

Notice of Meeting



Scan here to access the public documents for this meeting

Special Governance and Ethics Committee Monday 6 March 2023 at 6.30pm

in the Council Chamber, Council Offices,
Market Street, Newbury

Note: This meeting can be streamed live here: <https://www.westberks.gov.uk/governanceethicscommitteelive>

Date of despatch of Agenda: Friday 24 February 2023

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Sadie Owen on 01635 519052
e-mail: Sadie.Owen1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

Agenda – Special Governance and Ethics Committee to be held on Monday, 6 March 2023
(continued)

To: Councillors Jeff Cant (Chairman), Jeremy Cottam (Vice-Chairman), Jeff Beck, Rick Jones, Tony Linden, David Marsh, Geoff Mayes, Andy Moore, Biyi Oloko, Simon Carey, Bill Graham and David Southgate

Substitutes: Councillors Adrian Abbs, Owen Jeffery, Alan Law, Steve Masters, Graham Pask and Anne Budd

Agenda

Part I

	Page No.
1 Apologies To receive apologies for inability to attend the meeting (if any).	1 - 2
2 Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	3 - 4
3 Updates to the Constitution Purpose: To update the Governance and Ethics Committee, ahead of Council, regarding the work undertaken by the Constitution Review Task Group and to propose the approval of the proposed Constitutional updates detailed in this report. The report also advises of the further work that will be undertaken in anticipation of further revisions.	5 - 80

Sarah Clarke
Service Director: Strategy and Governance

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Sadie Owen on telephone (01635) 519052.

Agenda Item 1

Special Governance and Ethics Committee – 6 March 2023

Item 1 – Apologies for absence

Verbal Item

This page is intentionally left blank

Agenda Item 2

Special Governance and Ethics Committee – 6 March 2023

Item 2 – Declarations of Interest

Verbal Item

This page is intentionally left blank

Updates to the Constitution

Committee considering report:	Governance and Ethics Committee
Date of Committee:	6 March 2023
Portfolio Member:	Councillor Tom Marino
Date Portfolio Member agreed report:	E-mailed on 23 February 2023
Report Author:	Sarah Clarke
Forward Plan Ref:	C4272

1 Purpose of the Report

- 1.1 The purpose of this report is to update Governance and Ethics, ahead of Council regarding the work undertaken by the Constitution Review Task Group (“the Task Group”), and to propose the approval of the proposed Constitutional updates detailed in this report.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.
- 1.3 The report will also advise of the further work that will be undertaken in anticipation of further revisions.

2 Recommendations

- 2.1 It is proposed that Governance and Ethics Committee consider this report and recommend that Council:
 - (a) approves the Budget and Policy Framework, which is attached at Appendix A to this Report;
 - (b) approves the Financial Rules, which are attached at Appendix B to this Report;
 - (c) approves the Contract Rules, which are attached at Appendix C to this Report;
 - (d) notes that the above Rules will replace current Parts of the Constitution, namely:
 - Part 9 – Budget and Policy Framework Rules of Procedure
 - Part 10 – Financial Rules of Procedure
 - Part 11 – Contract Rules of Procedure
 - (e) approves the Glossary, which is attached at Appendix D to this Report;

Updates to the Constitution

- (f) approves the final version of the Parts of the Constitution that were previously agreed by Council in October 2022, which are attached at Appendix E to this Report;
- (g) agrees that the changes to the Constitution detailed in this report, take effect from April 2023;
- (h) delegates to the Monitoring Officer in consultation with the Chairman of the Constitution Review Task Group the power to make minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation;
- (i) delegates to the Monitoring Officer the power to make corrections, to the Constitution to reflect organisational restructures.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	None directly although the report details the procedures to be followed at full Council when setting the budget, and when decisions are taken that have financial implications.			
Human Resource:	None			
Legal:	This report proposes changes to the Council's Constitution, and will ensure a clear and transparent decision making framework.			
Risk Management:	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary

Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:	X			The recommendations in this report will enable some participation in Meetings remotely via technology, which will reduce the need for individuals to travel in person to meetings.
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:	X			The recommendations in this report recognise the ability to engage effectively with residents via social media and digital technology.
Council Strategy Priorities:		X		
Core Business:	X			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.

Data Impact:		X		
Consultation and Engagement:	These proposals have been discussed with: The Constitution Review Task Group Finance & Governance Group Joseph Holmes – Executive Director (Resources) Nicola Thomas – Service Lead, Legal and Democratic Stephen Chard – Democratic Services Manager			

4 Executive Summary

- 4.1 It was agreed in July 2019 that a Task Group of the Governance and Ethics Committee would be created to review the entire Constitution to ensure that it remained fit for purpose. The Task Group first met in September 2019, but work was subsequently delayed due to the pandemic.
- 4.2 The review of the Constitution has not proposed any significant alterations to the existing rules, but it should provide clarity regarding the Council’s rules and procedures, and a product that will be easier for everybody to navigate and understand.
- 4.3 At its meeting in October 2022, Council approved a number of replacement parts of the Constitution, largely governing how business would be transacted at meetings of various Council Bodies. Implementation of those parts was delayed pending the conclusion of Phase 2 of the Constitution Review, which is detailed in this report.
- 4.4 This report outlines changes proposed following the Phase 2 work, which comprised of a review of the following Parts of the Constitution:
 - Part 9 – Budget and Policy Framework Rules of Procedure
 - Part 10 – Financial Rules of Procedure
 - Part 11 – Contract Rules of Procedure
- 4.5 The Constitution will be supported by a Glossary, which will define the meaning of key words that appear throughout the various parts of the updated Constitution. This is attached at Appendix D.

5 Supporting Information

Introduction & Background

- 5.1 The Council is undertaking a comprehensive review of the Constitution and this report seeks approval to adopt the updated Parts following the completion of Phase 2 of the review.
- 5.2 The Constitution Review Task Group (‘Task Group’) is a working group consisting of the following Members: Jeff Beck, Graham Bridgman (Chairman), Jeff Brooks, James Cole, David Marsh, Andy Moore, and Howard Woollaston. Councillor Geoff Mayes is a former member of the Task Group. The significant contribution of the Task Group in the formulation of these proposals and the updating of the Constitution should be noted.

Updates to the Constitution

- 5.3 This work has also been supported by a number of officers in the Democratic Services Team and from Legal Services, and their contribution to this significant piece of work should also be noted.
- 5.4 It should be noted that the need to undertake the wholesale review of the Constitution was driven by a desire to make the document more user friendly and accessible to all. If approved, the Constitution will be published on-line when it becomes operational, and there will be full indexing with hyperlinks where appropriate.
- 5.5 At its meeting in October 2022, Council approved a number of replacement parts of the Constitution, largely governing how business would be transacted at meetings of various Council Bodies. The final version of those parts is attached to this report at Appendix E.
- 5.6 This report also proposes changes to a number of business critical parts of the Constitution, namely:
 - Part 9 – Budget and Policy Framework Rules of Procedure
 - Part 10 – Financial Rules of Procedure
 - Part 11 – Contract Rules of Procedure

Proposals

- 5.7 It is proposed that the Council adopt the updated Budget and Policy Framework, detailed at Appendix A of this report. This details the process by which plans, policies or strategies detailed within the Framework will be developed and approved.
- 5.8 The Budget and Policy Framework also details the actions that must be taken in the event that a decision is taken, or is proposed to be taken, which is or would be outside the scope of the Framework.
- 5.9 The Council is subject to statutory controls, audit, and must account for its actions and financial decisions. The report therefore proposes updates to the Financial Rules, which will provide a common standard to be adopted in any financial dealings by or on behalf of the Council. The updated Financial Rules, which are recommended for approval, are attached at Appendix B.
- 5.10 The changes proposed do not recommend any significant changes to the existing rules. However, these have been restructured so that there are a set of common Financial Rules, supported by a series of appendices which provide detailed rules of procedure.
- 5.11 Council will note that it is proposed that the virement threshold for Capital Spend be increased so that it is aligned with the Revenue virement thresholds. This increases the threshold for delegated officer decisions on Capital virements from £50k to £100k, subject to the parameters detailed in Appendix B.
- 5.12 Section 135 of the Local Government Act 1972 requires that local authorities have in place standing orders (or rules) for the making by them, or on their behalf, of contracts for the supply of goods or materials or for the execution of works. The Council's Contract Rules ensure that the Council complies with this legal obligation.

- 5.13 The Contract Rules of procedure have therefore been reviewed, and the proposed updated Contract Rules appear at Appendix C of this report. As with other parts, the amendments proposed do not make any significant changes to the existing rules, but it is hoped that the changes will make the document easier to navigate and understand.
- 5.14 The Task Group considered whether it would be appropriate to review the current contract thresholds, with a view to increasing those as comparative data across Berkshire obtained by colleagues in the Commissioning and Procurement Service, indicates that West Berkshire Council has lower delegated thresholds than the other Berkshire authorities.
- 5.15 Internal Audit are however about to conduct an audit review of the procurement processes, and it was considered that it would be beneficial to await the conclusion of that review, which will consider the apparent anomalies with neighbouring councils. If following that it is considered that the thresholds should be amended, these will form part of a separate report.
- 5.16 The report is proposing a slight variation to the process by which contracts, requiring Executive approval, are dealt with. At present, contracts with a value over £2.5million are sent to Executive at the end of the procurement process, prior to contract award. This can present difficulties with the timing of an award. It is therefore proposed that the Executive will be provided with Quarterly Contract Update reports, which shall seek delegated authority within the parameters detailed in that report, and which will require consultation with the Executive Portfolio Holder, the Section 151 Officer and the Monitoring Officer.
- 5.17 In the event that delegated authority is given, officers would still be required to place a notice on the forward plan prior to the exercise of a delegated authority to enter into a contract with such a value. This will ensure that such decisions continue to be taken in an open and transparent manner.
- 5.18 It is proposed that these provisions be implemented with effect from April 2023.
- 5.19 Once Council has approved the changes, work will be required by the Digital Services Team to create new webpages with relevant hyperlinks. All changes to key operational elements of the Constitution will then be implemented and published together.
- 5.20 The new constitution will be supported by a Glossary, which is considered essential to assist with the understanding and use of the Constitution by any party. The proposed Glossary is therefore attached at Appendix D.

6 Other options considered

- 6.1 Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will assist good governance as the procedures by which the Council is operating will be easier to understand, which will improve transparency and openness.

7 Conclusion

- 7.1 The ongoing hard work and significant contribution of the Task Group to the review of the Constitution is noted.
- 7.2 It is considered important to secure Council's approval of these core operating rules, which will assist the effective operation of the Council, and help to promote strong and effective governance.
- 7.3 It is therefore recommended that Council approve the proposals detailed in section 2 of this report, to be implemented from April 2023.

8 Appendices (all to follow)

- 8.1 Appendix A – Budget and Policy Framework
- 8.2 Appendix B – Financial Rules
- 8.3 Appendix C – Contract Rules
- 8.4 Appendix D – Glossary
- 8.5 Appendix E – Meeting and Council Bodies Rules

Background Papers: None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Officer details:

Name: Sarah Clarke
Job Title: Service Director, Strategy & Governance
Tel No: 01635 519596
E-mail: sarah.clarke@westberks.gov.uk

This page is intentionally left blank

Part []

Budget and Policy Framework

1 Introduction

- 1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, set out (amongst other things) functions that may or may not be the responsibility (or sole responsibility) of the Executive.
- 1.2 The Council’s Budget and Policy Framework (the “**Framework**”) sets out the budget, plans, policies and strategies (each a “**Framework Component**”) that are reserved to Council for determination.
- 1.3 Other plans, policies and strategies requiring approval that are not included in the Framework and are not otherwise reserved by law to the Council will be the responsibility of the Executive in accordance with the Local Government Act 2000.
- 1.4 The Council, usually at its Annual Meeting, will be responsible for the adoption of the Framework.
- 1.5 The Executive is responsible for the implementation of the Framework.
- 1.6 The Appendix to this Part contains a list of the current Framework Components.

2 Process for Developing the Framework

Preparation of Timetable

- 2.1 The Executive will publicise, by inclusion in the Forward Plan, a timetable for making proposals to the Council for the adoption of any Framework Component (the “**Proposals**”).
- 2.2 With regard to setting a timetable so as to comply with the requirement to set a balanced budget, consideration will be given to:
 - 2.2.1 an early assessment of assumptions that will be used in the drafting of the budget, taking account of financial issues that may have a significant impact on the medium term financial position of the Council;
 - 2.2.2 an overview of the financial position in the coming financial year following publication of the settlement details regarding the anticipated funding from the Government; and
 - 2.2.3 a detailed consideration of items of growth or potential savings.

Role of the Scrutiny Commission

- 2.3 As the Scrutiny Commission and Scrutiny Sub-Committees have responsibility for fixing their own work programme, it is for them to decide whether and how to investigate, research or report in detail regarding Framework Components.
- 2.4 The Executive will take any response from the Scrutiny Commission or a Scrutiny Sub-Committee into account in drawing up the Proposals.

Role of Council

- 2.5 The Council shall consider the Proposals and:
 - 2.5.1 adopt them without amendment;
 - 2.5.2 refer them back to the Executive for further consideration; or
 - 2.5.3 amend them or substitute its own Proposals.

Result of Council Decision

- 2.6 The Council's decision will be publicised and the notice of decision shall confirm that:
- 2.6.1 (adoption) - the Proposals will be effective immediately;
 - 2.6.2 (reference back to Executive) – the matter shall be referred back to the Executive;
 - 2.6.3 (amendment or substitution) - the amended/substituted Proposals will become effective on the expiry of five Clear Working Days after the publication of the notice of decision unless the Leader formally objects in writing in that period, in which event:
 - 2.6.3.1 a further, Extraordinary, Council Meeting shall take place within ten Clear Working Days of the receipt of the Leader's written objection; and
 - 2.6.3.2 at that Meeting, the decision of the Council shall be reconsidered in the light of the objection; and
 - 2.6.3.3 the Council shall make a final decision on the Proposals which shall be given effect to immediately.

Extent of Virement by Executive

- 2.7 In approving the Framework, the Council will also confirm the extent of virement permitted within the Budget and degree of in-year changes to the Framework which may be undertaken by the Executive. Any other changes to the Framework are reserved to the Council.
- 2.8 The Council policy in respect of virement/Supplementary Estimates is contained in the Financial Rules (Part []).

3 Decisions Outside the Framework

Scope

- 3.1 Only the Council may agree the Framework and decisions by Executive Decision Makers must comply with it.

Advice on Decisions

- 3.2 Executive Decision Makers shall take appropriate advice from the Monitoring Officer and/or the S.151 Officer as to whether the decision they want to make is in accordance with the Framework.
- 3.3 If the advice of such Officer is that a decision would not be in accordance with the Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions relating to urgent decisions outside the Framework shall apply.

Urgent Decisions Outside the Framework

- 3.4 An Executive Decision Maker may take a decision which is contrary to, or not wholly in accordance with, the Framework if the decision is a matter of urgency and:
- 3.4.1 it is not practical to convene a Meeting of the Council; and
 - 3.4.2 the Chairman of the Scrutiny Commission, or in their absence the Chairman of Council, or in the absence of both the Vice-Chairman of Council, certifies that the decision is a matter of urgency.
- 3.5 The reasons why it is not practical to convene a Meeting of the Council and the relevant certification of urgency must be noted on the record of the decision.
- 3.6 Following the decision, the Executive Decision Maker must provide a report to the next appropriate Meeting of Council explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

4 In-Year Changes to Framework

- 4.1 Changes to any Framework Component may only be made where the Executive, having taken the advice of the Monitoring Officer and S.151 Officer, is satisfied that the departure is permitted by law, and where it:
 - 4.1.1 will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint; or
 - 4.1.2 is necessary to ensure compliance with the law, ministerial direction or Government guidance; or
 - 4.1.3 is 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.

