried out and completed before tenders or quotations are sought, and that
 - ii) Notice of Estimates leaseholder consultation is carried out on returned tenders or quotations and completed prior to any award being made.

9.4. In such circumstances, a minimum of three Suppliers should be invited to bid to comply with Section 151 of the Commonhold Leasehold Reform Act 2002. For contracts with an estimated value of £10,000 or greater, the requisite number of Suppliers stated in CSO 9.6 , (c) and (d) should be invited to bid.

9.5. The Lead Officer must ensure that sufficient time is allowed for leaseholder consultation prior to inviting bids and prior to awarding a contract. Each consultation period shall be a minimum of 30 days. Failure to do so will result in the Council being unable to recharge leaseholders for their proportion of the works.

9.6. For contracts with an estimated value:

- a) Below £10,000
 - i) the Lead Officer must obtain a single quotation in writing from a suitably qualified Supplier (a Local Supplier should be appointed when possible)
- b) £10,000 but less than £75,000
 - i) the Lead Officer must seek at least three written quotations from suitably qualified Suppliers
- c) £75,000 but less than £350,000

- i) the Lead Officer must seek at least four written tenders from suitably qualified Suppliers with the appropriate level of support and advice from Corporate Procurement.
 - d) £350,000 or greater
 - i) the Lead Officer must seek at least five written tenders from suitably qualified Suppliers with the appropriate level of support and advice from Corporate Procurement.
- 9.7. Local Suppliers should be given the opportunity to bid provided that this does not distort competition and subject to the Council's minimum requirements in terms of qualifications, experience, financial and economic standing being met.
- 9.8. Suppliers may be selected and appointed by one of the following methods listed in no order of priority in accordance with CSO 11.
- a) Selective tendering from an Accredited Supplier List
 - b) Following publication of an advertisement
 - c) A compliant Framework Agreement
 - d) Any other procurement route that must be agreed with the Legal Services Manager.

10 Selective Tendering (below advertising threshold)

- 10.1. The requisite number of suitably qualified Suppliers as specified in CSO 9, appropriate for the type and value of work, may be invited to bid (or in the case of 10.1 a) only) invite a business case for best value consideration in the following order of priority.
- a) Council Trading Arm (appropriate subsidiary)
 - b) Two available suitably qualified and experienced Local Suppliers
 - c) One available Supplier who has recently completed a successful contract for similar goods, works or services
 - d) Supplier(s) picked at random from an Accredited Supplier List.

11 Advertising Contracts

11.1. Below Threshold

- a) The contract opportunity must be published on the MyTenders portal, Contracts Finder and any other appropriate advertising media

if the estimated aggregate value of the contract is £25,000 or greater unless:

- i) the opportunity is made available only to the requisite number of particular Suppliers who have been selected for that purpose from a recognised Accredited Supplier List such as Constructionline or Exor
- ii) there are less than three appropriate Suppliers on an Accredited Supplier List in accordance with Regulation 110(5) of the Public Contracts Regulations 2015.

11.2. Above Threshold

- a) The contract opportunity must be despatched to the Find a Tender Service (FTS) via the MyTenders Portal if the estimated aggregate value is within 10 percent of the thresholds shown below. The Contract Notice must also be published on Contracts Finder and any other appropriate advertising media no sooner than 24 hours after the Contract Notice has been despatched.

Goods and Services	£213,477 (inc. VAT)
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Works/Civic Engineering	£5,336,937 (inc. VAT)
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The above thresholds are subject to review in January 2024.

11.3. Contract Notices will be published by Corporate Procurement in consultation with the Lead Officer.

11.4. Public Contracts Regulations 2015 place a duty on Officers to publicise the Council's requirements to ensure that fair and equal opportunity is offered within the market. Adverts must be non-discriminatory and be sufficient to attract genuine competition.

11.5. Methods of advertising include (but shall not be limited to):

- a) Council's Website via the MyTenders portal.
- b) Advertising on Contracts Finder if the value is £25,000 or greater.
- c) Publishing a Prior Information Notice (PIN) to notify the market of future potential requirements.
- d) Publishing an advert in the local press and/or appropriate trade journals.
- e) Publishing an advert on an appropriate website and/or free press.

- f) Publishing an above threshold Contract Notice on Finna a Tender and Contracts Finder via the MyTenders portal.
- g) Advising current and former Suppliers and inviting them to register their interest.

