

PART 4
RULES OF PROCEDURE

COUNCIL PROCEDURE RULES (ALSO KNOWN AS STANDING ORDERS)

RULES FOR THE REGULATION OF PROCEEDINGS AND BUSINESS

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*** 1. ANNUAL MEETING OF THE COUNCIL**

1.1 The Annual Council Meeting will be held, in years when there is an ordinary election of councillors within 21 days of the retirement of the outgoing councillors and, in other years in March, April or May. In either case, the date shall be fixed by the Council and, except where stated otherwise in the summons, shall take place at 7.00 p.m.

The annual meeting will:

- (i) elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the previous meeting;
- (v) receive any announcements from the Chairman and/or Head of Paid Service;
- (vi) elect the Leader where this is necessary;
- (vii) note the membership of the Shadow Cabinet;
- (viii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution); decide the size and terms of reference of those Committees and the allocation of seats to political groups in accordance with the political balance rules;
- (ix) receive nominations of councillors to serve on each committee and outside body; appoint to those committees and outside bodies (except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive) and if it so determines, appoint from among the voting members appointed as a committee, a person to preside at the meeting of a committee and a person to preside in the absence of the first person;
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year; and
- (xii) consider any business set out in the notice convening the meeting.

***2. ORDINARY MEETINGS OF THE COUNCIL**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Annual Council Meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader, members of the Cabinet, Chairmen of Scrutiny Committees or the Head of Paid Service;
- (v) deal with any business from the last Council meeting;
- (vi) deal with questions asked under Rule 10.2;
- (vii) receive any reports from the Executive, the Overview and Scrutiny Committees and the Standards Committee and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations; including external and community partnerships;
- (ix) consider motions; and
- (x) consider any other business specified in the summons to the meeting.

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***3. EXTRAORDINARY MEETINGS OF THE COUNCIL**

3.1 Calling extraordinary meetings

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 **Business**

No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting. The summons to the meeting may not include the consideration of the minutes of previous meetings.

*4. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

4.1 **Allocation**

As well as allocating seats on committees, the Council may, at the same time, or at a subsequent meeting, allocate seats for substitute members for any committees except Standards Committee.

4.2 **Number**

For each committee, the Council may appoint substitutes in respect of each political group, in proportion to the number of members as that group holds ordinary seats on that committee, up to a maximum of 5.

4.3 **Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 **Health and Wellbeing Board**

Appointing bodies and the Leader of the Council may appoint a substitute member for each appropriate position on the Health and Wellbeing Board.

4.5 **Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after giving notification of the intended substitution to the Head of Paid Service in writing, to be delivered or submitted electronically, by 9.00 a.m. on the day of the meeting.

5. **TIME AND PLACE OF MEETINGS**

Unless the Head of the Paid Service determines otherwise and notifies a different time in the summons Council meetings will be held at 7.00 p.m. and other meetings will be held at 6.30 p.m. The place of meetings will be determined by the Head of the Paid Service and notified in the summons.

6. **NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of Paid Service will send a

summons signed by him/her or on his/her behalf to every member of the Council, or Committee as appropriate, or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

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7. CHAIRMAN OF MEETING

7.1 Chairman of the Council

The Mayor for the time being is the Chairman of the Council and is elected at the Annual Council Meeting.

7.2 Chairmen of Committee and Sub-Committees

- (a) If no persons are appointed under Rule 1(xi) then the Committee, at its first meeting after the Annual Council Meeting, will appoint a person from among its voting members to preside at its meetings together with a person to preside in the absence of the first person.
- (b) A committee may appoint from among the voting members a person to preside at the meetings of any sub-committee appointed by them together with a person to preside in the absence of the first person. If a committee does not make any such appointments then the sub-committees will make the appointments at its first meeting.
- (c) If the persons appointed under Rules 1(xi), 7.2(a) or 7.2(b) are absent then a meeting of a committee or sub-committee will appoint a person to preside at that meeting from among the voting members present.

7.3 The person presiding at the meeting may exercise any power or duty of the Chairman. The rule of the Chairman as to the application or construction of any of these Rules of Procedure shall not be challenged at any meeting. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

7.4 The order of business shall be as set out in the agenda but (subject to any statutory requirements) may be varied by the Chair at his or her discretion.

8. QUORUM

(a) Council

The quorum of a meeting of the Council will be one quarter of the whole number of members.

(b) Committees and Sub-Committees

The quorum of meetings of committees (except Standards Committee and Appointment and Appeals Committees) and sub-committees shall

be one quarter of the membership of the committee or sub-committee subject to a minimum of four voting members being present at a committee and two at a sub-committee.

(c) Standards Committee

- (i) A meeting of the Standards Committee (or any sub-committee) shall not be quorate unless at least three members, including at least one independent member of that committee (or sub-committee) are present.
- (ii) where at least one independent member would have been present for the duration of the meeting but for the fact that (s)he was prevented or restricted from participating in any business of the authority by virtue of the code of conduct, the requirement in (i) for the quorum to include at least one independent member shall not apply.
- (iii) if no Parish Council sub-committee has been appointed then, if matters relating to parish councils or the members of parish councils are being considered at the Standards Committee, one parish member must be present when those matters are considered.

(d) Appointment and Appeals Committees

For meetings of Appointment and Appeal Committees the quorum shall be as follows:

- (i) for a committee comprising 3 members the quorum shall be 2
- (ii) for a committee comprising 5 members the quorum shall be 3
- (iii) in all other cases the quorum shall be 4

(e) Health and Wellbeing Board

The quorum of a meeting of the Health and Wellbeing Board will be a minimum of five members with at least two Local Authority members and two Clinical Commissioning Group members present.

If, during any meeting, the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- 9.1.1 Except in respect of 9.1.2 below if the business of the meeting has not been concluded by 9.30 p.m., the Chairman must interrupt the meeting and any

member speaking must immediately sit down. The Chairman will at his/her discretion either call for the vote immediately on the item under discussion, (the vote will then be taken in the usual way without any further discussion) or adjourn the meeting to a date and time to be agreed by the members present. In the absence of a decision by the Members, the Head of the Paid Service, in consultation with the Chairman, shall fix the date and time of the resumed meeting.

9.1.2 Nothing in paragraph 9.1.1 shall prevent the Chairman of any regulatory committee from allowing that committee to proceed to the determination of a matter already under discussion after 9.30 p.m.

9.1.3 A regulatory committee is a committee which carries out functions set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

10. QUESTIONS BY MEMBERS

***10.1 On reports of the Executive or committees**

A member of the Council may ask the Leader, a Member of the Executive or the Chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or is under consideration by the Council.

***10.2 Questions on notice at full Council**

Subject to Rule 10.4, a member of the Council may ask:

- the Chairman;
- a member of the Executive ; or
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

10.3 Questions on notice at committees and sub-committees

Subject to Rule 10.4, a member of a committee or sub-committee may ask its Chairman a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or sub-committee.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 or 10.3 if:

- (a) the question does not relate to a matter currently under review by an Overview and Scrutiny Committee; and

- (b) notice of the question has been given to the Head of Paid Service in writing not later than 4.00 p.m. one clear working day before the date of the meeting; or
- (c) where the question relates to urgent matters, he/she has the consent of the Member to whom the question is to be put and the content of the question is given to the Head of Paid Service by 12 noon on the day of the meeting.

Every question shall be put and answered without discussion, but the person to whom a question is put may decline to answer.

10.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.6 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least 3 members, or with electronic signatures of at least 3 members attached, must be delivered or submitted electronically to the Head of Paid Service not later than 4.00 p.m. six clear working days before the date of the meeting. These will available for public inspection.

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11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda summons in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda summons;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee, sub-committee or members thereof arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (n) to suspend a particular Council procedure rule in accordance with Rule 23.1
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. **RULES OF DEBATE**

13.1 **No speeches until motion or amendment seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion or amendment has been seconded.

13.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

13.3 **Content, length and number of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The Chairman will have overall control over the length, content and number of speeches where necessary and shall decide when a matter has been discussed enough for the debate to be closed and a vote taken. In limiting the number of members speaking in the debate and the time of speeches, the Chairman shall have regard to the need to complete the business within the time set.

13.4 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) It is recommended that any amendments put forward to the Executive's recommendations for the Council's budget must be costed and that the Director of Finance should confirm that the proposals in the amendment are robust.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- (f) After an amendment has been carried, the Chairman may, for the purpose of clarity, read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

13.5 **Alteration of motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved 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 may be made.

13.6 **Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission for withdrawal is refused.

13.7 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.8 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions. With the exception of motions under (g) and (h) below, such motions can only be moved at the end of any speech currently in progress:

- (a) to withdraw the motion;
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn the debate;

- (f) to adjourn the meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

13.9 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn the debate; or
 - (iv) to adjourn the meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- (e) An equivalent procedure will be followed where the closure motion is moved during the debate on an amendment.

13.10 Point of order

A member may raise a point of order at any time. The Chairman will hear that Member immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been breached. The ruling of the Chairman on the matter will be final.

13.11 Personal explanation/Clarification of previous speech

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of such personal explanation/clarification will be final.

***14. STATE OF THE AREA DEBATE**

14.1 Calling of debate

The Leader may call a state of the area debate to be held once in any municipal year on a date to be agreed with the Chairman.

14.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the area debate and may be undertaken in conjunction with the local strategic partnership.

14.3 Chairing of debate

The debate will be chaired by the Chairman of the Council.

14.4 Results of debate

The results of any such debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

Unless needed to ensure that the Council complies with the law, a motion to rescind a decision made at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least 16 members.

15.2 Motion similar to one previously rejected

Unless needed to ensure that the council complies with the law, a motion in similar terms to one that has been rejected at a Council meeting in the past six months cannot be moved unless the notice of motion under Rule 11 is

signed by at least 16 members. Once the motion is dealt with, no one can propose a similar motion or amendment for six months.

15.3 **Changed Circumstances**

A motion which has the effect of negating a decision made at a meeting of Council within the preceding six months cannot be moved unless there is some fresh information or other changed circumstances which justify such a course. The ruling of the Chairman as to what is fresh information or changed circumstances shall be binding on the meeting.

16. **VOTING**

16.1 **Majority**

Unless the law provides otherwise any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

16.2 **Chairman's casting vote**

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

16.3 **Method of voting**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands, or by the use of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.

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16.4 **Ballots**

The vote will take place by ballot if a majority of the members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

16.5 **Recorded vote**

If 3 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.

16.6 **Right to require individual vote to be recorded**

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

16.7 Voting on appointments

If there are more than two people 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.

17. MINUTES

17.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move 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.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them to the vote.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

20. MEMBERS' CONDUCT

***20.1 Standing to speak**

When a member speaks at a Council meeting they must stand (unless prevented by illness or otherwise) and address the meeting through the

Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

***20.2 Chairman standing**

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

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

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

21. DISTURBANCE BY THE PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

21.2 Clearance of part of meeting room

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

22. MEDIA

22.1 The recording of the proceedings of the Council Meeting (whether sound, vision or both) by accredited representatives of the media is permitted provided that it is carried out in a manner that does not interfere with the proper conduct of the meeting.

22.2 No tape recorders, video or other cameras may be used at meetings of the Committees without the express consent of the meeting. If a representative of

the media wishes to record the proceedings or take photographs, the matter must be raised prior to the meeting with the Chairman who will determine such requests.

22.3 The Council will make reasonable facilities available for the reporting of the proceedings of meeting. Any reporting of discussions of items covered by Section 10 of the Access to Information procedure rules is prohibited.

23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 9.1.1, 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

(a) Unless paragraph (b) applies any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

(b) If a recommendation to add to, vary or revoke these Rules is made by the Standards Committee or the Monitoring Officer the matter will be considered at the same meeting of the Council.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 5–13, 15–23 (but not Rule 20.1) apply to meetings of committees and sub-committees.

25. BOOKS

All books referred to in these Procedure Rules shall be kept by the Monitoring Officer.

26. INTERPRETATION

26.1 Throughout these Procedure Rules the phrase “working day” shall mean Monday to Friday in any week except public holidays or any other days when the offices at Trafford Town Hall are officially closed.

N.B. Those Rules marked * apply to meetings of the full Council only.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, the Standards Committee, regulatory committees, Health and Wellbeing Board and public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at its main administrative building and on its website.

5. ACCESS TO SUMMONS AND AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the summons or agenda and reports open to the public available for inspection at the designated office and on its website at least five clear days before the meeting. If an item is added to the summons or agenda later (where reports are prepared after the summons has been sent out) the revised summons or agenda will be open to inspection from the time the item was added to the summons or agenda. The designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

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6. SUPPLY OF COPIES

The Council will supply copies of:

- (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; and
- (c) if the Head of Paid Service thinks fit, copies of any other documents supplied to councillors in connection with an item
- (d) to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND RECORDS OF DECISIONS

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

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

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9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main administrative building.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

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

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to the public interest test):

1	Information relating to any individual.
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8	<p style="text-align: center;"><u>Qualifications</u></p> Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

	<ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
9	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10	<p>Information which –</p> <ul style="list-style-type: none"> (a) falls within any of paragraphs 1 to 7 above; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, <p>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.</p>

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

In addition to Rules 1-11 the Executive and its committees must also comply with Rules 13 – 21 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.

13. PROCEDURES PRIOR TO MEETINGS OF THE EXECUTIVE OR ITS COMMITTEES

13.1 Subject to Rule 10, a decision-making meeting of the Executive or its committees must be held in public. Notice of the meeting will be given in accordance with Rule 4 (notices of meeting) and also be published on the Council’s website at least five clear days before the meeting or where the meeting is convened at shorter notice, at the time that the meeting is convened. In addition to Rule 5 (access to agenda and reports before the meeting) the Council will make copies of the agenda and reports open to the public available on its website.

13.2 [Subject to Rule 16 \(special urgency\)](#), where a decision-making meeting is to be held in private a notice of the intention to hold a meeting in private, including a statement of the reasons for the meeting to be held in private, will be made available at the Council offices and published on the website at least 28 clear days before the meeting. A further notice of the intention to hold the meeting in private will be made available at the Council offices and published on the website at least 5 clear days before the meeting and will include:

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- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received about why the meeting should be open to the public; and
- (c) a statement of the Executive's response to any such representations.

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

14. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken until a notice has been made available at the Council offices and published on the website at least 28 clear days before the meeting stating:

- (a) that a key decision is to be made;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual's name and title if any and where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

[Where a key decision is to be taken in private, the above notice must contain particulars of the matter but does not require the disclosure of exempt or confidential information or advice from a political assistant.](#)

[A key decision is as defined in Article 13.03 of this Constitution.](#)

15. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the notice referred to in Rule 14 (procedure before taking key decisions), then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the proper officer has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
- (b) the proper officer has made copies of the notice referred to in (a) available to the public at the offices of the Council and on the Council's website; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (b).

As soon as reasonably practical after compliance with the above, a notice setting out the reasons why a key decision has not been included in the notice referred to in Rule 14 (procedure before taking key decisions) will be made available at the Council offices and published on its website.

Deleted: Subject to the provisions of Rule 10, where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed and/or is a matter to be determined in private which has not been included in the notice referred to in Rule 13.2 (procedures prior to meetings of the Executive or its Committees), then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant overview and scrutiny committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of a relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman of the Council will suffice.

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As soon as reasonably practical after compliance with the above, a notice setting out the reasons why the making of a key decision is urgent and cannot reasonably be deferred will be made available at the Council offices and published on its website.

17. REPORT TO COUNCIL

17.1 When an overview and scrutiny committee can require a report

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

- (a) included in the Notice of Intention to Take Key Decisions, or in a notice to the relevant Chairman of Scrutiny Committee where this was impractical
- (b) the subject of the general exception procedure; or

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- (c) the subject of an agreement with a relevant overview and scrutiny committee Chairman, or Chairman/Vice-Chairman of the Council under Rule 16;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the Chairman. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 working days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Reports on special urgency decisions

In any event the Leader will submit at least one report annually to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) during the period since the last report was submitted. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

19.1 Executive Members

- a) All members of the Executive will be served notice of all private meetings of committees of the Executive, whether or not they are members of that committee.
- b) All members of the Executive are entitled to attend a private meeting of any committee of the Executive.

19.2 Other Members

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- a) Members other than executive members will be able to attend and/or speak at private meetings of the Executive and its committees if invited to do so by the Leader but only Members of the Executive may vote.

19.3 Officers

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- a) The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any public meeting of the Executive and its committees. The Executive may not meet in public or private unless the proper officer has been given reasonable notice that a meeting is to take place.
- b) A private executive meeting will usually take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

There is no requirement for the Executive to meet in the presence of an officer.

The provisions of Rule 18 (recording and publicising decisions) will apply in respect of private meetings of the Executive.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE AND OFFICERS

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20.1 Reports intended to be taken into account

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Where an individual member of the Executive receives a report which (s)he intends to take into account in making any key decision, then (s)he will not make the decision until at least 5 clear days after receipt of that report.

20.2 Provision of copies of reports to overview and scrutiny committees

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On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of individual decision

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As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive and officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

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21. ACCESS TO INFORMATION FOR NON-EXECUTIVE MEMBERS

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21.1 Rights to Copies

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All Members and co-opted Members will be entitled to inspect and have copies of any document which is in the possession of or under the control of the Executive or its committees and which contains material relating to:-

- a) any business transacted at a decision-making meeting
- b) any decision made by an individual Member of the Executive
- c) any decision made by an officer in accordance with executive arrangements

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any business transacted at a public or private

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The Executive will provide such documents as soon as reasonably practicable and in any case no later than 10 clear days after it receives the request.

In addition, all Members will be entitled to receive a copy of the agenda and reports for public meetings of the Executive and its committees and Rule 21.2(b) will not as such apply to such reports.

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21.2 Limit on Rights

Members and co-opted Members will not be entitled to inspect or take copies of:-

- a) any document that is in draft form
- b) any document or part of a document that contains exempt information falling within paragraphs 1 to 6, 9,11,12 and 14 of the categories of exempt information unless that document is relevant to an executive decision that is subject to the call in procedure.
- c) any document that contains the advice of a political adviser

21.3 Additional Rights for Members of Overview and Scrutiny Committees

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Members of Overview and Scrutiny Committees are also entitled to documents containing exempt or confidential information if that information is relevant to an action or decision (s)he is reviewing or scrutinising or is relevant to any reviews contained in that Committee's work programme.

21.4 Executive Statement in Respect of No Right of Access

Where the Executive determines that a Member or co-opted Member is not entitled to a copy of a document or part of any such document for a reason set out in 21.1 – 21.3, it will provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

| **21.5 Definition of 'document'**

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'Document' as referred to above means any report or background papers, other than that in draft form, taken into consideration in relation to an executive decision which has been or is to be made.

21.6 Nature of rights

These rights are additional to any other rights a Member may have.

| **21.7 Proper Officer**

For the purpose of these rules the Proper Officer is the Monitoring Officer.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for executive decisions

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

2. Process for developing the framework

The process by which the policy and budgetary framework shall be developed is:

- (1) The Executive will publicise by setting out a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy framework, and any arrangements for consultation after publication of initial proposals. The Chairmen of overview and scrutiny committees will also be notified.
- (2) If a relevant overview and scrutiny committee wishes to respond to the Executive in any consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of any consultation period. The Executive will take any response from an overview and scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.
- (3) Once the Executive has approved the firm proposals for any plan, strategy or budget, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (4) In reaching a decision the Council may, subject to rule 8, adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- (5) The Capital Strategy will be considered as part of the policy framework and the capital budget will be considered as a rolling programme by the Executive at various stages throughout the year.
- (6) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with rules 5 and 6. Any other changes to the budget and policy framework are reserved to the Council.

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3. Decisions outside the budget or policy framework

- (1) Subject to the provisions of rules 4 to 6 the Executive, committees of the Executive, individual members of the Executive and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council.
- (2) If the Executive, committees of the Executive, members of the Executive and any officers, or joint arrangements discharging executive functions want to make a decision as set out in (1) above, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in rule 4 shall apply.