5 Call-in of Decisions Outside the Framework

Officer Advice on Decisions

- 5.1 Where the Scrutiny Commission is considering whether an Executive Decision is, or proposed Executive Decision would be, contrary to the Framework it shall seek advice from the Monitoring Officer and/or S.151 Officer.

Referring Decisions to Council

- 5.2 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 s.151 Officer is that the decision is or would be contrary to or not wholly in accordance with the Framework, the Scrutiny Commission must:
 - 5.2.1 commission a report regarding the decision and the advice of the Monitoring Officer and/or the Section 151 Officer (the “**Report**”);
 - 5.2.2 refer the matter to Council.
- 5.3 No further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- 5.4 The Council shall:
 - 5.4.1 meet within ten Clear Working Days of the request by the Scrutiny Commission;
 - 5.4.2 consider the Report and either:
 - 5.4.2.1 endorse the decision as falling within the existing Framework, in which case no further action is required; or
 - 5.4.2.2 amend the Council’s Financial Rules or the Framework Component concerned to encompass the decision and then endorse the decision with immediate effect, in which case no further action is required; or
 - 5.4.2.3 require the Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or S.151 Officer.

Budget and Policy Framework - Appendix

Current Framework – 2022/23

The Framework Components reserved to Council for the municipal year above are:

- The Council's Budget;
- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy;
- Plans and strategies which together comprise the Development Plan;
- Statutory Pay Policy Statement;
- Property Investment Strategy.

Part []

Financial Rules of Procedure

1 Purpose

- 1.1 The Council is a body corporate which derives its powers from statute. Any organisation with a large financial turnover needs to lay down the procedures to be observed in its financial dealings.
- 1.2 Such procedures are especially necessary in the case of a local authority which is subject to statutory controls, statutory audit, and must account for its actions and stewardship to the general public.
- 1.3 The purpose of these rules is therefore to set down basic financial rules and guidance to ensure that there is an approved common standard that is adhered to in the financial dealings of the Council. They do not over-ride the requirement to observe any legislative provisions.
- 1.4 These Financial Rules of Procedure apply to all areas of the Council and should be read in conjunction with the rest of the Council's Constitution.

2 Scope of Financial Rules of Procedure

- 2.1 The purpose of these rules is to ensure that
 - 2.1.1 **Budget Holders:**
 - 2.1.1.1 **remain** within their budget and only spend what they have in their budget;
 - 2.1.1.2 maintain adequate commitment records;
 - 2.1.1.3 monitor their budgets;
 - 2.1.1.4 report at the earliest opportunity any problems with overspend or failure to perform ;
 - 2.1.1.5 have effective reporting arrangements from their budget holders;
 - 2.1.1.6 report to the Executive Directors details of any problems with budgets.
 - 2.1.2 Executive Directors have in place effective reporting arrangements to ensure that they are advised of any problems with budgets at the earliest opportunity.
- 2.2 Non-Compliance with Rules - **The S.151 Officer must, after consultation with the relevant Head of Service/Service Director, report to the Executive any non-compliance with the Financial Rules that come to their attention.**
- 2.3 Approval of Head of Finance and Property or Nominated Officer - Where matters are to be considered by the Executive that in any way affect the finances of the Council or that require the supply of financial information by the S.151 Officer, the Head of Service/Service Director concerned must raise this with the S.151 Officer in sufficient time to enable them to report. The S.151 Officer must approve all financial implications on all committee reports and the relevant implications section of the report template must be completed, in consultation with the relevant officer in Finance.
- 2.4 These rules are supported by a number of appendices, which provide detailed guidance on the following matters:
 - Treasury Management
 - Revenue Expenditure Controls
 - Capital Expenditure Controls
 - Contract Finance Rules

- Local Bank Accounts (Imprest / Petty Cash / Procurement cards)
- Income
- Salaries and Wages
- Estates and Inventories
- Insurance
- Trust Funds
- Financial Rules for Schools

3 Interpretation of Rules

- 3.1 Any doubt as to the interpretation of these rules will be a matter for the S.151 Officer in consultation with the Monitoring Officer.

4 The Legal Framework

- 4.1 Local authority finance is subject to statutory controls, such as the Accounts and Audit Regulations 2015 (the 2015 Regulations), the Local Government Finance Acts 1982, 1988, and 1992.

- 4.2 Regulation 4 of the 2015 Regulations requires that the accounting records required by the S.151 Officer are sufficient to show the Council's transactions and to enable the responsible Financial Officer to ensure that any statement of accounts, incoming expenditure account, balance sheet or record of receipts and payments and additional information to be provided by way of notes to the accounts comply with the 2015 Regulations.

- 4.3 In particular this means that accounting records must contain:

- Entries from day to day of all sums of money received and expended by the body and the matters to which the incoming expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the body; and
- a record of incoming expenditure of the body in relation to claims made or to be made by them for contribution grant or subsidy from any Minister of the Crown a body to whom such a Minister may pay sums out of monies provided by Parliament or a European Union Institution.

- 4.4 Regulation 4 requires that the accounting controls systems ensure that the financial transactions of the Council are recorded as soon and as accurately as reasonably possible, that there are measures in place to enable the prevention and detection of inaccuracies and fraud and there is the ability to reconstitute any lost records.

- 4.5 Regulation 4 also requires that the duties of Officers dealing with financial transactions are identified and the division of responsibilities of those Officers are identified in relation to significant transactions and that procedures for uncollectable amounts including bad debts will not be written off except with the approval of the S.151 Officer or a member of staff nominated by the S.151 Officer.

- 4.6 In accordance with sections 114 and 114A of the Local Government Finance Act 1988, the S.151 Officer will report to the Council or Executive if they have reason to believe that the Council or Executive or any part of the Council or Executive:

- has made or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful, or

- has taken or is about to take a course of action which if pursued to its conclusion would be unlawful and likely to cause loss or deficiency on the part of the Authority, or
- is about to enter an item of account the entry of which is unlawful.

4.7 Under sections 114 and 114A of the [Local Government Finance Act 1988](#), the S.151 Officer will make a report if it appears to them that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

5 Responsibilities

5.1 The S.151 Officer shall be responsible for the compilation of the main accounting records for the Council.

5.2 The S.151 Officer may from time to time issue written “financial instructions” dealing with detailed procedures to be followed in certain matters. Such instructions shall be issued after consultation with the Heads of Service/Service Directors affected.

5.3 The S.151 Officer shall be responsible for the maintenance of a management information system, the General Ledger.

5.4 No feeder computer system shall be linked into any corporate financial system without prior consent of the S.151 Officer.

5.5 The S.151 Officer shall be consulted at an early stage on any proposals to introduce a new electronic payment facility. No such facility shall go live without the specific authorisation of the S.151

5.6 The S.151 Officer has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due to, and expenditure made on behalf of, the Council and that controls operate to protect the Council’s assets from loss, waste, fraud or other impropriety.

5.7 The S.151 officer shall discharge that responsibility in part by the issue and maintenance of these Financial Rules of Procedure.

5.8 The Council is responsible for the adoption of its Budget and Policy Framework. The Executive is responsible for implementing the Budget and Policy Framework, which includes regulating and controlling the finances of the Council.

5.9 Heads of Service/Service Directors are individually responsible for the proper financial management of resources allocated to their operational areas through the budget setting process, and in accordance with the Financial Rules and Appendices.

5.10 Heads of Service / Service Directors shall also be responsible for the identification of all income arising from the activities within their areas. This responsibility includes the accountability for and control of staff, and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores.

6 Allocation of Accounting Duties

6.1 The following principles shall be observed in the allocation of accounting duties by all employees or consultants engaged by the Council:

- 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.
- Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

7 Financial Planning and the Budget Process

- 7.1 Financial Strategy - The S.151 officer shall prepare annually a financial strategy for the Council for a short (one year), and medium term (three to four year) period. This will be reported to Corporate Board and the Executive. It will set out the parameters for the budget build process for the coming year in the light of likely grant settlement, service pressures, available balances, and consultation with clients and partners of the Council. The Budget and Policy Framework will be approved by Council.
- 7.2 Asset Management Strategy - Service Director with responsibility for Property Services or their nominated officer will produce and maintain an Asset Management Strategy that includes the current accounting period.
- 7.3 Capital and Revenues Budgets - The detailed form of Capital and Revenue budgets shall be determined by the S.151 officer consistent with the general directions of the Executive and after consultation with Corporate Board.
- 7.4 Capital Programme - Heads of Service/Service Directors and their nominated budget holders, in consultation with the S.151 Officer, shall jointly prepare for consideration by Corporate Board and the Executive, a draft Capital Programme alongside the revenue income and expenditure budgets. These must be prepared in accordance with the policies and timescales determined by the Executive. The Capital Programme will be approved by Council.
- 7.5 Submission to Executive - Corporate Board and the Executive must consider the strategic effect of these estimates and programmes upon the Council's financial and other resources. After any necessary amendments they must be submitted by the Executive to the Council for approval within the required legislative timetable, and with a recommendation of the overall general fund budget requirement and the Council Tax to be levied for the coming financial year.
- 7.6 Approval of Estimates - The estimates, once approved by the Council shall become the Council's Revenue Budget and Capital Programme for the next financial year.
- Approval of the annual estimates by the Council will confer authority on the Executive, Committees, and Budget Holders to incur expenditure so provided for the next financial year subject to compliance with the relevant provisions of the Constitution.

8 Internal Audit

- 8.1 The S.151 officer shall in accordance with the 2015 Regulations for the time being in force and future amendments, arrange for a continuous and current internal audit of all activities of the Council.
- 8.2 Internal Audit will assist Heads of Service/Service Directors and Senior Managers in the effective discharge of their responsibilities by giving assurance on financial and management control systems, identifying weaknesses, giving advice on how to resolve financial and management problems and improve control, investigating suspected irregularities, undertaking advisory/consultancy work and by undertaking Value for Money (VFM) reviews.
- 8.3 Any Member or Officer will make available documents relating to financial or other records of the Council which relate to their accounting. Other records, as appear to the S.151 Officer necessary for the purpose of Internal Audit, will be supplied together with any such information and explanation as the S.151 Officer considers necessary for that purpose.
- 8.4 Internal Audit staff are authorised to enter at reasonable times any premises or land owned by or in the control of the Council, if appropriate, and require employees to produce Council property and records under their control.

- 8.5 The Role and Responsibilities of Internal Audit are as follows:
- 8.5.1 Internal Auditors will at all times respect confidentiality.
 - 8.5.2 Internal Audit will be carried out in accordance with the Public Sector Internal Audit Standards (as revised) issued by [CIPFA](#).
 - 8.5.3 On the conclusion of each internal audit review, Internal Audit will submit a report and recommendations (if any) to relevant Portfolio Holders, Executive Directors, the S.151 Officer, Monitoring Officer (as line management for Internal Audit), Head of Service/Service Director and the Service Manager concerned. The Head of Service/Service Director is responsible for agreeing an action plan to implement any recommendations. Executive Directors and the Chief Executive will, through the performance management process, monitor progress on implementation of agreed recommendations.
 - 8.5.4 Internal Audit will report to Corporate Board, and the Governance Committee on the outcome of audit work and progress in implementing audit recommendations. Internal Audit will confirm whether the policies and procedures approved by the Council are in place and being maintained throughout the Council's operations.
 - 8.5.5 The Audit Manager will produce an annual report for the Governance Committee that will give an opinion on the effectiveness on the Council's System of Internal Control, risk management and governance.

9 Financial Irregularities with Regard to Council Functions

- 9.1 Where matters arise which involve or are thought to involve financial irregularities, the Executive Director and Head of Service/Service Director concerned must ensure that the matter is notified immediately to the S.151 Officer / Monitoring Officer.
- 9.2 Where there is a possibility of criminal proceedings any interviews should be conducted following advice from the Monitoring Officer or the Chief Internal Auditor in consultation with the Service Lead for HR.
- 9.3 A decision to refer matters to the Police will be taken by either the S.151 Officer or Monitoring Officer or Audit Manager.
- 9.4 Should any Member fail to disclose a Disclosable Pecuniary Interest and the matter was referred to the Monitoring Officer they shall refer such breach to the Police in accordance with the Code of Conduct and related procedures.
- 9.5 Internal Audit must log details of any financial irregularities they are made aware of, instigate an appropriate investigation (liaising with HR where appropriate), and keep the S.151 Officer and Monitoring Officer up to date regarding progress with the investigation. The S.151 officer in consultation with the Monitoring Officer will decide if a report is needed to the Governance Committee.

10 Emergency Provisions

- 10.1 The provision of these rules does not prevent the Council acting through the Chief Executive, Executive Directors or Senior **Officers** from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or situation in accordance with Section 138 of the Local Government Act 1972. This is subject to the action being reported as soon as practicable to the appropriate authority.

Appendix []

1 Treasury Management

1.1 Activities of Treasury Management

All Treasury Management activities will be carried out in accordance with the [CIPFA](#) “Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes (the Treasury Management Code) and through the Investment and Borrowing Strategy as currently approved by the Full Council.

All money in the hands of the Council shall be aggregated for the purposes of Treasury Management.

1.2 Executive Decisions Involving Finance

All Executive decisions on borrowing, investment or financing is delegated to the S.151 officer who are required to act in accordance with the ‘2021 Code’ and the “Investment and Borrowing Strategy” as currently approved.

1.3 Banking Arrangements

All arrangements with the Council’s bankers must be made by or under arrangements approved by the S.151 Officer, who is authorised to operate such banking accounts and other electronic transactions as they may consider necessary. No other Officer has authority to open a bank account without prior specific written delegation of that authority by the S.151 Officer.

Appendix []

Revenue Expenditure Controls

1 Budgetary Control

- 1.1 Executive Directors must ensure, through the performance management scheme, that their Service Directors / Heads of Service are managing their budgets, including commitments, appropriately by requiring regular reports from their Service Directors /Heads of Service.

2 Role of Service Directors and Heads of Service

- 2.1 Budgets are allocated to Service Directors / Heads of Service to enable them to deliver services approved by Members through the relevant Service or Department Plan. It is the responsibility of each Service Director / Head of Service to ensure that the budgets for which they are responsible are used to deliver the Service Plan and are not overspent. Where budget pressures indicate that overspending may occur, then the Service Director/ Head of Service must apply the rules set out under cash limited budgets below.
- 2.2 Service Directors / Heads of Service are responsible for allocating responsibility for managing each cost centre within their service. They must inform the S.151 Officer or their nominated representative of the allocation and any changes as soon as they occur.
- 2.3 Service Directors / Heads of Service must ensure, through the Performance Management Scheme that their managers who are budget holders are properly trained in budget management and apply adequate budgetary control through local commitment accounting by requiring regular reports from budget holders.