12 Electronic Tendering

- 12.1. Tenders and quotations with a value of £10,000 or greater shall be conducted via the MyTenders portal (a secure e-tendering portal) with appropriate support and guidance from Corporate Procurement.
- 12.2. The Public Contracts Regulations 2015 place a duty on the Council, by means of the internet, to offer unrestricted and full direct access free of charge to the tender documents from the date of publication on FTS and Contracts Finder.

13 Tenders and Quotations

- 13.1. For works or services with a value of £10,000 or greater, at least two satisfactory responses to an invitation to tender or quote must normally be received. In circumstances where there is only one satisfactory response, the Lead Officer must be able to demonstrate that acceptance shall deliver value for money.
- 13.2. Every invitation to tender or quote should normally include:
 - a) Form of Tender
 - b) Instructions and Advice to Bidders (how to return a tender)
 - c) Anti-Collusion Certificate
 - d) FOI Exemption Certificate
 - e) Terms and Conditions
 - f) Specification
 - g) Tender Evaluation Methodology/Criteria

14 Opening Tenders and Quotations

- 14.1. Tenders and quotations received via the MyTenders portal do not require witnessing or Portfolio Holder attendance when opening. For tenders and quotations submitted in hard copy format, the following process must be followed.
- 14.2. Opening Tenders

- a) Returned tenders will be stored in a secure area by Contact Harlow until they are collected by a member of Corporate Procurement after the time and date for the receipt of tenders has expired.
- b) Tenders must be returned in a plain sealed envelope using the label supplied for this purpose strictly by the deadline stated. There must be no mention of the sender's name or any other way of identifying the bidder.
- c) The appropriate Portfolio Holder (or in their absence another Councillor) and a member of Corporate Procurement will open tenders with an estimated value of £75,000 or greater.

14.3. Opening Quotations

- a) Returned quotations will be stored in a secure area by Contact Harlow until they are collected by a member of Corporate Procurement after the time and date for the receipt of quotations has expired.
- b) Quotations must be returned in a plain sealed envelope using the label supplied for this purpose strictly by the deadline stated. There must be no mention of the sender's name or any other way of identifying the bidder.
- c) The Lead Officer and an appropriate witness may open quotations with an estimated value less than £20,000 and must keep a record of all bids received.
- d) A member of Corporate Procurement and an appropriate witness shall open quotations with an estimated value of £20,000 but less than £75,000.
- e) Tenders and quotations must be opened and results recorded simultaneously. A record of all bids with a value greater than £20,000 shall be retained by the Legal Services Manager.
- f) Details of prices received must be kept confidential until after the contract has been awarded.
- g) No Officer or Councillor who has a direct or indirect pecuniary interest may attend the opening of tenders or quotations.

15 Amending Tenders and Quotations

- 15.1. A tender or quotation can only be amended after it has been received and before it has been accepted to correct an error made in good faith provided that documentary evidence to justify the amendment to the tender or quotation is retained for audit purposes.

16 Late Tenders and Quotations

- 16.1. Any tender or quotation submitted in competition and received after the specified time and date shall be opened by the Legal Services Manager only to ascertain the name of the sender. No details shall be disclosed and the tender or quotation shall be disqualified from the process and be promptly returned to the sender other than in the following exceptional circumstances:
- a) Where the Council's Offices were unexpectedly closed due to unforeseen circumstances so that tender or quotation could not be delivered on time.
 - b) Particularly severe weather conditions which delayed the arrival of a tender or quotation and where there is clear evidence of dispatch with sufficient time allowed for delivery to comply with the specified return time and date.

17 Negotiations and Discussions

- 17.1. Negotiations with bidders must not take place unless the appropriate procurement route was adopted at the outset in accordance with the Public Contracts Regulations 2015. Where permissible, negotiations must be accurately recorded and conducted in an open, fair and transparent way.
- 17.2. Discussions may be held following submission of tenders or quotations for the purpose of clarifying or supplementing the content of the bid and/or the requirements of the contracting entities only.

18 Accepting Tenders and Quotations

- 18.1. Only the lowest tender or quotation (or highest if payment is to be made to the Council) can be accepted unless the bids are evaluated on the basis of that which is the most economically advantageous, in relation to the criteria defined in the invitation to bid documents.
- 18.2. Contracts with a value less than £50,000 may be let by the Lead Officer by issuing an official Council Order through Agresso. The Order should clearly identify the scope of the works/specification, duration, cost and Order/Project Number.
- 18.3. Contracts with a value of £50,000 but less than £75,000 may be let by the Lead Officer in agreement with the Director and Legal Services Manager.
- 18.4. Contracts with a value of £75,000 but less than £350,000 may be let by the Lead Officer in agreement with the Director and Legal Services Manager in consultation with the appropriate Portfolio Holder.

