

Part 4 –Rules of Procedure

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Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

The annual meeting of the Council shall be held

- (a) in a year when there is an ordinary election of Councillors, on the eighth day after the retirement of Councillors or on such other day within twenty-one days immediately following the retirement of the outgoing councillors, as the Council may fix.
- (b) in any other year, on such day in the month of April or May as the Council may fix.

The order of business at the annual meeting will be:

- (a) elect a Chairman and appoint a Vice-Chairman
- (b) if the Chairman and Vice-Chairman are absent, choose a person to preside such person not being a member of the Cabinet
- (c) approve the minutes of the last meeting
- (d) receive any announcements from the chairman and/or head of the paid service
- (e) to receive any apologies for absence
- (f) elect a Leader of the Council (unless the Leader has further year(s) of unexpired term of office)
- (g) to receive the names of Members of the Cabinet appointed by the Leader.
- (h) to deal with any business required by statute to be done
- (i) to receive any reports from statutory officers of the Council
- (j) petitions
- (k) to answer questions asked under Rules 9 and 10
- (l) to dispose of business (if any) remaining from the last meeting
- (m) to receive and consider reports of the Cabinet, the Leader and/or Cabinet Members
- (n) to receive and consider reports of the Committees of the Council
- (o) to consider notices of motion in the order in which they have been received
- (p) other business specified in the agenda.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will appoint the Standing Committees of the Council. The Standing Committees of the Council will be:

- Planning Committee - 12 members
- Licensing Committee - 12 members

- Standards Committee - 6 members (plus in addition 3 Parish Council representatives and 3 independent members)
- Personnel Committee - 6 members
- Overview and Scrutiny Committee - 8 members
- Audit Committee – 6 members

Seats on Committees (excepting the Standards Committee) shall be distributed among the political groups in proportion to their membership on the Council. Before the annual meeting of the Council, and at any other time that a review of the allocation of seats is required, the Director of Resources shall consult Group Leaders on the membership of Committees and report to the annual or next following meeting of the Council. Such consultations and report determine the allocation to the different political groups and recommend such appointments to give effect to the wishes of the political groups.

The Council will appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable by the Cabinet.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme to be fixed by the Council. Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) receive any apologies for absence;
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from members;
- (v) receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- (vi) receive answers to questions of which written notice has been given under Rules 9 and 10 from members of the Council and members of the public;
- (vii) receive reports from the Cabinet and/or Leader and receive questions and answers on any of those reports;
- (viii) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (x) consider motions; and
- (xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework.

3. **EXTRAORDINARY MEETINGS**

3.1 **Calling extraordinary meetings.**

Those listed below may request the Director of Resources to call Council meetings in addition to ordinary meetings:

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

3.2 **Business**

An extraordinary meeting of the Council shall consider only such item of business as may be specified in the request for the meeting

4. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Council and notified in the summons sent by the Director of Resources.

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

The Director of Resources will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Director of Resources will send a summons signed by him or her to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. **CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee, sub-committee and panel meetings, references to the Chairman also include the Chairman of committees, sub-committees and panels.

7. **QUORUM**

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

Quorum of Committees

The quorum for a Committee is one quarter of the whole number of the Committee but shall not be less than two voting members. The quorum for Planning Committee shall be one half of the number of the Committee.

8. **DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. **QUESTIONS BY MEMBERS**

9.1 **On reports of the Cabinet or Committees**

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

9.2 **Questions on notice at full Council**

Subject to Rule 9.3, a member of the Council may ask:

- the Chairman;
- the Leader;
- a Cabinet Member; or
- the Chairman of any Committee

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

9.3 **Notice of questions**

A member may only ask a question under Rule 9.2 if either:

(a) they have given notice in writing or by electronic mail of the question to the Director of Resources by not later than noon on the day prior to the Council meeting; or

(b) the question relates to urgent matters, they have the consent of the Chairman or Member to whom the question is to be put and the content of the question is given to Director of Resources by 12 noon on the day of the meeting.

9.4 **Response**

An answer may take the form of:

- (a) a direct oral answer;

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

9.5 Supplementary question

A member asking a question under Rule 9.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions of the Chairman, Leader of the Council, Cabinet Member or Chairman of Committee at ordinary meetings of the Council during a period of up to 15 minutes during a period set aside for the purpose.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Director of Resources no later than noon two working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

10.4 Number of questions

At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation.

10.5 Scope of questions

The Director of Resources may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;

- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- relates to any existing or proposed application, permission, licence, consent, benefit, grant or enforcement action; or
- requires the disclosure of confidential or exempt information.

10.6 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

10.9 Discussion

Unless the Chairman decides otherwise, no discussion will take place on any question.

11. MOTIONS WITH NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least 2 members, must be delivered to Director of Resources at least 7 clear days, excluding Saturdays, Sundays and Bank Holidays before the date of the meeting. The Director of Resources will date and file each notice of motion received, the file to be open to public inspection.

11.2 Motion set out in agenda

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

11.3 Scope

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

11.4 **Reference of Motion to Cabinet or Committee**

Motions for which notice has been given under 11.1 shall, upon being moved and seconded, stand referred to the Cabinet, a Committee or Panel as the Council may determine for consideration and report, unless the Chairman considers it convenient and conducive to the dispatch of business to allow the motion to be dealt with at the meeting at which it is brought forward. Where a motion stands referred, the mover shall not speak until the report on the motion comes before the Council. The Cabinet, Committee or Panel shall report back to the next ordinary meeting of the Council or such other meeting as it may advise, and the report shall advise the Council whether or not the motion should be adopted or give such other advice as is appropriate.

12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to hold a recorded vote or ballot;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 4 hours in duration – see Rule 8;
- (o) to extend the time limit for questions or speeches;
- (p) to suspend a particular council procedure rule;

- (q) to exclude the public and press in accordance with the Access to Information Rules;
- (r) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (s) to give the consent of the Council where its consent is required by this Constitution.

13. **RULES OF DEBATE**

13.1 **No speeches until motion seconded**

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

13.2 **Right to require motion in writing**

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

13.3 **Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

13.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 8 minutes in the case of a mover of a motion, or 5 minutes in all other cases, without the consent of the chairman.