4. Urgent decisions outside the budget or policy framework

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

and

 - ii) if the Chairman of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency. In the absence of the Chairman of a relevant overview and scrutiny committee the consent of the Chairman of the Council and, in the absence of both the Vice-Chairman of the Council, will be sufficient.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (2) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

- (1) The Council's budget heads will be established by the Council from time to time and set out in the Council's Revenue Budget.
- (2) Steps taken by the Executive, an individual member of the Executive or officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, subject to statutory constraints such bodies or individuals shall be entitled to vire across budget heads up to a maximum of 10% of the gross budget of the budget head from which the virement is taken. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

6. In-year changes to policy framework

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

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) 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 the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. Call-in of decisions outside the budget or policy framework

- (1) Where an overview and scrutiny committee or the Chairman of such a committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer, who may prepare a report.
- (2) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of such a report and prepare a report to:

- i) Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and
 - ii) to the relevant overview and scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (3) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee or Chairman should refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the overview and scrutiny committee unless the next ordinary meeting of council will take place within 14 days in which case the request will be considered at that meeting. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
- i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

8. Dispute Resolution

- (1) Where, following consideration of the Executive's proposals for any plan or strategy, the Council has any objections to them, the Council must take the action set out in 8 (2).
- (2) Before the Council —
 - (a) amends a proposed plan or strategy;

- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (c) adopts (with or without modification) a proposed plan or strategy,
- it must inform the Executive Leader of any objections which it has to the proposals and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, the proposals submitted to it.
- (3) Where the Council gives instructions in accordance with 8(2), it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may –
 - (a) submit a revision of the proposals as amended by the Executive (the “revised proposed plan or strategy”) with the Executive’s reasons for any amendments made to the proposals, to the Council for the Council’s consideration; or
 - (b) inform the council of any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for any such disagreement.
 - (4) When the period specified by the Council, referred to in 8(3) has expired, the Council must meet within a reasonable time, the date being agreed by the Chairman of the Council and the Head of Paid Service. When –
 - (a) amending the proposed plan or strategy or, if there are any revisions, the revised proposed plan or strategy;
 - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (c) adopting (with or without modification) the proposed plan or strategy,

the Council must take into account any amendments made to the proposals that are included in any revised proposed plan or strategy, the Executive’s reasons for those amendments, any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for that disagreement, which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.
 - (5) Subject to 8(9) below where, in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992.

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in 8 (6).

- (6) Before the Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in 8(5)(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (7) Where the Council gives instructions in accordance with (6), it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may –
 - (a) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Executive has with any of the council's objections and the Executive's reasons for any such disagreement.
- (8) When the period specified by the Council, referred to in 8(7) has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 8(5)(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Executive's reasons for those amendments

(c) any disagreement that the Executive has with any of the authority's objections; and

(d) the Executive's reasons for that disagreement,

which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.

(9) Paragraphs (5) to (8) shall not apply in relation to –

(a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

EXECUTIVE PROCEDURE RULES

1. How the Executive operates

1.1 Who may make executive decisions

The arrangements for the discharge of executive functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- i) the Executive as a whole;
- ii) a committee of the Executive;
- iii) an individual member of the Executive;
- iv) an officer;
- v) joint arrangements; or
- vi) another local authority.

1.2 Delegation by the Leader

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. If this is not practicable the Leader will present such a record to the first ordinary meeting of the Council after the Annual Meeting. The documents presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- ii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- iii) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year;
- iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made; and

1.3 Sub-delegation of executive functions

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.

- (c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who made that delegation.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) and (c) below, the Council's scheme of delegation of executive functions will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate executive functions, (s)he may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must either make the amendment at a meeting of the Executive attended by the proper officer or the proper officer's representative or give written notice to the proper officer. The person, body or committee to whom the delegation is given must be informed by the Proper Officer. Any written notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.5 The delegations referred to in paragraphs 1.2 and 1.4 need only be set out in Part 3 of this Constitution or reported to the Council if they will exceed, or are capable of exceeding, 6 months in duration.

1.6 Conflicts of Interest

If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

1.7 Place and time of Executive Meetings

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

1.8 **Quorum**

The quorum for a meeting of the Executive shall be 3. The quorum for a meeting of a committee of the Executive shall be 2.

1.9 **Decision Making**

- (a) Executive decisions shall be taken in accordance with the principles set out in Article 13 of the Constitution.
- (b) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (c) Where executive decisions are delegated to a committee of the Executive the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. **The conduct of Executive meetings**

2.1 **Chairman of meeting**

If the Leader is present (s)he will chair the meeting. In his/her absence, then the Deputy Leader will chair the meeting. In the absence of both a person appointed to do so by those present shall chair the meeting.

2.2 **Attendance**

Attendance shall be as set out in the Access to Information Rules in this part of the Constitution.

2.3 **Business to be conducted**

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

- ii) consideration of the minutes of the last meeting;
- iii) matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this part of this Constitution;
- iii) consideration of reports from overview and scrutiny committees; and
- iv) matters set out in the agenda for the meeting; and
- v) if the meeting is held in public the agenda shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of any consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Rights to place items on the Executive agenda

- (a) The Leader will decide upon the timetable for the meetings of the Executive and may call extraordinary meetings if (s)he believes it necessary. (S)he may put on the agenda of any executive meeting any matter which (s)he wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any member of the Executive may, after discussion with the Leader require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the proper officer will comply.
- (c) There will be a standing item on the agenda of each meeting of the Executive for matters referred by the full Council or by overview and scrutiny committees for reconsideration. However there may only be up to 3 such items per executive meeting.
- (d) There will be a standing item on the agenda of each meeting of the Executive for matters referred by the full Council or by overview and scrutiny committees for consideration. However there may only be up to 3 such items per executive meeting.
- (e) The number of items which can be placed on an agenda under (c) and (d) above may, at the discretion of the Leader, be increased in respect of any Executive agenda.
- (f) Any member of the Council through the Leader of their political group (or, if not in a political group, direct to the Leader of the Council) may ask the Leader of the Council to put an item on the agenda of an executive meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Executive.
- (g) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the

opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

- (h) Notwithstanding the above the Chief Executive, in the circumstances set out at Rule 12(a) of the Overview and Scrutiny Procedure Rules, can place an item on the agenda.

2.6 Time and Duration of the Meeting

Meetings of the Executive that take place in public will begin at 6.30 p.m. unless the Leader determines otherwise and will finish no later than 9.30 p.m.. If any business remains outstanding the Leader will fix a date and time for a resumed meeting.

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3. The Conduct of Executive Committee meetings

3.1 Chairman of the meeting

The person appointed by the Executive to be the Chairman of the committee shall chair the committee. In his/her absence, or if no such person has been appointed, a person appointed to do so by those present shall chair the meeting.

3.2 Attendance and speaking at meetings

- i) Attendance shall be as set out in the Access to Information Rules in this part of the Constitution.
- ii) Members of the public, including councillors who are not members of the Executive, may speak at meetings of the Executive held in public if invited to do so by the Leader, or other Executive Member chairing the meeting. In addition, councillors who are not members of the Executive may remain in such a meeting of the Executive when exempt information is discussed if invited to do so by the Leader, or other Executive Member chairing the meeting.

3.3 Business to be conducted

- i) consideration of the minutes of the last meeting (if any);
- ii) matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this part of this Constitution;
- iii) consideration of reports from overview and scrutiny committees;

- iv) matters set out in the agenda for the meeting, and
- v) if the meeting is held in public the agenda shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

3.4 Rights to place items on Executive Committee agendas

- (a) The Chairman of the committee, or the Leader if there is no Chairman, will decide the dates upon which the committee will meet. The Chairman or the Leader may put on the agenda of the committee any matter which (s)he wishes provided it is within the delegated authority of that committee. The proper officer will comply with the requests of the Leader and the Chairman in this matter.

4. Arrangements for the absence of the Leader

- 4.1 In the absence of the Leader the Deputy Leader will exercise responsibility as if all references to the Leader in this Constitution were references to the Deputy Leader with the exception of those responsibilities which by law can only be exercised by the Leader.

5. **Proper Officer**

The Proper Officer for the purposes of these Procedure Rules is the Monitoring Officer.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Number and arrangements for overview and scrutiny committees

(a) The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.

(b) Such committees may appoint Topic Groups to consider issues.

(c) Overview and scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist. Joint Committees may also be appointed by Council for specific purposes and shall cease to exist when that purpose has been fulfilled.

(d) A set of Overview and Scrutiny Protocols are included in this Constitution under Part 5 (Codes and Protocols).

2. Membership of overview and scrutiny committees

All Councillors, except Members of the Executive, are eligible to be appointed to the Scrutiny Committee and the Health Scrutiny Committee and any Topic Groups that either Committee may establish. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

Each overview and scrutiny committee shall be entitled to appoint up to 3 people as non-voting co-optees.

4. Education representatives

The Scrutiny Committee when dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives.

When the Scrutiny Committee deals with matters that do not relate to the authority's education functions, the above-mentioned representatives shall not vote on those matters, though they may stay in the meeting and speak.

5. Meetings of the overview and scrutiny committees

Ordinary meetings of the Scrutiny Committee and the Health Scrutiny Committee shall be as agreed by the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the relevant Committee or by the Director of

Legal and Democratic Services. A meeting of the Scrutiny Committee or the Health Scrutiny Committee may be called by any three Members of the Committee of which they hold membership.

6. **Quorum**

The quorum for an overview and scrutiny committee shall be as set in the Council Procedure Rules in this part of this Constitution.

7. **Chairmen and Vice-Chairmen of overview and scrutiny committee meetings**

The Chairman of the Scrutiny Committee will be drawn from the ruling group on the Council. The Vice-Chairman of the Scrutiny Committee will be a Member of the main opposition group on the Council.

The Chairman of the Health Scrutiny Committee will be drawn from the largest opposition group on the Council. The Vice-Chairman of the Health Scrutiny Committee will be a Member of the ruling group on the Council.

The Chairmen of both the Scrutiny Committee and the Health Scrutiny Committee are appointed as ex-officio Members of the opposite scrutiny committee.

The Chairman of the Scrutiny Committee will be consulted by the Health Scrutiny Committee and will hold the power of veto in respect of any proposed referral of a substantial variation as defined in the Health and Social Care Act 2012 to the Secretary of State.

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Topic Groups may be asked to investigate specific issues as directed by the Scrutiny Committees. Chairman of Topic Groups will be appointed by Council.

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8. **Work programme**

The work programme for the Overview and Scrutiny function will be approved, amended as appropriate and kept under review by the appropriate Scrutiny Committee in accordance with the arrangements described in Section 3 of Part 3 of this Constitution. In developing any such programme, the Scrutiny Committee will have regard to the wishes of the Members of the Scrutiny Committee (including those who are not Members of the ruling group on the Council) and other non Executive Members who do not serve on that Committee.

The Scrutiny Committee and Health Scrutiny Committee, with the support, as appropriate, of their Topic Groups, will respond, as soon as work programmes permit, to requests from the Council or the Executive to undertake review work.

9. Agenda items

- (a) (i) Any member of an overview and scrutiny committee shall be entitled to give notice to the proper officer that (s)he wishes an item relevant to the functions of that committee to be included on the agenda for the next available meeting of the committee.

Before making such a request members are encouraged to discuss any such item with the Chairman of the committee to determine the best way of dealing with the item.

- (ii) On receipt of such a request the proper officer shall inform the Chairman of the relevant scrutiny committee of the request and make arrangements for the matter to be included on the agenda at the next available meeting of that committee. It will then be for the committee to determine how that item shall be dealt with.
- (b) (i) Any other members of the Council (i.e. those who are not members of the relevant committee shall, after having had regard to any relevant guidance issued by the Secretary of State, be entitled to give notice to the proper officer that (s)he wishes a local government matter (as defined in S21A of the Local Government Act 2000 as amended) relevant to the functions of that committee to be included on the agenda for the next available meeting of the committee. .
- (ii) On receipt of such a request the proper officer shall inform the Chairman of the relevant committee of the request and make arrangements for the matter to be included on the agenda at the next available meeting of that committee. It will then be for the committee to determine how that matter shall be dealt with.
- (c) Any 3 members of the Council who are not members of the overview and scrutiny committees may make a written request to the Chairman of the relevant overview and scrutiny committee that they wish an item to be included on the agenda of that committee. If the Chairman accepts the request (s)he shall give the proper officer notification of the request and the proper officer will include the item on the first available agenda of that overview and scrutiny committee for consideration.
- (d) As soon as their work programme permits, the committees shall also respond to requests from the Council and, if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the committee at its next available meeting.

10. Policy review and development

- (a) The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from overview and scrutiny committee

- (a) Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an overview and scrutiny committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

12. Consideration of overview and scrutiny reports by the Executive

- (a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the Chief Executive who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.
 - (i) If the Chief Executive refers the matter to Council, (s)he will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have 6 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does

meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the overview and scrutiny proposals. The Council shall meet to consider any referral from an overview and scrutiny committee within 8 weeks of the report being submitted to the Chief Executive.

- (ii) If the Chief Executive refers the matter to the Executive, the Executive shall consider the report at its next available meeting. Where the Executive does not consider the matter within 8 weeks after referral by the Chief Executive, the Chief Executive will place the item on the agenda of the next meeting of the Executive.
- (b) Where an overview and scrutiny committee prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision-making power to another individual member of the Executive, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision-making power and responding to the report in writing to the overview and scrutiny committee. The Executive member to whom the decision making power has been delegated will respond to the overview and scrutiny committee within 6 weeks of receiving the report. A copy of his/her written response to it shall be sent to the proper officer and the Executive member will attend the future meeting of the relevant Overview and Scrutiny committee at which their response is considered.
- (c) Overview and scrutiny committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision. Any report of an Overview and Scrutiny Committee in relation to an item on the forward plan shall be taken into account by the Executive, or other decision maker, in making the decision.

13. Rights of overview and scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in Rule 12 prevents more detailed liaison between the Executive committee and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

14. Members and officers giving account

- (a) Any overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service, any Director, Head of Service and/or any other appropriate senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision, future decision as set out in the Forward Plan or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

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

- (b) Where any member or officer is required to attend an overview and scrutiny committee under this provision, the Chairman of that committee will inform Statutory Scrutiny Officer. The Statutory Scrutiny Officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

15. Attendance by others

An overview and scrutiny committee may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

16. Call-in

- (a) Subject to Rule 16(k) when a decision is made by the Executive (including by the Executive meeting in public) an individual member of the Executive, a committee of the Executive, or under joint arrangements, or a key decision is made by an officer with delegated authority from the Executive, the decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Copies of all such decision notices will be sent to all members of the relevant Overview and Scrutiny Committee within the same timescale, by the person responsible for publishing the decision.
- (b) Decision notices will bear the date on which they are published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless called in accordance with the following procedure.

Call-in Procedure

- (c) During the period of 5 working days from the publication of a decision notice, a request to call in the decision may be initiated in writing by the Chairman or, in his/her absence, the Vice Chairman of the Scrutiny Committee. The Chairman, or where appropriate, the Vice-Chairman of the Scrutiny Committee can be requested to exercise the right to call in a decision by any 3 Overview and Scrutiny Members.

Call-in should only be used in exceptional circumstances where Members have evidence which suggests that a decision was taken where:

- (a) inaccurate information of a substantial nature was given to the decision taker;
- (b) inadequate consultation was carried out;
- (c) alternative options were not given sufficient consideration or were inadequately appraised; or
- (d) insufficient information was available

and

a decision may only be called in if the Chairman, or Vice-Chairman as appropriate, of the Scrutiny Committee accepts that any of the above criteria are met in relation to a decision.

- (d) During that 5 working day period, the Chief Executive shall call-in a decision for scrutiny by the committee if so requested by the Chairman or, where appropriate, the Vice-Chairman of the Scrutiny Committee, and shall then notify the decision-taker of the call-in. (S)he shall call a meeting of the scrutiny committee to meet on such date as (s)he may determine, where possible after consultation with the Chairman of the committee, and in any case within 7 working days of the request to call-in.
- (e) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision maker for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. Matters should only be referred to full Council if the overview and scrutiny committee consider the decision to be contrary to the policy framework or contrary or not wholly in accordance with the budget.

If the matter is referred to full Council the Chief Executive shall call a meeting of full Council to meet on such date as (s)he may determine, where possible after consultation with the Chairman of Council, and in any case within 7 working days of the referral by the scrutiny committee. If an ordinary meeting of the Council is due to take place within a reasonable period after the date of the referral of the scrutiny committee, the 7 day period can be varied with the agreement of the Leader of the Council, the Chairman of the relevant overview and scrutiny committee and the Chairman of the Council.

- (f) If referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision. If the decision maker is an individual and is unavailable during this period the decision shall be reconsidered by the Executive.
- (g) If, following the call-in of a decision, the scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body or to full Council, the decision will become effective on the date of the scrutiny committee meeting, or on the expiry of the period in which the overview and scrutiny committee meeting should have been held, whichever is the earlier.
- (h) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it cannot make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker together with the Council's views on the decision. The decision maker shall then reconsider the decision as set out in paragraph (f) above.

- (i) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, 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 the earlier.

EXCEPTIONS

CALL-IN AND URGENCY

- (k) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent or if the decision is a recommendation of the Executive to be referred to full Council for approval. 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. Examples of circumstances which would be deemed urgent include:

- the likelihood of material financial loss
- the risk of incurring legal liability or delay in taking legal action
- the need to comply with statutory or other legal requirements
- to prevent or reduce the risk of damage to person or property

(Please note that the above are by way of illustration only and are not a definitive list)

The decision notice 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. Any written report considered by the decision making person or body shall specify the nature of any urgency.

- (l) Prior to a decision being published which is deemed to be urgent by the decision maker, the Chairman and Vice-Chairman of the Scrutiny Committee shall be notified that an urgent decision has been taken.

This paragraph does not apply to an urgent decision taken under the procedure referred to in paragraph (m) below.

- (m) The call-in procedure shall also not apply to decisions which have been made following the special urgency procedure set out in Regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
- (n) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary. However, if at any time, the Scrutiny Committee determine that these provisions are not being used appropriately it may after discussing the matter with the Leader and the Monitoring Officer, make a report to the next ordinary meeting with recommendations.

17. The party whip

- (a) The “party whip” means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.
- (b) When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip, the member must declare the existence of the whip, and its nature before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. Procedure at overview and scrutiny committee meetings

- (a) Overview and scrutiny committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
 - (iv) responses of the Executive to reports of the overview and scrutiny committee; and
 - (v) the Executive’s current forward plan
 - (vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the overview and scrutiny committee or one of its Topic Groups conducts investigations (e.g. with a view to policy development), the committee or Topic Groups may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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(c) Following any investigation or review, the committee shall prepare ~~or~~ approve a report, for submission to the Executive and/or Council as appropriate.

19. **Matters within the remit of more than one overview and scrutiny committee**

Where a matter for consideration by an overview and scrutiny committee falls within the remit of one or more other overview and scrutiny committee, the decision as to which overview and scrutiny committee will consider it will be resolved by discussion by the Chairs of the Scrutiny Committee and the Health Scrutiny Committee.

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20. **Proper Officer**

The Proper Officer for the purpose of this Rule is the Director of Legal and Democratic Services.

TABLE 1:

MEMBERSHIP AND TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

1. SCRUTINY COMMITTEE

Terms of Reference

1. To act as the Council's Overview and Scrutiny Committee and Crime and Disorder Committee for the purposes of all relevant legislation including, but not limited to, the Local Government Act 2000 (as amended), and Police and Justice Act 2006.
2. The Committee will also be responsible for the review and scrutiny of decisions made or actions taken in connection with the provision, planning and management of education in the borough of Trafford and, in particular, all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time. Co-opted Members will be appointed to discuss education matters and will attend the Scrutiny Committee when they consider education matters.

General Role

3. Subject to statutory provision, to review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities.
4. In relation to the above functions:
 - a) to make reports and/or recommendations to the full Council, Executive of the Council, any joint committee or any relevant partner authority as appropriate
 - b) to consider any matter affecting the area or its inhabitants
5. In relation to any function within the remit of this Committee:-
 - a) as set out in (b) below to exercise the power to call in, for reconsideration, executive decisions made but not yet implemented set out in Section 21(3) of the Local Government Act 2000.
 - b) The call-in of an executive decision is to be exercised as follows:-
 - i) the decision must not have been designated as urgent by the decision taker
 - ii) the request to call in a decision must be made within 5 working days of the decision being published

- iii) any 3 members of an overview and scrutiny committee or select committee can ask the Chairman of this Committee or, in his/her absence, the Vice-Chairman to call in an executive decision
 - iv) in deciding whether or not to approve the request to call in a decision, the Chairman or Vice-chairman may consult the Vice-Chairman and the chairmen of the Select Committees as appropriate
 - v) if the Chairman, or Vice-Chairman as appropriate, approve the call in of a decision the request to call in the decision must be made to the Chief Executive within the timescale set out in (ii) above
 - vi) the Chairman may decide, after consulting as appropriate, to call in a decision whether or not a request under (iii) has been received.
6. To put in place and maintain a system to ensure that referrals from overview and scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution.
7. At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.
8. To report annually to full Council on its workings, set out their plans for future work programmes and amended working methods if appropriate.