3 Moving Budgets Between Cost Centres

- 3.1 The rules for moving budgets between revenue cost centres (virement) are shown in the table below:

Amount to be moved	Who can approve it?
Up to £100k within a directorate	Relevant Service Director / Head of Service in consultation with Budget Holders and Finance Manager
Over £100k and up to 250k within a directorate	Executive Director and Finance Manager
Over £250k and up to £500k within a directorate	Section 151 Officer in consultation with Portfolio Holder, reported to Executive
Over £500k within a directorate	Executive
Up to £100k between directorates	Relevant Executive Directors and Finance Manager
Over £100k and up to £250k between directorates	Section 151 Officer in consultation with Portfolio Holder, reported to Executive
Over £250k between directorates	Executive
New / additional Government Grant funding	Section 151 Officer in consultation with Portfolio Holder, reported to Executive

- 3.2 The following transfers will not count as virement for these purposes:

- (a) Budget movements which occur as a result of year end procedures

- (b) Transfers of budgets when a whole service transfers from one directorate to another
 - (c) Income and expenditure budgets related to additional grants not included in the Council's approved budget
 - (d) Transfers arising from changes in legislation
 - (e) Any support service recharges (allocation of overheads) for accounting purposes.
- 3.3 Any in year unplanned contributions from reserves will need to be reported to the Executive; those at year end are considered by the Governance Committee as part of approving the Council's financial statements. Financial Rules on use of funds in an emergency are set out in paragraph 10 of the Financial Rules.
- 3.4 Any in-year amendments from central government to the Council's net budget of 1% or over the net budget approved by the Council will require the sign off of the S.151 Officer in consultation with the Portfolio Holder for Finance, followed by a report to the Executive outlining the changes if they are over the 1%.

4 Unauthorised Overspend

- 4.1 The unauthorised overspend of a budget may lead to disciplinary action being taken against either or both:
- 4.1.1 the budget holder; and
 - 4.1.2 the Service Director / Head of Service.

5 Monthly Statements

- 5.1 The S.151 Officer will provide each Head of Service/Service Director and each Budget Holder with monthly statements of receipts and payments under each cost centre.
- 5.2 Budget Holders must provide the S.151 Officer with written confirmation at intervals specified by the S.151 Officer that this information is correct, as this information forms the basis of reporting to the Executive.

6 Cash Limited Budgets

- 6.1 Budgets are limited to the net annual budget for the relevant service. The Council maintains a general reserve which is to be used in exceptional circumstances where there is an uncontrollable overspend position at the end of the financial year. Therefore, Service Directors / Heads of Service must ensure that they and their budget holders do not overspend their service budgets.
- 6.2 Revenue Expenditure may not be incurred which cannot be met from the amount provided in the revenue budget under the Service for that Service Director / Head of Service to which the expenditure would be charged.
- 6.3 The Service Director / Head of Service can present overspend to the relevant Executive Director who can, subject to the delegated limits, consider whether the overspend can be contained within the overall service grouping.
- 6.4 The S.151 Officer in consultation with the Chief Executive will need to take a view on what is a significant overspend in terms of the overall budget for the Council and anything which they consider significant should be reported to the Executive. . In all cases Financial Rules of Procedure must be complied with. The approval of the additional expenditure budget may include provision for the repayment of the overspend.

7 Exceeding Cost Centre Estimate

- 7.1 Service Directors / Heads of Service may authorise expenditure which would otherwise exceed the estimate for a cost centre, provided that the expenditure:
- 7.1.1 can be met from savings or under spending on other cost centres within the same service with the exception of windfall increases in income or decreases in expenditure;
- 7.1.2 will not constitute Capital Expenditure or result in:
- (a) a change in the level of service provision; or
 - (b) a commitment to incur expenditure in future years; or
 - (c) a change in policy; or
 - (d) a breach of the Council's Workforce Strategy.
- 7.1.3 is not a virement from a support service recharge code.
- is notified in the prescribed form to the S.151 Officer who may if they consider that the expenditure is significant, require a report to be submitted to the Executive.

8 Carry Forward of Under and Overspends

- 8.1 Genuine provisions for liability as recognised by the Code in force must be accounted for in accordance with this guidance. Where budget holders wish to carry forward any unspent monies into the next financial year, then they must provide a business case to the Head of Finance and Property. These cases will be assessed against the relevant accounting guidance and the explanations provided in the case. The final decision for the carry forward of under spends is for the Head of Finance and Property. These requests are to be considered by the Finance and Governance Group
- 8.2 Overspends are not permitted to be carried forward; all known overspends where no action can take place to rebalance budgets should be corrected via service investments and approved by the Council when setting the next financial year's budget.

9 Coding of Expenditure and Income

- 9.1 All expenditure and income must be charged / credited to the cost centre and appropriate account code to which it relates. Miscoding expenditure / income distorts the Council's financial information and, therefore, may result in disciplinary action being taken against the Officer responsible.
- 9.2 The detailed form of Capital and Revenue budgets shall be determined by the Head of Finance and Property or nominated officer consistent with the general directions of the Executive and after consultation with Corporate Board.
- 9.3 Journal transfers may only be made if they have been approved by the Budget Holder or accountant in the respective area charged with the expenditure.
- Budget holders may only charge expenditure against budgets for which they are responsible.

Appendix []

Capital Expenditure Controls

1 Council Approval of Capital Strategy and Programme

- 1.1 Council's approval of the Capital Budget – The Budget and Policy Framework - constitutes authority for:
- 1.1.1 Capital expenditure to be incurred in the budget year and for commitments to be made on capital schemes included for the budget year and for the previous years to the extent that provision has already been made;
- 1.1.2 Expenditure to be incurred or commitments to be made for advance site acquisition, design fees and other associated preliminary expenditure but only if an appropriate budget allocation has been approved in the relevant year within the Capital Strategy and Programme.

2 Variations to the Approved Capital Strategy and Programme

- 2.1 The Council's five year Capital Strategy and Programme, which forms an integral part of the Council's Budget and Policy Framework, is generally agreed in March by Council.
- 2.2 Amendments to the approved Capital Programme may be made in the following ways:

Type of Amendment	Who can approve it
Virements (i.e. transfers of expenditure budgets between different cost centres)	
Up to £100k per cost centre per transaction within a service	Head of Service/Service Director and Finance Manager
Up to £100k per cost centre per transaction across services within a Directorate	Executive Director and Finance Manager
Up to £100k across Directorates and between £100k and £250k per cost centre per transaction	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £250k per cost centre per transaction	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive
New Invest to Save Schemes to be Added to the Budget (i.e. new schemes, or additions to existing schemes where the capital financing cost is met from revenue savings)	
Up to £100k per scheme	S151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £100k per scheme	Executive
Additions to Expenditure Budgets Funded from Government Grants, Developers Contributions or other sources of external funding	
Up to £100k per cost centre or per source of funding (excluding s106 contributions or CIL	Head of Service/Service Director and Finance Manager

Type of Amendment	Who can approve it
Up to £100k per cost centre per transaction from s106 contributions	Head of Service/Service Director and Chief Accountant in consultation with the Portfolio Holder for the relevant service
All additions from CIL up to £250k and any other additions between £100k and £250k per cost centre per source of funding	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
Over £250k per cost centre or per source of funding (excluding s106 contributions)	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive
Over £250k per cost centre per transaction from s106 contributions	S.151 Officer (or nominated officer) in consultation with the Portfolio Holders for Finance and for the relevant service, with the change being subsequently reported to the Executive
Movement of Capital Budget between Programme Years	
Less than £250k approved budget per cost centre to be brought forward from a future year of the programme	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance
More than £250k approved budget per cost centre to be brought forward from a future year of the programme	Executive
Any approved capital budget to be reprofiled to later years of the programme	S.151 Officer (or nominated officer) in consultation with the Portfolio Holder for Finance, with the change being subsequently reported to the Executive

3 Other Additional Expenditure Requests

- 3.1 Any other additions to capital budgets (excluding items in table 2.2 above) outside the agreed Budget must be approved by the Executive.

4 Moving Expenditure between years within the Capital Strategy and Programme

- 4.1 In general expenditure on capital schemes can only occur during the year for which approval was given by Council as part of the Capital Strategy and Programme.
- 4.2 In exceptional circumstances and with the endorsement of the relevant Portfolio Holder (relevant Shadow Portfolio Member to be advised for information), following consideration by Capital Strategy Group, a scheme which has been approved in a later year(s) of the Capital Strategy and Programme may be brought forward, provided:
- 4.2.1 sound reasons for so doing are accepted by Capital Strategy Group or
- 4.2.2 future viability or delivery of the scheme is in question.
- 4.3 No more than £250,000 of such individual schemes may be brought forward in any financial year.

Appendix []

Contract Finance Rules

1 Rules of Procedure

- 1.1 All Officers must adhere to the Council's Contract Rules relating to contracts and to these Financial Rules before they enter into any contract.

2 Official Orders

- 2.1 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments (rent + rates), petty cash purchases, or such exceptions as the S.151 Officer may approve (included on the Approved List of Payment not Requiring a Purchase Order).
- 2.2 Orders must clearly state the quantity of the goods and nature of the work or services and whether covered by contract or an agreed price and discounts specified therein or an estimated value.
- 2.3 No payment will be made to suppliers without a purchase order having been raised.

3 Raising a Purchase Requisition

- 3.1 The /Service Director shall nominate those Officers eligible to raise Purchase Requisitions on the Council's financial system.
- 3.2 The Finance system converts the Purchase Requisition into a Purchase Order upon the approval of the Budget Holder or nominated Authorising Officer.

4 Placing an Order

- 4.1 Unless the service has a budget an order cannot be placed. Placing an order commits the Council to spending the money.
- 4.2 All official orders for goods and services must be raised using the Council's Financial System. Exceptions to this requirement require written approval from the S.151 Officer.
- 4.3 The Council's Finance system will generate the appropriate commitment accounting record of outstanding orders. Verbal orders must not be made except as a matter of genuine urgency and must be confirmed immediately with a written order produced through the Council's Finance System.
- 4.4 Other than in cases of genuine emergency, no supplier shall be asked to provide goods or services before a purchase order has been issued to them.

5 Regular Periodic Payments

- 5.1 Any circumstances causing the cessation or variation of a regular periodical payment must be notified immediately to the Head of Finance and Property or nominated officer.

6 Approval of Order

- 6.1 The ability to raise a requisition for goods or services and the subsequent approval and creation of the Order must only be undertaken by Officers nominated by the Head of Service/Service Director. Nominations shall be notified in writing to the Head of Finance and Property or nominated Officer.

- 6.2 Goods properly supplied or work done without an official order due to a genuine emergency must be covered as soon as possible by a confirmation order.
- 6.3 The duties of requisitioning goods or services and the subsequent confirmation of their receipt (goods received note process) shall not be performed by the same Officer authorising the Order.
- 6.4 Each Head of Service/Service Director shall be responsible for all orders issued from their Service.

7 Goods Received Process

- 7.1 The Head of Service/Service Director or Delegated Officer shall ensure that the Corporate Finance System is promptly updated when goods or services are received.
- 7.2 Before completing the Goods Received Note process the verifying Officer shall, save to the extent that the S.151 Officer may otherwise determine, be satisfied where relevant:
 - 7.2.1 that the goods have been duly received examined and approved as being in accordance with the specification or match the official order and are satisfactory; and
 - 7.2.2 that the works done or services rendered have been satisfactorily carried out and that, the materials used were of the requisite standard; and
 - 7.2.3 that the proper entries have been made in the inventories or stores records, where appropriate; and
 - 7.2.4 that the Council's purchasing guidance has been followed.

8 Payment of Accounts

8.1 Payment of Invoices

It is the Council's policy to pay all invoices within 30 days of invoice date. It is therefore the responsibility of all staff to assist Central Payments Team in ensuring invoices can be processed for payment as soon as possible through full compliance with all the relevant financial procedures.

8.2 Other Payment Requests

Payment requests shall be prepared in accordance with the format determined by the S.151 Officer who if satisfied, shall process and pay in accordance with a timetable prepared by them.

8.3 Destination of Invoices

Invoices for payment must be sent in the first instance to the Exchequer Service's Central Payments Team. Such invoices must be made out by creditors themselves and must not be made out by any Officer of the Council.

8.4 Amendments and Deletions

- 8.4.1 Amendments to or deletions from an invoice must only be made in exceptional circumstances and must be authorised by the S.151 Officer.
- 8.4.2 Where changes are required they must be made in ink of a distinctive colour and initialled by, or on behalf of the Head of Service/Service Director, and the reasons, if not obvious, briefly stated on the invoice.
- 8.4.3 No alterations to a Value Added Tax invoice may be made but a new invoice or credit note must be sought from the supplier.
- 8.4.4 To avoid the possibility of duplicate payments photocopies or faxes are not accepted as valid invoices except in emergencies.

8.5 Payment of Invoices

8.5.1 The S.151 Officer or their nominated officer shall pay all invoices and other payment requests which they are satisfied are in order. The S.151 Officer shall ensure that appropriate arrangements are in place for ensuring that invoices received in the Central Payments Team are matched against official orders. Payment of invoices shall only be made when:

8.5.1.1 the ordering Service has confirmed that the goods have been duly received, examined and approved;

8.5.1.2 the prices are in accordance with the order;

8.5.1.3 the payment is in accordance with Council Policy and legally payable;

8.5.1.4 the account is correct, and that VAT is properly accounted for where appropriate;

8.5.1.5 the item has not been previously passed for payment and is a proper liability of the Council.

8.5.2 The normal method of payment of money due from the Council shall be by electronic transfer or other instrument drawn on the Council's bank account by the S.151 Officer.

8.6 Examination of Accounts

8.6.1 The S.151 Officer may at their discretion examine the verified accounts passed for payment, as to their compliance with Council regulations, contracts, accepted tenders or other authorities and for this purpose shall be entitled to receive such information and explanation as may be required.

Appendix []

Local Arrangements

1 Imprest / Petty Cash Advances

- 1.1 The S.151 Officer will provide imprests and petty cash advances, where appropriate, to Officers for the purpose of defraying expenses.
- 1.2 A receipt shall be signed in respect of each advance by the Officer concerned, who shall be responsible for accounting for monies. A receipt should be signed in respect of sub - floats issued to Officers.

2 Changes to Officers

- 2.1 Any changes to Officers responsible must be immediately notified to the S.151 Officer.
- 2.2 An outgoing imprest holder must reconcile the imprest to the total amount held.
- 2.3 An incoming responsible Officer should satisfy themselves that all is in order before accepting responsibility for the imprest.

3 Disbursements

- 3.1 Vouchers for disbursements must be obtained, and attached to claims for reimbursement.
- 3.2 Claims must be properly certified and forwarded for payment to the S.151 Officer at specified intervals, normally not exceeding one month.
- 3.3 Nil returns will be forwarded to the S.151 Officer if no reimbursement is required.

4 Security of Cash

- 4.1 Heads of Service/Service Directors are responsible for ensuring that all cash is kept in a safe and secure place and that bank accounts are reconciled on a regular basis, not less than monthly. A bank statement must be received at least monthly for all imprest bank accounts.
- 4.2 Heads of Service/Service Directors are advised for reasons of security that cash balances of greater than £250 must be kept in a bank account.

5 Use of Imprest Accounts

- 5.1 Imprest accounts can be used for amounts up to £250:
 - 5.1.1 to pay for local purchases by cheque at the time of collection or delivery;
 - 5.1.2 to secure discounts or take advantage of special offers;
 - 5.1.3 to reimburse staff who have purchased small value items directly;
- 5.2 All such payments must be supported by VAT invoices or receipts.

6 Use of Imprest Funds

- 6.1 Imprest funds must never be used to pay salaries, wages, or other employee expenses i.e., travel/subsistence and removal/relocation expenses, without the specific approval of the S.151 Officer. Such payments may attract liability to Income Tax or National Insurance contributions and must therefore be made via the payroll system.