13.5 **When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;

- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) 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.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 **Alteration of motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 **Withdrawal of motion**

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

13.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration – (Rule 8 above refers);
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.

- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

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

13.13 Personal explanation

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

14. THEMED DEBATE

The Agenda for an ordinary meeting of the Council may contain an item for consideration of a particular theme or subject on any matter within the Council's powers or duties or which affects the District. The Chairman may move that the Council Rules of Procedure be suspended (in accordance with Rule 22 - Suspension and Amendment of Council Procedure Rules) to enable a speaker (who need not be a Member of the Council) to address the Council on the theme or subject, and to deal with questions or comments either from Members of the Council or from the public.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

16.1 Majority

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

16.2 Chairman's casting vote

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

16.3 Show of hands

Unless a recorded vote is demanded under Rules 16.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Recorded vote

If one-quarter of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Right to require individual vote to be recorded

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

16.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17. **MINUTES**

17.1 **Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. As soon as the minutes have been read, or taken as read, the Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, and any question of their accuracy shall be raised by moving a formal amendment to the minutes.

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

17.3 **Form of minutes**

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

18. **RECORD OF ATTENDANCE**

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

19. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. **MEMBERS' CONDUCT**

20.1 **Standing to speak**

When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 **Chairman standing**

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

20.3 **Member not to be heard further**

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

20.4 **Member to leave the meeting**

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

20.5 **General disturbance**

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

21. **DISTURBANCE BY PUBLIC**

21.1 **Removal of member of the public**

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

21.2 **Clearance of part of meeting room**

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

22. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

22.1 **Suspension**

All of these Council Rules of Procedure except Rule 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4–8, 12–13, 15–17, 19–23 (but not Rule 20.1) apply to meetings of committees and sub-committees.

A member who is not a member of a committee or sub-committee may attend any meeting and may speak (but not vote), at the discretion of the Chairman of the committee or sub-committee. A member who is not a member of Planning Committee shall have the right to address the Committee on any application. Such address shall be limited to a total speaking time by non-members of not more than 5 minutes on each application.

24. **PETITIONS**

To receive and debate as necessary Petitions received in accordance with the adopted Petition Scheme in Part 5 of the Constitution.

Access to Information Procedure Rules

1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council Offices, Capswood, Oxford Road, Denham, Bucks.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Moreover, that item will only be considered at the meeting if the Chairman agrees that it is urgent. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Director of Resources thinks fit, copies of any other documents supplied to councillors in connection with an item

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

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

Every report considered at a meeting will set out a list of those documents (called background papers) relating to the subject matter of the report which:

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

excluding any published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents, as set out in these Rules, must be kept at and available to the public at the Council Offices at Capswood, Oxford Road, Denham, Bucks, UB9 4LH. These Rules constitute the written summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Meaning of confidential information

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

10.3 Exempt information – discretion to exclude public

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

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

10.4 Meaning of exempt information

Exempt information means information falling within any of the categories set out in the Table below, subject to the qualifications and interpretations in Parts 2 and 3 of Schedule 12A to the Local Government Act 1972 (as amended).

	Category
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of any individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The following additional categories of exempt information apply in relation to the operation of the Standards Committee (or any Sub-Committee of it) only.

	Category
8.	Information which is subject to any obligation of confidentiality.
9.	Information which relates in any way to matters concerning national security.
10.	The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60 (2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

The following qualifications to exempt information apply.

	Qualifications
1.	Information falling within category 3 above is not exempt information if it is required to be registered under - <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; (f) the Charities Act 1993.
2.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
3.	Information which - <ul style="list-style-type: none"> (a) falls within any of categories 1 to 7 above; and (b) is not prevented from being exempt by virtue of qualifications 1 or 2 above, <p>is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

For interpretation see Part 3 of Schedule 12A of the Local Government Act 1972 (as amended).

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

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

12. **APPLICATION OF RULES TO THE CABINET**

Rules 13 – 21 apply to the Cabinet. If the Cabinet meets to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 12.3 of this Constitution.

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

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least five clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. **THE FORWARD PLAN**

14.1 **Period of Forward Plan**

The Leader will prepare a Forward Plan which must list all Key Decisions which the Cabinet anticipate that they will take during the next four months, together with any particularly significant key decisions which they anticipate that they will take within the next 4 to 12 months. The Forward Plan may also include in the reference to significant decisions, which are to be taken by the Council or any of its Committees or Sub-Committees.

14.2 **Contents of Forward Plan**

The Forward Plan will include the following information in respect of each key decision:

- (a) the matter in respect of which a decision is to be made;
- (b) the person or body by whom the decision is to be made;

- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents (which are available to the public) submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

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

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

15. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed the Chairman of the Overview and Scrutiny Committee in writing of the matter on which a key decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred and that the decision is genuinely urgent. If there is no Chairman of the Overview and Scrutiny Committee, or if the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice. If the relevant person does not agree that the decision may be reasonably regarded as urgent in the circumstances then the decision cannot be taken other than in accordance with these Rules.

17. **REPORT TO COUNCIL**

17.1 **When the Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Chairman of the Overview and Scrutiny Committee, or the chairman/vice chairman of the Council under Rule 16;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, and the communication of that request rests with the Proper Officer, who shall require such a report on behalf of the Committee when so requested by (the Chairman or any 5 members). Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

17.2 The Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 14 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

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

19. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

19.1 Consultation with Policy Advisory Group

Individual members of the Cabinet will be able to make decisions on matters delegated to them by the Cabinet, after consultation with a Policy Advisory Group in accordance with the Protocol for the operation of Policy Advisory Groups (PAGs) as set out in Part 5 of this Constitution. Reports to be taken into account in making a decision will be published with the decision notice of the Portfolio Holder.

19.2 Provision of copies of reports to Overview and Scrutiny Committee

Reports provided to an individual decision maker with the agenda for the meeting of the PAG will also be provided for the Chairman of the Overview and Scrutiny Committee at the same time.

19.3 **Record of individual decision**

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

20. **OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS**

20.1 **Rights to copies**

Subject to Rule 20.2 below, the Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to

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

20.2 **Limit on rights**

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

21. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

21.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it appears to the proper officer it contains exempt information; or
- (b) it contains the advice of a political adviser.