- 18.5. Contracts with a value of £350,000 or greater shall be let by the Lead Officer in agreement with the Director and Legal Services Manager subject to the approval of Cabinet or Full Council and a call-in period of five working days.
- 18.6. All contract awards with a value of £25,000 or greater must be published on Contracts Finder within three months of the award decision.
- 18.7. Appointing Consultants
- a) Contracts with a value less than £20,000 may be let by the Lead Officer by issuing an official Council Order through Agresso. The Order should clearly identify the scope of the services/specification, duration, cost and Order/Project Number.
 - b) Contracts for the appointment of a Consultant with a value of £20,000 but less than £75,000 shall be let by the Lead Officer in agreement with the Director and the Legal Services Manager in consultation with the relevant Portfolio Holder.
 - c) Contracts for the appointment of a Consultant, with a value of £75,000 or greater shall be let by the Lead Officer in agreement with the Legal Services Manager subject to the approval of Cabinet or Full Council and a call-in period of five working days.
- 18.8. Appointing Agency or Interim Staff
- a) Contracts for the appointment of Agency or Interim Staff may be entered into subject to the agreement of the Director in consultation with the Human Resources Manager in writing.
- 18.9. Disposal of Land
- a) For awarding contracts relating to the disposal of land refer to Section 2.

19 Extending Contracts

- 19.1. Value Below £350,000
- a) A contract term (the length of a contract) may be extended by the Lead Officer in agreement with the Legal Services Manager and the Director provided that:
 - i) A provision to extend is included in the original contract and where applicable, the Contract Notice;

- ii) the aggregate value of the contract extension is less than £350,000;
- iii) sufficient funding has been approved to cover the cost of the proposed extension;
- iv) the aggregate value of the contract will not exceed the Public Contracts Regulations 2016 threshold;
- v) the proposed extension represents value for money;
- vi) there are no statutory restrictions to prevent this; and
- vii) the contract is being satisfactorily performed.

19.2. Value of £350,000 or greater

- a) A contract term (the length of a contract) may be extended by the Lead Officer in agreement with the Legal Services Manager and the Director subject to the approval of Cabinet or Full Council and a call-in period of five working days provided that:
 - i) provision to extend is included in the original contract and where applicable, the Contract Notice;
 - ii) sufficient funding has been approved to cover the cost of the proposed extension;
 - iii) the aggregate value of the contract will not exceed the Public Contracts Regulations 2015 threshold (unless original contract was advertised in FTS);
 - iv) the proposed extension represents value for money;
 - v) there are no statutory restrictions to prevent this; and
 - vi) the contract is being satisfactorily performed.

20 Contract Management

20.1. Contracts must be managed and monitored by the Officer as designated by the Director. The responsible Officer will keep complete records during the lifetime of the contract and should monitor, as a minimum:

- a) Performance/KPI's (*including Social Value*)
- b) Compliance with specification and terms and conditions
- c) Cost (keeping within budget and identifying savings)

- d) User satisfaction and continuous improvement.

21 Contract Formalities

- 21.1. Contracts with a value at or greater than £50,000 must be in writing and executed under seal or signed and delivered as a deed.
- 21.2. Contracts with a value below £50,000 must be signed by a duly authorised Officer.
- 21.3. Every contract will:
 - a) be governed by English Law
 - b) clearly specify the goods, works or services to be supplied
 - c) state the total price to be paid with a statement of discounts or other deductions together with the arrangements for payment including any retentions
 - d) state the time or times within which the contract is to be performed including any options to extend the contract
 - e) penalties for non-compliance/KPI's, liquidated and ascertained damages (to the extent that this may apply)
 - f) state the method of dispute resolution
 - g) state any other relevant matters relating to the due performance of the contract.
- 21.4. The original copy of all signed/executed contracts must be stored in a Deed Packet in Legal Services.

22 Bonds and Other Security

- 22.1. Performance bonds are not mandatory and should only be sought if proportionate to the demonstrable risks, nature and value of the contract.
- 22.2. Where necessary, risk may be managed by holding a bond deposit or increasing retention sums held.
- 22.3. Risk to the Council of default shall be mitigated by prudent pre contract contractor due diligence and selection, and whilst in contract applying clear and robust performance monitoring.
- 22.4. A parent company guarantee may be considered as an alternative to the provision of a performance bond subject to a risk assessment in accordance with the rest of CSO 22 above.