7 Examination of Local Bank Accounts

- 7.1 The Head of Finance and Property or nominated officer may at their discretion examine and reconcile Local Bank Accounts and for this purpose shall be entitled to receive such information and explanation as may be required.

8 Use of Procurements Cards

- 8.1 There is a standard template application form which must be submitted to Accountancy in Finance and Property before any request for a new card will be considered.
- 8.2 Card applications will be reviewed and approved by the Finance Governance Group.
- 8.3 Cards must only be used as per the corporate guidance (provided when a card is issued/readily available from Accountancy).

Appendix []

Income

1 Collection of Monies

- 1.1 The framework and regulation of the collection of all monies due to the Council shall be subject to the approval of the S.151 Officer and shall comply with these Financial Rules.
- 1.2 The S.151 Officer shall be notified promptly of all monies due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council. The S.151 Officer or officer nominated by them shall have the right to inspect any documents or other evidence in this connection as they may decide.
- 1.3 Income includes any money paid or due to the Council as a result of sales, fees, and / or charges. Debt shall refer to any Income due to the Council.

2 Invoicing for Sums Due

- 2.1 Each Head of Service/Service Director shall establish procedures to ensure that invoices are raised on the Council's Finance System in respect of work done, goods supplied, services rendered and all other amounts due to the Council.
- 2.2 These procedures must ensure that all invoices due are raised promptly in order to assist recovery of the debts.

3 Payment of Amounts Due

- 3.1 All accounts rendered in respect of amounts due to the Council shall contain a statement that payment must be made direct to the S.151 Officer and that cheques, money orders, and postal orders should be made payable to West Berkshire District Council.
- 3.2 All cheques, money orders and postal orders received in any Service Unit shall be crossed "West Berkshire District Council".
- 3.3 Personal Cheques must not be cashed out of the money held on behalf of the Council.

4 Payments made to Service Units

- 4.1 Each Head of Service/Service Director shall be responsible for the prompt collection of such cash income as may be due to the Council from activities within their service area and must make proper arrangements for receipting, holding and banking of this income.

5 Change Money

The S.151 Officer shall advance such sums as they may deem necessary to each collecting Officer for the purpose of change money, and the existence of the sums shall be verified periodically.

6 Payment into Council Accounts

- 6.1 All monies received by an Officer on behalf of the Council shall, without delay, be paid to the S.151 Officer. No deduction may be made from such money save to the extent that the S.151 Officer may specifically authorise.
- 6.2 Officers who bank money shall enter on the paying in slip and on the reverse of each cheque a reference to the related debt (receipt number or the name of the debtor) or otherwise indicate the origin of the cheque. The name of the originating Service/Section shall be recorded on the paying in slip.

7 Issue of Receipts

Every sum received by a cashier or other Officer of the Council shall be immediately acknowledged by the issue of an official receipt, ticket or voucher except in the case of cheques other arrangements may only be established with the express approval of the Head of Finance and Property or nominated officer.

All official receipts, tickets, books and other cash tokens shall, except by special arrangements approved by the S.151 Officer, be controlled and issued to Service Units by the S.151 Officer or their nominated officer, who shall keep a register of their receipt and issue. Departments shall keep proper records of the issue and use of all receipts, tickets and cash tokens.

8 Recording Receipt of Monies

Each Officer who receives monies on behalf of the Council, or for which they are accountable to the Council, shall keep records in a form approved by the S.151 Officer or nominated officer.

9 Transfer of Monies

Every transfer of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving Officer.

10 Write-Offs - Income

10.1 Discharge of Debts

10.1.1 No debt due to the Council, after it has been correctly established, shall be discharged otherwise than by payment in full or by the writing-off of the debt or the unpaid portion of it, on the authority of the S.151 Officer where either:

- the debt is not enforceable or that attempted recovery is likely to involve expensive litigation with limited hope of success; or
- the cost of recovery would be disproportionate to the amount involved;

and the debt does not exceed £25,000.

10.1.1.2 In cases of insolvency where the debt exceeds £25,000 up to a maximum of £100,000, the decision shall be taken in consultation with the Portfolio Holder for Finance.

10.1.1.3 Housing rent does not exceed £25,000.

10.2 Written-off Debts

10.2.1 Any debt written off in accordance with these Rules shall be properly recorded on the Council's Financial System.

10.2.2 All other debts may only be written off following approval by the Executive.

10.2.3 Written off debts will be charged back to the originating budget.

10.2.4 Budget Holders will be provided with details of those debts where write off is appropriate. Such details are to include information on recovery action already taken.

10.2.5 In exceptional circumstances Officers, having consulted Corporate Board, may recommend to the Executive that a debt should not be written off to the service budget but will be written off corporately.

11 Charging for Services

11.1 Review of Service Charges

All Heads of Service/Service Directors shall review their charges for services at least annually with the object of ensuring that the income is increased by not less than the rate of inflation experienced by that service. Such review must be carried out as part of the Council's budget build process (the timetable for this is published each year).

11.2 Unmet Estimates

Where it appears that income targets as set out in the Council's estimates will not be met then the Head of Service/Service Director shall either meet the shortfall from within the service budgets or apply for an additional expenditure budget.

Appendix []

Salaries and Wages

1 Responsibility for Payments to Employees

- 1.1 The Service Director Strategy and Governance or nominated officer shall be responsible for making arrangements for the payment of all salaries, wages, pensions, compensation and other payments to all current and former employees of the Council.

2 Notification of Relevant Matters

- 2.1 Heads of Service/Service Directors shall notify Human Resources/Payroll as soon as possible and in the approved form, of all matters affecting the payment of salaries and wages, and in particular:
- 2.1.1 appointments, resignations, dismissals, suspensions, secondments and transfers;
 - 2.1.2 absences from duty for sickness or other reason apart from approved leave, changes in remuneration, other than normal increments and pay awards and agreements of general application;
 - 2.1.3 information necessary to maintain records for compliance with Inland Revenue reporting on benefits provided to staff.

3 Appointment of Employees

- 3.1 Appointments of all employees shall be made in accordance with the Constitution and the approved grades and rates of pay.

4 Externally Funded Posts

- 4.1 Before confirming an appointment to a fixed term contract, the recruiting manager must seek advice from HR to ensure the funding source from which the post is being funded is sufficient to cover the exit costs liability in the event of non renewal by reason of redundancy.
- 4.2 The Council must not become liable to pay redundancy payments arising from externally funded appointments except in exceptional circumstances and the Executive Director and Portfolio Holder have confirmed that the directorate has the monies to cover the exit costs liability.

5 Timesheets & Overtime Claims

- 5.1 The Head of Service/Service Director, or other authorised Officer, shall be responsible for the authorisation of all staff timesheets and overtime claims.

6 Travelling and Subsistence

- 6.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be made in a form approved by the S.151 Officer and shall be submitted to the payroll section, duly authorised.
- 6.2 The Service Director (Strategy & Governance) or nominated officer shall make payments in accordance with Statute, Regulations, Schemes and Conditions of Service and any resolutions of the Council.

- 6.3 The authorisation by or on behalf of the Head of Service/Service Director shall be taken to mean that the authorising Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, the most economical method of travelling was undertaken and that the allowances are properly payable by the Council.
- 6.4 Officer's claims should be submitted promptly at the end of each month in which the journeys were made or the expenses incurred. The Service Director (Strategy & Governance) or nominated officer may refuse to make payment of claims over 2 month old.

7 Members Allowances

- 7.1 Members Allowances will be dealt with in accordance with Part [] (Members' Allowances Scheme) of the Constitution.

Appendix []

Estates and Inventories

1 Estates

- 1.1 Responsibility of Service Directors / Heads of Service in Relation to Asset Register
- 1.1.1 The Head of Finance and Property or their nominated officer will maintain an asset register of all land and properties owned by the Council, recording:
- the purpose for which the property is held;
 - the location, extent and plan reference(s);
 - purchase details where available; and
 - details of interest and rents payable and particulars of tenancies or other interests granted.
- 1.1.2 This register is also updated by the assets team as appropriate.
- 1.1.3 The Service Director responsible for Education or nominated officer must notify all changes to the asset register to the nominated officer responsible for Risk Management for updating of the insurance database.
- 1.1.4 The S.151 Officer is responsible for producing an Asset Management Plan which is approved at Full Council as part of the Capital Strategy.

2 Custody of Deeds

- 2.1 The Monitoring Officer has custody of all title deeds under secure arrangements.

3 Valuation of Assets

- 3.1 The S.151 Officer shall ensure that all assets are valued (reinstatement and open market valuation) for capital accounting purposes in accordance with the latest CIPFA code.

4 Notification of Purchase or Disposal

- 4.1 Any purchases or disposals of property for which responsibilities are assumed under any contract must be notified to the S.151 Officer. Additionally the nominated officer responsible for insurance must be notified to ensure that the Council's databases are fully up to date and accurate.

5 Preparation of Inventories

- 5.1 Inventories in a form approved by the S.151 Officer shall be prepared and kept up to date by each Head of Service/Service Director for all moveable plant, machinery, or items which are considered to be portable and desirable belonging to the Council. Details of make model and serial numbers should be recorded where relevant so items can be individually identified.
- 5.2 Inventories should be updated in a timely fashion to reflect acquisitions or disposals. Disposals should be approved by the relevant manager.

6 Checking and Maintaining of Inventories

- 6.1 The S.151 Officer shall be entitled to check stores and equipment and be supplied with such information relating to the accounting, costing and financial records of the Council.

- 6.2 Heads of Service/Service Directors shall arrange in respect of their inventories for an annual check. Evidence of the annual check should be recorded. Where possible the roles of maintaining the inventory and checking the inventory for completeness and accuracy should be undertaken by two separate Officers.

7 Inclusion in Inventories

- 7.1 All items belonging to the Council which are required to be included on the inventory shall be marked as the property of the Council.

8 IT Equipment

- 8.1 The Head of ICT or nominated officer shall be responsible for maintaining the inventory of all IT equipment, hardware and software.

9 Stocks / Stores

- 9.1 Each Head of Service/Service Director shall ensure so far as relevant:
- 9.1.1 the proper custody of their stocks and stores in their Service Unit and shall ensure that they are subject to an effective system of stock recording and control;
 - 9.1.2 that stores are held in reasonable quantities and that consideration has been given to turnover, value, delivery quantities and delivery periods;
 - 9.1.3 that practicable steps are taken to ensure that a delivery note is submitted by a supplier for every delivery at the time of delivery;
 - 9.1.4 as soon as practicable after the delivery has been made that goods are checked to ensure that the correct quantity has been delivered and that they meet the appropriate quality standard;
 - 9.1.5 that no articles or goods are removed from stock without proper authority;
 - 9.1.6 that stocktakes are carried out in accordance with the procedures laid down by the S.151 Officer;
 - 9.1.7 that an annual review of stocks held is undertaken with a view to reducing the number of slow moving items and disposing of obsolete stock items;
 - 9.1.8 that obsolete or other stocks no longer required for the purpose acquired are disposed of under arrangements approved by the S.151 Officer;
 - 9.1.9 that accounts and records are maintained in connection with the receipt and issue of stores in such form and timetable as the S.151 Officer may approve after consultation with the Statutory Officers;
 - 9.1.10 that on the 31st March each year the value of stocks held is certified and reported to the S.151 Officer.

10 Surplus or Deficiency

- 10.1 Where any surplus or deficiency is revealed in excess of £5,000 in any item of stock the Chief Internal Auditor shall be advised.
- 10.2 The appropriate form should be completed for any deficiency and sent to the nominated officer responsible for Risk Management.
- 10.3 A report shall be presented to the Statutory Officers in order that authority to write off deficiencies or bring surpluses into charge may be obtained.

11 Checking of Stock

The S151 Officer is entitled to check stores and be supplied with any information relating to the accounting, costing, and financial records of the Council.

12 Disposal of Surplus or Obsolete Goods, Plant and Stocks

- 12.1 Surplus or obsolete goods or plant, whether held in store, on inventories or otherwise up to the value of £2,000 per item or group of like items, must not be disposed of either by sale or destruction except upon the authorisation of the appropriate Executive Director and:
 - 12.1.1 where the value is between £2,001 and £10,000 the authorisation of the S.151 Officer or Chief Executive (if the Executive Director is the S.151 Officer) must also be obtained
 - 12.1.2 where the value exceeds £10,000, sanction by all Statutory Officers must be obtained.
- 12.2 In relation to inventory items (e.g. IT equipment etc) all items surplus to requirements should, in the first instance, be offered to other Council departments, schools etc prior to being disposed of.
- 12.3 Sale must be effected by public tender except when, in the opinion of the appropriate Executive Director and the S.151 Officer or Chief Executive (if the Executive Director is the S.151 Officer), the financial interest of the Council is better served by disposal by any other means. This could be by public auction.
- 12.4 A record of each disposal should be maintained (i.e. the approval, the price obtained and if appropriate the alternative method of disposal used). Inventories or stock records should be up-dated in a timely fashion to reflect the disposal.
- 12.5 Income from disposals shall be credited to the holding service unit.
- 12.6 Value Added Tax shall be accounted for on the sale proceeds if appropriate and the amount identified when banking the income. The S.151 Officer or their nominated officer should be contacted if clarification of the VAT position is required.

Appendix []

Insurance

1 Responsibility for Insurance

- 1.1 The S.151 Officer is responsible for the arrangement of risk funding on advice from the Chief Financial Accountant.
- 1.2 The administration and resolution of all losses is the responsibility of the nominated officer in consultation with other Officers where necessary by reporting to the S.151 Officer.

2 Record of Insurances

- 2.1 The S.151 Officer will keep a permanent record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid. This includes third parties arranging insurance where the Council has an insurable interest.
- 2.2 Documents to be permanently retained must include policy schedules and all liability insurance certificates for every period of insurance. Such responsibilities may be delegated to the nominated officer.

3 Incident / Accident Reporting

- 3.1 Every event with the potential to give rise to a financial loss, or involving injury to a member of staff, an elected Councillor or client of the Council, must be reported via the Council's incident reporting system.
- 3.2 It is the responsibility of the Head of Service/Service Director to ensure that there are nominated staff trained to input information on the Council's reporting systems.
- 3.3 Any serious incidents covered by Reporting of Injuries, Diseases or Dangerous Occurrences Regulations (RIDDOR) will be automatically reported to the Health and Safety Executive, once inputted onto the system by nominated staff.

4 Review of Risk Financing Arrangements

- 4.1 The S.151 Officer and the Chief Financial Accountant shall annually review the Council's risk financing arrangements and look at adequacy of provision in the light of changes in the environment including new legislation, imposed or contractual responsibilities, legal precedent, newly identified and quantified risks, or other concerns identified.

5 Consultation

- 5.1 Before any indemnity requested from the Council is provided, the Head of Service/Service Director responsible shall obtain written agreement from the S.151 Officer.
- 5.2 Generally Heads of Service/Service Directors should not allow burdens or responsibilities to be imposed on the Council through contract that would not otherwise be imposed by common law or statute.

6 Hiring of Professional Services

- 6.1 Heads of Service/Service Directors must provide, on a quarterly basis, through the budget monitoring process, full details of all professional services hired or sold to others and the estimated fee income for the twelve month period ahead.
- 6.2 The S.151 Officer will ensure that appropriate professional indemnity insurance is in place for the exposure notified.