However, the document is required to be open to inspection if the information is information of a description falling within

- (i) category 3 of exempt information, being information relating to the financial or business affairs of any particular person (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or
- (ii) category 6 of exempt information, being information which reveals that the authority proposes to give notice by virtue of which requirements are imposed on a person or make an order or direction.

21.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph 21.1 (a) or (b) above applies.

21.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is as set out below and is in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The Cabinet will publicise (by including in the Forward Plan) a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 6 weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. During the consultation period the Cabinet can also refer the matter to a standing Policy Advisory Group or commission a specially convened Group for this purpose. The Policy Advisory Group will have the power to investigate and/or research the proposal and can report with recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee and any Policy Advisory Group into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect all comments made and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision and must take the actions as set out in paragraphs (f) or (g) below.
- (e) The decision will be publicised in accordance with Part 4 and a copy shall be given to the Leader.
- (f) (i) Before the Council
 - (a) amends a draft plan or strategy;

- (b) approves for the purpose of its submission to the Secretary of state or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) a plan or strategy,

it must inform the Cabinet leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (ii) Where the Council gives instructions in accordance with paragraph f(i), it must specify a period of at least five working days beginning on the day after the date on which the Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may
 - (a) submit a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (iii) When the period specified by the Council, referred to in paragraph f(ii) has expired, the Council must, when
 - (a) amending the draft plan or strategy or the revised draft plan or strategy;
 - (b) approving, for the purpose of its submission to the Secretary of state or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.

- g(i) Subject to paragraph g(v) where, before 8 February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year
- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of section 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such a calculation;
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

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

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

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the authority's objections; and
- (d) the Cabinet's reasons for that disagreement,

which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.

- (v) Paragraphs g(i) to g(iv) shall not apply in relation to –
 - (a) calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
(provisions whereby a duty is imposed on the designated billing/precept authority).
- (h) An in-principle decision will automatically become effective after the expiry of the time period specified in accordance paragraphs f(ii) or g(iii) unless the Leader informs the proper officer in writing within that period of any revisions or disagreement to the proposals and provides reasons why.
- (i) The Council will be required to meet to consider the Leader's written submission within 21 working days.

The Council may

- i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
- ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- (j) The decision shall then be made public in accordance with Part 4, and shall be implemented immediately;
- (k) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with the Financial Procedure Rules. Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of the Financial Procedure Rules the Cabinet, individual members of the Cabinet and any officers, (or any joint arrangements) discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, individual members of the Cabinet and any officers, (or any joint arrangements) discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

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

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

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

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

- (a) Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget or is not otherwise authorised by the terms of this Constitution, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

- (b) In respect of decisions which are executive decisions, the Monitoring Officer's report and/or the Chief Financial Officer's report shall be to the Cabinet and the Overview and Scrutiny Committee with a copy to every member of Council. In the event that the Monitoring Officer and/or the Chief Finance Officer conclude that the decision is or would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, if the decision has yet to be made or has been made but not yet implemented no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 working days of the request of the Overview and Scrutiny Committee. At this meeting it will receive a report of the decision or proposals from the Cabinet and the Overview and Scrutiny Committee, and the advice of the Monitoring Officer and/or the Chief Finance Officer. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take and prepare its report to Council. The Council may either:

- i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

- ii) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

Executive Procedure Rules

1. Role and Composition

- 1.1 The Cabinet is responsible for the discharge of all functions allocated to it by the Council in accordance with the Local Government Act 2000 Section 13 and subsequent legislation and regulations. The arrangements for the discharge of those functions will be as laid out by the Council from time to time and in the absence of such arrangements, the Leader will decide how they are to be exercised.
- 1.2 The current allocation of responsibilities is set out in Part 3 of this Constitution.
- 1.3 At the Annual Meeting of the Council, the Leader will present a report containing the following information regarding the discharge of Executive functions in the forthcoming year:
 - i. The names, addresses and wards of the Councillors he has appointed to the Cabinet.
 - ii. The extent of any authority delegated to Cabinet Members individually as Portfolio Holders, including details of the limitation on their authority.
 - iii. The terms of reference and Constitution of any Executive Committees the Leader appoints and the names of the Members appointed to them.
 - iv. The nature and extent of any delegation to Officers, with details of limits on those delegations and the title of the Officer to whom the delegation is made.
 - v. The nature and extent of any delegation of an Executive function to any other authority, or any joint arrangements including names of the Cabinet Members appointed to serve under those arrangements or an individual member.

2. Appointments

2.1 Appointment of Leader

The Leader shall be a Councillor elected to that office by a simple majority of the Council. The Leader will hold office for a term up to the annual general meeting after the elections due in May 2011 and thereafter appointments will be for a term of four years ending on the day of the post-election annual general meeting unless he/she:

- i. resigns from the office of Leader; or,
- ii. resigns from the Council; or,
- iii. is suspended from being a Councillor under Part 3 of the Local Government Act 2000;
- iv. is removed from office by a resolution of the Council; or
- v. is otherwise disqualified from holding the office of Councillor.

Where the Leader ceases to hold office other than by the normal expiry of their term of appointment, the Council shall appoint a replacement to hold office until the date of the next post election Annual Meeting of the Council.

2.2 Appointment of Cabinet Members

With regard to appointment of Cabinet Members, Councillors serving on the Cabinet shall be appointed by the Leader.

Members of the Cabinet shall hold office for a term up to May 2011 and thereafter for a term of four years unless they:

- i. resign from the office of Cabinet member; or,
- ii. resign from the Council; or,
- iii. are suspended from being a Councillor under Part 3 of the Local Government Act 2000; or,
- iv. are removed from office by written notice to that effect from the Leader, (who shall immediately give notice of the removal to the Chief Executive with details of their replacement) or
- v. are otherwise disqualified from holding the office of Councillor.

Where a member of the Cabinet ceases to hold office other than by the normal expiry of their term of appointment, the Leader shall appoint a replacement to hold office until the end of the current term of office of Cabinet members.