23 Insurances

- 23.1. All Suppliers must carry sufficient public liability, employer's liability, product liability and professional indemnity insurance appropriate to their business with the Council.
- 23.2. The Lead Officer/Contract Manager must ensure that:
- a) the supplier provides documentary evidence of cover before the contract begins, and that evidence of renewal is supplied if the insurance expires during the contract period
 - b) the level and type of insurance is sufficient to cover all the risks associated with the performance of the Contract
 - c) the supplier provides annual updates (including evidence of payment of premium for term contracts).
 - d) advice is sought from the Insurance Manager to ascertain the level and type of insurances required to protect the Council's risks.

24 Retendering

- 24.1. If, during the tendering exercise, a material change occurs in the value, duration or scope of a contract, formal re-tendering will be necessary to give all bidders an equal opportunity to consider the new requirements. For this purpose "what is a material change" will be determined by the Director of Governance and Corporate Services.

25 Declaration of Interest

- 25.1. Section 117 of the Local Government Act 1972 requires that any Officer employed by the Council who finds out that the Council has entered or is proposing to enter into a contract in which they have a "pecuniary" interest must notify the Council of that interest in writing, as soon as it is practicable. It is a criminal offence not to comply with this provision. The Director of Governance and Corporate Services will keep a complete record.

26 Freedom of Information Act (2000)

- 26.1. The Council's Access to Information Policy must be adhered to where requests for information relating to procurement activity are received under the Freedom of Information Act (2000).

27 Bankruptcies and Liquidations

- 27.1. The Legal Services Manager must be notified if a Supplier ceases to trade as a result of bankruptcy or liquidation and the action to be taken shall be agreed with the Director of Governance and Corporate Services on:

- a) terminating the contract;
- b) appointing a new Supplier to complete the contract;
- c) negotiating with liquidator/receiver/administrator; and
- d) assigning the contract and novation.

28 Disposal of Assets (including IT Equipment)

- 28.1. Financial Regulations must be complied with when disposing of the Council's assets including the disposal of stores and equipment. The Lead Officer must seek the best value reasonably obtainable for the Council, using an auditable process and ensuring compliance with all relevant legislation and Council policies.
- 28.2. The Lead Officer must retain a complete audit trail relating to any such disposals which shall be subject to consultation with the appropriate Director and the Director of Finance.
- 28.3. All disposals of ICT equipment must be undertaken by ICT Services.

29 Concessions and Sponsorship

- 29.1. The Council may seek Suppliers who are willing to pay the Council for the right to provide services in Council premises or on Council land such as vending rights. In such circumstances, Contract Standing Orders will apply.

30 Corrupt Practices

- 30.1. In relation to any contract with the Council, the Council will be entitled to give a Supplier notice that the contract has been terminated with immediate effect if the Supplier, or any person employed by the Supplier, or acting on its behalf, commits any offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.
- 30.2. Every contract with the Council will include a clause empowering the Council to cancel a contract and to recover from the Supplier the amount of any loss resulting from such cancellation if the Supplier has committed any of the offences described in CSO 30.1 above.

Contract Standing Orders

(Part 2) Disposal of Land

31 Introduction

- 31.1. Except where otherwise provided in these CSOs, the following rules must be followed every time the Council disposes of or enters into a contract for the disposal of land (including the grant of options to purchase land).
- 31.2. For every contract, the Director will comply with CSO 1.2 above.

32 Exceptions

- 32.1. No exception will be made from Section 2 of these CSOs, other than by Cabinet or Council after considering a report to which the Legal Services Manager, the Section 151 Officer and the Property and Facilities Manager have contributed.

33 Authority to Dispose of Land

- 33.1. The Director has the authority to sell land:
 - a) with no development potential and an estimated market value of less than £10,000
 - b) with development potential and a proposed sale price of less than £10,000 provided there are betterment provisions to realise the value of the development potential
 - c) with an estimated market value between £10,000 and less than £50,000 in consultation with the relevant Portfolio Holder and the Section 151 Officer.
- 33.2. The Director has the authority to lease land:
 - a) for a period of less than seven years at a rent at or below best consideration reasonably obtainable.
 - b) for a period of seven years or more for an estimated aggregated rental value less than £50,000 in consultation with the relevant Portfolio Holder and the Section 151 Officer.
- 33.3. The terms of any other land disposals must be agreed by Cabinet or Council.