7 Security – Responsibility for Security

- 7.1 All Heads of Service/Service Directors are responsible for maintaining proper security at all times for all information, buildings, stocks, stores, furniture, equipment and cash under their control and shall consult via the Head of Service/Service Director chairing the Security Group or nominated officer (such as the Information Security Officer or Facilities Manager) where they consider security is thought to be defective or where they consider special arrangements are needed.
- 7.2 Appropriate security controls for all assets shall be identified by the risk assessment process and by referring to security standards and procedures. Arrangements shall be agreed as above.
- 7.3 Maximum limits for cash holdings shall be identified by the risk assessment process and agreed with the S.151 Officer and shall not be exceeded without permission.
- 7.4 Key holders for safes and similar security receptacles are to be agreed by each Head of Service/Service Director in conjunction with the S.151 Officer. The loss of keys shall be reported immediately using the security incident reporting procedures.

Appendix []

1 Trust Funds and Private Funds

1.1 Responsibility of Officers

Officers administering any funds (Trust or Private) on behalf of others shall declare all such funds to the S.151 or nominated officer and shall deposit all securities etc., relating to such funds, with the S.151 or nominated officer unless the deeds otherwise provide.

1.2 Funds Held by Schools

All funds held by Schools shall be declared to the Board of Governors.

1.3 Funds Held on Behalf of Others

All funds held on behalf of others (Trust or Private) shall be subject to an annual audit, which shall be undertaken by a suitably qualified person. A copy of all audit reports and the final accounts shall be made available, on request, to Internal Audit for information. In respect of Schools, the audit report and the findings shall be presented to their School Governors.

1.4 Value Added Tax

Officers who are responsible for the administration of Trust or Private funds shall be responsible for ensuring that all Value Added Tax is correctly accounted for, and shall have due regard to the treatment of Value Added Tax on donated funds (as detailed in Section 15 of the Local Government Act 1972).

1.5 Investment

Officers shall be responsible for ensuring that Trust and Private Funds are appropriately invested for the benefit of the fund. Advice as to the most appropriate method of investment will be obtained from the Head of Finance and Property or nominated officer.

1.6 Officer Involvement

Officers must declare an interest and absent themselves from any managerial involvement in any trusts or private funds from which they or their family could directly or indirectly benefit.

Appendix []

1 Financial Rules as Applying to Schools (Fair Funding Scheme)

1.1 In relation to Schools operating under the Council's Fair Funding Scheme the basis for advice and guidance to governors and head teachers is contained in these Financial Rules and also in the Council's Contract Rules of Procedure.

Under West Berkshire's Scheme of Local Management for Schools (Fair Funding), governors will be required to observe certain financial conditions relating to:

- arrangements for the management of delegated expenditure, in particular for authorising expenditure, or transactions involving commitments to expenditure;
- the keeping and auditing of accounts and records (including school funds);
- the provision to the Local Education Authority (LEA) of copies of accounts and records (including school funds) and any other relevant documents and information that the LEA may, from time to time, require from the governing body.
- Entering into finance leases; this is prohibited without the consideration and permission of the Head of Finance and Property

Part []

Contract Rules

1 Introduction

1.1 S.135, LGA 1972 (“s.135”) includes as follows:

- (1) “A local authority may make standing orders with respect to the making of contracts by them or on their behalf”;
- (2) “A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works”.

1.2 These Contract Rules (“Rules”) are the Council’s Contract Standing Orders made in accordance with s.135.

1.3 The Procurement Legislation (“the Procurement Legislation”) referred to in these Rules include the following:

1.3.1 The EU Directives, as follows:

- Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC, for Public Sector Contracts;
- Directive 2014/25/EU procurement by entities operating in water, energy, transport and postal services sectors, replacing Directive 2004/17/EC; and
- Directive 2014/23/EU on award of concession contracts, which does not directly replace any previous directive.

1.3.2 The Regulations (as amended from time to time and all implementing the above EU Directives), as follows:

- Public Contracts Regulations 2015 (“PCR”);
- Utilities Contracts Regulations 2016 (“UCR”);
- Concessions Contracts Regulations 2016 (“CCR”).

2 Purpose of the Rules

2.1 These Rules do not provide guidelines on the best way to purchase works, supplies and services but, rather, they set out minimum requirements to be followed.

2.2 These Rules provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality supplies, services and works.

2.3 These Rules protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the citizens of West Berkshire.

3 Application

3.1 These Rules apply to:

3.1.1 purchases by or on behalf of the Council of works, supplies and services;

3.1.2 all contracts including (but not limited to) purchase orders, consultancy agreements, service level agreements, software licenses, concessions and contractual arrangements

entered into by or on behalf of the Council, except for contracts and purchasing methods expressly excluded under Procurement Legislation.

- 3.2 The Monitoring Officer (or any officer nominated by the Monitoring Officer for the purpose) shall be responsible for interpreting these Rules.
- 3.3 If a Governing Body of a school under the control of the Council as Local Education Authority intends to enter into a contract for works, supplies or services, the Headteacher or such persons delegated for the purpose by them must follow these Rules.
- 3.4 Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duties of Best Value, Equality, Sustainable Commissioning and its Social Value Policy.
- 3.5 When proposing to procure or make arrangements for procuring a service contract where the estimated value exceeds the Threshold (for Services), consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012, and the Council's Social Value Policy.
- 3.6 Annexed are Appendices comprising Tables referred to.

4 Authority

- 4.1 All contracts must be in accordance with a decision:
 - 4.1.1 of the Council; or
 - 4.1.2 of the Executive; or
 - 4.1.3 within the Council's Scheme of Delegation by:
 - 4.1.3.1 an Executive Decision Maker;
 - 4.1.3.2 a Council Committee or Sub-Committee; or
 - 4.1.3.3 an officer or their delegate for the purpose.
- 4.2 No contract shall be entered into unless it is in accordance with an existing budgetary provision within the Budget approved by the Council.
- 4.3 Any contract award with a value over £500,000 is a **Key Decision** of the Council.
- 4.4 For items outside of the Capital Programme (eg revenue) if the relevant Service Director / Head of Service does not have the delegated authority, then an approval or a resolution (as appropriate) is required as outlined at Appendix A, (provided the expenditure can be met within budget) before the contract can be awarded.
- 4.5 All contracts over £50,000 in Total Contract Value will be reported to Procurement Board on at least a quarterly basis by the Service Director / Heads of Services for review and scrutiny.

5 Tendering

Preliminaries

- 5.1 It is the responsibility of the Chief Executive, Executive Directors, Service Directors / Heads of Service, and Budget Holders to ensure all purchases of supplies and services and works comply with:
 - 5.1.1 all relevant statutory requirements;
 - 5.1.2 the relevant Procurement Legislation;

- 5.1.3 the Council Constitution including these Rules, the Financial Rules and Scheme of Delegation;
 - 5.1.4 any code, guidance or conditions approved by the Governance Committee and/or the Executive and/or the Council and/or the Health and Wellbeing Board to the exercise of powers delegated by them;
 - 5.1.5 any conditions attached by the Executive or the Council to the exercise of powers delegated by them;
 - 5.1.6 the guidance and updates (available from time to time) on the Legal intranet pages (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.
- 5.2 In the event of conflict between the above, the Procurement Legislation will take precedence, followed by the requirements detailed in 5.1 above.

Financial Thresholds & Procedures

- 5.3 Officers undertaking procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing.
- 5.4 Where the contract is below the Find a Tender Service ("FTS") threshold for goods and services, officers are not required to include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.
- 5.5 The financial value thresholds (exclusive of Value Added Tax) at which processes become mandatory are set out in Appendix B.

Advertising

- 5.6 There is a general presumption in favour of competition.
- 5.7 All contract opportunities being advertised by the relevant Service Director / Head of Service should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Contracts Finder database. For opportunities relating to works, services and supplies which fall below the FTS threshold a UK Government Certified national database can be used to select tenderers.
- 5.8 All contract opportunities which are:
 - above the FTS thresholds and
 - subject to the full application of EU Rules,
 must be advertised by 'FTS notice' and via the Contracts Finder database (a web-based portal provided by the Cabinet Office) prior to such advertisement appearing on any other advertising medium (such as a trade journal etc).
- 5.9 **However under the principles detailed in the Procurement Legislation, where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.**
- 5.10 Where a contract is above the FTS financial threshold there are five main types of procedure available:
 - Open Procedure;
 - Restricted Procedure;
 - Competitive Procedure With Negotiation;

- Competitive Dialogue; and
- Innovation Partnership.

5.11 Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from Legal Services and/or Commissioning as necessary on the choice and use of procedures detailed in the Procurement Legislation.

5.12 FTS notices must be approved and issued by Legal Services and/or Commissioning as appropriate, who will also assist in the conduct of the procurement

Contract Value & Aggregation

5.13 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract including Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).

5.14 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the Procurement Legislation and/or these Rules.

5.15 The Procurement Legislation can cover contracts which are below the stated FTS threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for such procurement should therefore seek advice on the application of the Procurement Legislation where they envisage that they may be required to make such purchases.

Principles and Evaluation

5.16 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:

- sufficient time is given to plan and run the process;
- equal opportunity and equal treatment;
- openness and transparency;
- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

Submission and Opening of Tenders

5.17 An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value of £100,000 or more and tenders shall be submitted electronically via the Council's Procurement Portal.

5.18 The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.

5.19 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Monitoring Officer is satisfied that there are exceptional circumstances **and the other tenders have not been opened.**

5.20 The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement or Legal Officer and the relevant Service Director / Head of Service or their nominated representative.

- 5.21 Only in limited circumstances should a tender process be undertaken by hard copy submissions. In such cases the written approval of the Monitoring Officer is required and the following circumstances shall apply:
- 5.21.1 the Invitation to Tender shall specify that such tenders should be returned to the relevant Head of Service in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates;
 - 5.21.2 tenders shall be kept unopened in a secured cabinet until the tender opening date; and
 - 5.21.3 the relevant Service Director / Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services and/or Commissioning to undertake the tender opening and shall complete a standard tender opening form (available on the intranet) in order to avoid risk of challenge.

Evaluations of Quotes and Tenders

- 5.22 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.
- 5.23 Tenders subject to the provisions of the Procurement Legislation shall be evaluated in accordance with the legislative provisions. Advice from Legal Services should be sought on the selection and evaluation criteria.
- 5.24 Save in exceptional circumstances approved in advance by the relevant Service Director / Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council having regard to the provisions of the Social Value Policy, and not **only** on the basis of lowest price.

6 Exclusions and Exceptions to Contract Rules

Exclusions

- 6.1 The requirement to conduct a competitive procurement process is excluded in the circumstances detailed in Appendix C.
- 6.2 In the interests of clarity, where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by Procurement Board. Please refer to **5.3**.

Exceptions

- 6.3 Subject to **5.4** the requirement for the Council to conduct a competitive purchasing process for contracts in excess of £9,999.**99**, may be excepted or waived in the following circumstance:
- 6.3.1 for contracts which are not subject to the FTS Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
 - 6.3.2 at the discretion of the relevant Executive Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the Council with reasons recorded in writing.
- 6.4 Only the Monitoring Officer and/or the S.151 Officer may grant a waiver or an exception to these Rules, subject to exception values and delegation thresholds detailed in these Rules. An officer who seeks a waiver of these Rules shall do so only in advance and only in exceptional circumstances.
- 6.5 Exception values and delegations:
- 6.5.1 for all contracts up to £50,000 the S.151 Officer must approve the exception;

- 6.5.2 for contracts above £50,000 and up to £500,000, the S.151 Officer will consult with the Monitoring Officer and the appropriate Executive Director provided an exception report has been approved by Procurement Board;
- 6.5.3 for contracts over £500,000 the S.151 Officer and the Monitoring Officer will make a recommendation to the Executive provided an exception report has been prepared and approved by Procurement Board and Corporate Board.
- 6.6 All exceptions or waivers to these Rules must:
 - 6.6.1 be fully documented;
 - 6.6.2 for any contract where the requirement to hold a competitive process is not excluded by the Procurement Legislation, be subject to a written exception report to be submitted in advance to Procurement Board by the relevant Head of Service, Service Director or Executive Director (which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required);
 - 6.6.3 be subject to approval by the S.151 Officer who shall record they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional (applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional);
 - 6.6.4 have had relevant approval sought under these Rules.
- 6.7 For contracts subject to the Procurement Legislation, any waiver or an exception from the requirement for competition must meet the conditions set out in the Procurement Legislation in addition to the general requirements above.
- 6.8 The exclusions that apply to the competitive procurement process are set out at Appendix C.

7 Purchasing Schemes

- 7.1 A "**Purchasing Scheme**" may include:
 - 7.1.1 contractor prequalification lists/select lists;
 - 7.1.2 framework arrangements (including those set up by the Government Procurement Service);
 - 7.1.3 purchasing arrangements set up by central purchasing bodies and commercial organizations;
 - 7.1.4 consortium purchasing;
 - 7.1.5 collaborative working arrangements;
 - 7.1.6 formal agency arrangements;
 - 7.1.7 e-procurement / purchasing schemes and methods;
 - 7.1.8 other similar arrangements.
- 7.2 An officer responsible for a procurement exercise may use a Purchasing Scheme provided that they have sought advice to confirm, **or are satisfied**, that:
 - 7.2.1 the Council is legally entitled to use the Purchasing Scheme;
 - 7.2.2 the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
 - 7.2.3 the establishment and operation of the Purchasing Scheme is in compliance with the Procurement Legislation (where such applies) and meets the Council's own requirements.
- 7.3 Where a Purchasing Scheme is used there shall be a whole or partial exemption from the obligations under these Rules in respect of the choice and conduct of procedures. Advice should be sought from Legal Services prior to entering to such arrangements.

8 Reporting Requirements

- 8.1 A written report **should be drawn** by the relevant Service Director / Head of Service for each contract that is awarded which is above the FTS threshold and subject to the Procurement Legislation (the Procurement Legislation places an obligation on the Council to document, for each procurement, key decisions and steps taken and stages leading to the award of contracts).
- 8.2 This report may be requested by the Cabinet Office and **should** be kept for three years.
- 8.3 A guidance note and template for such report is available on the Legal Services intranet pages which accompany these Rules.
- 8.4 In addition to the above, the relevant Service Director / Head of Service should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Such documentation must be kept for three years from the award of the contract.

9 Entering into a Contract

- 9.1 There should be written evidence of all purchases (which shall include electronic evidence).
- 9.2 All contracts entered into by the Council as detailed in Appendix B must be in writing in a form approved by the Monitoring Officer or their delegated officer.
- 9.3 **Where a standard form of contract** is used, or a standard form is to be amended, the form of contract shall be prepared/amended by the Monitoring Officer or their delegated officer.
- 9.4 Legal Services shall retain all contract documents that are sealed on behalf of the Council.
- 9.5 The relevant Service Director / Head of Service must formally notify the Head of Commissioning and Procurement (or nominated officer) of the award of all contracts for the purpose of it being recorded on the Council Contract Register.
- 9.6 **Every contract shall include the standard clauses set out in the relevant Standard Form of Agreement** issued and updated from time to time by the Monitoring Officer or their nominated officer and available from Legal Services.
- 9.7 As a minimum, where appropriate, all contracts shall include clauses setting out:
- 9.7.1 the works, supplies/goods, services, material, matters or things to be carried out or supplied;
 - 9.7.2 the time within which the contract is to be performed;
 - 9.7.3 the quality requirements and/or standards that must be met;
 - 9.7.4 requirements on the contractor to hold and maintain appropriate insurance;
 - 9.7.5 the consequences of the contractor failing to comply with contractual obligations in whole or in part;
 - 9.7.6 requirements on the contractor to comply with all relevant legislation, including (but not limited to) equalities and health and safety legislation;
 - 9.7.7 the entitlement of the Council to cancel the contract and recover losses in the event that the contractor acted improperly (eg seeking to influence the Council to give the contractor any contract) or committed an offence under the Bribery Act 2010.
 - 9.7.8 payment obligations requiring that:
 - 9.7.8.1 **any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and**

- 9.7.8.2 any subcontract imposes obligations **similar to those required above** and an obligation that the subcontractor is required to impose such obligations in any further subcontract.
- 9.7.9 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate).