2.3 Appointment of Deputy Leader

There will be a Deputy Leader who will be chosen by the Leader from the Cabinet. The term of the Deputy Leader shall be as for the Leader, but it will be open to the Leader to revoke the appointment and appoint a new Deputy at any time.

3. Decisions of the Cabinet

3.1 Decisions will be made either by:

- i. the Cabinet as a whole; or
- ii. by individual Portfolio Holders or the Leader acting within the delegations of authority to them set out in Part 3 of this Constitution; or
- iii. by an Officer acting under delegated powers, the Scheme of Delegation for Officers being set out in Part 3 of this Constitution; or
- iv. by joint arrangements; or

- v. by another Local Authority; or
- vi. by an individual member - limited to the exercise of a specific function in the electoral division or ward for which the member is elected.

Where the Cabinet is collectively responsible for an Executive function, they may in turn delegate that function to an Officer or to joint arrangements, but the delegation of the function will not prevent the discharge of that function by the Cabinet.

4. Conflicts of Interest

- 4.1 If a conflict of interest arises during the consideration of any matter which is an Executive Function, it will be dealt with in accordance with the Code of Conduct for Members set out in Part 5 of this Constitution.
- 4.2 If during the exercise of an Executive function that has been delegated to a Committee or to an Officer a conflict of interest arises, then the function will in the first instance be exercised instead by the body or person by whom the delegation was made or otherwise in accordance with the Code of Conduct for Members, set out in Part 5 of this Constitution.

5. Meetings of the Cabinet

- 5.1 The Cabinet will normally meet on a monthly cycle, at such dates and times as shall be determined by the Leader and notified to the Council at its annual meeting.
- 5.2 The Cabinet shall meet at the Council Offices, Oxford Road, Denham, or at such other location as the Leader may from time to time determine.
- 5.3 All meetings of the Cabinet shall be in public in accordance with the Council's Access to Information procedure rules, set out in Part 4 of this Constitution.
- 5.4 The quorum for a meeting of the Cabinet or a Committee of the Cabinet shall be two and must include either the Leader or the Deputy Leader.
- 5.5 Substitutes are not permitted for Cabinet Members, but the absence of a Cabinet Member shall not prevent consideration and determination of any matter. If a matter is delegated to a Cabinet Member, it may be referred by that Cabinet Member to the Cabinet for decision.
- 5.6 Any Councillor may attend any meeting of the Cabinet as a member of the public, but there is no right for non-Cabinet members to speak at Cabinet meetings.
- 5.7 The Statutory Officers of the Council shall have the right to attend any meeting of the Cabinet and shall be entitled to speak on issues affecting their statutory responsibilities.

6. Conduct of Meetings

- 6.1 At each meeting of the Cabinet, the following business will be conducted:
- i. Consideration of the minutes of the last meeting.
 - ii. Declarations of interest, if any.
 - iii. Matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
 - iv. Consideration of reports from the Overview and Scrutiny Committee.
 - v. The Cabinet Forward Programme.
 - vi. Reports from Statutory Officers in respect of their functions.
 - vii. The items of business set out in the agenda for the meeting.
- 6.2 The items of business set out in the Cabinet Forward Programme and in the agenda will indicate those which are likely to result in a Key Decision being made, with a Key Decision being defined for the time being as a decision which has an income or expenditure effect of £5,000 or more where this sum has not already been budgeted.
- 6.3 Placing of Items on the Agenda - This will be decided by the Leader and the proper Officer will comply with the Leader's requests in this respect. The Leader may also place any matter on the agenda for any meeting of the Cabinet, even where authority has been delegated by the Cabinet to another body, Officer or Portfolio Holder. Where a matter falls within the terms of reference of a Committee or sub-Committee, then matters relating to the remit of those Committees or sub-Committees may not be placed on the agenda.

Matters referred by the Overview and Scrutiny Committee, the Council itself or by a Statutory Officer if falling within their Statutory Responsibilities shall also be placed on the agenda by the proper Officer, in consultation with the Leader.

Overview and Scrutiny Procedure Rules

1. Application of Rules

These rules apply to the Overview and Scrutiny Committee and to any of its sub-Committees or Panels.

2. Composition and Terms of Reference

These are described in Article 6 of Part 2 of this Constitution.

3. Work Programme and Agenda Items

3.1 The Overview and Scrutiny Committee and where appropriate its sub-Committees and Panels, will be responsible for setting their own work programme. That work programme will be published annually to the Council and will incorporate consultation with the Cabinet on any issues the Cabinet may wish to request the Overview and Scrutiny Committee to consider.

3.2 Any member of the Committee or of its sub-Committees and Panels shall be entitled to give notice to the Proper Officer if they wish an item relevant to the functions and remit to be included on the agenda for the next available meeting.

3.3 Any Member of the Council who is not a member of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they would like the Committee to consider any particular item for inclusion in their forward programme of work. The Overview and Scrutiny Committee will then decide whether to include that item.

Where the Cabinet or Council request an area of the Council's activity to be reviewed, the Overview and Scrutiny Committee will adjust their work programme to the extent necessary to carry out that review and report back to either the Cabinet or the Council in written form.

4. Call-ins

Any five Members of the Council who are not members of the Cabinet may, by written notice to the Proper Officer (including fax and e-mail), require that a decision of the Cabinet or of the Cabinet Portfolio Holder not be implemented until it has been considered by the Overview and Scrutiny Committee. The call-in procedure is a statutory right – Section 21(3) Local Government Act 2000. Such written notice must be given within five working days of the electronic mail dissemination of the relevant Cabinet minutes or Portfolio Holder decision notice.

The validity of the call-in notice will be determined by the Proper Officer as a preliminary issue.

Where a valid notice of call-in has been received, the Proper Officer shall convene an extraordinary meeting of the Overview and Scrutiny Committee as soon as possible but in any event within 15 working days of receipt of the call-in request unless if an ordinary meeting is scheduled to take place within that period – in which case the subject matter of the call-in request will be added to that agenda and taken as an urgent item as necessary. The Proper Officer will notify the Cabinet and any other Members and Officers of the call-in and the date on which it will be considered.