Specific functions

9. Maintain a strategic overview of progress towards the achievement of the ambitions and priorities within Trafford's Sustainable Community Strategy.
10. Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical-friend challenge to policy makers and service providers within the resources available.
11. Assist and advise the Council in the continued development of the Overview and Scrutiny function within Trafford.
12. Receive, consider and action as appropriate requests:
- a) from the Executive in relation to particular issues; and
 - b) on any matters properly referred to the Committee

13. Identify areas requiring in-depth review and allocate these to an appropriate Topic Group. The Committee in consultation with the leader of the relevant Topic Group will set the terms of reference, scope and time frame for the review by the Topic Group.
14. In relation to the terms of reference of the Committee it may:
 - a) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - b) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
 - c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
 - e) conduct research, community and other consultation as it deems appropriate in the analysis of policy issues and possible options;
 - f) question and gather evidence from any other person with their consent.
 - g) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - h) question members of the Executive and/or committees, senior officers of the Council and representatives of relevant partner authorities on relevant issues and proposals affecting the area and about decisions and performance;
 - i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
 - j) undertake any other activity that assists the Committee in carrying out its functions.

Delegation

15. The Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in their terms of reference.

2. HEALTH SCRUTINY COMMITTEE

Terms of Reference

1. To act as the Council's Overview and Scrutiny Committee for the purposes of all relevant legislation including, but not limited to the Health and Social Care Act 2012.
2. All health scrutiny powers provided under the Health and Social Care Act 2012 are delegated to the Health Scrutiny Committee.
3. The Health Scrutiny Committee will have the power to refer a proposed substantial variation in service delivery to the Secretary of State. If the Committee wish to exercise this power, then this must also be agreed by the Chairman of the Scrutiny Committee who will be an ex-officio member of the Health Committee and will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.

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General Role

4. Subject to statutory provision, to review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities in relation to health and well-being issues.
5. In relation to the above functions:
 - a) to make reports and/or recommendations to the full Council, Executive of the Council, any joint committee or any relevant partner authority as appropriate
 - b) to consider any matter affecting the area or its inhabitants
6. To put in place and maintain a system to ensure that referrals from the Health Scrutiny Committee to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution.
7. At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.
8. To report annually to full Council on its workings, set out their plans for future work programmes and amended working methods if appropriate.

Specific functions

9. Maintain a strategic overview of progress towards the achievement of the ambitions and priorities within Trafford's Sustainable Community Strategy in relation to health and well-being matters.

10. Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical-friend challenge to policy makers and service providers within the resources available.
11. Assist and advise the Council in the continued development of the Overview and Scrutiny function within Trafford.
12. Receive, consider and action as appropriate requests:
 - a) from the Executive in relation to particular issues; and
 - b) on any matters properly referred to the Committee
13. Identify areas requiring in-depth review and allocate these to an appropriate Topic Group. The Committee in consultation with the leader of the relevant Topic Group will set the terms of reference, scope and time frame for the review by the Topic Group.
14. In relation to the terms of reference of the Committee it may:
 - a) assist the Council, Executive and shadow Health and Well-being Board in the development of its budget and policy framework by in-depth analysis of policy issues;
 - b) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
 - c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
 - e) conduct research, community and other consultation as it deems appropriate in the analysis of policy issues and possible options;
 - f) question and gather evidence from any other person with their consent.
 - g) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - h) question members of the Executive and/or committees, senior officers of the Council and representatives of relevant partner authorities on relevant issues and proposals affecting the area and about decisions and performance;

- i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- j) undertake any other activity that assists the Committee in carrying out its functions.

Delegation

- 15. The Health Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in their terms of reference subject to the conditions relating to the power of referral as set out above.

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FINANCIAL PROCEDURE RULES

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Finance Procedure Rules

The Council's Financial Procedure Rules should be read in conjunction with other regulations and guidance published by the council, including, but not limited to, the Constitution.

The Directors of each department are responsible for ensuring that all staff are aware of the existence and content of such documents.

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1 **INTRODUCTION**

- 1.1 These Financial Procedure Rules are a written code of procedures approved by Trafford ~~Borough~~ Council (the Council) to provide a framework for proper financial management. The Financial Procedure Rules form part of the Council's Constitution and set out rules on accounting, audit, administrative procedures and budgeting systems. Importantly, they will be continuously updated and refined in the context of the Council's changing structure and methods of operating.
- 1.2 To conduct its business efficiently, the Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process involves the establishment of Financial Regulations that set out the Council's financial policies.
- 1.3 All decisions which have financial implications must have regard to proper financial control. If there is any doubt as to whether a financial proposal is appropriate, or whether a financial action is correct, this must be clarified with the Director of Finance in advance of the decision or action being taken.
- 1.4 Failure to follow Financial Procedure Rules or financial instructions issued by the Director of Finance under Financial Procedure Rules may result in action under the Council's disciplinary procedures.
- 1.5 The Council's governance structure is laid down in its Constitution, which sets out how the Council operates, how decisions are made and the procedures that are to be followed.
- 1.6 As part of authorities' governance arrangements, there is a statutory requirement for each Council to appoint an officer to be responsible for its financial affairs. For Trafford MBC, this officer is the Director of Finance.
- 1.7 These Financial Procedure Rules must be followed by all officers of the Council, in conjunction with the Council's Constitution and the Accounts and Audit Regulations. All financial arrangements should also comply with current relevant statutory requirements and European legislation.
- 1.8 The Chief Executive, the Director of Finance (S151 Chief Finance Officer) and the Director of Legal and Democratic Services (Monitoring Officer) should be consulted on all relevant issues.
- 1.9 These Financial Procedure Rules do not apply to schools. Financial Procedure Rules for Schools are detailed in a separate document which has been provided to all maintained schools.

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1.10 In line with the CIPFA Good Practice guidance, each section of the Finance Procedure Rules follows the format set out below:

- Why is this important?
- Finance Procedure Rules (FPR)
- Responsibilities of the Director of Finance (included in Annex 2)
- Responsibilities of the Directors (included in Annex 2)

2 STATUS OF FINANCE PROCEDURE RULES

- 2.1 Finance Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf.
- 2.2 The Finance Procedure Rules identify financial responsibilities of individuals - Executive Members, Council Members, Officers, the Chief Executive, the Director of Legal & Democratic services, the Director of Finance, and other Directors. Executive Members and Directors should maintain a written record where decision making has been delegated to them or their staff, including seconded staff.
- 2.3 Where such decisions are delegated, the officer to whom the decision has been delegated must provide sufficient information to the Executive Member or Director on request, in order to give assurance that tasks or decisions have been performed in accordance with the Finance Procedure Rules. Where decisions have been delegated or devolved to other responsible officers, references to the Director in the Rules should be read as referring to them.
- 2.4 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, and provides value for money.
- 2.5 The Director of Finance is responsible for maintaining a continuous review of the Finance Procure Rules and submitting any additions or changes necessary to the Full Council for approval. The Director of Finance is also responsible for reporting, where appropriate, breaches of the Rules to the Council and/or to the Executive Members. The Director of Finance is also authorised to temporarily suspend Finance Procedure Rules in exceptional circumstances
- 2.6 The Director of Finance is responsible for issuing advice and guidance to underpin the Finance Procedure Rules that Members, Officers and others acting on behalf of the Council are required to follow.
- 2.7 Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Council's Finance Procedure Rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments. Any person charged with the use or care of the Council's resources and assets should inform themselves of the Council's requirements under Finance Procedure Rules, with any queries being referred to the Director of Finance.

- 2.8 All Directors should ensure that any financial procedures/guidelines produced by their departments in support of financial control are fully compliant with the Financial Procedure Rules and the agreement of the Director of Finance should be obtained where such financial procedures are developed.
- 2.9 The word 'should' in the Finance Procedure Rules implies a duty or obligation to act in the way outlined. Where reference is made to a Director, this may be construed, depending upon the context, as his or her authorised representative.
- 2.10 Any proposals for changes or amendments to the Finance Procedure Rules must be forwarded to the Director of Finance for consideration.
- 2.11 All employees must report to their manager, supervisor or other responsible senior officer, any illegality, impropriety, breach of procedure or serious deficiency discovered in the following of financial procedures. Managers must record and investigate such reports and notify the Director of Finance and Head of Audit, Scrutiny and Governance Services where it appears that a breach has occurred.

3 **GENERAL RESPONSIBILITIES OF THE DIRECTOR OF FINANCE**

- 3.1 Subject to the overall control of the Council and the Executive on matters of policy, the Director of Finance is responsible for the proper administration of the Council's financial affairs through:
- (i) advising the full Council, Executive and all Committees and officers on accounting and financial matters;
 - (ii) supervising the arrangements for the receipt of monies due to the Council, payment of monies due from the Council, and the Council's treasury management and insurances;
 - (iii) the format and preparation of the annual estimates and the presentation of these to the Executive and the Council, ensuring that a balanced, robust and sustainable budget has been set.
 - (iv) the preparation and presentation of the statement of accounts of the Council;
 - (v) the operation of bank accounts.
- 3.2 The Director of Finance is responsible for approving and controlling all accounting and financial systems in all departments of the Council, including the form of any documents and records used.
- 3.3 All Directors must notify the Director of Finance as soon as possible of any matter within their area of responsibility which may affect the financial position of the Council.
- 3.4 When any changes in service are contemplated, a report must be prepared, in conjunction with the Director of Finance, containing financial appraisals prior to submission to the Executive.
- 3.5 The Director of Finance is responsible for ensuring that there is an effective Financial Scheme of Delegation and that this scheme is followed in practice within Trafford.

FPR1 BUSINESS AND FINANCIAL PLANNING

The Council's and Executive's responsibilities in respect of budget and policy are set out in the 'Budget and Policy Framework Procedure Rules' contained in the Council's Constitution. The policy framework comprises those statutory plans and strategies set out in the Constitution.

Why is this Important?

Planning is a dynamic and continuous process and is a fundamental tool in the management and control of the organisation. Financial planning is a key part of this process, setting out the financial consequences of the actions planned to meet the objectives and targets set within the plan.

The financial plans do not stand in isolation, and in essence are the evaluation of major strategic plans of the Council, which must be developed within the framework of the budget and the Corporate Plan. This will be a two-way process with the development of these specific plans influencing the development of the budgets and Corporate Plan, and vice versa. This evaluation is critical to the organisation, as the availability of finance is often the critical factor in determining the pace of development towards key objectives.

Budgeting

Why is this Important?

The Council is a complex organisation 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. The budget is the financial expression of the Council's plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the 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.

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. As capital expenditure can involve very large sums of money it is important that capital projects are carefully appraised and managed to ensure that the project objectives are delivered.

The Local Government Act 2003 established a new system for capital financing based on a prudential framework. Local authorities now have the freedom to borrow funds to finance their capital programmes, without Government consent, subject to local authorities ensuring that their plans are affordable, prudent, sustainable and based upon sound treasury management. Capital expenditure should form an essential part of the Council's asset management strategy and should be carefully prioritised in line

with Council policy in order to maximise the benefit of scarce resources.

As set out in the 'Budget and Policy Framework Procedure Rules', each year, the Executive must submit its revenue and capital estimates of expenditure and income to the Annual Budget Meeting of the Council.

The rules for revenue and capital budgets are:

- 1.1 service managers (Directors and senior managers) must be consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Executive for their budgets and the level of service to be delivered;
- 1.2 service managers must nominate designated budget holders within the financial scheme of delegation to be responsible for the day to day control of income and expenditure against a set budget for a cost centre, or group of cost centres, as directed by the budget manager;
- 1.3 as part of the monitoring process, budget holders must review regularly the effectiveness and operation of revenue budget preparation and ensure that any corrective action is taken;
- 1.4 under the Local Government Act 2003, the Director of Finance is required to prepare a report, for use when the Council is deciding its annual budget and council tax, on the robustness of the budget and the adequacy of the Council's reserves. The Government has a back-up power to impose a minimum level of reserves on an Council that it considers to be making inadequate provisions;
- 1.5 each year the Head of Corporate Services and Director of Finance, in consultation with Directors and Heads of Service, will roll forward the Capital Investment Programme. The Executive shall consider all proposals for capital spending against available resources. The Capital Investment Programme is approved annually in February by the Council. Any increase to the total approved budget must be agreed by the Full Council, unless the increase is financed from external resources;
- 1.6 any new proposals involving capital investment need to be evaluated and are subject to the prioritisation and appraisal process as referred to in the Council's Capital Strategy before being considered for inclusion to the Programme;
- 1.7 each capital scheme must have a named officer who is accountable for it;
- 1.8 the accountable named officer must advise the Director of Finance as soon as appropriate of all proposed variations to approved budgets;
- 1.9 if the acceptable tender amount is below the approved estimate, no works other than those included in the tender will be included without the express approval of the Director of Finance;

- 1.10 the Director of Finance shall report to the Executive on a quarterly basis detailing progress of schemes against approved budget as well as general scheme progress, and include any variations to the overall budget;
- 1.11 the Council's de-minimis level for any single item of capital expenditure is £10,000. Anything below this should be treated as revenue expenditure. Exceptions to this level will be made for items of capital expenditure that are financed by specific grant.

FPR2 MAINTENANCE OF RESERVES

Why is this Important?

Every authority must decide upon the level of general reserves (balances) 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. When a Council is deciding its annual budget and council tax level it is required by statute to take into account a report from the Director of Finance on the adequacy of the Council's reserves and robustness of the budget. The Government has a reserve power to impose a minimum level of reserves on a Council that it considers to be making inadequate provisions.

The rules for Maintenance of Reserves are:

- 2.1 the Council must establish and maintain reserves in accordance with the Local Government Act 2003, Code of Practice on Local Council Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies;
- 2.2 requests for reserves and provisions must be submitted by Directors to the Director of Finance for approval. This does not apply to underspend amounts required to be carried forward in accordance with Medium Term Financial Strategy (MTFS);
- 2.3 for each reserve established, the purpose, usage and basis of transactions must be clearly identified;
- 2.4 when requested and in any event, always at the financial year end, the Directors shall provide the Director of Finance with a statement of reserve balances held and movements therein.

FPR3 PERFORMANCE PLANS & MONITORING

Why is this Important?

Under Best Value, local authorities have had a duty to review services, to improve performance continuously and to report performance to local people. Local authorities have also have the power and duty to promote or improve the economic, social or environmental well-being of their area (Local Government Act 2000). This power is wide-ranging, and enables local authorities to improve the quality of life, opportunity, and health of their local communities and ensure that:

- *councils are empowered to lead their communities;*
- *councils' political decision-making processes are efficient, transparent and accountable;*
- *there is continuous improvement in the efficiency and quality of the services for which councils are responsible;*
- *councils actively involve and engage local people in local decisions; and*
- *councils have the powers they need to ensure that they can promote and improve the well-being of their areas and contribute to sustainable development.*

The greater emphasis on providing better value for money (VFM) in local public services outlined in the HM Treasury's Releasing Resources for the Frontline: Independent Review of Public Sector Efficiency (the Gershon review) means that local authorities need to demonstrate that services are providing more or better quality for the same amount of money or less. This requires excellent performance management and performance reporting linked to information about budgets and resourcing.

Partnerships are also seen by Government as a way of achieving better and more joined-up services in a local area. Local strategic partnerships (LSPs) have been a way for public sector agencies, businesses, the voluntary sector and wider community interests groups to meet and agree priority improvements in their communities. Local Area Agreements are a way of combining partnerships, streamlined funding focused on community objectives and targets agreed by both central and local government to achieve significant improvements in performance. The complex demands of delivering services through partnership also means that local authorities need to adapt their approach to performance management to reflect the contributions of a number of partner agencies, while still robustly demonstrating progress toward agreed targets and objectives.

Best Value provides the statutory framework within which councils must improve services. Each local authority has a statutory responsibility to publish various performance plans. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. Annual Reports of Performance are used as the foundation for corporate plans, or as reports for external audiences, such as the public or stakeholders.

The Council is currently required to publish annually the Best Value Performance Plan (BVPP), which summarises its performance for the past year and priorities and targets for the coming four year period. The BVPP is a key element in the Council's

programme of engaging with the public and includes both national and local performance indicators, so that the public can see how the relevant service is measuring against predetermined targets. External audit is required to report on whether the Council has complied with statutory requirements in respect of the preparation and publication of the BVPP.

The integration of non-financial performance targets (i.e. Performance indicators) with financial performance targets (i.e. budgets) will ensure that the two elements are considered together as opposed to being looked at in isolation. The integration and reporting of non-financial and financial targets will enable a clear link between the two elements, and provide information in order that informed decisions about the delivery of value for money services and improvements (e.g. resource allocation to a improve a poor performing service area) can be taken.

The business planning process requires Council services to produce and publish service plans that set out overall priorities and objectives, current performance, and proposals for further improvement. The service plans cover how the service has performed over the previous year, and include an analysis of the environment within which it operates, risk and contingency plans, the service objectives over the medium term together with the resources required and performance indicators. These plans are key to engaging with staff to ensure they are clear about the objectives and targets of the service.

The Council's performance management framework links individual and service plans with the Council's corporate objectives and the Community Strategy. Initiatives to cement such links include:

- (a) Agreeing the revised set of medium-term corporate objectives set out in the Medium Term Financial Strategy*
- (b) Establishment of a corporate performance improvement plan*
- (c) More focused Service Improvement Plans, aligned to the new corporate objectives*
- (d) Comprehensive Staff Personal Review and Development Plans, linked to service objectives*
- (e) A new performance reporting framework requiring regular, explicit and coordinated progress reports on service and corporate commitments'*

Performance Plans and Monitoring rules

3.1 In relation to performance plans Directors must:

- 3.1.1 ensure that all relevant plans are produced and that they are consistent with Corporate objectives
- 3.1.2 produce plans in accordance with statutory requirements;
- 3.1.3 meet the timetables set in the business planning process;
- 3.1.4 ensure that all performance information is accurate, complete and up to date;
- 3.1.5 provide objectives and improvement targets which are meaningful, realistic and challenging.

FPR4 BUDGET MANAGEMENT

Budgetary Control & Monitoring

Why is this Important?

Budgetary control and monitoring ensures that once the budget has been approved by the 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.

By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity, enabling remedial action to be taken, where necessary. The Council itself operates within an annual budget allocation, approved when setting the overall 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 (i.e. controllable budget).

For the purposes of budgetary control by service managers, a budget will normally be split into controllable and non-controllable for a service area or cost centre, with the service managers being held accountable for the controllable elements of the budget.

Budgetary Control & Monitoring rules

Procedure rules for managing and controlling the revenue budget are:

- 4.1 the responsibility of the Council for budget monitoring and control, under the Local Government Act 2003 is acknowledged;
- 4.2 a budget manager and budget holder must be nominated for each cost centre heading;
- 4.3 budget holders are responsible only for income and expenditure that they can influence, and act under the direction of their budget manager;
- 4.4 budget managers must accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- 4.5 budget holders will follow an approved certification process for all expenditure;
- 4.6 income and expenditure must properly recorded and accounted for;

- 4.7 performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget;

4.8 appropriate forms of reporting must be identified and put in place.

Procedure rules for managing and controlling the capital budget are:

4.9 each capital scheme must have a named officer who is accountable for it;

4.10 the accountable named officer must advise the Director of Finance as soon as appropriate of all proposed variations to approved budgets;

4.11 the accountable named officer must also notify the Director of Finance:

- if a significant alteration of the nature of works is recommended
- a significant extension of time is granted or a significant delay has arisen
- a contractor or other body has submitted a claim which would result in a final account sum of £10,000 or more above the original contract sum
- the contractor has ceased trading or is in liquidation

4.12 the Executive shall receive reports on a quarterly basis detailing progress of schemes against approved budget as well as general scheme progress, and include any variations to the overall budget.

FPR5 VIREMENT

Why is this Important?

The scheme of virement is intended to enable the Executive, Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Full Council, and therefore to optimise the use of resources.

Virement rules:

- 5.1 are administered by the Director of Finance within guidelines set by the Council. Any variation from this scheme requires the approval of the Council;
- 5.2 the overall budget is agreed by the Executive and approved by the Council. Directors and service managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a cost / profit centre in the revenue budget, or a project/programme set out in the capital budget;
- 5.3 virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets.