10 Legal Consideration

Indemnities

- 10.1 No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument **should** be allowed unless authorised in writing by the Monitoring Officer and the S.151 Officer or their nominated officers.

Risk Assessment & Performance Bond

- 10.2 Where a contract is estimated to exceed £500,000, in value or amount and is for the execution of works (or for the supplies or services by a particular date or series of dates) the relevant Service Director / Head of Service should consider requiring a performance bond (for an amount equal to **at least** 10% of the value of the contract) from the contractor (to provide sufficient security for the due performance of the contract).
- 10.3 The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender.
- 10.4 If a performance bond is not considered to be necessary, the relevant Service Director / Head of Service must:
- 10.4.1 undertake a risk assessment in writing; and
 - 10.4.2 seek approval from the Head of Finance and Property; and
 - 10.4.3 keep a copy the risk assessment on the contract file for inspection.

Insurances

- 10.5 Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Service Director / Head of Service must:
- 10.5.1 in consultation with the Head of Finance and Property or nominated officer set adequate levels of insurance cover (including employer's liability, public liability and any other as determined by the needs of the particular contract);
 - 10.5.2 in consultation with the Head of Finance and Property or nominated officer ensure that such insurances are held by the contractor and that the policies concerned are up to date (and/or renewed, as necessary, during the relevant period);
 - 10.5.3 in consultation with the Head of Finance and Property or nominated officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
 - 10.5.4 in consultation with the **Head of Finance and Property** set an appropriate level of professional indemnity insurance for each specific contract that require professional and/or design services (this should not be a standard level but be assessed on a case by case basis).

Sealing

- 10.6 All contracts above the value of £49,999 shall be sealed.

- 10.7 The affixing of the seal shall be attested and witnessed in writing by the Monitoring Officer or an officer duly designated by them in accordance with the delegated powers conferred by the Council.
- 10.8 An entry of every sealing of a document shall be made and consecutively numbered in a book or electronic record to be provided for the purpose and shall be signed (including a digital signature) by the person attesting the sealing.
- 10.9 The Common Seal shall be in the Custody of the Monitoring Officer and kept in a safe place at their discretion.
- 10.10 The Common Seal of the Council may be affixed to any document that has been approved by a resolution of the Council, **and this shall include the affixation of a seal electronically**; or of the appropriate Committee or an officer to which the Council or the Executive has delegated its powers on its behalf, provided that a resolution of the Council or of the appropriate Committee or officer where that appropriate Committee or officer has the appropriate authority authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of stock, the presentation of any petition, memorial or address, the making of any rate, contract or order, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- 10.11 The Common Seal of the Council may be affixed to any:
- 10.11.1 petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;
- 10.11.2 mortgage in respect of a loan arranged by the Head of Finance and Property or nominated officer under the **powers of Service Director / Heads of Service approved** by the Council;
- 10.11.3 **incomplete** form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.

Signature of Documents

- 10.12 Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Monitoring Officer or duly authorised officer.
- 10.13 **Where it becomes necessary to execute any document on behalf of the Council not required by law to be under Seal, the Monitoring Officer or an officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Monitoring officer or officer duly designated by them.**

Counsel:

- 10.14 **Within budget**, only the Monitoring Officer (or nominated officer) shall have discretion to select Counsel, **obtain Counsel** whenever it is considered expedient in the Council's interest to do so.

Contract Rules - Appendix A

Delegated authority to enter into contracts - limits and thresholds

Total Contract Value*	Delegated decision or Resolution of:
£100,000 or less	Relevant Service Director / Head of Service (or such officers as nominated by the Service Director / Head of Service in writing) shall have delegated authority to award the contract.
£100,000 or more and less than £500,000	Relevant Service Director / Head of Service (following recommendation of the S151 officer and Monitoring Officer) shall have delegated authority to award the contract provided a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by Procurement Board.
£500,000 or more and less than £2.5million	<p>The award of these contracts shall be a Key Decision delegated to the relevant Service Director / Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Executive Director, S151 officer and Monitoring Officer) to award the contract provided:</p> <ul style="list-style-type: none"> a) a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by Procurement Board; and b) such decision have been made in accordance with Parts [] (Call-In) and [] (Forward Plan).
£2.5million or more	Contracts with a value in excess of £2.5million shall require Executive approval, which may be given as below. The Executive shall receive quarterly reports detailing contracts being procured and seeking delegated authority from Executive for the relevant Head of Service or Service Director to award the contract following the procurement process in consultation with the relevant Portfolio Holder, S.151 Officer and the Monitoring Officer.

** Total Contract Value is the calculation of the estimated value of procurement based on the total amount payable, inclusive of VAT, including any renewals, extensions, any form of option and variation calculated in accordance with the Procurement Legislation. Please also refer to Paragraph 11.7.*

Contract Rules - Appendix B

Financial thresholds and mandatory processes

Table showing the financial value thresholds at which processes become mandatory. The thresholds apply to contracts for works, supplies and services.

	Total Value inclusive of VAT	Award Procedure	Advertising requirements
A	£1,000 or more and less than £10,000	At least one quote must be sought from an appropriate source via the Procurement Portal.	None mandated.
B	£10,000 or more and less than £100,000	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible**).	Procurement opportunities and awards in excess of £25,000 must be published on Contracts Finder
C	£100,000 or more and less than relevant FTS threshold***	Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.	An advert should be placed on the Portal together with information on the Contracts Finder database
D	Relevant FTS threshold*** or more	Procurement Legislation Procedures apply—full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal.	An advert should be placed on the Find a Tender portal together with information on the Contracts Finder database.

**SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or *VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives.*

***The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.*

****There are three different FTS thresholds for Works; Supply and Services; Social and Other Specific Services. The latest values are published on Legal intranet page as updated from time to time.*

Contract Rules - Appendix C

Exclusion of competitive procurement process

The requirement to conduct a competitive procurement process is excluded in the circumstances detailed below.

	Circumstance	Written record and approval
A	The proposed contract is excluded under the Procurement Legislation.	Prior written approval from the Monitoring Officer is required.
B	The proposed contract is being awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Monitoring Officer is required.
C	The proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.	For contract value below £50,000 prior written approval from the Monitoring Officer and S151 Officer is required. For contract value greater than £50,000, approval of the Procurement Board, following the submission of an extension report to Procurement Board with recommendation from Monitoring Officer and S151 Officer
D	The contract is for the following social care services: <ul style="list-style-type: none"> a) residential placements sought for an individual with a registered care provider of their choice; b) supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990; c) individual school placements sought for a child with Special Educational Needs (SEN); d) social care packages managed by or on behalf of individual clients under the personalisation agenda; e) where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider; f) residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme). 	Service Directors / Heads of Service must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes.

In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by Procurement Board.

Constitution Glossary

Term	Definition
Access To Information Rules	The legislative framework giving public access to information held by the Council (see also Confidential and Exempt information)
Administration	The political group on the Council with the most seats and able to form a majority
Advisory Groups	Informal meetings which may involve non-councillors and may, or may not, be open to the public. No decisions can be taken by such groups (see also Task Groups)
Agenda	These set out the business to be considered at formal meetings of the Council, Executive, Scrutiny Commission, Appeals Panels and Committees. They are public documents and are available for inspection before each meeting at the Council's main offices and on the Council's website
Amendment	Motion to insert or alter or omit words in the resolution under discussion. A direct negative is not an amendment.
Annual Meeting	The annual meeting of the Council which elects the Leader of the Council and appoints Chairs and Councillors to memberships of Committees. The meeting takes place in May each year.
Appeals Panel	A Panel constituted to determine an appeal against a relevant decision of the Council
Boards	??
Council Bodies / Council Body	The Council, Executive and any Body constituted by them to exercise powers delegated to them
Budget	The budget agreed by Council for the upcoming financial year at the Budget Meeting as delegated to Budget Holders to manage in accordance with the powers given to them
Budget Holder	An Officer with responsibility for managing, monitoring, authorising and reporting on spend within specified council budgets
Budget Meeting of Council	The Ordinary Meeting of the Council taking place in February/March each year which considers the Budget.
Call In	"Call In" is a statutory right for Members of the Council to call in a decision of Executive or an individual Executive Member or Executive

Term	Definition
	Members after it has been made or before it has been implemented.
Call-in Period	
Call for Action	The “Councillor Call for Action” was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act). The Act enables any Member of the Council to refer to the Scrutiny Commission any local government matter or any crime and disorder matter. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.
Chairman	The Councillor who presides over a meeting of the Council’s Executive, Committees, Sub-Committees or Panels.
Chief Executive	See Statutory Officers
Chief Financial Officer	The officer appointed by the Council under Section 151 of the Local Government Act 1972, to exercise the proper administration of the Council’s financial affairs, with specific responsibilities under the Local Government Act 1972 See Statutory Officers
Clear Working Days	A period of days, excluding the day of issue and the day of the meeting, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Rules.
Closure Motion	A closure motion is a proposal that the debate should cease and make a decision on the matter being discussed. It may be moved at any time during proceedings.
Code of Conduct	A model code prepared by the Council to regulate the conduct of Councillors under the Localism Act 2011
Committees	The Local Government Act 1972 permits a local authority to discharge functions by way of a committee made up of nominated councillors appointed by Council to serve on that committee with delegated powers from Council to decide on

Term	Definition
	matters within the Terms of reference agreed by Council
Commissions	
Confidential Information	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. (see also Exempt Information).
Constitution	Every principal Council must produce a document known as the Constitution which sets out how the Council will conduct its business.
Corporate Complaints Procedure	Formal process to investigate and resolve complaints
Council	A legal entity created by law to administer certain functions within a local area. Within this constitution it means West Berkshire Council
Councillors	A Councillor represents his or her Ward on the Council and acts as an advocate and decision-maker for local issues. You can find who your Councillor is here .
Chairman of Council	Elected annually by councillors at the Annual Meeting and presides over meetings of Council
Decisions	Decision of a decision of relevant Council Body or Officer
Declaration of Interest	Councillors must declare interests under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 The Register of Members' Interests is maintained by the Monitoring Officer. Interests must be declared 28 days from becoming a member and 28 days from becoming aware of the interest Declarations of interest should be made at all meetings where relevant to the business on the agenda.
Deputation	A group of people appointed to take part in a formal process on behalf of a larger group or to represent the views of that group
District	The administrative area of West Berkshire

Term	Definition
Exempt Information	Information that the Council may not be required to publish because it falls within specific categories defined in Schedule 12A of the Local Government Act 1972.
Extraordinary Meeting	A Council Meeting called by resolution of the Council, the Head of Paid Service or by requisition of any five Councillors which takes place in addition to an Ordinary Meeting or the Annual Meeting.
Executive	<p>The Executive is a group of Councillors including the Leader who work with Council staff to run the Council and take most decisions except those about major policy issues or setting the annual budget (which only the Full Council Meeting can do) or decisions on regulatory matters such as whether to give planning permissions or licenses which only Committees established for those purposes can take.</p> <p>The Leader of the Council appoints the Executive and chairs its meetings. Executive Members remain in office until the next election unless they resign, are suspended, are no longer a member of the Council or are removed from office by the Leader.</p> <p>The Executive is made of up to 9 Councillors and the Leader.</p> <p>The Councillors in the Executive can only make decisions within the scope of the overall Budget and Policy Framework set by the Council and the Constitution.</p>
Executive Decisions	<p>A decision within the remit of the Executive under the Local Government Act 2000</p> <p>See also Key Decisions and Urgent Key Decisions</p>
Executive Decision Maker	The Executive, Individual Executive Member, a Committee of the Executive, or an officer taking a decision that is an Executive Decision
Executive Members	<p>The Councillors in the Executive each have responsibility for areas of the Council's work allocated to them by the Leader.</p> <p>Each area of responsibility is known as an Executive Member portfolio and each portfolio is given a title.</p>

Term	Definition
Find a Tender Service	xxxxxx
First Annual Meeting of Council	The first meeting of Council in the municipal year
Forward Plan	The plan of future key decisions. The Forward Plan must be published 28 clear working days before the decision is made, unless an urgent decision is required.
Group Leaders (and Deputy Group Leaders)	Political groups will appoint a person to lead their group who are known as Group Leaders.
Head of Paid Service	See Statutory Officers
Independent Person (Audit)	An individual that is separate from and not influenced or controlled by those providing the information.
Independent Person (Standards)	An individual that is separate from the Monitoring Officer and not influenced or controlled by them.
Items of business	Items on an agenda requiring a decision
Key Decisions	<p>A key decision is an Executive decision which is likely:</p> <p>to result in the local authority incurring expenditure which is, or the making of savings which are, <i>significant</i> having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.</p> <p>Note: Can list what is considered "significant" here by reference to financial thresholds</p> <p>Any Contract with a value in excess of £500,000 shall be deemed to be a key decision</p>
Leader	Leader of the Executive appointed under the Stronger Leader and Cabinet Model as the political Head of the Council.
Legislation	Laws passed by Government

Term	Definition
Licensing Sub-committee	Councillors trained in licensing matters appointed to hear licensing applications.
LGA 1972	Local Government Act 1972 as amended
LGA 2000	Local Government Act 2000 as amended
Local Government Elector	A person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts
Meetings	Formally constituted meetings convened in accordance with the LGA 1972 with due notice, formal agenda, open to the public and with minutes taken forming the legal record of the discussion
Meeting Procedure Rules	
Minutes	Notes taken at meeting, approved at subsequent meeting as a correct record and which then form the legal record of the meeting
Monitoring Officer	<p>This is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Executive and for dealing with complaints of breaches of the code of conduct by Councillors, reporting as necessary to the Governance and Ethics Committee. The Service Director, Strategy and Governance is the designated 'Monitoring Officer'.</p> <p>See Statutory Officers</p>
Motions	Formal proposal from a councillor
Named for disorderly conduct	Process by which Chairman calls out a councillor for disorderly conduct, requests them to stop and, if they do not do so, asks them to leave
Officer	Person appointed to or holding a paid office of the authority or employed by the authority. Officers carry out the decisions made by Councillors and ensure that council policies are put in place and council services are being delivered well.
Ordinary Meeting	Council Meetings held in accordance with a programme of meetings decided by the Council.

Term	Definition
Outside Bodies	Organisations with whom the Council works in partnership, appoints councillors to but over whom the Council has no direct control
Overview and Scrutiny	The action of overseeing and scrutinising decisions made by the Executive undertaken by the Scrutiny Board.
Petitions	A written or electronic communication signed or sent to the Council on behalf of at least 10 signatories from at least 5 identifiable households and including a clear and concise statement indicating what action the petitioners wish the Council to take and the name, identifiable address and signature of any person supporting the petition. Petitions will be received by the Council in accordance with the Petitions Scheme <i>add link?</i>
Point of Explanation	Restriction on what a councillor may say in a debate. In this case a point made that will assist other councillors in understanding the matter under debate.
Point of Order	Restriction on what a councillor may say in a debate. In this case a point made about the process which should be followed.
Presenter of a Report	The councillor with responsibility for presenting a report to Council
Procedural Motions	Motions that can be moved without notice
Proposals	Proposal to adopt a recommendation. It must be moved and seconded and can then be debated in accordance with the Rules of Procedure
Questions	Written questions submitted by the public to Council [in the context of the Meeting Rules]
Quorum	This is the required number of Councillors which need to be present at a meeting to enable the business of that meeting to be transacted.
Recommendations	May be moved on notice at a particular meeting (often contained within a report to that meeting by an officer or from another authority)
Relevant officer	A person designated as being responsible for a particular function or range of functions. This can be the Chief Executive, S151 Finance Officer or Monitoring officer.