34 Entering into Contracts

- 34.1. Except where otherwise provided in these CSOs, contracts for land disposals must be entered into by one of the following methods:
- a) Selective bidding following publication of an advertisement.
 - b) Open competitive bidding following publication of an advertisement.
 - c) By Private Treaty.
 - d) By Auction.
 - e) Selective bidding by invited Housing Providers.
- 34.2. Methods of advertising are included in CS0 11.5 above.
- 34.3. Where an intended land disposal involves a contract of a kind requiring the Council to comply with EU Regulations, the scheme for the disposal shall ensure compliance with EU Regulations.

35 Selective bidding by advertisement (where EU Regulations do not apply)

- 35.1. An advertisement stating the nature and purpose of the proposed agreement and inviting formal expressions of interest will be placed in an appropriate newspaper and industry journal and will give a closing date by which expressions of interest must be received. This will be at least 28 days after the date of publication of the advertisement.
- 35.2. After the closing date (subject to satisfactory outcome of a financial appraisal (and where considered appropriate) a technical appraisal) at least four of those persons expressing an interest will be invited to bid or (if the expressions of interest are less than four) all persons who expressed an interest and whose appraisal meets a satisfactory outcome will be invited to bid.
- 35.3. The invitation for bids will provide information about any criteria to be used in evaluating the bids.
- 35.4. Officers responsible for drawing up or agreeing criteria will record the criteria in their files and record when and by whom the criteria were agreed.
- 35.5. For the purposes of this CSO 35 any successful bidder will be financially reappraised immediately prior to any award.

36 Selective bidding by invited Housing Providers

- 36.1. In the case of a proposed transaction falling within the scope of the Stansted Area Housing Partnership not less than two Housing Providers

shall (subject to satisfactory outcome of a financial appraisal) be invited to bid in accordance with the terms of that partnership arrangement.

- 36.2. In all other cases, at least four Housing Providers will (subject to satisfactory outcome of a financial appraisal) be formally invited to bid.
- 36.3. For the purposes of this CSO 36 all Housing Providers will be financially reappraised immediately prior to any award.

37 Best Consideration

- 37.1. The Council has a duty to secure value for money and when disposing of land must normally ensure that it obtains best consideration. This will be the market value of the land as defined by the Royal Institution of Chartered Surveyors.
- 37.2. If the Council receives a higher bid prior to exchanging contracts, it must decide whether to consider that bid. In making this decision, the Council must explore as far as is reasonable the merits of the alternative bid, the level of uncertainty surrounding the bid and the risk of accepting that offer. All of these factors must be weighed in the balance against the value and certainty of the existing offer.
- 37.3. Interested parties must be invited to make a final offer by a specified time and date.
- 37.4. Acceptance of an offer should be subject to completion within a specified and limited timescale of no greater than six months.
- 37.5. Terms should not be finalised without a current valuation but the costs associated with delays in the sale (for example lost interest and remarketing must be considered).
- 37.6. Details of individual bids should not be disclosed to any other bidder or potential bidder.

38 Sale At Less Than Best Consideration

- 38.1. In certain circumstances the Council has a power to dispose of land for less than best consideration without receiving the specific consent of the Secretary of State. Legal advice should be taken before committing to any such disposal.

39 State Aid

- 39.1. A disposal of land at an undervalue is capable of amounting to State Aid. State Aid applies where public funds can be said to subsidise a private operator in some way, and subject to certain exceptions it is generally unlawful.

39.2. Legal advice must be taken where State Aid could be involved.

40 Planning Permission

40.1. Where it is intended to sell land with an expectation that it will subsequently be developed consideration should be given to securing planning permission prior to the sale.

41 Marketing and Sale of Land – Choice of Procedure

41.1. Private Treaty

- a) A sale by private treaty occurs where negotiations are carried out between the Council and a prospective purchasers privately and normally without a time limit for exchange of contracts. This is a flexible and straightforward approach to land sale but its informality can increase suspicions of unfair dealing and cause difficulties in demonstrating that best consideration has been obtained.
- b) Sales by Private Treaty should only be accepted where the sale is within the delegated powers of the relevant Portfolio Holder, unless Cabinet or Council approval is granted. In such cases the Cabinet or Council report must set out the justification for the use of this procedure.

41.2. Sealed Tender

- a) Tenders must be invited at the same time with a fixed closing date and time.

42 Opening Tenders

42.1. CSO 14 shall apply to the opening of tenders except in the case of tenders invited under CSO 34.1e. (selective bidding by invited Housing Providers) in which case (for tenders with an estimated value of £50,000 or greater) an officer of Corporate Procurement and either another officer from Corporate Procurement or an officer from the Regeneration Team shall open tenders.