The virement limits are set out in Annex 3.

In addition to the virement limits set out in Annex 3, the Director of Finance, and Directors can incur excess expenditure subject to corresponding reduction within same service budget subject to the limits set out by the Council.

FPR6 ACCOUNTING

Why is this important?

Secure and reliable records and systems are important so we can:

- *process and record financial transactions and information;*
- *support how we use public money; and*
- *meet regulations and best practice*

Accounting rules

6.1 The Director of Finance shall:

- 6.1.1 determine accounting systems and procedures and the form of financial records;
- 6.1.2 provide guidance and advice on all accounting matters;
- 6.1.3 monitor accounting performance to ensure an adequate standard for all services;
- 6.1.4 certify financial returns, grant claims and other periodic financial reports required of the Council;

Directors shall:

- 6.1.5 implement accounting procedures and adopt the form of financial records and statements as determined by the Director of Finance;
- 6.1.6 obtain the approval of the Director of Finance prior to introducing or changing the form or method of existing accounting systems and procedures, financial records or statements. Approval is to be requested from the Director of Finance in writing. The request must give details of the proposed change and the anticipated benefit from the change, an estimate of the costs involved and the proposed implementation date. Internal Audit Services advice should be sought for all proposed changes at as earlier stage as possible;
- 6.1.7 complete and pass to the Director of Finance financial returns and other financial reports requiring certification;
- 6.1.8 keep a proper separation of duties for staff with financial responsibilities;

6.1.9 the following principles shall be observed in connection with accounting systems:

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

FPR7 FINAL ACCOUNTS

Why is this Important?

The Council is required to:

- (a) *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 those affairs. For the Council, that officer is the Director of Finance;*
- (b) *Manage its affairs to secure economic, efficient and effective use of resources and safeguard its assets;*
- (c) *Approve the statement of accounts.*

The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Accounts & Audit Committee are responsible for approving the statutory annual statement of accounts.

Requirements for Final Accounts

Annual statement of accounts:

- 7.1 the Council and Director of Finance shall make arrangements for the proper administration of the Council's financial affairs and the Council shall secure that one of its officers (the Director of Finance) has the responsibility for the administration of these affairs;
- 7.2 the Council is required to comply with the Accounts and Audit Regulations 2003 (as amended by the Accounts and Audit (Amendment) (England) Regulations 2006) which set out the statutory dates for approval and publication of the annual accounts;
- 7.3 the Council's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Council Accounting in the United Kingdom: A Statement of Recommended Practice (the SORP) (CIPFA/LASAAC);
- 7.4 the Council is required to adhere to the Best Value Accounting Code of Practice (BVACOP) which establishes 'proper practice' with regard to consistent financial reporting.

FPR8 VALUE FOR MONEY / EFFICIENCY

Why is this Important?

Public money should be spent with demonstrable probity and in accordance with the Council's Finance Procedure Rules. With limited funding for Council services and service user expectations increasing, it is paramount that the Council looks at ways of providing and demonstrating value for money and efficiency, with authorities having a statutory duty to achieve best value in the use of their resources. The Council's procedures should also help to ensure that services obtain value for money from their procurement and purchasing arrangements.

Rules for securing value for money and efficiency are set out as follows:

- 8.1 the Council must set annual efficiency targets as a result of the Sir Peter Gershon's Review 'Releasing Resources to the Front Line';
- 8.2 Best Value and Service Reviews should be undertaken in line with medium term planning;
- 8.3 the Council's Contract Procedure Rules and requirements for competitive quotes for work, goods and services must be adhered to;
- 8.4 the Council's Procurement Strategy must be taken into consideration, as appropriate;
- 8.5 Internal Audit must assess the adequacy of internal controls as a contribution to the proper, economic, efficient and effective use of resources.

FPR9 TREASURY MANAGEMENT

Why is this Important?

Many millions of pounds pass through the Council's books each year. CIPFA's, 'Treasury Management in Public Services: A Code of Practice', governs the appropriate way of administering these funds. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

The Council is responsible for approving the Treasury Management Policy Statement and annual Treasury Management Strategy, setting out the matters detailed in section 6 of CIPFA's, 'Treasury Management in Public Services: A Code of Practice'. The policy statement and annual Treasury Management Strategy is proposed to the Full Council by the Executive.

The Local Government Act 2003 established a new system for capital financing having regard for CIPFA's prudential code framework (this framework includes prudential indicators, of which a number relate directly to treasury management). Local Authorities now have the freedom to borrow funds to finance their capital programmes, without Government consent, subject to local authorities ensuring that their plans are affordable, prudent and sustainable and based upon sound treasury management.

Rules for Treasury Management

The Council's borrowings and investments must comply with the:

- 9.1 CIPFA Code of Practice on Treasury Management in Local Government;
- 9.2 the Council's Treasury Policy Statement (including the Treasury Management Practices and Schedules);
- 9.3 the Annual Treasury Management Strategy (including the treasury management prudential indicators).
- 9.4 The Council will create and maintain, as the cornerstones for effective treasury management:
 - A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - Suitable Treasury Management Practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 9.5 The Council will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan

in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its TMPs.

- 9.6 The Council delegates responsibility for the performance and monitoring of its treasury management policies and practices to the Accounts and Audit Committee, and for the execution and administration of treasury management decisions to the Director of Finance, who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- 9.7 The organisation nominates Accounts & Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

FPR10 EXTERNAL ARRANGEMENTS

Partnerships

Why is this Important?

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities frequently work in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

Procedure rules for Partnership arrangements are:

- 10.1 partners must ensure that the partnership has appropriate governance arrangements in place, making reference to the Council's "Good Practice Guide to Managing Partnerships";
- 10.2 partners must be aware of their responsibilities under the Council's Financial and Contract Procedure Rules;
- 10.3 risk management processes must be in place to identify and assess all known risks;
- 10.4 project appraisal processes must be in place to assess the viability of the project in terms of resources, staffing and expertise;
- 10.5 the roles and responsibilities of each of the partners involved in the project before the project commences must be formally agreed and accepted before the project commences;
- 10.6 there must be regular communication with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

FPR11 TRUST FUNDS

Why is this Important?

These sums of money have been donated to the Council and can only be spent for the purpose for which they were given. They do not form part of the Council's accounts.

Rules for Trust Funds

11.1 The arrangements for Trust Funds are for the Council to be aware of the specific requirements for which these sums of money have been donated.

FPR12 EXTERNAL FUNDING

Why is this Important?

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private sector providers. Funds from external agencies such as the National Lottery, Single Regeneration Budget and Central Government sources provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Procedure rules when accounting for External Funding are:

- 12.1 key conditions of funding and any statutory requirements must be complied with and that the responsibilities of the accountable body are clearly understood;
- 12.2 funds shall only be to meet the priorities approved in the policy framework by the Council;
- 12.3 any match-funding requirements must be given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
- 12.4 the Council must have up to date guidance on Grant Accounting including Accountability for Partnership Arrangements;
- 12.5 the statutory responsibility to maintain adequate records in relation to all claims must be followed;
- 12.6 all claims for grant (both final and interim) must be certified by the Director of Finance in accordance with the Council's external funding procedures.

FPR13 CONTROL OF INCOME

Why is this Important?

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

Income raised through levying fees and charges is a significant proportion of the Council's overall income budget and as well as its power to target subsidy and raise resources, fees and charges have the power to affect the way that services are delivered. It can facilitate or deny access to services, change resident and user behaviour, or enable service managers to develop and improve service response to users.

Income Rules

- 13.1** Each Director of Service within their own department shall make and maintain adequate arrangements to ensure:
- 13.1.1 all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
- 13.1.2 all income shall be collected from the correct person, promptly, using the correct procedures and the appropriate stationery/systems;
- 13.1.3 all money received by an employee on behalf of the Council shall be banked without delay (by deposit directly into the Council's bank account or given to an approved security company appointed by the Council) and properly recorded. The responsibility for cash collection should be separated from that:
- for identifying the amount due
 - for reconciling the amount due to the amount received
- 13.1.4 effective action must be taken to pursue non-payment within defined timescales;
- 13.1.5 formal approval for debt write-off is obtained;
- 13.1.6 appropriate write-off action is taken within defined timescales;
- 13.1.7 appropriate accounting adjustments are made following write-off and VAT recovery action;

- 13.1.8 all appropriate income documents must be retained and stored for the defined period in accordance with the document retention periods;
- 13.1.9 money collected and deposited is reconciled to the bank account and/or general ledger system by a person who is not involved in the collection or banking process;
- 13.1.10 all controlled stationery associated with income collection (e.g. receipt books, paying in books etc) must be held in a controlled environment;
- 13.1.11 the setting of fees and charges must be in line with legislation, best practice and guidance issued by the Council.

FPR14 ACCOUNTING OFFICERS

Why is this Important?

Income can be a vulnerable asset and it is therefore necessary to identify responsible and accountable officers to be custodians of cash balances.

Requirements for accounting officers

- 14.1** Accounting officers must be adequately trained and are aware of their roles and responsibilities.

FPR15 INTERNAL AUDIT

Why is this Important?

The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2003, as amended by the Accounts and Audit (Amendment) (England) Regulations 2006, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control”.

Accordingly, internal audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment by evaluating its effectiveness in achieving the organisations objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources. Internal Audit’s remit includes:

- (a) assessing if operations are being carried out as planned, and if objectives/goals are being achieved.*
- (b) assessing the adequacy of systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e. rules established by the management of the organisation or externally*
- (c) assessing the completeness, reliability and integrity of information, both financial and operational.*
- (d) assessing the extent to which the council’s assets, data and interests are properly accounted for and safeguarded from losses of all kinds, including fraud, corruption, waste, extravagance, abuse, ineffective management and poor value for money.*
- (e) assessing the economy, efficiency and effectiveness with which resources are deployed.*

Internal Audit Rules

Requirements are:

- 15.1 that it is independent in its planning and operation;
- 15.2 the Head of Audit, Scrutiny and Governance Services must have direct access to, and freedom to report in his/her own name and without fear or favour to, the Chief Executive, all levels of management and directly to elected Members;
- 15.3 the Head of Audit, Scrutiny and Governance Services or his/her authorised representative has authority to access all the Authority’s establishments or operating bases, to access all relevant records and is entitled to pursue such enquiries as he/she considers necessary.
- 15.4 all officers, representatives and Members of the Council are required to fully

cooperate with Internal Audit at all stages in the conduct of their reviews; to respond to draft Internal Audit reports and to take action to implement agreed Internal Audit recommendations;

- 15.3 the internal auditors must comply with the Auditing Practices Board's guideline Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

FPR16 PREVENTING FRAUD AND CORRUPTION

Why is this Important?

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices and by being aware of their personal role in preventing and detecting fraud and corruption.

The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers and partners) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

All senior officers and managers are responsible for ensuring that responsibilities within their service area are clearly identified, for raising awareness to fraud and corruption and for establishing an anti-fraud and corruption culture that is embedded in working practices.

Rules for Preventing Fraud and Corruption are that:

- 16.1 the Council must have in place an effective 'Anti-fraud and Anti-corruption Strategy and Policy' which all Members and officers should adhere to, and maintains a culture that will not tolerate fraud or corruption;
- 16.2 the Council must have a 'Confidential Reporting Code and Policy' that defines whistle blowing procedures and which operates effectively and in accordance with the Public Interest Disclosure Act 1998;
- 16.3 it is the duty of Members and officers who suspect fraud, corruption or irregularity to report it promptly in accordance with the Council's Fraud Response Plan;
- 16.4 all Members and staff must act with integrity and lead by example. All must sign up to and abide by the appropriate Code of Conduct and the ICT Acceptable Use Policy;
- 16.5 senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
- 16.6 where there is evidence of theft, fraud or corruption this should be immediately reported to the Head of Audit, Scrutiny and Governance services who will investigate or oversee the investigation. Where the investigation produces evidence of a criminal offence the of Audit, Scrutiny and Governance services will be responsible for referral to and consultation with the Police;

- 16.7 high standards of conduct shall be promoted amongst Members by the Standards Committee;
- 16.8 registers of interests in which any interests, or offers of gifts or hospitality are recorded must be maintained by the monitoring officer for Members and officers;

FPR17 INVENTORIES

Why is this Important?

The Council holds furniture, fittings, equipment, plant and machinery of significant value. It is important that these assets are safeguarded and used efficiently in service delivery. It is therefore important that these assets are recorded in an inventory in order to verify; location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.

Rules for Inventories

- 17.1 All staff must be made aware of the requirement to maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery.

FPR18 REQUIREMENTS FOR COMPETITIVE QUOTATIONS

Why is this Important?

Public money should be spent with demonstrable probity and in accordance with the Council's Procurement Strategy and Policies. Authorities have a statutory duty to achieve best value and the Council's procedures should help to ensure that services obtain value for money from their procurement and purchasing arrangements.

Contract procedure rules set out the Council's requirements for obtaining competitive quotations and going out to tender for the procurement of work, goods and services.

Rules for obtaining competitive quotations

18.1 The Council's Contract Procedure Rules must be complied with when undertaking procurement of work, goods and services.

FPR19 CONTRACTS

Why is this Important?

Public money should be spent with demonstrable probity and in accordance with the Council's Procurement Strategy and Policies. The Council spends sizable amounts of public money on contracts, therefore it is essential that procedures and processes are in place to ensure value for money and fairness, evaluate risk and adhere to all relevant procurement rule.

Contract Procedure Rules deal with arrangements for tendering and the form of contracts.

Rules for entering Contracts

19.1 The Council's Contract Procedure Rules must be complied with when entering into contracts for the provision of works, goods and services.

FPR20 ORDERS FOR WORK, GOODS AND SERVICES

Why is this Important?

The Council spends a large amount of public money on the procurement of work, goods and services. It is therefore important that ordering of work, goods and services is strictly regulated to ensure monies are spent prudently and correctly.

Rules for ordering works, goods and services

- 20.1** Directors shall be responsible for all orders for works, goods and services originating from their own departments and must ensure:
- 20.1.1 procedures laid down in the Council's Accounts Payable Guide are adhered to;
 - 20.1.2 controls are in place to ensure orders can only be placed for the procurement of Council works, goods and services and comply with the relevant legislation and Council policies and procedures;
 - 20.1.3 only official orders must be used for requisitioning works, goods and services;
 - 20.1.4 all goods and services are ordered only by authorised persons as per the Scheme of Delegation;
 - 20.1.5 all orders must be pre-approved by an authorised officer through the Council's e-procurement system or, in exceptional circumstances, through a paper purchase order from an official Council order pad, subject to the limits set by the Council;
 - 20.1.6 adequate budget provision must be available before an official order is raised;
 - 20.1.7 Delivery notes must be obtained when delivery of goods is made and goods must be checked for quality/compliance to specifications and checked against the official order. Confirmation of receipt must be promptly recorded through the Council's e-procurement system.

FPR21 PAYMENTS FOR WORK, GOODS AND SERVICES

Why is this Important?

The Council spends a large amount of public money on the procurement of work, goods and services. It is therefore important that payment of work, goods and services is strictly regulated to ensure monies are spent prudently and correctly.

Rules for Payment of accounts

- 21.1** Directors shall ensure arrangements are made for the prompt receipting of orders for works, goods and services supplied in accordance with their submitted financial Scheme of Delegation and must ensure:
- 21.1.1 procedures laid down in the Council's Accounts Payable Guide are adhered to and payments are not made unless goods have been received by the Council at the correct price, quantity and quality standards;
 - 21.1.2 payments will only be made where there is an official order raised, a valid invoice (subject to agreed value tolerances) and the order has been receipted by the requisitioner;
 - 21.1.3 all expenditure, including VAT, must be accurately accounted against the correct General Ledger code.
- 21.2** The Accounts Payable procedures detailed in 21.1 relate to goods and services paid in arrears of receiving those goods and services. Payments in advance of receiving goods and services requires the agreement in writing of the Director of Finance before payment is released, with the exception of those types of goods and services defined as allowable payments within the Accounts Payable Guide.
- 21.3** Contravention of these rules shall be referred to the Director of Finance who will consider, in consultation with the relevant Corporate Director or their nominee, the appropriate action to be taken.

FPR22 PAYMENTS TO STAFF

Why is this Important?

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.

Rules for making payments to staff:

- 22.1 proper authorisation procedures must be in place and there must be adherence to corporate timetables in relation to:
- *starters*
 - *leavers*
 - *variations*
 - *enhancements*
- 22.2 frequent reconciliation of payroll expenditure against approved budget and bank account must take place;
- 22.3 all appropriate payroll documents must be retained and stored for the defined period;
- 22.4 HM Revenue and Customs regulations must be complied with;
- 22.5 car loans, car lease and car mileage payments must be paid to employees in line with Council policy for each of the different schemes;
- 22.6 a list of authorised signatories together with specimen signatures relative to specific documentation in the payroll system should be retained by payroll service, and officers should ensure this list is regularly reviewed and updated.

FPR23 CUSTODY OF STOCKS AND STORES

Why is this Important?

The Council holds stocks and stores of significant value. It is important that these 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.

Rules for the security of stocks and stores

- 23.1** Directors shall be responsible for the custody, recording and physical control of stocks and stores held in their department and ensure:
- 23.1.1 stocks and stores shall be used only for the purposes of the Council and are properly accounted for;
 - 23.1.2 they shall be available for use when required;
 - 23.1.3 stocks and stores no longer required are disposed of in accordance with the regulations of the Council so as to maximise benefits;
 - 23.1.4 a stocks and stores inventory is maintained for the Council, which records when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the stocks and stores;
 - 23.1.5 all staff are aware of their responsibilities with regard to safeguarding the security of the Council's stocks and stores.

FPR24 PETTY CASH AND IMPREST ACCOUNTS

Why is this important?

The Council holds cash sums at various premises in order to allow services operational flexibility needed for minor purchases and reimbursements to staff. It is important that cash is safeguarded and properly recorded and accounted for in order to allow services to operate effectively.

Procedure rules for petty cash and imprest accounts are:

- 24.1 Directors shall be responsible for the custody, recording and physical control of petty cash and imprest accounts held in their department
- 24.2 all requests for imprest account monies must be made to the Director of Finance by the Directors concerned. Any subsequent changes to the financial level must be advised to the Director of Finance;
- 24.3 the Director of Finance must maintain a record of all imprest accounts and the approved current level;
- 24.4 no sums received on behalf of the Council may be paid into an imprest account but shall be banked or paid promptly in accordance with financial procedure rule 13;
- 24.5 payments from imprest accounts shall be limited to minor items, except with prior approval of the Directors or an officer designated by her/him for this purpose;
- 24.6 all payments shall be supported by vouchers;
- 24.7 when requested but always at the financial year end, the Director of Service shall provide the Director of Finance with certificates of holdings;
- 24.8 reimbursement of petty cash / imprest will only be made upon receipt of relevant documentation and supporting evidence which shall be made to the Director of Finance or their representative;
- 24.9 on leaving the Council's employment or otherwise ceasing to be entitled to hold a petty cash advance, an employee shall account to the Director of Finance for the amount advanced to him or her.

FPR25 CAPITAL ASSETS

Why is this Important?

The Council holds capital assets in the form of land, buildings, vehicles, equipment, 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 asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Rules relating to the security of capital assets such as land, buildings, fixed plant machinery, equipment, software and information are:

- 25.1 capital assets must be used only for the purposes of the Council and must be properly accounted for;
- 25.2 capital assets must be available for use when required;
- 25.3 capital assets no longer required must be disposed of in accordance with the Asset Management Plan and Land Disposal Policy of the Council so as to maximise benefits;
- 25.4 an asset register must be maintained for the Council, assets must be recorded when they are acquired by the Council and this record is updated as changes occur with respect to the valuation, disposal, location and condition of the asset;
- 25.5 all staff must be aware of their responsibilities with regard to safeguarding the security of the Council's capital assets.

FPR26 INSURANCE

Why is this Important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event.

Insurance is a major element within risk management, enabling risks from adverse events to be mitigated through taking out cover policies. However, these are not without cost, and risk prevention is always preferable to paying higher premiums, where this is possible.

An ex-gratia payment is a payment made to an individual in respect of loss or damage in a situation where the Council accepts no liability for the loss or damage but is willing to make some reimbursement without accepting liability. Most commonly such payments are made to employees in respect of personal property (including clothing or personal items such as spectacles) damaged or lost accidentally. Ex-gratia payments are not made in situations where the loss is fully insured, either by the individual or the Council.