Term	Definition
Reports	Written items prepared by officers for consideration by Councillors
Rules of Procedure (Rules of Debate)	These set out how meetings of the Council, the Executive, the Scrutiny Commission, other Committees and other bodies will be conducted.
Scrutiny Commission	<p>Scrutiny is a role fulfilled by all Councillors who are not Members of the Executive.</p> <p>It is a statutory function under the Local Government Act 2000.</p> <p>The role of the Scrutiny Commission is to help develop policy, to carry out reviews of Council and other local services and to hold Executive and Executive Members to account for their actions and decisions.</p>
Second the Motion	To indicate support of a Motion proposed by another councillor, which enables that Motion to be considered
S.151 Officer	See Statutory Officers
Senior Officers (tiers of management)	Officers who are Heads of Service or above
<p>Statutory Officers:</p> <p>Chief Executive / Head of Paid Service</p> <p>Monitoring Officer / MO</p>	<p>A statutory appointment under Section 4 of the Local Government and Housing Act 1989. Every Council has to have a Head of Paid Service, who is ultimately responsible for the Councils' delivery of effective services and is responsible for reporting to the Council on how employees are organised and deployed. The Chief Executive has been designated as the Head of Paid Service.</p> <p>A statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council or Executive and for dealing with complaints of breaches of the code of conduct by Councillors. Any reference to Monitoring Officer shall include their duly appointed deputy.</p>

Term	Definition
Section 151 Officer / S.151 Officer / Chief Finance Officer	A statutory appointment required under S151 of the Local Government Act 1972. Every Council must designate an officer as responsible for the proper administration of the Council's financial affairs. Any reference to Section 151 Officer shall include their duly appointed deputy.
Sub-committees	Formed by the Council, or a committee, to carry out specific tasks with the Council, or committee, delegating the powers (hence "sub" because the powers are taken from the committee and cannot exceed the powers of the parent body)
Summons	Formal notification of a meeting setting out the agenda for business it is proposed will be considered at the meeting.
Task Groups	Informal meetings which may involve non-councillors and may, or may not, be open to the public. No decisions can be taken by such groups (see also Advisory Groups)
Timetable of Meetings	The timetable for the year put forward for approval by Council at the Annual Meeting
Urgent Key Decisions	A Key Decision that cannot wait for the next meeting of the decision making of the Executive. Such decision, if made, are certified not to be subject to Call In
Urgent Motion	A motion proposed without the requisite notice accepted as urgent by the Chairman
Vice-Chairman of Council	The Councillor appointed to deputise for the Chairman

This page is intentionally left blank

Part []

Meeting Procedure Rules

1 Introduction

- 1.1 Council Meetings will be conducted in accordance with all relevant legislation including the LGA 1972, the Local Government and Housing Act 1989, the LGA 2000, the Localism Act 2011 and The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.
- 1.2 Where they apply (see below), and subject to any specific Procedure Rules for particular Bodies or Meetings set out in other Parts of the Constitution, these Procedure Rules are required to be followed in relation to public Meetings of the Council, the Executive and other Council Bodies.
- 1.3 These Procedure Rules are not required to be followed in relation to private meetings of Bodies (including Task Groups) but the meeting Chairman may choose to follow some or all of them as desirable in the circumstances.
- 1.4 These Procedure Rules may be:
 - 1.4.1 common to all Bodies; or
 - 1.4.2 specific to a particular Body or Meeting.
- 1.5 These Procedure Rules set out:
 - 1.5.1 items of Business that must be taken first and in a particular order;
 - 1.5.2 items of Business that may be taken after those in the category above, but where the order may be varied:
 - 1.5.2.1 by the Meeting Chairman; or
 - 1.5.2.2 upon a successful Motion to do so;
 - 1.5.3 Procedural Motions that may be Moved without Notice;
 - 1.5.4 Proposals that may be Moved on Notice.

2 Business at a Meeting – the Meetings Rules Table

- 2.1 The First Appendix to this Part is a Meetings Rules Table setting out various matters including:
 - standard Items of Business for particular Meetings;
 - the order in which those Items of Business will be taken;
 - Procedural Motions that may be Moved without Notice at a particular Meeting;
 - Motions and Recommendations that may be Moved on Notice at a particular Meeting;
 - Questions and Petitions that may be asked or presented at a particular Meeting.
- 2.2 If there is any conflict between the wording of the Constitution (excluding the Meetings Rules Table) and the contents of the Meetings Rules Table, the Constitution will prevail.

3 Business at a Meeting – Questions and Petitions

- 3.1 The Second Appendix to this Part sets out the Rules relating to the procedure for Public and Councillor Questions at particular Meetings.
- 3.2 The Third Appendix to this Part sets out the Rules relating to the procedure for dealing with Petitions.

4 Types of Public Meeting

- 4.1 Annual Meeting:
 - 4.1.1 the First Annual Council Meeting following local elections - the Leader of Council is elected for the duration of the Council (four years);
 - 4.1.2 an Annual Council Meeting (including the First Annual Council Meeting following local elections) - the Chairman and Vice-Chairman of Council are elected, the Leader announces the composition of the Executive, and the size, terms of reference and membership of Bodies is decided;
 - 4.1.3 an Annual Meeting of a Body - generally these take place in turn during an adjournment or at the close of the Annual Council Meeting to elect the Body Chairman and Vice-Chairman only.
- 4.2 Council Budget Meeting – more fully detailed in Part [] (Council), this generally takes place in March each year and sets the Council’s budget for the following financial year (and the substantive business of the Meeting is restricted to the budget.
- 4.3 Ordinary Meeting – the Body in question transacts general business, as described further below.
- 4.4 Extraordinary Meeting – the Body in question transacts only the specific business for which the Meeting has been called, as described further below.

5 Calling Meetings

- 5.1 The dates and times for Annual, Council Budget, and Ordinary, Meetings are set out in the Timetable of Meetings agreed from time to time by Council.
 - 5.2 In any event:
 - 5.2.1 the First Annual Council Meeting following an election will take place within twenty-one days of the retirement of the outgoing Councillors;
 - 5.2.2 in any other year, the Annual Council Meeting will usually take place in May.
 - 5.3 In the event that any adjustment to the date of a Meeting is found to be necessary the appropriate Officer should discuss matters with the Body Chairman and/or Vice-Chairman (and, as necessary and appropriate in the circumstances, the Group Leaders and/or Deputy Group Leaders), with the Body Chairman having the final say as to how to proceed.
 - 5.4 An Extraordinary Meeting of a Body may be convened:
 - 5.4.1 by the Body Chairman; or
 - 5.4.2 by the Monitoring Officer; or
 - 5.4.3 by Members of the Body presenting a requisition to the Monitoring Officer signed by at least:
 - 5.4.3.1 five Councillors for an Extraordinary Council Meeting; or
 - 5.4.3.2 three Members of any other Body for an Extraordinary Meeting of that Body;
- in which event the Extraordinary Meeting shall be called by the Body Chairman or Monitoring Officer as soon as is practicably possible, but not later than seven days from the date that the requisition is presented to them.

6 Quorum

- 6.1 The quorum for a Meeting of:
 - 6.1.1 Council is 11 Councillors;

- 6.1.2 the Executive is four Executive Members;
- 6.1.3 a Body is one third of the Body membership or four Body Members, whichever is the greater;
- 6.1.4 of a Joint Committee shall be determined by reference to the rules relevant to that Body;
- 6.1.5 a Licensing Sub-Committee or Appeals Panel is three Members;
- 6.1.6 a Sub-Body is one third of the Sub-Body membership or three Sub-Body Members, whichever is the greater, unless the Parent Body decides otherwise where permitted.
- 6.2 During any Meeting if the Meeting Chairman counts the number of Members present and declares there is not a quorum present:
 - 6.2.1 the Meeting will adjourn immediately; and
 - 6.2.2 the remaining business will be considered at a time and date fixed by the Meeting Chairman (or, if the Meeting Chairman does not fix a date, at the next Ordinary Meeting).

7 Non-Member Councillors

- 7.1 Councillors who are not Members of a Body may attend any Meeting of that Body.

8 Standard Business to be taken in order (where applicable – see Meeting Rules Table)

- 8.1 To elect a Member to be Meeting Chairman if the Body Chairman/Vice-Chairman is not present - any power or duty assigned to the Body Chairman in relation to the conduct of the Meeting may be exercised by the Meeting Chairman.
- 8.2 To receive apologies for an inability to attend the Meeting.
- 8.3 Any Meeting Chairman's remarks to the Meeting and presentations.
- 8.4 To elect the Body Chairman (only at the Annual Meeting, unless there is a vacancy).
- 8.5 To elect the Body Vice-Chairman (only at the Annual Meeting, unless there is a vacancy).
- 8.6 To approve the Minutes of the previous Meeting(s).
- 8.7 To receive Declarations of Interest.
- 8.8 To elect the Leader for a four year term (only at the First Annual Council Meeting following an election, unless there is a vacancy).
- 8.9 To receive the Leader's notification of the number and membership of the Executive (only at an Annual Council Meeting, unless there is a change).
- 8.10 To receive announcements from the Meeting Chairman/Leader/Executive/Chief Executive.

9 Standard Business where order can be varied by the Meeting Chairman or on Motion (where applicable – see Meeting Rules Table)

- 9.1 To receive Petitions submitted in accordance with the Petitions Appendix.
- 9.2 To respond to public written Questions submitted in accordance with the Questions Appendix.
- 9.3 To decide on Bodies including:
 - 9.3.1 the size and terms of reference;
 - 9.3.2 the allocation of seats to political groups in accordance with the political balance rules.
- 9.4 To appoint Councillors to Bodies.

- 9.5 To appoint Councillors to Outside Bodies (where the power to appoint has not been delegated, eg to the Leader).
- 9.6 To agree amendments to the Constitution.
- 9.7 To respond to Petitions previously received.
- 9.8 To receive and consider Reports and Recommendations.
- 9.9 To deal with matters referred to the Body.
- 9.10 To consider Motions.
- 9.11 To respond to Councillors' written Questions submitted in accordance with the Questions Appendix.
- 9.12 To consider Called In items.
- 9.13 To consider the business/any other business specified in the Agenda.

10 Procedural Motions (Motions that may be Moved without Notice)

- 10.1 To appoint a Meeting Chairman if the Body Chairman and Vice-Chairman are both absent.
- 10.2 To agree the accuracy of the Minutes/any amendments.
- 10.3 To refer any matter to the Council, the Executive, a Body or an Officer.
- 10.4 To establish a Body or Sub-Body if such need arises from an Agenda item.
- 10.5 To amend or withdraw a Proposal as permitted.
- 10.6 To amend the time limit for speeches (if any).
- 10.7 To allow a member of the public to speak in accordance with these Procedure Rules.
- 10.8 To allow the continuation of the Meeting past 22:00 (to conclude by 22:30 or, at the Meeting Chairman's discretion, by 22:45 for meetings of Council).
- 10.9 To suspend a Procedure Rule where permitted.
- 10.10 To exclude the press and public in accordance with statute.
- 10.11 That a Member Named for Disorderly Conduct not to be further heard or leave the Meeting.
- 10.12 A Closure Motion (see Rules of Debate – Closure Motions below).

11 Motions other than Procedural Motions - submission

- 11.1 A Motion must:
 - 11.1.1 be submitted in writing to the Monitoring Officer;
 - 11.1.2 relate to a matter or matters of concern to the District;
 - 11.1.3 be submitted in the name of a Member or Members of the Body to which it is addressed;
 - 11.1.4 identify the Meeting to which it is submitted.
- 11.2 A Motion may:
 - 11.2.1 be submitted to any Executive Meeting;
 - 11.2.2 not be submitted to an Annual Meeting or an Extraordinary Meeting (other than of the Executive);
 - 11.2.3 only be submitted to the Council Budget Meeting if (in the sole opinion of the S151 Officer) it relates to expenditure or revenue;
 - 11.2.4 be submitted to an Ordinary Meeting.

- 11.3 A Motion:
 - 11.3.1 may be submitted for any Executive Meeting without Notice;
 - 11.3.2 must be submitted for any other Meeting on Notice:
 - 11.3.2.1 by 10:00 at least seven Clear Working Days before the Meeting to which it is to be submitted; or
 - 11.3.2.2 by 10:00 on the day of the Meeting if it is an Urgent Motion and has the written consent of the Body Chairman to which it relates.
- 11.4 Motions will be included in the Summons for the next Meeting of the Body in the order in which they are received unless they are:
 - 11.4.1 Motions to the Executive submitted too late to be included; or
 - 11.4.2 Urgent Motions.
- 11.5 A Motions may be:
 - 11.5.1 amended by the Monitoring Officer for the purpose of clarification, in consultation with the Member(s) who submitted it; or
 - 11.5.2 amended or withdrawn by the Body Chairman, after informing the Member who submitted it, if it appears the wording is not in order or is framed in improper or unbecoming language.
- 11.6 Motions shall be dated, numbered and entered onto a database in the order in which they are received and the database may be inspected by Members and be open to inspection by the public.
- 11.7 A Motion or amendment in similar terms to one that has been rejected at a meeting of a Body in the past six months cannot be moved.
- 11.8 A Motion may not be moved to rescind a decision made at a meeting of a Body within the preceding six months unless notice of the Motion is given and is signed by at least one quarter of all Members of the Body.

12 Motions other than Procedural Motions – procedure at Meeting

- 12.1 The Member who submitted the Motion, or another Member nominated by them, must Move the Motion and another Member must Second the Motion for it to be considered.
- 12.2 If a Motion specified in the Summons is not Moved, it shall be treated as abandoned and shall not be Moved without fresh Notice.
- 12.3 In the event that multiple Motions are submitted for debate at a Meeting, the Chairman will consult with the Group Leaders to determine the appropriate priority for the order of debate.
- 12.4 The Meeting Chairman will have absolute discretion during the Meeting to move from the item of business considering Motions to the next item of business on the Agenda, where the Meeting Chairman considers that to be necessary for the effective administration of the business on the Agenda.
- 12.5 Any Motion submitted to the Executive that relates to a Key Decision will need to comply with the requirements regarding publication of the proposed decision on the Executive Forward Plan prior to any decision being taken (see Part [] (Executive)).
- 12.6 Once Moved and Seconded, the Meeting Chairman will indicate that the Motion will be dealt with in one of the following ways:

- 12.6.1 be referred without debate to a relevant Body for decision because the subject matter falls within their remit for such (for the avoidance of doubt, except in respect of the Council Budget Meeting, any Motion that would materially increase expenditure, involve capital expenditure, materially reduce the revenue of the Council, or involve the disposal of a significant asset, falls within the remit of the Executive);
- 12.6.2 stand adjourned and be referred without debate to a relevant Body for initial consideration and report back because the subject matter falls within their remit for such;
- 12.6.3 be debated at the Meeting in accordance with the Rules of Debate; or
- 12.6.4 stand adjourned to a future Meeting.
- 12.7 Where a Motion has been moved and seconded but is not to be considered at the Meeting:
 - 12.7.1 the mover of the Motion shall be entitled to speak to the Motion for a three minute period;
 - 12.7.2 the Leader or relevant Executive Member shall be entitled to speak in response for a two minute period;
 - 12.7.3 the Motion shall be referred to the next appropriate Meeting of the relevant Body; and
 - 12.7.4 the Mover of the Motion, the Leader and the relevant Executive Member shall receive a copy of the Agenda for that Meeting and shall be invited to attend that Meeting; and:
 - 12.7.4.1 the Mover of the Motion shall be entitled to speak to the Motion in accordance with the Rules of Debate; and
 - 12.7.4.2 the Leader or relevant Executive Member shall be entitled to speak in response in accordance with the Rules of Debate; and
 - 12.7.4.3 if the Motion has been referred to the relevant Body for decision, a Report as to the outcome will be included in the Agenda of the next appropriate meeting of the referring Body; or
 - 12.7.4.4 if the Motion has been stood adjourned and referred to the relevant Body for initial consideration, a Report as to the outcome will be included in the Agenda of the next appropriate Meeting of the referring Body and the Motion shall be debated at that Meeting in accordance with the Rules of Debate.