Unless the decision is considered urgent – see procedure below - until the matter has been considered by the Overview and Scrutiny Committee, and unless the Overview and Scrutiny Committee resolve that it is content with the decision, the decision the subject of the Call-In Request may not be implemented before the decision making body or person has reconsidered the decision having regard to the views of the Overview and Scrutiny Committee.

The Call-in Request will be discussed by the Overview and Scrutiny Committee. The Members who requested the call-in will be invited to attend to explain the ground/s for the request - and the appropriate decision maker will also be invited to attend the meeting.

The Overview and Scrutiny Committee can then make one of the following 2 decisions

- a. over-rule the Call-in and allow the earlier decision to stand and implementation to proceed
- b. remit the matter back to the decision-maker body for reconsideration at the next appropriate meeting – with an explanation of the Committees concerns and any specific considerations that need to be taken into account on re-consideration.

If the decision maker requires more time to consider the Committees recommendations the Chairman of the Overview and Scrutiny Committee can agree to such request after consultation with the members of the Committee.

If after reconsideration the decision maker does not consider any changes should be made to the earlier decision – then the decision maker shall recommend accordingly to Cabinet - setting out the reasons why no changes are considered necessary – or where the decision maker was the Cabinet – it shall recommend accordingly to the Council.

The call-in procedures will not apply where the decision is taken by the full Council on the basis of a recommendation - and shall not apply where the decision is urgent.

A decision can only be called in once – unless the original decision is substantially amended other than in accordance with the Committee recommendation.

In the case of urgency, the procedure shall be that the Leader and the relevant Portfolio Holder(s) will obtain the written agreement of the Chairman of the Overview and Scrutiny Committee (or suitable alternate in his/her absence) that the decision is genuinely urgent. The Portfolio Holder must then make the decision in consultation with the Leader. If the decision is one that falls to the Cabinet as a whole, then the same procedure must be followed but the final decision will be made by the Cabinet.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet/Council together with the reasons for urgency.

5. The Conduct of Meetings

5.1 The Overview and Scrutiny Committee and any sub-Committees and Panels shall consider the following business in the following order:

- i. Minutes of the last meeting.
- ii. Any declarations of interest.
- iii. Any response from the Cabinet to a previously forwarded report.
- iv. The business otherwise set out in the agenda for meeting.

5.2 When the Overview and Scrutiny Committee or one of its sub-Committees or Panels is conducting a review or investigation, it shall have the right to documents and other information as described in the Access to Information Procedure Rules set out in Part 4 of this Constitution.

5.3 The Scrutiny Committee or any of its sub-Committees or Panels (in relation to matters falling within their terms of reference) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. It may require the Leader and any member of the Cabinet, the Head of Paid Service and any Director or Head of Service to attend before it to explain, in matters in relation to their remit, the following:

- i. Any particular decision or series of decisions and the reasons for them.
- ii. The extent to which any action or lack of action affects the Council and/or implements Council policy.
- iii. Performance and outcomes in relation to the areas under their control.

It is the duty of those persons to attend if required, but such attendance will follow written notice from the proper Officer, who will give at least seven days notice in writing or by electronic mail of the meeting at which he/she is required to attend. The notice will indicate the nature of the item and whether there is a requirement to produce any papers or other background information, or whether a report is required.

If, exceptionally, the relevant Member or Officer is unable to attend on the required date, an alternative date may be arranged by mutual agreement, but this must take place within a maximum of six weeks of the date of the original request.

- 5.4 The Overview and Scrutiny Committee or its sub-Committees and Panels may invite persons other than those set out above to give evidence, including individuals from outside the Council or from other organisations. There is no requirement on these individuals to attend.

If there is a wish for Officers below Head of Service to give evidence, then that attendance shall be at agreement of the Head of Paid Service or the relevant Director.

- 5.5 The Overview and Scrutiny Committee may require information from and for
- a. any person to attend from any partner authority designated in Section 104 of the Local Government and Public Involvement in Health Act 2007 – as amended from time to time - or
 - b. any officer or employee of a responsible authority or a co-operating person or body as defined by section 5 of the Crime and Disorder Act 1988 in relation the scrutiny of a crime and disorder function.
- 5.6. A member who has raised a matter referred to the Overview and Scrutiny Committee may attend the meeting of the Overview and Scrutiny Committee where the matter is discussed unless the matter to be discussed includes confidential or exempt information. The Overview and Scrutiny Committee will in any event notify the relevant member of its decision and the reasons for it - subject the exclusion of confidential or exempt information.
- 5.7. In relation to scrutiny of a crime and disorder function – additional members may be co-opted if they are an employee, officer or member of a responsible authority or co-operating person or body – and shall only be able to vote if the Overview and Scrutiny Committee so permit.
- 5.8 Where the Overview and Scrutiny Committee completes its consideration of a matter it will
- a. decide whether to make any recommendations to Cabinet/Council/publish its report
 - b. with regard to CCfA matter – report/make recommendations in accordance with the Local Government Act 2000 as amended
 - c. in relation to a crime and disorder matter – comply with the reporting requirements under the Police and Justice Act 2006 – as amended.
- 5.9 The Overview and Scrutiny Committee will receive and consider petitions – in particular hearing evidence from Senior Officers in relation to petitions received – as set out in the adopted Petition Scheme in Part 5.

Financial Procedure Rules

1.1 Introduction

The purpose of these rules is to provide a sound and published framework of financial control within which the whole Council must operate. They link in with other rules and procedures forming part of this Constitution for example the Budget and Policy Framework Procedure Rules at Part 4, the Responsibility for functions at Part 3, the Employee Code of Conduct at Part 5 and the Contract Procedure Rules at Part 4.

These Rules are approved by full Council and apply to every Member and officer of the authority and anyone acting on its behalf and all Members of the Council, Chief Officers, Heads of Service and the Council's Auditors will be issued with a copy of these Rules.

Section 151 of the Local Government Act 1972 requires that:

Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

The Council's Director of Resources shall be the officer appointed for the purposes of Section 151. He shall also be responsible for maintaining a continuous review of these Rules and submitting any recommendations for additions or changes necessary to the full Council for approval. He shall also be responsible for reporting, where appropriate, breaches of the Rules to the Council and/or Cabinet.