43 Negotiations with Developers/Purchasers

- 43.1. Negotiations with prospective developers or purchasers must wherever reasonably practicable take place at the Council's offices or those of the prospective developer or purchaser within normal office hours. At least two officers or one officer and an external consultant appointed by the Council to act on its behalf must be present and signed and dated Minutes must be kept for audit purposes.
- 43.2. Meetings and telephone conversations must immediately be followed by an exchange of correspondence to confirm the position.

44 Accepting Bids/Offers

- 44.1. No contract with a value at or above £50,000 will be entered into and no disposal shall take place without the consent of Cabinet or Council in accordance with CSO 33.3 above. Market conditions and the estimated period for completion of the transaction must be included in any Cabinet report.
- 44.2. The Cabinet report must include a recommendation as to what legal interest the Council would be best advised to dispose of, and the most effective way of disposing of an interest in order to secure the best terms reasonably obtainable.
- 44.3. Any proposal to dispose of land for less than the best consideration reasonably obtainable will require the consent of Cabinet or Council and any report for this purpose will advise Councillors of the requirement or otherwise to obtain the consent of the Secretary of State.
- 44.4. Any decision to dispose of land at less than the best consideration reasonably obtainable or at less than market value will be supported by recorded evidence.
- 44.5. In the case of disposal by auction, the proposed sale will always be subject to a reserve price of not less than a current valuation.
- 44.6. The terms of any contract will not be finalised without the benefit of a current valuation of the land in question.

45 Revised Bids/Offers

- 45.1. Should a preferred developer or the highest bidder or a person making the highest offer seek to substitute a lower offer or bid, Officers will on every occasion give to all making bids or offers the opportunity of making a further bid or offer by a specified date and time.

46 General Requirements

- 46.1. Following the decision of Cabinet to give its consent under CSO 33.3, Officers will take all practicable steps to secure an early exchange of contracts.
- 46.2. If contracts have not been exchanged within six months of the date of Cabinet consent, Officers will be required to invite fresh bids from all the bidders and any other person who originally expressed a formal interest.
- 46.3. The valuation of best consideration can change quickly and a prompt completion will be necessary to avoid selling at an undervalue.
- 46.4. An appropriately qualified or experienced officer shall always be present when bids are being evaluated.

46.5. CSO 46.2 shall not apply in cases where the negotiated procedure (within the meaning of the EU Regulations) has been adopted.

47 Exemptions and Special Cases

47.1. Right to Buy

- a) Disposals pursuant to the Right to Buy will not be subject to these CSOs but shall be conducted in accordance with the relevant provisions of the Housing Act 1985 or any modification or re-enactment of the same.

47.2. Sale of Additional Land to Owner Occupiers

- a) The disposal of land to owner occupiers which does not exceed in extent on half of the garden land then currently owned by the owner occupier at the property in question, shall only be subject to approval of the Director.

47.3. Commercial Portfolio Leases

- a) Applicable to the grant, assignment or sub-letting of leases comprising any part of the Council's Commercial Portfolio, as managed by the Property and Facilities Management Service. These transactions will only be subject to the approval of the Director.

47.4. For the avoidance of doubt the Commercial Portfolio includes "community lettings".

47.5. Any matter or authority delegated to any officer from time to time by the relevant Portfolio Holder or Cabinet or Full Council.

Contract Standing Orders

Definitions

Unless the context otherwise requires, in this document the terms below shall have the meanings ascribed to them:

1 Accredited Supplier List

- 1.1. means an accredited source such as Constructionline, Exor, a purchasing consortium, framework agreement, Housing Providers (for land disposal only) or other similar sources as may be approved by the Legal Services Manager

2 Agency Staff

- 2.1. means a person(s) sourced through Recruitment/Employment agencies to cover short term vacancies, temporary increases in workload or where it has not been possible to fill positions through normal Council recruitment policies.

3 Bond

- 3.1. means a legally enforceable financial guarantee given by a third party (the guarantor) to the Council to guarantee the obligations of a Supplier under a contract. (This is commonly referred to as a performance bond)

4 Consultant

- 4.1. means a person(s) or body that supplies professional, technical advice or expertise but does not include workers engaged through a recognised staff agency agreement, interim arrangement and/or the supply of a management role in addition to professional/technical advice or expertise. A consultant is supernumerary and would carry out a one-off project that is time-limited

5 Council

- 5.1. means Harlow District Council.

6 Councillor

- 6.1. means an elected member of the Council.

7 Council Trading Arm

7.1. means HTS Group (Company Registration Number 09929960 acting through its subsidiary trading arms)

8 CSOs

8.1. means the Council's Contracts Standing Orders which form part of the Constitution and set out the rules for the procurement of goods, works and services and the disposal of land/land transactions.