Insurance Rules

26.1 The Director of Finance shall ensure that:

- 26.1.1 procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council;
- 26.1.2 provision is made for losses that might result from the risks that remain;
- 26.1.3 procedures are in place to investigate claims within required timescales;
- 26.1.4 acceptable levels of risk are determined and insured against where appropriate;
- 26.1.5 ex-gratia payments are made in line with Council policy;
- 26.1.6 a register is maintained of all insurances and the property or risks covered.

26.2 Directors shall:

- 26.2.1 report all instances of possible claims and losses in accordance with timescales and procedures set by the Director of Finance;
- 26.2.2 provide timely information required by the Director of Finance or the Council's insurers on any insurance related matters.

FPR27 RISK MANAGEMENT

Why is this Important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

It is the overall responsibility of the Executive to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the Council.

Rules for risk management are:

- 27.1 procedures must be in place to identify, assess, prevent or contain material known risks, and these procedures must be operated effectively throughout the Council;
- 27.2 a monitoring process must be in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process must be conducted on a continuing basis;
- 27.3 managers know that they are responsible for managing relevant risks and must ensure they have all relevant information on risk management initiatives;
- 27.4 procedures must be in place to investigate claims within required timescales;
- 27.5 the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

FPR28 TRANSPORT

Why this is Important?

It is important that Council vehicles are used in line with the Council policy, to ensure they are not misused.

Rules for security arrangements for the use of Council vehicles

28.1 All employees must adhere to Trafford Transport Provision (TTP) policy and Drivers manual when using Council vehicles.

FPR29 TAXATION

Why is this Important?

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 be aware of their role.

The Council incurs VAT on a range of goods and services purchased. The Council also charges VAT on some services that it provides and on the sale of certain goods. The Council has a duty to declare these VAT transactions to HM Revenue and Customs (HMRC).

In performing its payroll function, the Council will collect deductions from employees' pay in relation to both PAYE and National Insurance contributions. The Council has a responsibility to pay and provide information on these deductions to HMRC on a timely basis.

The Council may also incur Corporation Tax (and associated forms of taxation) where it operates trading companies. The Council has a responsibility to pay and provide information of such taxation to HMRC on a timely basis.

Procedure rules for Taxation

- 29.1 service managers must be provided with relevant information and kept up to date on tax issues;
- 29.2 service managers must operate as instructed by HMRC and internal / external audit on required record keeping;
- 29.3 all taxable transactions must be identified, properly carried out and accounted for within stipulated timescales;
- 29.4 records must be maintained in accordance with instructions;
- 29.5 returns must be made to the appropriate authorities within the stipulated timescale.

FPR30 DOCUMENTATION RETENTION PERIODS

Why this is Important?

The main reason for retaining financial records is to provide evidence that income and expenditure recorded in the Council's financial statements is valid, accurate and complete. This is necessary to satisfy the requirements of internal and external audit enquiries, and also the tax authorities.

Following the Freedom of Information Act 2000, all public bodies (including local authorities) have a statutory duty to provide recorded information within a prescribed timeframe, following a written request. From January 2005 any person who makes a request to the Council must be informed whether the Council holds that information and can be supplied with that information (subject to exemptions). It is therefore important that the Council is able to provide the information requested. This Act has re-emphasised the need for adequate records.

Rules for Retention of documents:

- 30.1 the documentation retention periods must be regularly reviewed;
- 30.2 the documentation retention periods must be agreed with the third parties i.e. internal/external audit, HM Revenue and Customs;
- 30.3 all staff must be made aware of the document retention periods
- 30.4 all staff must be made aware of the requirements placed on the Council in relation to the freedom of information act;
- 30.5 the Council issues staff guidance in relation to compliance with the freedom of information act
- 30.6 financial records must not be disposed of other than in accordance with arrangements approved by the Director of Finance and under no circumstances prior to the closure of the audit of accounts for the relevant year by the external auditor.

The Council's documentation retention periods are set out in Annex 4.

DATE OF APPROVAL

These Finance Procedure Rules were approved by Full Council on 28 March 2007, and came into effect on 1 May 2007.

Further Amendments have been made as follows:

- (i) Financial Procedure Rules 20 and 21 were amended by Full Council on 22 July 2009, and the revised rules came into effect on 1 August 2009.
- (ii) Financial Procedure Rule 9 – additional clauses (9.4 - 9.7) were adopted by Full Council on 24 February 2010.

Glossary of Terms

Accounting Officers	Finance employees operating in devolved business units.
Capital Budget	Budget relating to expenditure for high value assets lasting more than one year.
Cost / Profit Centre	A clearly defined area of managerial responsibility to which costs that relate to that centre are charged.
Directors	All Directors of Service, this includes each Corporate Director.
External Funding	Funds provided to the Council for specific purposes from organisations outside Trafford Council.
Final Accounts	The annual financial statements prepared after 31 March. This is a statutory requirement and must include the consolidated revenue account of income and expenditure, balance sheet and supporting schedules.
Internal Audit	The independent and objective appraisal function established by the Council for reviewing the system of internal control.
Inventories	These are records of materials and supplies which are stored for use in production, work –in-progress, finished goods and goods for resale e.g. gardening tools, protective clothing etc.
Medium Term Financial Strategy	The approved strategic process by which the Council expects to finance its activities in the medium term. [or .. a statement of the Council's aims to manage its financial affairs]
Performance Plan	A plan of specific actions towards the achievement of the Council's aims and objectives
Partnership	An agreement between two or more independent bodies to work collectively to achieve shared objectives. This definition of partnership refers to those agreements where <u>risk / reward are shared</u> and there are <u>joint decision making processes</u> in place.
Petty Cash / Imprest Account	A small amount of cash kept on hand by a service for incidental expenses.
Reserves	Amounts set aside to meet future costs.
Revenue Budget	Budget relating to expenditure incurred on a day to day basis, such as employee costs, running expenses and equipment purchases.

Risk Management	The systematic application of management policies, procedures and practices to the tasks of identifying, analysing, evaluating, treating and monitoring risk.
Service Managers	Managers responsible for a sub divisional area within a directorate.
Treasury Management	The set of policies, strategies and transactions that the Council's borrowings and investments must comply with to manage its cash resources at acceptable cost and risk.
Trust Funds	Special accounts in the Council that receive earmarked monies, such as bequests. These can only be used for the specific purpose that the Trust was set up for.
Value for money	Term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it both acquires and provides within the resources available to it.
Virement	The transfer of funds between budgets.

Roles and Responsibilities of the Director of Finance

Statutory

1. To exercise the administration of the Council's financial affairs under s151 of the Local Government Act 1972.
2. To be the 'Responsible Officer' for the purpose of s114 of the Local Government Finance Act 1988.
3. To be responsible for the discharge of the Council's obligations under the Accounts and Audit Regulations 1996.
4. To be responsible for the discharge of the Council's obligations relating to risk management under the Accounts and Audit Regulations 2003 (s6b)

Borrowing and Investment

5. To raise money by any means permitted by statute and intra vires as is most appropriate at the relevant time.
6. To invest temporarily, as is most appropriate, monies not immediately needed for the Council's purposes, within the guidelines laid down by the Council.
7. To repay mortgages or bonds prematurely without penalty in cases of hardship.
8. To act as Registrar for the Council's Mortgage and Council Bond Schemes.

Debt Recovery

9. Following consultation with appropriate Directors, to request the Director of Legal and Democratic Services to take any action necessary for the recovery of arrears of rates, claims and other appropriate debts due to the Council, including appearance in the Magistrates' Court in person or by his duly authorised officer and including actions for the recovery of possession of mortgaged property.
10. To write-off irrecoverable income up to limits specified from time to time in Finance Procedure Rules.
11. To write off any income that is irrecoverable due to liquidation, bankruptcy or insolvency.

Accounting

12. To prepare the Statement of Accounts.
13. To create and utilise reserves, execute accounting transactions and make adjustments:-
 - (i) Up to £600,000 per transaction indexed to the annual calendar increase in the Retail Price Index – all items.
 - (ii) Over £600,000 per transaction indexed as in (a) above – delegation to be exercised in consultation with the Executive portfolio holder.
- 14 To make determinations as required under Part IV of the Local government and Housing Act 1989.
- 15 To make such entries as are required, in the Council's accounts to comply with the CIPFA Code of Practice for Capital Accounting.
- 16 Council to act in respect of paragraph 6 of the Accounts and Audit Regulations 2003.
- 17 To administer the General Fund and the Collection Fund and to collect and disburse monies from these funds as appropriate.

Insurance

18. To arrange all insurance cover for Council requirements, and to determine all claims made on the self-insured fund, in accordance with Council Policy.

National Non-Domestic Rate

- 19 To charge, collect and recover any non-domestic rates payable.
- 20 To consider and determine applications made under Section 49 of the Local Government Finance Act 1988 (reduction or remission of liability on the grounds of hardship).
- 21 To consider and determine applications made under Section 44A of the Local Government Finance Act 1988 (as amended by the Local Government and Housing Act 1989). Granting relief for unoccupied parts of hereditaments).
- 22 To consider and determine applications for relief under Section 43 of the Local Government Finance Act 1988 (mandatory charitable relief).
- 23 To consider and determine applications for relief under Section 47 of the Local Government Finance Act 1988 having regard to the guidelines previously laid down (discretionary rate relief).
- 24 To prosecute and appear on behalf of the Council at any legal proceedings.

25 To exercise reasonable discretion in making suitable arrangements for the collection of rates by instalments within the context of statutory provisions and the Council's resolutions.

26 The operation of the Council's scheme for financial support to sporting organisations.

Council Tax

27 To charge, collect and recover any Council Tax payable.

28 To establish and maintain a list of liable persons and to request certain information in order to achieve this objective in accordance with legislation.

29 To grant statutory discounts and to review at certain times.

30 To grant disabled relief and to review at certain times.

31 To grant exemptions and to review at certain times.

32 To determine applications for Discretionary Reduction in Council Tax.

33 To impose penalties in certain instances.

34 To attend Valuation Tribunals.

35 To prosecute and appear on behalf of the Council at any legal proceedings.

36 To exercise reasonable discretion in making suitable arrangements for the collection of rates by instalments within the context of statutory provisions and the Council's resolutions.

Council Tax Benefit and Housing Benefit (Rent Allowances and Rent Rebates)

37 To administer the benefits scheme.

38 To determine the period benefit is awarded for, subject to any statutory maximum.

39 To consider and determine applications for benefit to be backdated.

40 To cancel applications where insufficient information has been received at any time after a minimum of 4 weeks has elapsed, from the further written request for the necessary information being made.

41 To consider and determine the granting of additional relief in exceptional circumstances.

- 42 To withhold benefit in circumstances to be defined in consultation with the Director of Legal and Democratic Services.
- 43 To determine overpayments and pursue recovery where appropriate.
- 44 To consider appeals and to attend Review Board Hearings if required.
- 45 In respect of Housing Benefit to determine the appropriate level of rent to be met by the scheme having regard to rents which are unreasonable.
- 46 To consider awards of extra Housing Benefit under discretionary powers where otherwise “exceptional hardship” would be caused.
- 47 To administer the Discretionary Housing Payments Scheme including the setting of criteria, making payments and establishing a review procedure.

Capital Virement

- 48 To approve or refuse requests for capital virement up to a maximum of £100,000 or any greater figure approved by the Executive from time to time.

Human Resources

49. To act in accordance with the Council's Supplemental Conditions of Service, including:-
 - a) To pay only such proportion of salary due, up to and including the 15th of the month, to any employee who is to terminate his/her employment on a date later than the 15th, the balance to be paid on the last working day.
 - b) To make deductions from employees' salaries in respect of sums or debts lawfully due to the Council, in accordance with statute, the relevant contract of employment, by agreement and/or in accordance with Council policy determined by Members.
 - c) In consultation with the Chief Executive, to implement national and provincial pay awards within approved estimated.
 - d) To approve or refuse applications for staff car loan advances in accordance with the Council's assisted car purchase scheme.
 - e) To adjust the upper limit of loans available under the Assisted Car Purchase Scheme, in line with changes in the rate of inflation.
 - f) To approve the upper limit of the Council's contribution to the Lease Car Scheme.
- 50 In consultation with the appropriate Chief Officer, to determine requests received from employees under the terms of the council's Voluntary Early Retirement Scheme where posts are deleted as a result of an agreed restructure and the costs associated with the request do not exceed £90,000.

Miscellaneous Matters

- 51 In consultation with the Head of Housing and Supporting People to deal with all classes of improvement grants.
- 52 To revise the financial limits in the scheme to assist schools to purchase items of school equipment if the need arises in the light of experience.
- 53 To approve the charges for the use of the Council's Workplace Nursery.
- 54 In consultation with the Corporate Director Community Services and Social Care to agree the Annual rate of standard charges for Social Services' residential establishments and day centres.
- 55 To be the Council's authorised signatory for all grant claims made by the Council.
- 56 To determine and issue the protocol for devolved financial management and accounting instructions.

Virements - Instructions to Budget Holders

A virement is a transfer of funds between budget lines. There are two types: permanent and temporary.

Temporary virements are on a non-recurring basis and permanent virements are recurring year on year, this distinction is important as permanent virements effect planning budgets as well as in year budgets.

For a permanent virement that has a part year effect and to ensure that the planning budget (3) is accurate, the whole of the permanent virement must be input in V1 and 3 and then plan V1 amended by a temporary virement for the part of year.

Printouts from the financial system, from before and after the transaction, must be held with the virement form and kept on record for inspection and audit trail purposes.

Virements must not be used to move centrally apportioned budgets as required under Best Value Code of Accounting Practice (BVACOP) to directly controllable budgets and visa versa;

Spending Powers

A credit budget is where spending power is being moved from and the debit budget where it is moved to.

Authorisation of virements must adhere to the following rules:

VIREMENT	AMOUNT	AUTHORISER
Movements within a cost centre	Any	Budget Holder
Between cost centres, but within the same Budget Heads	Any	All respective Executive portfolio holders, Chief Exec, Deputy Chief Exec, Corporate Directors, Directors, Head of Service.
Between Budget Heads	<10% (Cumulative) of the gross debit of the credited budget.	All respective Executive portfolio holders, Chief Exec, Deputy Chief Exec, Corporate Directors, Directors, Head of Service & according to relevant department scheme of delegation.
Between Budget Heads	≥10% (Cumulative) of the gross debit of the credited budget.	Council

Minimum Document Retention Periods

The following **retention periods** are taken from guidance published by the Public Record Office. All of the retention periods should be calculated from the end of the financial year to which the records relate. As a budget holder, you must **keep records and documents** in accordance with these minimum retention periods.

You will also need to decide upon the most **appropriate storage media** (e.g. microfilm or microfiche). It should be noted that the law is still not precise as to whether certain types of storage media e.g. CD ROM are acceptable to support legal action. The original documents or certified copies where appropriate should be easily retrievable, as Revenue and Customs regularly require copies of invoices up to three years old.

Banking records

Type of financial document	Retention period
<i>Cheques and associated records</i>	
Cheque books / stubs for all accounts	2 years
Cancelled cheques	2 years
Dishonoured cheques	2 years
Fresh cheques	6 years
Paid / presented cheques	6 years
Stoppage of cheque payment notices	2 years
Record of cheques opened books	2 years
Cheque registers	2 years
Record of cheques drawn for payment	6 years
<i>Bank deposits</i>	
Bank deposit books / slips / stubs	2 years
Bank deposit summary sheets, banking summaries, cheque schedules	2 years
Register of cheques lodged for collection	2 years
<i>Bank reconciliations</i>	
Reconciliation files / sheets	2 years
Daily list of paid cheques	2 years
Unpaid cheque records	2 years
<i>Bank statements</i>	
Bank statements	2 years
Bank certificates of balance	2 years
<i>Electronic banking and electronic funds transfer</i>	
Cash transactions, payment instructions, deposits and withdrawals	As paper records
Audit trails	As base transaction

Expenditure records

<i>Cash books / sheets</i>	
Expenditure sheets	6 years
Cash books / sheets	6 years
<i>Petty cash records</i>	
All petty cash records including receipts and summary cash books	2 years

Creditors	
Creditors history records and reports	6 years
Statements	
Statements of outstanding accounts / orders / accounts payable	2 years
Credit and debit note books	
Credit notes and credit note books	2 years
Debit note books	2 years
Vouchers	
Vouchers including purchase orders, requisitions, invoices payable and received	6 years
Wages / salary vouchers	6 years
Voucher registers	2 years
Copies of vouchers (not the main accountable copy)	1 year
Voucher registration cards / voucher payment cards	6 years
Voucher summaries	1 year
Advice / schedule of vouchers despatched, delivery advices	1 year
Costing records	
Cost cards and costing records	2 years

Ledger records

General and subsidiary ledgers	
General and subsidiary ledgers for the purpose of preparing certified statements or published information	6 years
Other ledgers (e.g. cost ledgers)	2 years
Creditors ledgers	6 years
Audit sheets for ledger postings	2 years
Journals	
Journals – prime records for the raising of charges	6 years
Journals – routine adjustments	2 years
Trial balances and reconciliations	
Year end balances, reconciliations and variations to support ledger balances and published accounts	6 years

Receipts and revenue records

Receipt / remittance books	
Receipt books, office copy of receipts	6 years
Postal remittance books / records	6 years
Stamp duty / VAT receipt books / records	6 years
Cash registers	
Butts / copies of cash register forms	6 years
Cash register reconciliation sheets	6 years
Cash register audit rolls	2 years
Cash register analysis and summary records	2 years
Cash register reading books / sheets	2 years
Cashiers' records	
Cashiers' handover books	2 years
Revenue records	
Revenue cash books / sheets / records; receipt cash books / sheets	6 years
Daily and periodical revenue dissections	1 year
Debtors records / invoices	
Copies of invoices / debit notes – includes invoices paid and invoices unpaid and registers of invoices – debtors ledgers	6 years
Source documents / records used for raising invoices / debit notes	6 years

Copies of invoices and copies of source documents	2 years
Records relating to unrecoverable revenue, debts and overpayments – includes register of debts written off, register of funds etc	6 years

Salary and related records

Salary records	
Employee pay history records	6 years*
*The last three years records must be kept for leavers	
Salary rates register	Until superseded
Salary ledger cards / records	6 years
Copies of salary / wages / payroll sheets	2 years

Stores and services records

Stores records	
Goods inward books / records	6 years
Delivery dockets	2 years
Stock / stores control cards, sheets and records	2 years
Stocktaking sheets / records	2 years
Purchase order records	
Purchase order books / records	6 years
Travel warrants	2 years
Requisition records	
Requisition records	2 years

Contract and tender documentation

Tender documentation	2 years
Successful tender documents and analysis	6 years
Formal contracts	6 years
Quotations / analysis	2 years

CONTRACT PROCEDURE RULES

CONTRACT PROCEDURE RULES INDEX

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CONTRACT PROCEDURE RULES

INTRODUCTION

These procedures are standing orders made pursuant to Section 135 of the Local Government Act 1972 relating to contracts (the procedures are referred to as the Contract Procedure Rules).

Guidance regarding the use of these Contract Procedure Rules and a further explanation as to how they operate together with general advice regarding procurement can be found in the Council's Procurement Guidance or direct from the Strategic Procurement Service. This Guidance should be consulted whenever these Contract Procedure Rules are being considered. These Contract Procedure Rules should also be read in conjunction with the Financial Procedure Rules and other relevant parts of the Council's Constitution including the Council's Procurement Policy.

- 1 Statement of Principles
 - 1.1 The Contract Procedure Rules provide the framework rules for the Council's procurement of supplies, goods and services. Following them will ensure best value for money, propriety and the proper spending of public money.
 - 1.2 The principles underpinning these Contract Procedure Rules are:-
 - 1.2.1 the need to ensure that appropriate transparency, competition and propriety are present in the Council's procurement and the award of contracts;
 - 1.2.2 the need to secure best value for money from procurement;
 - 1.2.3 the need to maintain fairness, transparency, equality and integrity in the Council's procurement activity.
 - 1.3 The highest standards of integrity and honesty are required of all officers and Members involved in the procurement, award and management of Council contracts.
 - 1.4 Members and officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure that they comply with the obligations set out in the Members' Code of Conduct and Employees' Code of Conduct respectively* and any guidance issued in that regard.
 - 1.5 Procurement decisions are among the most important decisions a manager will make because the money involved is public money, regardless of the source of funding, and the Council is concerned to ensure that high quality goods, works and services are provided. Efficient use of resources in order to achieve best value for money is therefore an imperative. The Council's

* Part 5 of the Council's Constitution

reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.