These Rules may be varied or revoked only by resolution of the Council including the financial levels set out herein which may be varied following a report from the Director of Resources.

All reports to Council, Committees, the Cabinet and individual Cabinet Members must contain a financial appraisal setting out the full financial implications arising from the proposal contained in the report. The financial appraisal must be agreed with the Director of Resources.

Each Head of Service is individually responsible for the proper financial management of the resources allocated to his/her service area through the budget making process and for the identification of income arising from activities within his/her operational area. This includes the control of staff and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores relating to his/her service area. Each Head of Service shall ensure that staff comply with the requirement contained in these Rules.

Assistance to ensure compliance with these Rules can be obtained from the Financial Services Business Unit.

These Rules aim to achieve financial propriety rather than to act as a barrier to action.

The Director of Resources may delegate in writing certain of his responsibilities within these Rules to his staff but must retain overall responsibility as the Section 151 officer.

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FINANCIAL PROCEDURE RULES

1. REVENUE EXPENDITURE

- (1) Every Cabinet Member shall, during each financial year, approve estimates of their income and expenditure for the following financial year. Such estimates shall firstly be prepared by the Director of Resources, the respective Chief Officers with the relevant Cabinet Member. The estimates shall then be submitted to the Cabinet who shall co-ordinate the recommendations of all the Cabinet Members. The Cabinet shall consider the estimates, together with such summaries, statements, reports and recommendations in relation thereto as they may require, and shall submit such estimates to the Council recommending any amendments they deem necessary and the Council Tax to be fixed for the ensuing year in accordance with the Budget and Policy Framework Rules at Part 4 of this Constitution.
- (2) A Chief Officer may authorise routine revenue expenditure in implementation of the Council's policy provided due provision has been made in annual budget (as subsequently amended by any approved virements) or the expenditure is genuinely unavoidable.
- (3) The Director of Resources shall provide each Chief Officer with periodic statements of income and expenditure in accordance with an agreed timetable under each head of approved estimate. It is the responsibility of each Chief Officer to monitor and regulate those items of income, expenditure commitments and orders under his control.
- (4) Any proposal to incur revenue expenditure or to reduce revenue income which is not included in the annual budget (as subsequently amended by virements) shall be submitted to the Council.
- (5) Virement within estimates shall be subject to the Director of Resources approved virement procedures at paragraph 3.
- (6) The funding decisions on use of balances and level of Council Tax will be considered by the Cabinet and recommended to full Council. The annual Council Tax will be set by full Council.

2. CAPITAL EXPENDITURE

- (1) Every Cabinet Member shall, during each financial year, approve a capital expenditure programme for the next following and subsequent financial years. Such programmes shall be prepared by the Director of Resources, respective Chief Officer and the relevant Cabinet Member for submission to the Cabinet and the Council.
- (2) Before embarking on any scheme included in the approved capital expenditure programme, the appropriate Officer shall submit details to the Cabinet Member concerned and shall incorporate a statement prepared in conjunction with the Director of Resources, showing estimated costs and probable initial and ultimate revenue charge as well as the proposed method of financing.

- (3) If during the course of the financial year the need for a capital scheme is identified by a Cabinet Member/the Cabinet, the scheme must be submitted to the Council with a recommendation that it be added to the capital expenditure programme in accordance with the Budget and Policy Framework Procedure Rules.
- (4) Progress reports of schemes, including reports of any significant variations and whenever practicable estimates of consequent costs or savings shall be regularly submitted to the appropriate Cabinet Member by the Officer.
- (5) The final certificate of completion of any contract shall not be issued until the appropriate Officer, private architect, engineer or consultant has produced to the Director of Resources a detailed statement of account and all relevant documents as required.
- (6) The Director of Resources shall to the extent he/she considers necessary examine final accounts for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as he/she may reasonably require in order to satisfy himself/herself as to the accuracy of the accounts.
- (7) The final cost of any scheme when ascertained shall be reported to the Cabinet or appropriate Cabinet Member and the Council by the Chief Officer concerned and the Director of Resources.

3. **VIREMENT**

Budget virement is a transfer of budget provision within or between budget headings and is an important mechanism in managing budgets efficiently within cash limits.

The approval limits on budget virement are shown in the following table and any variation to these limits must be agreed by full Council.

Amount *	Between	Approval Required
Up to £20k	Any virement	Director of Resources
£20k - £50k	Same Cost Centre or Service	Director of Resources
£20k - £50k	Different Services, either within a portfolio area or between portfolio areas	Cabinet
£50k - £100k	Any virement	Cabinet
Over £100 k	Any virement	Full Council

* Note: These limits are not per budget virement, but apply cumulatively to each individual expenditure code throughout the year.

4. ASSET REGISTER

- (1) An Asset Register is maintained by the Director of Resources for the management of the Council's fixed asset accounting. This register is updated annually and a review is carried out every five years by an independent valuer.
- (2) An Asset for inclusion in the register is defined as a fixed asset as being over a value of £10,000 and a life and use of over 1 year.
- (3) Assets are adjusted where appropriate for depreciation and where repairs and maintenance expenditure materially adds to the life of the asset.
- (4) It is the responsibility of Heads of Service to immediately notify any amendments, deletions or additions to the Director of Resources and provide any information or evidence required. This is also required for insurance purposes.

5. SALES OF CAPITAL ASSETS

- (1) Any proposal to lease or to sell land, buildings or other permanent assets shall be the subject of a report to the Cabinet Member concerned prepared by the appropriate Officers in conjunction with the Director of Resources, showing estimated proceeds and their application.
- (2) Any disposal other than:-
 - (i) leases not exceeding 7 years; or
 - (ii) sales not exceeding £5,000

(which are within the agreed Budget) shall be subject to report to the Council.
- (3) Any disposal of:-
 - (i) leases at a rack rent exceeding 40 years; or
 - (ii) sales exceeding £50,000

shall be subject to a recommendation to the Council.