9 EU

9.1. means European Union.

10 EU Regulations

10.1. means the Public Contracts Regulations 2015 or any regulations as may replace or modify the same.

11 EU Threshold

11.1. means £172,514 for the supply of goods and services and £4,332,012 for works (new thresholds apply with effect from January 2016).

12 Emergency

12.1. means a requirement which could not reasonably have been foreseen and cannot be delayed or deferred.

13 Financial Regulations

13.1. means the Council's Financial Regulations that set out the rules and procedures for financial management and the conduct required of Council staff in dealing with financial matters. This document is issued by the Director of Finance and forms part of the Constitution.

14 Framework Agreement

14.1. is a non-binding agreement that may be entered into with a single Supplier or several Suppliers, setting out the terms and conditions and scope of the goods, works or services under which future purchases (or call offs) can be made throughout the term of the agreement and that any such agreement shall normally have been subjected to an OJEU compliant competitive tendering exercise.

15 Goods, Works and Services

15.1. should be taken as defined in the latest version of the EU Procurement Directives.

16 Housing Provider

16.1. means a registered provider of social housing within the meaning of the Housing and Regeneration Act 2008 or any statutory modification or re-enactment thereof.

17 Interim Staff

17.1. means a person(s) sourced through Recruitment/Employment agencies to cover short term vacancies, temporary increases in workload or where it has not been possible to fill positions through normal Council recruitment policies.

18 Lead Officer

18.1. means a named officer delegated by a Director to be responsible for the procurement of specific supplies, services or works including the disposal of land and where appropriate, the Lead Officer shall be a Corporate Procurement Officer. The Lead Officer will seek advice, guidance and support from Corporate Procurement when seeking to invite tenders and quotations, issue orders and let contracts within the scope of these CSOs.

19 Leaseholder Properties

19.1. means those flats or maisonettes sold in respect of which leases have been granted pursuant to Part 5 of the Housing Act 1985.

20 Local Supplier

20.1. means any contractor, consultant, supplier of goods, works or services that is based within a radius of ten miles of Harlow.

21 Monitoring Officer

21.1. means the officer designated pursuant to Section 5 of the Local Government and Housing Act 1989.

22 Novation

22.1. means the agreed transfer to another Supplier of the full obligations and rights under a contract.

23 OJEU

23.1. means the Official Journal of the European Union.

24 Portfolio Holder

24.1. means a member of the Council's Cabinet with a designated set of responsibilities.

25 Quotation

25.1. means an offer or bid to supply or purchase land, goods, or materials, execute works or provide services including consultancy, at a stated priced based on terms and conditions agreed with the Supplier. For the purpose of CSOs, the Council uses the term Quotation for the simpler procurement process to be followed for estimated contract values less than £50,000.

26 Section 151 Officer

26.1. means an officer appointed in accordance with Section 151 of the Local Government Act 1972.

27 Supplier

27.1. means the party or potential party to a contract who supplies goods, works or services or enters into a contract for the disposal of land.

28 Tender

28.1. means an offer or bid to supply or purchase land, goods, or materials, execute works or provide services including consultancy, at a stated priced based on terms and conditions agreed with the Supplier. For the purpose of CSOs, the Council uses the term Tender for the more complex procurement process to be followed for estimated contract values of £50,000 or greater.

29 Third Sector

29.1. means social enterprises, mutuals, charities, voluntary bodies, trusts etc.

Officer Employment Procedure Rules

1 Recruitment and appointment

1.1. Declarations

- a) Any candidate for appointment as an Officer must 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.
- b) No candidate related to a Councillor or an Officer will be appointed without the authority of a senior manager or an Officer nominated by them.

1.2. Seeking support for appointment.

- a) Subject to paragraph (c), 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.
- b) Subject to paragraph (c), no Councillor will seek support for any person for any appointment with the Council.
- c) Nothing in paragraphs (a) and (b) above will prevent a Councillor from giving a written reference for a candidate for submission relating to an application for appointment.

2 Recruitment of Head of Paid Service and Chief Officers

- 2.1. Where the Council proposes to appoint a Chief Officer 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:
 - i) the duties of the Officer concerned
 - ii) any qualifications or qualities to be sought in the person to be appointed

- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it
- c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3 Appointment of Head of Paid Service

- 3.1. Subject to the requirements of legislation, the Full Council will appoint the Head of Paid Service (Chief Executive) on the recommendation of the Cabinet.