- 1.6 The Contract Procedure Rules shall apply to all funding schemes regardless of origin (such as external grants, partnership funding, pooled or joint budgets etc) where a procurement exercise is required and the Council is to be the contracting body.
- 1.7 Any failure to comply with any of the provisions of these Contract Procedure Rules or the Code of Practice shall be reported by the relevant Director immediately to the Director of Legal and Democratic Services. Failure by an officer to comply with the provisions of the Contract Procedure Rules could lead to disciplinary action being taken against them.

2 Definitions

- 2.1 In both these Contract Procedure Rules and the Procurement Code of Practice the words and phrases below have the following meanings:

“AGMA Procurement Hub” means the procurement team hosted by Trafford Council on behalf of the Association of Greater Manchester Authorities who promote collaborative procurement activities across Greater Manchester.

“Authorised Service Officer” means the officer, within a Directorate, who has the delegated authority to undertake a procurement in accordance with paragraph 4.5.

“Authorised Procurement Officer” means the relevant Category Manager (or associated Procurement Officer) within the Strategic Procurement Service (as nominated by the Head of Strategic Procurement) or within the AGMA Procurement Hub, who is responsible for the goods, works or services for which the requirement relates.

“Category Management” means the business improvement process that brings together people from different parts of a business. The aim is to analyse and review discrete parts of the overall spend with suppliers, called categories, and identify the most appropriate and effective approach to sourcing for each category. The intention should always be to increase the value provided by the supply chain. A category can be defined as a discrete area of spend with boundaries determined by the market facing nature of the function or attributes of the goods or services being bought.

“Competitive Dialogue” means a procedure which can be used for complex contracts where the final specification is yet to be decided. The process uses the selection stage to identify a number of tenderers, each of whom will be invited to contribute their ideas towards the final specification. This is the "Dialogue" phase. When the specification has been decided then the Authorised Procurement Officers must declare the dialogue complete. Those tenderers identified during the selection stage are then invited to compete for the contract in the "Competitive" phase.

“Contract” means an agreement between the Council and any person made by executing a formal Agreement or by issue of a letter of acceptance or official order for the procurement by the Council of all supplies (including utilities), services and the execution of works.

“Contractor” shall mean any person whose tender or quotation is accepted or who an Official Council Order is placed with. They may also be referred to as providers or service providers within certain Council departments.

“Council’s requirement” means the outputs, outcomes and the scope and nature of supplies, services or works required by the Council from a procurement process as detailed in the specification.

“Director” means any Corporate Director, any Director, the Chief Executive, or authorised representative(s) of any of those officers

“Economic Operator” means any legal person or public entity or group of such persons and/or bodies which offers the execution of works and/or a work, goods or services.

“Electronic auctions” means a process where bidders whose tenders have previously been evaluated and scored for quality attributes are invited to compete on price or quantity through use of an electronic auction process which allows bids to be automatically scored and ranked to identify the most economically advantageous tender (this may include weightings, where appropriate). This process allows bidders to amend their prices/quantities on line in real time to achieve their best score commensurate with their own business objectives.

“Electronic tenders” means where an electronic solution facilitates the complete tendering process from the advertising of the requirement through to the placing of the contract. This includes the exchange of all relevant documents in electronic format. Secure electronic communication and an audit trail are key components of the system.

“Electronic Signature Regulations” means the Electronic Signatures Regulations 2002 as amended or replaced

“EU” means European Union.

“Executive” means the Executive of Trafford Borough Council.

“Framework Agreement” means an agreement or other arrangement between one or more contracting authorities and one or three or more economic operators which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the economic operator will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies.

A framework agreement is a general term for agreements with contractors that set out terms and conditions under which specific purchases (call-offs)

can be made throughout the term of the agreement. In most cases a framework agreement itself is not a contract, but the procurement to establish a framework agreement is subject to the EU procurement rules. In a few circumstances it may be the case that the framework agreement itself is a contract in its own right to which the EU procurement rules apply.

“High Value Procurement” means contracts valued at £50,000 or above and contracts which are high risk or involve a transfer of staff.

“Intermediate Value Procurement” means contracts or orders with an estimated value between £5,000 and £49,999.

“ITN” means invitation to negotiate

“ITT” means invitation to tender

“Local Procurement File” means a record of all relevant meetings, discussions, decisions and correspondence relating to a procurement exercise held by a Department

“Low Value Procurement” means contracts or orders with an estimated value of less than £5,000.

“Negotiated Procedure” means an exceptional procedure under which negotiation is permitted with selected persons before a contract is awarded.

“Officer” includes any employee of the Council.

“Official Council Order” means an electronic order issued via the Council’s e-procurement system (SAP EBP) to a supplier, or in exceptional cases, a paper purchase order from an official Council order pad. It also means any order made with a Council purchasing card.

“OJEU” means the Official Journal of the European Union

“Open Procedure” means a procedure for inviting tenders without prior short listing as set out in paragraph 16.

“Partnership” means an agreement between two or more independent bodies to work collaboratively to achieve shared objectives. This refers to agreements where the risks and benefits are shared between partners and there are joint decision making processes in place.

“Partnering” means the relationship entered into by the Council and a supplier (or supply team) with the intention of delivering the Council’s projects in a way that provides continuously better outcomes for both the Council and suppliers.

“Person” includes any individual, an individual (on behalf of a charity or community group), a sole trader, partnership or company (limited or unlimited) or any duly incorporated trade, professional or commercial body.

“PIN” means Prior Information Notice for publication in the OJEU

“Procurement File” means a record of all relevant meetings, discussions, decisions and correspondence relating to a procurement exercise.

“Procurement Plan” means a plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities;

“Purchasing Cards” means charge cards which work in a similar way to credit cards and can be used to purchase goods or service.

“PQQ (Pre-qualification questionnaire)” means the screening of potential economic operators where such factors as financial capability; reputation and management are considered when developing a list of qualified candidates.

“Quotation” means a formal offer to supply goods or materials, execute works or provide services at a stated price

“Regulations” means the UK regulations implementing the EU public procurement directives namely the Public Contracts Regulations 2006SI2006/5 as amended or replaced and shall include the European Directive 2004/18/EC of 31 March 2004 until such directive has been enacted into UK law.

“Regulations Threshold” means a financial threshold from time to time in force above which a public contract must be let in accordance with public procurement legislation.

“Restricted Procedure” means a procedure in which persons are invited to tender who have been previously short listed, as set out in paragraph 17.

“Services” includes the employment of consultants or temporary employment agencies.

“Strategic Procurement Service” means the central procurement team that will meet the needs of all Directorates using a Category Management model. The new team will include a section, led by the Procurement Enablement Manager that will focus upon implementing and managing the SAP EBP e-Procurement system which will become the single ordering system used throughout the Council.

“Supplies” includes the purchase of goods and equipment.

“Tender” means a formal offer to supply or purchase goods or materials, provide services or execute works at a stated price estimated by the appropriate Director to be of a value of £50,000 or more or where high risk or TUPE apply.

“Tender Documents” shall mean the Conditions of Tender and Contract, the Form of Tender, the Specification, the Form of Agreement and any other related documents or papers

“Tenderer” means any person submitting a tender

“TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended or replaced together with any European Council Directives including but not limited to the Acquired Rights Directive 2001/23/EC, as amended from time to time.

“Value for Money” means the optimum combination of whole-life costs, price, quality and benefits to meet the Council’s requirement. Such term equates to the EU procurement requirement of “most economically advantageous offer.

“Works” includes building and engineering work

“Writing”: the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted or stored by electronic means, in legible form, and capable of being used for subsequent reference.

3 Interpretation

- 3.1 In the event of any conflict between EU law, English law and Council policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over Council policy.
- 3.2 All figures specified in these Contract Procedure Rules are exclusive of VAT.
- 3.3 In the event of any doubt as to the interpretation of these Contract Procedure Rules, or as to the proper procedure to be followed, advice should be sought from the Head of Strategic Procurement in the first instance.

4 Compliance

- 4.1 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council’s functions and shall comply with:
 - (a) all relevant statutory provisions;
 - (b) the relevant EU procurement rules (the EU Treaty, the general principles of EU community law and the EU’s public procurement directives implemented by the Regulations);
 - (c) the Council’s Constitution including these Contract Procedure Rules, the Council’s Financial Procedure Rules and scheme of delegation; and
 - (d) the Council’s strategic objectives and policies including the procurement strategy.

- 4.2 These Contract Procedure Rules do not apply to:

- (a) employment contracts for staff,
- (b) contracts relating solely to the disposal or acquisition of securities or of an interest in land and property,
- (c) the appointment of Counsel by the Director of Legal and Democratic Services,
- (d) the appointment of experts for the purpose of legal, or potential legal proceedings,
- (e) hiring of premises and performance artists,
- (f) contracts for works of art or theatre, which are of genuine exclusivity,
- (g) purchases below the Regulations Threshold of a unique nature which the Director is satisfied can only be purchased from a single source and so certifies,
- (h) procurement over the value of £50,000 and under the Regulations Threshold, of any services, works or supplies which the Director, in consultation with the Head of Strategic Procurement considers is of an emergency nature to preserve the Council's assets or to enable the service to be maintained,
- (i) contracts procured in accordance with the Regulations by another local authority, local authority consortium, or other public body, provided that the Council has the legal power to participate in such a contract, and
- (j) any contract for which a waiver has been granted pursuant to paragraph 5 of these Contract Procedure Rules.

4.3 The responsibility for compliance with these Contract Procedure Rules and the Council's Financial Procedure Rules rests with the Director and Authorised Service Officer unless specified otherwise. Compliance with these Contract Procedure Rules will be monitored by the Head of Strategic Procurement.

4.4 All decisions, documents, quotations, tenders and contracts under these Contract Procedure Rules are open to inspection and monitoring by the Director of Finance, Head of Strategic Procurement, Director of Legal and Democratic Services and Head of Assurance and Improvement.

4.5 Subject to paragraph 7.1 the Director is responsible for nominating Authorised Service Officers who shall work with the Strategic Procurement Service on high value procurements. The Director can also change the nominated Authorised Service Officers at any time.

4.6 Where any person, who is not an officer of the Council, is required to supervise a contract on behalf of the Council it must be a condition of any contract between the Council and that person that he/she shall comply with the requirements of these Contracts Procedure Rules.

4.7 Where a requirement is for ICT goods or services, the Director or their nominated Authorised Service Officer shall seek the advice of the Head of

eGovernment (or their nominated representative) prior to any purchase being made.

5 Waivers of Contract Procedure Rules

- 5.1 Waivers of any of these Contract Procedure Rules shall only be given in exceptional circumstances and only with the prior written approval of the Director of Legal and Democratic Services in consultation with the Head of Strategic Procurement and the relevant Authorised Procurement Officer. Written approval shall be obtained by completing the Waiver Form detailed in the Procurement Guidance and obtaining the required signatures.
- 5.2 Waivers shall not be made retrospectively and compliance with the Regulations shall not be waived in any circumstances.
- 5.3 Exceptional circumstances, as referred to in paragraph 5.1 could include the following:
- (a) projects subject to the principles of Re-Thinking Construction where the Council has entered into any partnering charter and agreement with one or more partners and which are to be awarded in accordance with the procedures set out in the Council Procurement Guidance;
 - (b) the likelihood of material financial loss;
 - (c) the need to comply with statutory or other legal requirements, including Health and Safety;
 - (d) contracts for personal social care or educational need where in the opinion of the Director (in consultation with the Director of Legal and Democratic Services and the Head of Strategic Procurement) there is a demonstrable individual need which renders the procurement processes defined in these Contract Procedure Rules as impractical and a Waiver the only option.

Please note the above are by way of illustration only and are not conclusive or exhaustive.

- 5.4 An annual report shall be made to the Executive and the appropriate Overview and Scrutiny Committee of exceptions to these Contract Procedure Rules and a record of any such exceptions shall be kept by the Director of Legal and Democratic Services.

6 Procurement Plan

- 6.1 For each financial year, the Council shall publish a Procurement Plan on the Council website setting out its current contracts and contracts which it expects to be procured over the Regulations Threshold for the forthcoming financial year including a copy of the capital programme.
- 6.2 Before the start of each financial year, the Head of Strategic Procurement shall consider whether or not to publish at the start of the financial year a PIN

in the OJEU listing the contracts for works, services and supplies which it expects to procure for the coming financial year (include where possible references to Part B service requirements).

PRE-PROCUREMENT PROCEDURES

7 Delegated Authority

7.1 Any procurement carried out on behalf of the Council may only be carried out by officers with the appropriate delegated authority as set out in the Council and service schemes of delegation and where the procurement has been properly authorised. Officers with delegated authority may only delegate to other officers who have suitable experience and seniority, and this must be recorded to ensure a full audit trail is available. Officers shall be informed by their Director as to the extent of any delegated authority and any applicable financial thresholds for each procurement. In relation to the Council's e-procurement system, authority shall only be delegated to those individuals with the relevant approval levels against the appropriate cost centres.

8 Pre-Procurement Procedure

8.1 Before commencing a low or intermediate value procurement exercise (see paragraph 11 and 12), it is essential that the Authorised Service Officer leading the procurement has identified the need for the procurement and fully assessed any options for meeting that need. Consideration must be given to the Council's Procurement Strategy and other relevant wider policies and strategies as appropriate.

8.2 For high value procurements (see paragraph 13) the Authorised Procurement Officer must:

- (a) Engage the relevant Authorised Service Officer to support the procurement process;
- (b) where appropriate, work with the Authorised Service Officer to establish a business case, including risk assessment, for the procurement;
- (c) consider all means of satisfying the need;
- (d) ensure that the Authorised Service Officer has obtained all necessary approvals and funding (Any contract awards which constitute Key Decisions* or which involve any potential transfer of the Council's employees to a contractor shall be referred for a decision to the appropriate Director or to the Executive.)
- (e) where relevant, ascertain whether there is an appropriate Framework Agreement that should be used.
- (f) consider the design of the tender in consultation with the Authorised Service Officer;

* as defined in Article 13 of the Constitution

- (g) choose a course of action which should represent best value for money to the Council;
- (h) consult as appropriate with users of the service in conjunction with the Authorised Service Officer;
- (i) establish a written specification for the procurement requirement;
- (j) ensure that the tender documents are available in electronic format through the Strategic Procurement Service where this is required.

9 Estimating Contract Value

- 9.1 Before entering into any contract the Authorised Service Officer must estimate its value. Its estimated value will determine the appropriate procedure to be followed under these Contract Procedure Rules. This shall apply to all procurement requirements.
- 9.2 Estimates of value and methods of valuation must be genuine and not designed to avoid exceeding any threshold in these Contract Procedure Rules or the Regulations. Contract values should be calculated in accordance with the Regulations (even when the Regulations are not applicable) for consistency. The Council should make the best use of its purchasing power by aggregating purchases wherever possible.
- 9.3 The Authorised Service Officer shall ensure that they are aware of the relevant Regulations Threshold under the Regulations.
- 9.4 For the purpose of these Contract Procedure Rules, the value of a contract is the expected amount of consideration (in money or money's worth) that will be received by the person that carries out the works or provides the services or supplies, over the expected lifetime of the contract. Where some or all of the contract price is funded by a third party (e.g. government agency) this funding must be included in the estimated value.
- 9.5 The total contract value shall be calculated as follows:-
- (a) For "one-off" orders the estimated value will be the order value
 - (b) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period, including any permitted extension,
 - (c) where the contract period is indefinite or uncertain, by taking the monthly price payable under the contract and multiplying by 48,
 - (d) in relation to a Framework Agreement with no guaranteed commitment, the contract value will be the estimated value of goods, works or services over the full duration of the contract,
 - (e) where the Council has a single requirement for goods, services or works and a number of contracts have been entered into, or are to be

entered into, the total contract value is the aggregated value of each of these contracts.

- 9.6 Before undertaking a new procurement process or awarding a new contract the Authorised Service Officer, in consultation with the Authorised Procurement Officer, shall establish whether the Council's requirement can be met through any existing contract (Council or collaborative), and ensure that the estimated value can be met from the appropriate budget (capital and/or revenue).
- 9.7 Where the estimated contract value is within 10% of the relevant Regulations Threshold, then a tender exercise compliant with the Regulations shall be undertaken.
- 10 Use of Specifications
- 10.1 Every procurement process must specify the Council's requirement in a clear and precise manner, using outcome performance measures as appropriate. The specification must be fully prepared before the contract opportunity is advertised.
- 10.2 Specifications must not include requirements that are discriminatory or may distort competition.
- 10.3 Specific products, sources or processes must not be specified unless this is essential for meeting the Council's requirement and the specification permits the use or provision of an equivalent product, source or process. Wherever appropriate, a non-discriminatory quality standard should be specified.
- 10.4 The rules set out within the Regulations relating to technical specifications are complex and require guidance on their interpretation and use. Advice must be sought from the Strategic Procurement Service in relation to the use of technical specifications.
- 10.5 Specifications must be in accordance with legal requirements or the policies of the Council issued by the Director of Legal and Democratic Services from time to time.

PROCUREMENT PROCEDURES

These Contract Procedure Rules define the required procurement procedure based on the estimated value of the Contract as follows:-

Process Type	Contract Value	Required Procedure
Low Value Procurement	Less than £1000	1 verbal quotation
Low Value Procurement	Between £1000 and £4,999	3 verbal quotations

Intermediate Value Procurement	Between £5,000 and £49,999	3 written quotations
High Value Procurement	Over £50,000 to Regulations Threshold	Tender process
High Value Procurement	Regulations Threshold and above	EU procedure

11 Low Value Procurement (Quotations)

- 11.1 For contracts or orders with has an estimated value of less than £1,000 at least one verbal quotation must be obtained and full details should be retained within a local procurement file.
- 11.2 For contracts or orders with an estimated value of between £1,000 and £4,999 at least three verbal quotations must be obtained and full details must be retained within a local procurement file.
- 11.3 Any official purchase order shall specify the services, supplies or works to be provided and set out the price and terms of payments. Any appropriate Framework Agreement in place shall be used.
- 11.4 Exceptionally, if the Director is of the opinion that it is not reasonably practicable to obtain competitive or sufficient competitive quotations as required under paragraph 11.2, he/she must be able to support his/her opinion in writing and full details must be retained on the local procurement file for future inspection.

12 Intermediate Value Procurement (Quotations)

- 12.1 Subject to paragraphs 12.2 and 12.3, for contracts or orders with an estimated value of between £5,000 and £49,999 at least three written quotations must be obtained. A written quotation must be obtained from the contractor before an official purchase order can be issued. All quotations must be retained on the procurement file.
- 12.2 Any official purchase order shall specify the services, supplies or works to be provided and set out the price and terms of payment. Any appropriate Framework Agreement in place shall be used.
- 12.3 Exceptionally, if the Director is of the opinion that it is not reasonably practicable to obtain competitive or sufficient competitive quotations as required under paragraph 12.1, the Authorised Service Officer may not accept a quotation without first obtaining the written authority (using the appropriate Approval Form) of the Director of Finance. The Director must be able to support his/her opinion in writing and full details must be retained for future inspection.

13 High Value Procurement (Tenders)

- 13.1 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement regardless of the value of the contract.
- 13.2 Any procurement that may involve a transfer of staff (TUPE) shall be treated as a High Value Procurement.
- 13.3 If there is a Framework Agreement in place it must be used rather than undertake a tender for a new contract.
- 13.4 For all procurements valued at or above £50,000 and below the Regulations Threshold, prior to the commencement of the procurement process:
 - 13.4.1 approval of the proposed evaluation criteria to be applied shall be sought by the Authorised Service Officer from the Authorised Procurement Officer.
 - 13.4.2 the Authorised Procurement Officer, in consultation with the Authorised Service Officer, shall develop and document the procurement approach.
- 13.5 One of two procedures shall be used as appropriate for the particular procurement i.e. Open or Restricted.

14 Risk

- 14.1 For procurements subject to the Regulations, the Evaluation Team (as described within 24.4) shall carry out a risk assessment as part of its pre-qualification assessment and the evaluation process.
- 14.2 The Evaluation Team shall consider the appropriate type (employers' liability, public liability, professional indemnity, etc) and level of insurance requirements for each contract having regard to the minimum acceptable levels as determined from time to time by the Director of Finance and all appropriate safeguards for performance of the contract and the management of risk.
- 14.3 For all other procurements under the Regulations Threshold, the Authorised Service Officer in consultation with the Authorised Procurement Officer shall carry out a risk assessment appropriate to the nature of the procurement.