6. INVENTORIES

- (1) Each Chief Officer shall prepare and keep up to date an inventory, wherein shall be recorded an adequate description of moveable plant and machinery, transport, furniture, fittings and equipment, office machinery and similar property belonging to the Council and under his/her control. The form in which the inventories shall be kept and the extent to which property shall be recorded is to be determined by the appropriate Chief Officer with the concurrence of the Director of Resources.
- (2) Each Chief Officer shall be responsible for maintaining an annual check of all items of the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.
- (3) The Council's property shall be marked as property of the Council and shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned.
- (4) The Director of Resources or his/her representatives may at all reasonable times have access to all such property of the Council and may make such checks and tests as he/she deems reasonable.
- (5) Responsibility for the inventory of all computer hardware and software shall lie with the Director of Resources.
- (6) Inventories shall be reviewed from time to time by Chief Officers in consultation with the Director of Resources for the consideration of arrangements for custody and adequate insurance cover.

7. BORROWING

- (1) The Director of Resources operation of the Council's borrowing shall be subject to:-
 - (i) the borrowing on behalf of the Council shall be undertaken by the Director of Resources;
 - (ii) the borrowing limits set by the Council under Section 45 of the Local Government and Housing Act 1989 (the Act);
 - (iii) all requirements and restrictions on borrowing established within the Act or by regulations issued under the Act.

8. INSURANCES

- (1) The Director of Resources shall effect all insurance cover and negotiate all claims in consultation with other Chief Officers where necessary.

- (2) Chief Officers shall give prompt notification to the Director of Resources of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- (3) Chief Officers shall forthwith notify the Director of Resources in writing of any loss, liability or damage or any event likely to lead to a claim and inform the Police unless otherwise decided.
- (4) All appropriate employees and volunteers of the Council shall be included in a suitable fidelity guarantee insurance.
- (5) The Director of Resources shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with other Chief Officers as appropriate.
- (6) Chief Officers shall consult the Director of Resources concerning the terms of any indemnity which the Council is requested to give.
- (7) Chief Officers shall notify the Director of Resources in advance of the acquisition of assets or on the onset of new risks which are likely to require insurance cover, together with an estimate of the cost or the required insurance cover, in order that cover can be arranged once delivery occurs or the risk materialises.
- (8) The Director of Resources shall in matters of urgency undertake to arrange immediate insurance cover where in his/her opinion this is deemed necessary to cover the risks.
- (9) The Director of Resources shall maintain the Insurance Fund each year.

9. BANKING ARRANGEMENTS

All bank accounts shall be in the name of South Bucks District Council and no bank account shall be opened without the authority of the Director of Resources. The Director of Resources shall be authorised, on behalf of the Council, to agree an overdraft facility with the Council's bankers as may from time to time be necessary.

Supplies of cheques shall be ordered only on the authority of the Director of Resources who shall make safe and efficient arrangements for the control, custody and issuing of cheques. He shall also make appropriate arrangements for the safe transit and transmission of cash and cheques. Main account cheques shall bear the facsimile signature of the Director of Resources or such other Officer as the Council may determine. Cheques over £20,000 to have two authorised signatures with at least one being a first signatory.

The computer printed name of the Director of Resources may be used for crossed cheques up to £20,000 and for open cheques up to £200.

All advance accounts shall be approved by the Director of Resources and be kept on an imprest basis.

10. IMPREST / PETTY CASH ACCOUNTS

- (1) Payments made from an imprest account shall be limited to minor items of expenditure and to such other items as the Director of Resources may approve and shall be supported by a receipted voucher as required. No income received on behalf of the Council may be paid into an imprest account but must be banked direct into the Council's bank account, or via the Council's cashiers facility.
- (2) It is a requirement that a certificate be produced by the responsible officer verifying the amount of float held at the end of each financial year and provided to the Director of Resources.

11. TREASURY MANAGEMENT

- (1) This Council adopts CIPFA's Code of Practice 2001 Treasury Management in Public Services.
- (2) A Treasury Management Policy Statement shall be adopted by the Council and thereafter its implementation and monitoring shall be delegated to the Director of Resources.
- (2a) All money in the hands of the Council shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer.
- (2b) The Director of Resources shall report to the Resources Portfolio Holder not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- (3) At or before the start of the financial year the Director of Resources shall report to the Resources Portfolio Holder on the strategy for treasury management it is proposed to adopt for the coming financial year.
- (5) All executive decisions on borrowing, investment or financing shall be delegated to the Director of Resources who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services.

12. ACCOUNTS AND AUDIT

- (1) The accounts of the Council shall be kept by the Director of Resources and all systems of accounting throughout departments shall be as agreed with him/her. All accounting procedures adopted shall reflect Local Government recommended professional practices and in accordance with legal requirements. The Director Resources shall from time to time make such recommendations to the Council regarding the accounting systems and financial operations as he/she may deem necessary.
- (2) 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.
- (3) A continuous internal audit, under the independent direction and control of the Director of Resources, shall provide an appraisal and review of the internal control system as a service to all levels of management and the Council as a whole. It will objectively examine, evaluate and report upon the adequacy of internal controls as a contribution towards the proper and efficient use of resources and to minimise the risk of irregularity occurring.

Management has the responsibility to establish internal control to:

- (a) ensure adherence to policies and directives in order to achieve the Council's objectives
 - (b) safeguard its assets
 - (c) secure the relevance, reliability and integrity of information, so ensuring as far as possible the completeness and accuracy of records.
 - (d) ensure compliance with statutory requirements
- (4) The Director of Resources or his/her authorised representative shall have authority to:-
- (a) enter at all reasonable times on any Council premises or land;
 - (b) have access to all records, documents and correspondence relating to any financial transactions of the Council; including those held by contractors
 - (c) require and receive such explanations as are necessary concerning any matter under examination; and
 - (d) require any employee to produce cash, stores or any other Council property under his/her control.
 - (e) require the assistance of employees at all levels of the Council in the preparation of internal audit reports.