4 Appointment of Statutory Officers

- 4.1. Subject to the requirements of legislation, the Council, on the recommendation of the Cabinet or the Head of Paid Service or their nominee, will appoint Statutory Officers.

5 Other appointments

- 5.1. Appointment of Officers below Chief Officer is the responsibility of the Head of Paid Service or their nominee and may not be made by Councillors.

6 Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer

- 6.1. in the following paragraphs:
 - a) the 2011 Act means the Localism Act 2011
 - b) Head of Paid Service, Monitoring Officer, Chief Finance Officer and disciplinary action have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
 - c) Independent Person has the same meaning as section 28(7) of the 2011 Act
 - d) Local government elector shall mean a person registered to vote in local government elections in the register of electors in the district in accordance with the Representation of the People Acts
 - e) The Panel means a Committee appointed by the Council under section 102(4) Local Government Act 1972 to advise the Council on matters relating to dismissal of relevant Officers
 - f) Relevant meeting means a meeting of the Council to consider whether or not to dismiss a relevant officer

- g) Relevant officer means the Head of Paid Service, Monitoring Officer or s151 Chief Finance Officer
 - h) Relevant Independent Person means one that has been appointed by the Council under the 2011 Act or where fewer than two have been appointed such persons appointed by another local authority or authorities.
- 6.2. A relevant Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 6.3. The Council must invite relevant Independent Persons to be considered for appointment to the Panel, with a view of appointing at least two such persons to the panel.
- 6.4. The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.3 in the following priority order:
- a) A Relevant Independent person who has been appointed by the Council and who is a local authority elector.
 - b) Any other Relevant Independent Person who has been appointed by the Council.
 - c) A Relevant Independent Person who has been appointed by another authority or authorities
- 6.5. The Council is not required to appoint more than two Relevant Independent Persons but may do so.
- 6.6. The Council must appoint the Panel at least 20 days before the relevant meeting.
- 6.7. Before taking a vote at the relevant meeting on whether or not to approve such a dismissal the Council must take into account, in particular:
- a) Any advice, views or recommendations of the Panel
 - b) The conclusions of any investigation into the proposed dismissal
 - c) Any representations from the relevant Officer.
- 6.8. Any remuneration, allowances or fees paid by the Council to an Independent Person must not exceed the level of remuneration allowances, or fees payable in respect of the person's role as Independent Person under the 2011 Act.
- 6.9. Councillors will not be involved in disciplinary action short of dismissal against any Officer below Chief Officer other than Statutory Officers

except where such involvement is necessary for any investigation or inquiry into alleged misconduct; such disciplinary action is the responsibility of the Head of Paid Service or their nominee.

7 Dismissal

- 7.1. Councillors will not be involved in the dismissal of any Officer below Chief Officer except where this is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, may allow a right of appeal to Councillors. Except for this provision, dismissals are the responsibility of the Head of Paid Service or their nominee.

8 Interpretation

- 8.1. "Chief Officer" is the Chief Executive.

9 Facilities for Officers

- 9.1. The Council will provide the Monitoring Officer and Chief Finance Officer with Officers, accommodation and other resources that are reasonably needed to perform their duties.
- 9.2. The Monitoring Officer and Chief Finance Officer will receive copies of SMB agendas and minutes and be able to contribute to and take part in relevant decisions taken by SMB.
- 9.3. The Chief Executive, Monitoring Officer and Chief Finance Officer will have unrestricted access to any information held by the Council Internal Audit and any employee (unless it is protected by statutory provisions), which can assist them in the discharge of their functions.
- 9.4. The Chief Executive, Chief Finance Officer, and the Monitoring Officer has the right to report to and advise the Cabinet or a Committee or the Council on any matter which they feel should be drawn to a Committee or Council's attention. No veto can be applied to such an intention to report, and the content and form of the report cannot be prescribed by Councillors or other Officers. The party group leaders (or in their absence the deputy group leaders) will also be informed before the report is issued.
- 9.5. The Chief Executive, Monitoring Officer and Chief Finance Officer will have advance notice of any agenda and reports, whether an informal or formal meeting, which may be relevant to their responsibilities.
- 9.6. The Chief Executive, Monitoring Officer and Chief Finance Officer will have copies of all reports to Councillors.
- 9.7. The Chief Executive, Chief Finance Officer and Monitoring Officer will meet regularly to consider and recommend action on matters of governance and/or probity.

10 Appraisal of Chief Executive

- 10.1. The Chief Executive's appraisal will be carried out annually by the Chief Executive's Appraisal Panel.