15 Contracts subject to the Regulations

- 15.1 Where the estimated value of a contract exceeds the current Regulations Threshold, then the contract shall be tendered in accordance with the Regulations using the Open, Restricted or, in exceptional circumstances, the Negotiated or Competitive Dialogue Procedures.

- 15.2 Use of the Negotiated or Competitive Dialogue Procedure (or any other award procedure permitted by the Regulations but not listed in these Contract Procedure Rules) must be authorised in advance by the Director of Legal and Democratic Services following a written report from the Authorised Procurement Officer, in conjunction with the Authorised Service Officer.
- 15.3 Use of the Negotiated or Competitive Dialogue Procedure will only be applicable in limited circumstances, usually where the Council is unable to ascertain prior overall pricing of the services or is unable to draw up specifications which are sufficiently precise.
- 15.4 A contract notice in the prescribed form shall be published in the OJEU in order to invite expressions of interest. The rules relating to technical specifications and the publication of contract award notices shall be observed for all contracts as shall the EU Treaty and the general principles of EU law including non-discrimination, equal treatment, and transparency.
- 15.5 The Regulations set out the minimum timescales for receipt of expressions of interest and tenders. Where the Council has published a PIN announcing its forthcoming contracts for the year ahead or provided electronic access to tender documents, then the Council may rely on reduced timescales if appropriate.
- 15.6 Before undertaking procurement under this Paragraph 15 the Authorised Service Officer must consult the Authorised Procurement Officer and Head of Strategic Procurement and establish whether the contract will involve the procurement of works, supplies or services as defined in the Regulations and, in the case of services, whether the Regulations will apply in full or in part.
- 15.7 Where the Authorised Procurement Officer considers that the Regulations do not apply at all to the procurement, confirmatory written advice must be obtained from the Head of Strategic Procurement before proceeding (in consultation with the Director of Legal and Democratic Services, if required). The advice must be placed on the procurement file.
- 15.8 Where the Regulations do not apply to the procurement, it must be undertaken in accordance with Paragraph 13.
- 16 Open Procedure
 - 16.1 Tenders under the open procedure shall be advertised via a public notice in a local or regional paper, or a relevant trade journal (or other equivalent appropriate placement) or on the Council's website in order to target the relevant market for the particular contract.
 - 16.2 The public notice shall be published by the Authorised Procurement Officer.
 - 16.3 Where the Regulations apply, the tender shall also be advertised through a contract notice within OJEU. All contract notices shall be issued by the Strategic Procurement Service, in consultation with the Authorised Service Officer and the relevant Authorised Procurement Officer. All required fields

within the contract notice shall be completed including details of the evaluation/selection criteria that are to be used.

16.4 The public notice shall contain details of the proposed contract and specify a time limit within which interested parties may express an interest in tendering for the contract. The notice shall also include the evaluation/selection criteria that are to be used along with any weightings. Where the weightings can not be given, the criteria must be stated in descending order of importance. Within six days after the expiry of the deadline date for expressions of interest, the Council shall send an ITT to any party expressing an interest. The ITT shall specify the return date for tenders.

16.5 All persons who express an interest shall be invited to tender.

17 Restricted Procedure

17.1 Tenders under the restricted procedure shall be advertised via a public notice in a local or regional paper, or a relevant trade journal (or other equivalent appropriate placement) or on the Council's website in order to target the relevant market for the particular contract.

17.2 The public notice shall be published by the Authorised Procurement Officer.

17.3 Where the Regulations apply, the tender shall also be advertised through a contract notice within OJEU. All contract notices shall be issued by the Strategic Procurement Service, in consultation with the Authorised Service Officer and the relevant Authorised Procurement Officer. All required fields within the contract notice shall be completed including details of the evaluation/selection criteria that are to be used.

17.4 The public notice shall contain details of the proposed contract and specify a time limit within which interested parties may express an interest in tendering for the contract. The notice shall also include the pre qualification evaluation criteria that are to be used (see paragraph 18) along with any weightings. Where the weightings can not be given, the criteria must be stated in descending order of importance. Within six days after the expiry of the deadline date for expressions of interest, the Council shall send a PQQ to any party expressing an interest. The PQQ shall specify the return date for questionnaires. This is the first stage of the two stage process.

17.5 Suppliers shall then be selected to invite to tender on the basis of their assessment against the published pre-qualification evaluation criteria. Only those suppliers that meet the criteria shall be invited to tender. If the Regulations apply, a minimum of five persons shall be invited to tender and in all other cases a minimum of three shall be invited to tender.

17.6 In the event that there are not enough persons meeting the pre-qualification evaluation criteria to comply with the requirements of paragraph 17.5 then, provided that best value for money can still be obtained through that tendering exercise, a lesser number of persons can be invited to tender with the

approval of the Director. The Director should seek the advice of the Head of Strategic Procurement in these circumstances.

18 Pre-Qualification

18.1 The Council shall only enter into a contract with a person if it is satisfied, in relation to that contract, as to that person's -

- (a) economic and financial standing
- (b) technical or professional capacity

18.2 Technical capacity includes the contractor's previous experience over the last three years (where applicable), statements of the goods, works or services available to the Council, quality management systems including human resources, health and safety and environmental management systems where relevant and appropriate to the performance of the contract.

TENDER PROCEDURES

19 The Invitation to Tender

19.1 The standard ITT (or ITN) template shall be used for all requirements and as a minimum shall include details of the Council's requirements for the particular contract including:

- (a) a description of the services, supplies or works being procured;
- (b) the procurement timetable, return date and time which shall allow a reasonable period for the applicants to prepare their tenders;
- (c) a specification and instructions on whether any variants are permissible;
- (d) the Council's terms and conditions of contract as appropriate;
- (e) the evaluation criteria including any weightings as considered appropriate;
- (f) pricing mechanism and instructions for completion;
- (g) whether the Council is of the view that TUPE will apply;
- (h) form and content of method statements to be provided;
- (i) rules for submitting of tenders;
- (j) an anti-collusion undertaking/certificate;
- (k) any further information which will inform or assist tenderers in preparing tenders.

20 Submission and Opening of Tenders and Quotations

20.1 Tenders must be submitted in accordance with the requirements set out in the ITT or ITN. Unless submitted electronically, all tenders for contracts must be

addressed to the Director of Legal and Democratic Services and will be recorded by the Strategic Procurement Service. All tenders, unless submitted electronically, must be submitted in a sealed plain envelope endorsed with the word "Tender" followed by the subject matter to which it relates but shall not bear any name or mark indicating the sender's identity.

- 20.2 Tenders must be kept in a safe place by the Strategic Procurement Service and remain unopened until the time and date specified for their opening. No tenders received after the specified date and time for receipt of tenders shall be accepted or considered by the Council (this rule also applies to pre-qualification questionnaires).
- 20.3 Tenders must be opened by the Authorised Service Officer or his/her nominee, the relevant Authorised Procurement Officer or his/her nominee and at least one other officer nominated or approved by the Director of Legal and Democratic Services. The Director of Finance may nominate a representative to attend tender openings should he/she so wish. An immediate record should be made of the tenders received including names, addresses, price, if easily ascertainable, and the date and time of opening.
- 20.4 Each Director shall ensure that records are kept on all quotations and that they are stored for audit purposes.

21 Electronic Procurement

- 21.1 The use of e-procurement technology does not negate the requirement to comply with all elements of these Contract Procedure Rules, particularly relating to competition and value for money.
- 21.2 Requests for quotations, ITTs and ITNs shall be transmitted wherever possible by electronic means. Quotations and tenders can, where appropriate, be submitted by electronic means provided that:
- (a) evidence that the transmission was successfully completed is obtained and recorded;
 - (b) tenders submitted electronically are kept in a separate secure folder under the control of the Director of Legal and Democratic Services which cannot be opened until the deadline has passed for receipt of tenders.
 - (c) The tenders shall only be opened by nominated Officers in accordance with paragraph 20.3.
- 21.3 E-tendering shall be undertaken using the Councils preferred electronic system (ProContract) and must be undertaken by the Authorised Procurement Officer in consultation with the Authorised Service Officer.
- 21.4 The e-tendering system shall have a full audit trail showing the details (including dates and times) of key events during the tendering process and shall identify the staff members involved.

- 21.5 E-auctions shall only be undertaken using an e-auction system approved for use by the Head of Strategic Procurement and for types of contracts agreed in advance by the Head of Strategic Procurement.
- 21.6 Where goods or services are to be procured via an e-auction, the Director of Finance shall agreed in advance any upper financial limit for bids;
- 21.7 The rules of the e-auction shall be clearly established in advance of the auction and communicated to all bidders. There shall be a full audit trail showing the details, with dates and times, of key events in the auction process. This shall also identify the staff members involved.
- 21.8 If an e-auction is to be used, it shall be stated in the public notice issued at the start of the tendering process and it can only take place after the initial evaluation of tenders.
- 21.9 Communication with bidders during the e-auction shall not be permitted unless it is regarding technical issues related to the auction process.
- 21.10 Council staff involved in monitoring the e-auction shall not be allowed to leave the room during the auction and no mobile telephones shall be allowed.
- 21.11 The Council's e-procurement system shall be used to create all official Council orders (apart from exceptions approved in advance by the Head of Strategic Procurement). This includes all orders placed after quotations are received or a tender process has been undertaken.

22 Alterations to Tenders

- 22.1 Every ITT shall contain a statement, subject to paragraph 22.2, that the Council will not accept applications for alteration of the tender received after the closing date for tenders.
- 22.2 A tender can be amended after it has been received only in order to correct an arithmetical error or other discrepancy made in good faith, subject to the following:-
- 22.2.1 The tenderer shall be given details of the error or discrepancy found during the examination of the tender and shall be given the opportunity of confirming the tender without amendment or withdrawing the tender, or;
- 22.2.2 Amending the tender to correct genuine arithmetic errors provided that in this case, apart from these arithmetic errors, no other adjustment, revision or qualification is permitted. In this case, written confirmation should be requested from the tenderer as to the error or discrepancy and confirming what the corrected entry should be.
- 22.3 A tenderer shall be able to change an error in their submission prior to the closing date and time for receipt of tender responses by resubmitting new

tender documents and clearly highlighting which documents are correct and should be considered as part of the tender process.

22.4 If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way.

22.5 Nothing in this Paragraph 22 shall permit alteration of any tender where the tender price is a single total figure.

23 Post Tender Clarification & Negotiation

23.1 Post-tender clarification may be undertaken with tenderers only where it is essential in order to be completely clear about any fundamental aspect of the tender submission before the completion of the tender evaluation process is possible. Such communication shall be solely about seeking clarification and explanation and shall be conducted either in writing or in a meeting. All correspondence or meetings must be documented and retained on the procurement file. Where a meeting is required, there must always be more than one Officer present.

23.2 Where a procurement is conducted through either the Open or Restricted Procedures (whether the Regulations apply or not), no post tender negotiations are permitted. The Authorised Procurement Officer shall only seek clarification from tenderers where appropriate.

23.3 Where it is necessary to adjust the Council's requirements to meet the approved budget, then the Authorised Service Officer, in conjunction with the Authorised Procurement Officer, shall have the opportunity to modify the initial specification and where this occurs all tenderers shall be given the opportunity to respond to the revised specification.

23.4 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

24 Tender Evaluation

24.1 Tenders subject to the Regulations shall be evaluated in accordance with the relevant Regulations and the evaluation criteria (along with the associated weightings) shall be set out in the ITT or ITN. All other tenders shall be evaluated in accordance with the evaluation criteria set out in the ITT or ITN.

24.2 All contracts, except contracts where lowest price was predetermined to be the appropriate criterion, shall be awarded on the basis of the offer which represents best value for money to the Council.

24.3 The evaluation criteria shall be predetermined and approved by the Authorised Procurement Officer, in consultation with the Authorised Service Officer and the Head of Strategic Procurement and listed in the ITT or ITN. In addition, the criteria shall be strictly observed (and remain unchanged) at all times throughout the contract award procedure.

- 24.4 For each contract subject to the Regulations, the Authorised Procurement Officer shall form an evaluation team with responsibility for evaluating tenders. For these contracts, where required, the Director of Legal and Democratic Services and the Director of Finance can be consulted and, where they consider it appropriate, representatives of those officers shall be included on the evaluation team.
- 24.5 Where an evaluation team is used, all team members shall evaluate all bids.
- 24.6 All records relating to tender evaluation shall be signed and dated by the relevant evaluation team member and retained with the procurement file.
- 25 Awarding Contracts (Acceptance of Quotations and Tenders)
- 25.1 If only one tender is received as part of a tender process, then advice shall be sought from the Head of Strategic Procurement on the correct way to proceed.
- 25.2 If payment is to be made by the Council, the lowest tender or the tender which has been evaluated as providing best value for money to the Council shall be accepted, provided this is within the relevant approved budget and the estimate for the contract. This may not be the lowest priced tender. The tender shall be evaluated in accordance with the evaluation criteria provided within the Public Notice and the ITT.
- 25.3 Where the tender is not within the relevant approved budget but, after proper evaluation is deemed to be appropriate and is within 10% of the estimate and budgetary provision is available, the relevant Director, with the approval of the Director of Finance, may accept such a tender. In all other circumstances the matter shall be reported to the Executive for consideration. This provision is subject to paragraph 25.8.
- 25.4 The Director of Finance cannot authorise acceptance under paragraph 25.3 where the tender return is in excess of the Regulations Threshold and therefore any estimates near the Regulations Threshold should undertake a tender exercise compliant with the Regulations.
- 25.5 If payment is to be made to the Council (or one of its partners), the highest tender shall be accepted. However, where applicable, other criteria may be considered such as social, environmental and health and safety factors in addition to tenderers' policies and protocols. For all procurements of this nature, the decision to award a contract shall be made by the Director in consultation with the Director of Legal and Democratic Services and the Director of Finance. The report and the subsequent decision should be kept on the relevant procurement file.
- 25.6 A contract may only be awarded by an Officer with the requisite delegated authority to award contracts. The Authorised Service Officer should ensure, prior to award, that the budget holder responsible for the contract has sufficient funds in place to sustain the contract prior to award. For all

procurements valued above the Regulations Threshold, the decision to award a contract shall be made by the Director on receipt of a report from the Authorised Procurement Officer. The report and the subsequent decision should be kept on the relevant procurement file.

25.7 All award decisions shall be recorded in writing and signed and dated by the Authorised Procurement Officer and retained on the procurement file.

25.8 Where a tender is to be awarded on the basis of a best value for money evaluation, the comments of the Director of Legal and Democratic Services and Director of Finance must be sought prior to the Director's decision, where the difference between the lowest price tender and the tender which represents the best balance of price and quality is the lower of 10% of the estimated contract value or £10,000.

26 Debriefing

26.1 The Authorised Procurement Officer responsible for each procurement shall provide a full debriefing to unsuccessful tenderers on written request. Feedback can be provided via the telephone, but a written record shall be maintained of the debrief conversation and retained on the procurement file for future reference.

27 Contract Award

27.1 Where a decision has been made to award a contract which was tendered under the Regulations, the award can only be made after a notice of the proposed award has been given to all unsuccessful tenderers and a period of 10 days has elapsed from the date the notice was given. The notice shall be issued by the Authorised Procurement Officer.

27.2 The Council, through the Authorised Procurement Officer, shall publish a contract award notice in the OJEU and on the Council's website no later than 48 days after the date of award of the contract where a contract has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to contract award.,

28 Letters of Intent

28.1 Letters of intent shall only be used with the approval of the Director of Legal and Democratic Services.

CONTRACTS

29 Contract Terms and Conditions

29.1 Unless other forms of contract have been specifically approved by the Director of Legal and Democratic Services, for all contracts (excluding those involving statutory undertakings) the following shall apply:

- (a) contracts with a value below £50,000 shall be made using an official order for works, supplies or services issued via the Council's e-procurement system (which for the purposes of this definition is deemed to include commitments made through SAP Social Care) ;
- (b) contracts with a value between £50,000 and Regulations Threshold shall be made on the basis of the appropriate Council standard conditions of contract which shall be included with each official order, ITT or ITN;
- (c) the conditions of contracts with a value of Regulations Threshold and over shall be determined in consultation with the Head of Strategic Procurement.

Exceptions to this requirement must be approved in advance by the Director of Legal and Democratic Services and recorded in writing and retained on the relevant procurement file.

29.2 No amendments or additions to the Council's standard conditions of contract may be made without the approval of the Director of Legal and Democratic Services who should in any event be consulted in any case of doubt or where any complex or unusual contractual arrangements are proposed.

29.3 The Director of Legal and Democratic Services must be consulted, in advance of the procurement, where TUPE applies or may apply to a contract.

29.4 If goods or services are being acquired at no direct cost to the Council advice must be sought from the Director of Legal and Democratic services.

30 Form and Execution of Contract

30.1 The following table details the relevant authorised signatories for contracts:-

Total Contract Value	Form of Contract	Officer Authorised to sign Contract
Less than £5,000	Official order via the Council's e-procurement system	Authorised Officer under the Scheme of Delegation
Between £5,000 and £49,999	Official order via the Council's e-procurement system	Authorised Officer under the Scheme of Delegation
Between £50,000 and £125,000	In writing including the standard conditions of contract within the ITT	Signed by two Officers (one of whom must be from the following list) :- Chief Executive, Director of Legal and Democratic Services, Member of CMT, Head of Legal Services and the Head of Strategic

		Procurement. For contracts let by the AGMA Procurement Hub, signatures are required from two of the following list:- the Head of Strategic Procurement, the Director of the AGMA Procurement Hub, the Director of Legal and Democratic Services and the Head of Legal Services.
Over £125,000	In writing including the Standard conditions of contract within the ITT	Under Seal or signed by two Officers (nominated by Director of Legal and Democratic Services)

30.2 All contracts with a value less than £5,000 shall comply with the Financial Procedure Rules set out in part 4(b) of the Constitution.

30.3 All other contracts with a value over £50,000 must be in writing and executed as set out in the table in 30.1. Two copies shall be signed by the contractor and returned for signature by the Council.

30.4 Every contract of £125,000 or more in value shall be entered into in writing and, as considered appropriate by the Director of Legal and Democratic Services, will either be under the common seal of the Council and attested by the Director of Legal and Democratic Services or by an officer nominated by him/her, or will be signed as a deed by two officers nominated by the Director of Legal and Democratic Services (which may include the Director of Legal and Democratic Services).

30.5 Electronic signatures may be used in accordance with the Electronic Signature Regulations, provided the sufficiency of security arrangements has been approved by the Director of Legal and Democratic Services.

31 Provisions to be Included in Contracts

31.1 Every contract in writing shall contain clauses to cover the following –

- (a) the work, supplies or services to be supplied;
- (b) the price to be paid, with a statement of discounts or other deductions and/or the amounts, frequencies and method of calculation of contract payments;
- (c) the time or times within which the contract is to be performed;
- (d) ensuring the Council is protected against the Contractor's defective performance by default provisions which are appropriate to the contract;

- (e) compliance with all relevant legislation requirements and Council policies;
- (f) compliance with the Council's insurance requirements;
- (g) prohibition against assigning or underletting the contract, or any part of it, or sub-contracting, except with the consent of the Council and upon such conditions as the Council may think fit, having regard to all relevant legislation and circumstance;
- (h) allowing the Council to terminate the contract and recover from the contractor the amount of any resulting loss if the contractor or its employees or agents (with or without its knowledge):
 - i. does anything improper to influence the Council to give the contractor any contract
 - ii. commits an offence under the Prevention of Corruption Acts 1889 to 1916 or under Section 117(2) of the Local Government Act 1972
- (i) if the contractor is in breach of contract the Council can do any or all of the following:
 - i. determine all or part of the contract or determine the contractor's appointment;
 - ii. itself perform the contract in whole or in part;
 - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- (j) that the contractor shall agree to accede to any reasonable request by the Local Government Ombudsman or Audit Commission Inspectors for access to the contractor or their documents;
- (k) that the contractor shall be required to make available to the Council upon request such information the Council considers necessary whether in relation to staff or otherwise, to enable the Council to meet its duties in relation to retendering the contract;
- (l) Where a contract includes any element of the Council's income or expenditure being based on the actual income or expenditure of a contractor, the contract must include a clause giving the Council right of access to the contractor's and any sub-contractor's records.
- (m) that the contractor will be required to provide an appropriate level of contract and quality monitoring to be agreed with the Council at the outset of a contract and which will detail the duties of both parties.