13 Reports and Recommendations

- 13.1 A Report may be presented to a Meeting:
 - 13.1.1 to be noted; or
 - 13.1.2 with a proposal to adopt a Recommendation.
- 13.2 The Presenter of a Report shall generally be:
 - 13.2.1 for a Report from or to the Executive, the Leader, relevant Executive Member or a relevant Officer;
 - 13.2.2 for a Report from or to any other Body, the Body Chairman or other Member of the Body, or a relevant Officer.
- 13.3 Where a Report is presented for information, a Member may ask the Presenter a question or may make a statement lasting no longer than three minutes. The Presenter shall be entitled to reply.
- 13.4 Where a Report is presented with a proposal to adopt a Recommendation and that proposal is Moved and Seconded, the Report and Recommendation will be debated in accordance with the Rules of Debate.

14 Amendments to Motions or Recommendations

- 14.1 Provided that it could be Moved as an Amendment, the Proposer of a Motion or Recommendation may make a minor alteration to the Motion or Recommendation with the consent of the Secunder and the agreement of the Body Chairman.
- 14.2 A proposed Amendment to a Motion or Recommendation, other than a minor alteration, must:
 - 14.2.1 be relevant to the Motion or Recommendation; and
 - 14.2.2 not have the effect of negating the Motion or Recommendation; and
 - 14.2.3 not seek to introduce new subject matter; and
 - 14.2.4 be to remove and/or add words.
- 14.3 The Member who submitted the Amendment, or another Member nominated by them, must Move the Amendment and another Member must Second the Amendment for it to be considered.
- 14.4 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 in accordance with the Rules of Debate.
- 14.5 If an Amendment is carried, the Motion, as amended, takes the place of the original Motion and becomes the Substantive Motion to which any further Amendments are Moved.
- 14.6 Once all Amendments have been disposed of, the Meeting Chairman will put the Substantive Motion to the vote.
- 14.7 Any Amendment considered to be substantial by the S151 Officer in relation to a Motion or Recommendation that has a financial implication shall be the subject of discussion with and must receive the approval of the S151 Officer in advance of the Meeting to ensure that the Amendment does not compromise the Council's financial position.
- 14.8 In relation to the Council Budget Meeting, Part [] (Council) sets out the Rules for substantive Amendments proposed to the budget.

15 Withdrawal of Proposal

- 15.1 A Proposal may be withdrawn by the Proposer if the Secunder and the Meeting Chairman consent.
- 15.2 If consent to withdraw is granted no Member may then speak on the Proposal.

16 Rules of Debate - Speaking

- 16.1 If the Meeting Chairman stands, raises their hand, or speaks during a Meeting, the Meeting shall be silent and any Member then standing shall resume their seat.
- 16.2 The Meeting Chairman may request an appropriate Officer to speak by way of explanation of, or to draw the attention of the Meeting to, any legal, technical or administrative matter.
- 16.3 The Meeting Chairman may remain seated throughout a Meeting.
- 16.4 Councillors attending a Council Meeting in person may (where able) stand when speaking. Anyone attending a Council Meeting remotely, or attending any other Meeting, may remain seated when speaking.
- 16.5 All speakers shall address the Meeting Chairman when speaking.
- 16.6 The Meeting Chairman shall decide the order of speakers if more than one speaker wishes to speak.

- 16.7 Members shall direct speeches to the matter under discussion, a Point of Order or a Point of Explanation.
- 16.8 In a Council Meeting, speeches shall not exceed three minutes, unless the Meeting consents or another time limit is specified in these Procedure Rules.
- 16.9 There is a general assumption that Councillors who are not Members of a Body but attend a Meeting of that Body will, at the absolute discretion and upon the invitation of the Meeting Chairman, be permitted to speak at the Meeting.

17 Rules of Debate – Proposals

- 17.1 In a Council Meeting, a Proposal shall not be debated until it has been formally Moved and Seconded. The Secunder may reserve their speech until a later period in the debate.
- 17.2 In any other Meeting, with the consent of the Meeting Chairman, there may be discussion and debate prior to any Proposal being formally Moved.
- 17.3 The Meeting Chairman may require a Proposal to be put into writing before it is debated or voted upon.
- 17.4 A Member shall speak only once on any Proposal except to Move a relevant Procedural Motion or to raise a Point of Order or Explanation, and when a Proposal is under debate no other Proposal shall be Moved except a relevant Procedural Motion.

18 Rules of Debate - Points of Order/Explanation

- 18.1 A Member shall be heard:
- 18.1.1 immediately on a Point of Order relating to an alleged breach of a Procedure Rule or statutory provision identified by the Member;
- 18.1.2 when the Meeting Chairman decides it is relevant on a Point of Explanation concerning some material point in the present debate which appears to have been misunderstood.
- 18.2 The ruling of the Meeting Chairman on the validity, and any action to be taken in respect, of Points of Order or Explanation shall be final.
- 18.3 The Meeting Chairman shall rule on the interpretation of the Constitution having, where necessary, taken the advice of the Meeting Clerk and/or Monitoring Officer.

19 Rules of Debate - Closure Motions

- 19.1 At the conclusion of a speech of another Member, a Member may Move without comment that:
- 19.1.1 the debate be adjourned;
- 19.1.2 the Meeting be adjourned;
- 19.1.3 the Meeting proceed to the next business; or
- 19.1.4 the Meeting proceed immediately to Close of Debate.
- 19.2 Should the Closure Motion be Seconded and the Meeting Chairman is content that the question before the Meeting has been sufficiently discussed:
- 19.2.1 if the Closure Motion is to adjourn the debate or the Meeting, or to proceed to the next business:
- 19.2.1.1 the Meeting Chairman shall invite the Proposer to reply;
- 19.2.1.2 the Closure Motion shall be put to the vote and, if carried, the debate or Meeting shall stand adjourned, or the Meeting shall proceed to the next business, as the case may be;

- 19.2.2 if the Closure Motion is to proceed immediately to Close of Debate it shall be put to the vote and if carried the Meeting shall proceed immediately to Close of Debate.

20 Rules of Debate - Close of Debate

- 20.1 At the close of the debate on a Proposal, the following shall have the right of speech or reply in this order, but shall not introduce any new matter:
- 20.1.1 the Secunder, if they have not already spoken;
- 20.1.2 the relevant Executive Member or Body Chairman if they have not already spoken;
- 20.1.3 the Mover;
- 20.1.4 and, on an Amendment only, the Mover of the original Motion or Recommendation who shall not otherwise speak on the Amendment.

21 Voting

- 21.1 Voting shall be by show of hands, or electronically, or otherwise as determined by the Meeting Chairman.
- 21.2 Unless this Constitution or the law provides otherwise any matter will be decided by a simple majority of those present in person and permitted to vote on the matter at the time the question is put.
- 21.3 If there are equal numbers of votes for and against the Meeting Chairman will have a second or casting vote. There will be no restriction on how the Meeting Chairman exercises their vote.
- 21.4 Generally, the voting record in the Minutes will simply indicate whether the vote on the item under consideration was won or lost, but a record of how a vote was, or votes were, cast (as the case may be) will be made:
- 21.4.1 if, immediately after a vote has been taken, any Member requests that their vote for or against or their abstention be recorded; or
- 21.4.2 by way of a named vote such that the Monitoring Officer or Meeting Clerk can identify how each Member voting has cast their vote (eg electronically):
- 21.4.2.1 if any Member requests that the vote be so recorded and three other Members support that request; or
- 21.4.2.2 in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (SI 2014/165) (2014 Regulations) in relation to any decisions relating to the setting of the Council's budget, at the Council Budget Meeting.
- 21.5 A Member may request that their opposition to a decision be recorded in the Minutes.

22 Confidentiality and Non-Disclosure of Reports

- 22.1 Reports for Meetings which are 'not for publication' in accordance with statutory provisions on the grounds that they contain Confidential Information or Exempt Information shall be treated as confidential and shall not be disclosed by any Member or Officer.
- 22.2 Such Information shall continue to be treated as confidential after the Meeting at which the Report is presented, except insofar as it ceases to be confidential by virtue of any statutory provision or by its inclusion in the public Minutes of the Meeting.

This page is intentionally left blank

Part []

Council Bodies

1 Bodies - Introduction

- 1.1 The Council has established various Bodies (the term includes Committees, Boards and Commissions – see Glossary) - these may only be added to or removed by the Council.
- 1.2 Each Body will have a number of aspects, many of which will be common (to a greater or lesser extent) to other Bodies and to the Council or Executive. Each Body will have:
- A specified Composition;
 - Terms of Reference;
 - Rules of Procedure;
- and may have:
- Delegated or Statutory Powers.
- 1.3 The Bodies of the Council are:
- The Appeals Committee;
 - The District Planning Committee;
 - The Eastern Area Planning Committee;
 - The Governance Committee;
 - The Health Scrutiny Committee
 - The Licensing Committee;
 - The Personnel Committee;
 - The Scrutiny Commission;
 - The Western Area Planning Committee.
- 1.4 The following bodies also act in accordance with these Rules with aspects similar to Council Bodies:
- The Health and Wellbeing Board;
 - The Joint Public Protection Committee;

2 Bodies – Composition

- 2.1 At each Annual Meeting (or at any other Meeting as necessary) Council will confirm the continuation of, or establish, or amend, or disband, its Bodies and decide upon the composition of each and appoint the membership.
- 2.2 Membership may be required by statute to reflect the Political Balance of the Council.
- 2.3 Bodies may or may not have Substitute Members able to substitute for a Member of a Body unable to attend a particular meeting.
- 2.4 Bodies may or may not have external members.
- 2.5 The specific composition of all Bodies, including the number of members and political affiliations (where the Body is politically balanced), substitutes, etc, is set out in a list published in respect of each Council Annual Meeting and re-published in the event of any changes, and available on the Website, and reflected in the Meetings Rules Table.

3 Sub-Committees, Panels and Task Groups (“Sub-Bodies”)

- 3.1 A Body (“Parent Body”) may form one or more Sub-Committees, Panels or Task Groups (together “Sub-Bodies”) as described in this Part and/or in the relevant Appendix to this Part (“Body Appendix”).
- 3.2 In particular:
- The Governance Committee has a Standing Advisory Panel established by Council for certain purposes in relation to the Code of Conduct (and only the Governance Committee has a Standing Panel);
 - The Licensing Committee forms task-limited Sub-Committees from time to time to determine certain types of licensing application;
 - The Appeals Committee forms task-limited Panels from time to time to determine certain appeals against Officer Decisions;
 - The Health and Wellbeing Board has a Steering Group and a number of Sub-, Sub-Sub-, and Sub-Sub-Sub- Bodies (each a “Health and Wellbeing Sub-Body”) as more fully detailed in the relevant Committee Appendices;
 - The Scrutiny Commission and Health Scrutiny Committee may form Task Groups for the purpose of conducting in depth scrutiny reviews on a particular topic.
- 3.3 The Governance Committee Standing Advisory Panel, Licensing Sub-Committees and Appeals Panels are together referred to as the “Standing Sub-Bodies”.
- 3.4 So far as a Sub-Body other than a Standing Sub-Body, is concerned (eg a Health and Wellbeing Sub-Body, a Sub-Committee or a Task Group), unless the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it state otherwise:
- 3.4.1 Health and Wellbeing Sub-Bodies:
- 3.4.1.1 will be standing bodies meeting in private; and
- 3.4.1.2 any powers to act will be set out in the relevant Body Appendix and/or the Scheme of Delegation;
- 3.4.2 Sub-Committees:
- 3.4.2.1 will be standing bodies meeting in public; and
- 3.4.2.2 any powers to act will be set out in the relevant Body Appendix and/or the Scheme of Delegation;
- 3.4.3 Task Groups:
- 3.4.3.1 will be time- or task- limited bodies generally meeting in private; and
- 3.4.3.2 have no powers to act, only to advise/recommend.

4 Sub-Bodies - Composition

- 4.1 Sub-Body membership may be required by statute to reflect the Political Balance of the Council.
- 4.2 Sub-Bodies may or may not have Substitute Members able to substitute for a Sub-Body Member unable to attend a particular meeting.
- 4.3 Sub-Bodies may or may not have external members, subject to the agreement of the Monitoring Officer.
- 4.4 The composition of the Standing Sub-Bodies is set out in the relevant Body Appendix and reflected in the Meetings Rules Table.

- 4.5 The composition of Sub-Bodies other than the Standing Sub-Bodies will be set out, as appropriate in the circumstances, in the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it.
- 4.6 The Parent Body may determine that certain classes of Sub-Body Member (eg Members of the Parent Body) shall be voting members of the Sub-Body and others (eg Non-Councillors) shall be non-voting.
- 4.7 The minimum membership shall be three voting Members for a Task Group and four voting Members for any other Sub-Body, apart from a Licensing Sub-Committee which shall be formed of three voting Members.

5 Bodies and Sub-Bodies – Terms of Reference and Delegated Powers

- 5.1 The terms of reference for each Body and Standing Sub-Body are set out in the relevant Body Appendix.
- 5.2 The terms of reference for Sub-Bodies other than the Standing Sub-Bodies are set out, as appropriate in the circumstances, in the relevant Body Appendix and/or the minutes of the meeting of the Parent Body that established it.
- 5.3 When establishing a Task Group, the Parent Body will determine:
- 5.3.1 the membership of the Task Group;
 - 5.3.2 whether to appoint one of those Members to act as the chairman of the Task Group or let this be determined by the Task Group;
 - 5.3.3 whether any non-Body members should be appointed to the Task Group;
 - 5.3.4 whether there should be substitute members of the Task Group;
 - 5.3.5 who other than Task Group members should be involved with the Task Group's work and who (if anyone) should be consulted
 - 5.3.6 the Terms of Reference for the Task Group;
 - 5.3.7 what the timescale for the task in question should be;
 - 5.3.8 who should be responsible for reporting progress back to the Parent Body and how often;
 - 5.3.9 and any other appropriate matter.
- 5.4 The powers delegated to each Body and, where relevant, Sub-Body are set out in Part [] (Scheme of Delegation).

6 Bodies and Sub-Bodies – Rules of Procedure

- 6.1 The general rules of procedure for each Body or Sub-Body are set out in Part [] (Meeting Procedure Rules).
- 6.2 Specific Procedure Rules relating to a Body and/or its Sub-Bodies are set out in the relevant Body Appendix.

This page is intentionally left blank