31.2 Every contract over Regulations Threshold which is for the execution of work shall, except as agreed by the Director of Finance, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. The Council shall also require and take sufficient security for the due performance of any contract where it is considered to be necessary.

32 Preventing Collusion

32.1 Before entering into a contract which has been the subject of the invitation of tenders, a written assurance shall be obtained from tenderers that they will not follow, or have not followed in relation to the contract, the following practices:

- (a) communicating to a person other than the person calling for tenders the amount of any proposed tender in accordance with any agreement or arrangements so to communicate; or
- (b) adjusting the amount of any proposed tender in accordance with any agreement or arrangement by the proposed tenderer and any person other than the person calling for tenders.

33 Corrupt Practices

33.1 Provisions shall be included in every ITT, ITN and in every written contract empowering the Council to reject any tender or terminate a contract and recover from the contractor the amount of any loss resulting from such termination if the contractor or any person on his behalf whether employed by the contractor or not (with or without its knowledge) :-

- (a) makes any arrangement or agreement with any third party which requires either party to fix or adjust his tender price, or refrain from tendering, or
- (b) communicates to any person, except the Council, the amount or approximate amount of his tender otherwise than in confidence to enable his tender to be made, e.g. to obtain premium quotations for insurances or a bond, or
- (c) gives, agrees to give, offers to give or promises any person (directly or indirectly for the benefit of that person or any other) any gift, loan, fee, reward or other consideration or conferred any advantage as an inducement to, reward for or otherwise on account of such person having done, agreed or forborne to do anything in relation to any other tender or proposed tender for any contract, or
- (d) directly or indirectly canvasses any member or officer of the Council in order to obtain or attempt to obtain:
 - i. entry to any lists of persons approved by the Council to carry out works on its behalf, or
 - ii. information concerning any other tenderer or any tender submitted by any other tenderer, or
 - iii. any advantage or benefit to the disadvantage of other tenderers.
- (e) shows favour or disfavour to any person in relation to any contract with the Council, or
- (f) commits any offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117 (2) of the Local Government Act 1972.

34 Records of Tenders and Contracts' Register

34.1 The Authorised Procurement Officer shall maintain a list of all tenders received. The Authorised Service Officer shall maintain a list of all quotations received.

34.2 A Contracts Register of all contracts awarded with a value of £50,000 and above shall be maintained by the Head of Strategic Procurement. The Contracts Register may be maintained electronically.

34.3 Each Director shall maintain his own register of all other contracts entered into by his department and shall ensure that the Strategic Procurement Service has access to the register.

35 Framework Agreements

35.1 Where the Council has entered into a Framework Agreement then that Framework Agreement shall be used.

35.2 Where the Council is able to call off from existing Framework Agreements procured by other public sector bodies (such as the Office of Government Commerce, central Government agencies, purchasing consortia or other local authorities), then the Council may benefit from using those contracts without entering into a separate procurement exercise. Advice should be sought from the Head of Strategic Procurement as appropriate.

35.3 The term of a framework agreement shall not exceed four years and, while an agreement may be entered into with one contractor, where an agreement is concluded with several contractors, there must be at least three in number.

35.4 Contracts based on framework agreements shall be awarded by either:

- (a) Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call off) without reopening competition or
- (b) Where the terms laid down in the framework agreement are not precise enough or complete for the particular call off, by holding a mini competition in accordance with the following procedure:
 - i. Inviting all organisations within the framework agreement that are capable of executing the subject of the contract to submit written tenders
 - ii. Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract
 - iii. Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement

36 Sub-Contractors

36.1 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contract Procedure Rules and the terms of the invitation shall be compatible with the main contract.

37 Joint Procurement

37.1 Any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia not already in existence on the date these Contract Procedure Rules came into effect shall be approved by the Head of Strategic Procurement prior to the commencement of any procurement on behalf of the Council.

37.2 Approval shall only be given where the joint procurement arrangement assures compliance with the Regulations and any other guidance relating to joint procurement issued by the Council.

38 Partnering Arrangements

38.1 These Contract Procedure Rules apply to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement. This includes any arrangement involving one or more organisations in addition to the Council through which either a specific project or services within any of the functions of the Council are to be provided.

38.2 Partnering arrangements to be set up with contractors in accordance with the principles of best value for money must be based on a contract let following a full competitive process, using one of the procedures set out in these Contract Procedures Rules.

38.3 Where a contract includes any element of income or expenditure to the Council being based on the actual income or expenditure of a contractor, the contract shall include a clause giving the Director right of access to the contractor's and any sub-contractor's records.

38.4 The arrangements between the Council and the contractor in any partnering procurement shall be set out in a detailed Partnership/Partnering Agreement. This is a supplementary document to the contract.

38.5 Advice shall be sought from the Head of Strategic Procurement and the Director of Legal and Democratic Services in relation to any partnership/partnering agreements.

39 Procurement by Consultants & Staff of Partner Agencies

39.1 Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Service Officer (for low & intermediate value procurement) and the Authorised Procurement Officer (for high value procurements) shall ensure that the

consultants carry out any procurement in accordance with these Contract Procedure Rules and use the Council's standard terms and conditions of contract in any procurement that the consultant carries out.

- 39.2 No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. Consultants may be involved as part of an evaluation team, where their input is part of a group decision making process. Records shall be maintained on the procurement file of any recommendations made by the consultant and the evaluation process used. The Authorised Procurement Officer shall ensure that the consultant's performance is monitored.
- 39.3 If an employee of a partner agency, working in a multi-disciplinary team with the Council, is given delegated authority by the Director, then they shall have the ability to act on behalf of the Council in accordance with these Contract Procedure Rules, except they shall have no authority to make any decision on the award of contracts, or have the ability to sign contracts.

40 Statistical Returns

- 40.1 Each year the Council shall make a statistical return to Government for onward transmission to the European Commission concerning the contracts awarded during the year under the EU procurement rules.
- 40.2 The Head of Strategic Procurement is responsible for this statistical return and shall make the necessary arrangements for information to be collected annually. Directors must comply with these arrangements.

41 Restrictions on Contractors

- 41.1 No contract will be placed with a Member of the Council, nor any person in which any Member of the Council, employer, sponsor or relative has an interest, unless competitive tenders have first been invited and the contract awarded to the best value for money tender.

POST CONTRACT ARRANGEMENTS

42 Monitoring of Contracts

- 42.1 The Director must ensure that contracts are monitored throughout the period of the contract, and the performance of contractors is reviewed regularly. This should be undertaken in conjunction with the relevant Authorised Procurement Officer.

43 Contract Variation and Extension

- 43.1 Contracts should not be extended beyond the period for which they were awarded unless provision for extension was included in the contract documents. Where the terms do not expressly provide for extension, contracts subject to the Regulations may only be extended by negotiation subject to the rules set out in the Regulations. In these circumstances advice

must be sought from the Head of Strategic Procurement. Such extension shall be notified to the Director and the Head of Strategic Procurement.

- 43.2 Any contract extension shall not be longer than two years.
- 43.3 In all other circumstances an extension of contract will require the written approval of the Director of Legal and Democratic Services and the Director of Finance following consideration of a written report from the Director. They shall only approve such an extension if it can be demonstrated that this will achieve best value for money for the Council and will not contravene any legal requirement. Extensions of contract cannot be approved retrospectively.
- 43.4 Once a contract has expired it cannot then be extended.
- 43.5 Directors shall ensure that they allow sufficient time for a procurement exercise to be carried out before a contract expires.
- 43.6 All variations to a contract must be authorised in writing by the appropriate Officer and made in accordance with the provisions of the contract.
- 43.7 If the Authorised Service Officer has reason to believe that the estimated final cost of any contract will exceed the permitted variation below he/she shall submit a written report to the Director and the Director of Finance.

Contract value:

Exceeding	Not Exceeding	Permitted Variation
-	£25,000	10% max
£25,000	£125,000	7.5%
£125,000	£1M	5%
£1M -		2.5%

44 Claims Arising From Contracts

- 44.1 Claims arising from contracts (either by the contractor or the Council) in respect of matters not clearly within the terms of any existing contract shall be determined by the Authorised Service Officer after having acted on the advice of the Director of Legal and Democratic Services on the Council's legal liability and the Director of Finance on the financial considerations. The Head of Strategic Procurement shall also be kept informed.
- 44.2 Where completion of a contract is likely to be delayed, resulting in claims under the contract, the Authorised Service Officer must inform the Director of Legal and Democratic Services and Director of Finance of the action taken or proposed.

45 Termination of Contracts

- 45.1 For any contract with a value at the Regulations Threshold or above, termination shall be approved by the appropriate Director in consultation with the Director of Legal and Democratic Services. Contracts of a lesser value

may be terminated early by agreement with the contractor prior to the expiry date or in accordance with the termination provisions set out in the contract and following consultation with the relevant Authorised Procurement Officer. Legal advice should be sought as appropriate.

46 Purchasing Cards

- 46.1 Purchases made with the use of a Purchasing Card shall be in accordance with these Contract Procedure Rules.
 - 46.2 All Purchases made with a Purchasing Card must utilise the appropriate framework agreements where they exist.
 - 46.3 All invoice and expenditure receipts shall be provided in order to substantiate transactions.
 - 46.4 Each cardholder shall be responsible for the safety and security of the Purchasing Card.
 - 46.5 Purchasing Cards shall not be issued to staff without prior consultation and agreement from the Head of Strategic Procurement.
- #### 47 Review and Amendment of Contract Procedure Rules
- 47.1 These Contract Procedure Rules shall be reviewed and updated on an annual basis.
- #### 48 Date of Approval and Implementation
- 48.1 These Contracts Procedure Rules were approved by Council on 22nd July 2009 and come into effect on 1st August 2009.

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment - General

(1) Declarations

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

(2) Seeking support for appointment.

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

(3) Definition of Head of Paid Service

Throughout these Officer Employment Procedure Rules the term "Head of Service" shall include all officers employed on JNC for Chief Officers Conditions of Service.

2. Recruitment of Head of Paid Service, Directors and Heads of Service

- (1) Where the Council proposes to appoint a Head of Paid Service, Director or Head of Service and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
 - (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph 1(a) to be sent to any person on request.

- (2) Where a post has been advertised as provided in (1) (b), the Council's Appointments Committee shall –
 - (a) interview all qualified applicants for the post, or
 - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (3) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with (1)(b).

1. Appointment of Head of Paid Service

- (1) The full Council must approve the appointment of the Head of Paid Service before an offer of appointment is made following the recommendation of such an appointment by an Appointment Committee. An Appointment Committee must include at least one member of the Executive.
- (2) An offer of appointment must not be made by or on behalf of the Appointment Committee ("the Committee") until
 - (a) the Proper Officer has been notified of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
 - (b) the Proper Officer has notified every member of the Executive of
 - (i) the name of the person to whom the offer is to be made and any other relevant particulars notified to the Proper Officer; and
 - (ii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
 - (c) either –
 - (i) the Executive Leader has, within the period specified under (2)(b(ii)), notified the Committee that neither (s)he nor any other member of the Executive has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the Committee that no objection was received by him/her within that period from the Executive Leader; or
 - (iii) the Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

4. Appointment of Corporate Directors and Directors

- (1) A Member Appointment Committee will appoint Statutory and Non-Statutory Chief Officers and Deputy Chief Officers, as defined in the Local Government and Housing Act 1989, (definitions set out below). That Appointment Committee must include at least one member of the Executive.

Definitions:

Statutory Chief Officer – director of children’s services, director of adult social services and officer with responsibility for the administration of the Council’s financial affairs

Non-Statutory Chief Officer – a person for whom the Head of Paid Service is directly responsible; a person who, as respects all or most of their duties (excluding secretarial/clerical duties), is required to report directly to or is directly accountable to the Head of Paid Service or the Authority itself

Deputy Chief Officer – a person who, as respects all or most of their duties (excluding secretarial/clerical duties), is required to report directly to or is directly accountable to the one or more of the chief officers

- (2) An offer of appointment must not be made by or on behalf of the Committee until the procedure set out in 3(2) (a), (b) and (c) above has been followed.

5. Other appointments

(1) **Officers below Deputy Chief Officer**

Officers below the level of Deputy Chief Officer can only be appointed by the Chief Executive or officers nominated by him, and shall not be made by councillors.

(2) **Assistants to political groups**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

(1) **Suspension**

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(2) **Independent person**

No other disciplinary action may be taken in respect of any of the officers described in (1) above except in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

(3) **Disciplinary action against officers below deputy chief officer**

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7. Dismissal

(1) **Head of Paid Service**

(a) Subject to 8(2) the full Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given following the recommendation of dismissal by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive.

(b) Notice of the dismissal of the Head of Paid Service must not be given by or on behalf of the committee or sub-committee (“the Committee”) until –

(i) the Committee has notified the Proper Officer that they wish to dismiss the Head of Paid Service and of any particulars which the Committee considers are relevant to the dismissal;

(ii) the Proper Officer has notified every member of the Executive

(a) that the Committee wishes to dismiss the Head of Paid Service and of any other particulars relevant to the dismissal which the Committee has notified to the Proper Officer; and

(b) of the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and

(iii) either –

(a) the Executive Leader has, within the period specified in the notice under (1)(b)(ii) above, notified the Committee that neither (s)he nor any other member of the Executive has any objection to the dismissal;

(b) the Proper Officer has notified the Committee that no objection was received by him/her within that period from the Executive Leader; or

- (c) the Committee is satisfied that any objection from the Executive Leader within that period is not material or well founded.

(2) **Directors and Heads of Service**

- (a) A Committee, sub-committee or another officer may discharge the function of the dismissal of a director or head of service. If a committee or sub-committee is discharging the function that committee or sub-committee must include at least one member of the Executive.
- (b) Notice of the dismissal of a director or head of service must not be given by a committee, sub-committee or officer (“the Committee”) until the procedure set out in 7(1)(b)(i), (ii) and (iii) above has been followed.

(3) **Officers below Head of Service**

Dismissal of officers below head of service (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and shall not be made by Councillors.

8. **Appeals**

- (1) Nothing set out above shall prevent a councillor from serving as a member of any committee or sub-committee established by the Council to consider an appeal by —
 - (a) another person against any decision relating to the appointment of that person as an officer of the Council; or
 - (b) an officer of the Council other than the Head of Paid Service against any decision relating to the dismissal or, or taking disciplinary action against, that officer.
- (2) Prior to a meeting of full Council to approve the dismissal of the Head of Paid Service a committee to consider any appeal by the Head of Paid Service must be established. The Members appointed to that appeal committee must not attend or participate in that part of the Council meeting which considers the dismissal of the Head of Paid Service.

9. **Proper Officer**

For the purposes of these rules the Proper Officer shall be the Head of Paid Service except where the dismissal relates to the Head of Paid Service when the Proper Officer shall be the Monitoring Officer.

Trafford Council Petition Scheme

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

Members of the public can submit petitions on the following

- Issues relating to the Council's responsibilities.
- Issues which affect the borough of Trafford or its communities, as long as the Council is a position to exercise some degree of influence.
- Anything relating to an improvement in the economic, social or environmental well-being of the borough to which any of the Council's partners could contribute.

The Council will respond to all the petitions it receives. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

Essentially there are three types of petitions:

- **“Ordinary” petitions**

These must be signed by at least 50 people but the Council will use its discretion where there are fewer than 50 signatories in cases where there is clear local support for action (e.g. where the residents of a small community have petitioned for traffic calming measures)

- **Petitions requiring debate**

Petitions which contain 3000 signatures or more will be debated by the full council

- **Petitions to hold council employees to account**

Petitions which call for evidence from a senior council employee and have at least 1,500 signatures will trigger that response.

1. How do I submit a petition?

Petitions can be sent or presented to the council. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

A petition is defined as a communication in writing which is signed by the appropriate number of qualifying persons. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

[Stronger Communities](#)

Trafford Council
Talbot road
Stretford
Manchester
M32 0TH

Deleted: Area Services

[Or by email to stronger.communities@trafford.gov.uk](mailto:stronger.communities@trafford.gov.uk)

Formatted: Font: 12 pt

[Or via the Council's website www.trafford.gov.uk](http://www.trafford.gov.uk)

If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 0161 912 1387 at least 10 working days before the meeting and they will talk you through the process.

Petitions submitted to the council must include a clear and concise statement covering the subject of the petition. It should state

- What action the petitioners wish the council to take
- The name and address and signature of any person supporting the petition (the address can be an address where a signatory lives, works or studies)

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first signatories to the petition to agree who should act as the petition organiser.

Petitions must include a signature and the signatory's name and address. This can be an address where the signatory lives, works or studies.

Before submitting a petition you should first check with your local councillor or with the Council to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition as sometimes your petition may be more appropriate for another public body.

2. Who can submit a petition?

Anyone who lives, works or studies in Trafford, including under 18s, can sign or organise a petition.

3. Are there any petitions which the Council cannot accept?

We believe that the vast majority of petitions we receive will be accepted but in certain circumstances petitions may not be accepted, including:-

- If the petition applies to a planning application, certain licensing matters, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal or a separate complaints process.
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reasons for this in our acknowledgement of the petition.
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners then, within 10 working days of its receipt, the petition will be forwarded to that authority for them to deal with, unless the petition relates to an improvement in the economic, social or environmental well-being of the borough. In those cases the petitions will be considered under the Council's scheme.

It may be inappropriate for the council to deal with certain petitions during periods when it is subject to restrictions immediately before elections or referendums. In these circumstances, the petition organiser will be informed of the date when the petition will be considered, or when material relating to it will be published on the council's website.

4. What will the council do when it receives my petition?

We will acknowledge the petition within 10 working days of receiving it and let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If the petition needs more investigation, we will tell you the steps we plan to take.

In the majority of cases your petition will be submitted to one of the Council's formal member meetings where elected councillors will decide how to respond to the petition. These meetings will be held in public and petitioners are welcome to attend the meeting to observe the proceedings. The petition organiser will be entitled briefly to address the meeting.

Depending on the subject matter your petition may be submitted to the Council, the Executive, one of the Neighbourhood Forums or one of the Council's Overview and Scrutiny Committees*. There are two exceptions to this

- If your petition contains more than 3000 signatures then it must be debated by the Council.
- If your petition is asking for a senior council employee to give evidence at a public meeting then it will be considered by one of the Council's Overview and Scrutiny Committees, provided it contains at least 1,500 signatures.

**Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.*

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5. Full council debates

If a petition contains more than 3,000 signatures it will be debated by the full council unless it is a petition asking for a senior council employee to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, refer the issue to the Executive or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision which will also be published on our website.

6. Evidence from senior council employees

Your petition may ask for a senior council employee to give evidence at a public meeting about something for which they are responsible as part of their job. For example, your petition may ask a senior council employee to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. The petition must relate to the employee's job, it cannot relate to their personal circumstances or character.

If your petition contains at least 1,500 signatures, the relevant employee will give evidence at a public meeting of one of the council's overview and scrutiny committee. This will happen within 30 days of the petition being accepted.

Only the following senior employees of the Council can be called to give evidence

- Chief Executive
- Corporate Director **Environment, Transport and Operations**
- Corporate Director **Economy, Growth and Prosperity**
- Corporate Director Transformation & Resources
- Corporate Director Children, **Families and Wellbeing**

Deleted: Prosperity, Planning and Development and Deputy Chief Executive

Deleted: and Young People's Service
Director of Adult Social Services

The Overview and Scrutiny Committee may decide that it would be more appropriate for another member of staff to give evidence instead of any person named in the petition – for instance if the person has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Director of Legal and Democratic Services up to three working days before the meeting.

After the meeting, the Committee will submit a report to the Executive which will be considered at the next available meeting of the Executive. The petition organiser will receive a copy of this report.

7. How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- carrying out consultation
- holding a meeting with the petitioners
- referring the petition for consideration by the council's overview and scrutiny committee
- writing to the petition organiser setting out our views about the request in the petition

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Scrutiny Committee (one of the council's overview and scrutiny committee) review the steps that the council has taken in response to your petition.

The Scrutiny Committee will consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee feel the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

9. Is there anything else I can do to have my say?

As a Council we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say including

- Writing to the appropriate Head of Service or Director
- Attending one of the Council's Neighbourhood Forums to raise an issue of local concern
- Contacting your local councillor
- Making a complaint through the Council's complaints system