- (5) At the end of each financial year, the Director of Resources shall submit to the Cabinet a statement of outturn of all revenue expenditure for approval and presentation to the Council. Following the completion of the audit the Director of Resources shall submit the accounts to the Cabinet for approval before 30 September each year, the accounts shall then be reported to the Council.
- (6) Subject to any instruction given by the Council to the Director of Resources, their systems of accounting control and the form of their accounts and supporting records shall be determined by that Officer, and he/she shall ensure that, subject to compliance with any such instruction as are mentioned above, the systems of accounting control determined by him/her are observed and that the accounts of the Council are kept up to date.
- (7) Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the authority, the Chief Officer concerned shall notify the Director of Resources who shall satisfy himself as to the arrangements for investigation, report and subsequent action.
- (8) The internal audit function shall be conducted in accordance with the latest professional guidance and its activity will be based on an annual plan and controlled in order to achieve the agreed objectives. Documents shall be produced and records shall be maintained to demonstrate adequate control and professionalism in the delivery of the audit service. The findings and recommendations from each audit review shall be included in a formal report which will be presented to the Director of Resources and also the Chief Executive.
- (9) To be agreed in advance with the Director of Resources, internal audit will carry out Value for Money exercises, and provide quality assurance advice and support as agreed with Chief Officers of the Council.

13. INCOME

- (1) The Director of Resources shall make and maintain arrangements for:-
 - (a) the financial organisation, accounting and bookkeeping necessary to ensure the proper recording of all sums due to the Council; and
 - (b) the collection, custody, control, disposal and prompt and proper accounting for all cash in all departments of the Council and has the right to inspect any documents or other evidence in this connection as he may decide.
- (2) All monies received on behalf of the Council in any department shall be deposited promptly with the Director of Resources.

- (3) Large amounts of cash shall not be held overnight unless this is unavoidable. Where money is held overnight, the amount must not exceed limits laid down by the Council's insurers and secure arrangements must exist for safe keeping (approved by the Director of Resources). Keys to safes must be kept by the approved key holder(s) and any loss of such keys must be reported to the Director of Resources immediately.
- (4) Officers must not under any circumstances borrow temporarily from the Council monies. Personal money must be kept entirely separate from Council monies and personal cheques must not be cashed out of money held on behalf of the Council.
- (5) Every transfer of official money from one member of staff to another must be evidenced in the records of the departments concerned by the signature of the receiving officer.
- (6) The Director of Resources shall maintain a Sundry Debtor System. All requests for Debtors to be raised shall be made on the form provided and signed by the relevant Head of Service. Reports of outstanding Debtors shall be provided monthly to relevant Head of Service.
- (7) All official receipt forms, account books, tickets and other financial items of a similar nature shall be in a form approved by the Director of Resources and shall be ordered, controlled and issued by him/her and all recorded and acknowledged except for car parking tickets which should be ordered, controlled and issued by the Director of Services, subject to the Director of Resources being satisfied with the control arrangements. The Chief Officer of each department shall be responsible for the safe custody and proper use thereof.
- (8) Particulars of all charges to be made for works done, services rendered or goods supplied by the various departments of the Council and of all other amounts due shall be promptly notified to the Director of Resources.
- (9) No new charges or changes in existing charges shall be made except upon a report (prepared by the Chief Officer concerned in conjunction with the Director of Resources) to initially the appropriate Cabinet Member, and ultimately a recommendation to the Council, except that:-
 - (a) the Director of Resources, in conjunction with the Chief Officer concerned, may increase the existing charges annually in line with inflation or take account of changes in the rate of VAT; or
 - (b) with the approval of the appropriate Cabinet Member, the Chief Officer, in liaison with the Director of Resources, may vary existing charges where in his opinion there is an urgent need or demand for changes in these charges, subject to a report being made to the next meeting of the Council.

14. WRITE OFFS OF DEBTS & LOSSES

- (1) No money due to, or inventory items of the Council shall be written off without the authority of the appropriate Cabinet Member except that the Director Resources may, after consulting any other Chief Officer concerned:-
 - (a) authorise the writing off of any loss of money or stores or inventory item not exceeding £500;
 - (b) approve the abandonment or remission of any claim for money due to the Council when the sum involved does not exceed £500;
 - (c) write off irrecoverable charges on bankruptcy or liquidation.

15. ORDERS

- (1) Except where a formal contract is made, all orders for work, goods and services shall be issued only on printed and consecutively numbered official order forms according to a design system approved by the Director of Resources provided that the Director of Resources may waive this requirement exceptionally in relation to particular orders such as supplies of public utility services, periodic payments, rent or rates, or otherwise.
- (2) Before an order is issued it shall be established that there is sufficient provision in approved estimates and/or other approvals have been obtained. The provisions of the Contract Procedure Rules shall be followed for obtaining tenders and quotations. The tendered or quoted price of the work, goods or services shall be stated on the order.
- (3) Oral orders shall be confirmed by written order prepared the same day. Any invoices received for which a written order cannot be traced shall be forwarded forthwith to the Director of Resources together with an explanatory memorandum. No Chief Officer shall use order forms other than those issued by the Director of Resources, and each Chief Officer shall be responsible for their safe custody and use.
- (4) All orders shall, so far as possible, be issued in sufficient detail to identify completely and accurately the work, goods or service required, and shall specify where applicable the quotation, contract or other relevant agreement.
- (5) Orders shall be authorised by the appropriate Chief Officer or other officer authorised by him after consultation with the Director of Resources to sign on his behalf, provided that officers authorised to sign orders shall sign in their own name. The names of officers authorised to sign such orders shall be sent, annually or on request, to the Director of Resources by each Director together with specimen signatories and shall be amended on the occasion of any change.
- (6) All orders shall be placed in accordance with the requirements of the Contract Procedure Rules in respect of the invitation of tenders and quotations.

- (7) An officer ordering materials shall consider the use of any central purchasing arrangements and to the possibilities of the standardisation of supplies and materials.
- (8) Any previously owned vehicle being purchased by the Council must be subject to a satisfactory data check on the vehicle's history by the Director of Resources before the Council is committed to the purchase of the vehicle.

16. PAYMENT OF EXPENDITURE

- (1) All payments by the Council, except payments authorised under imprest accounts, and payments of salaries and wages shall be made by the Director of Resources who shall satisfy himself from time to time that there are proper arrangements in place to ensure that any amount is properly due and only such amounts are paid by the Council.
- (2) Each Chief Officer shall be responsible for arranging to have checked and certified all invoices, claims and accounts and input where appropriate arising to be dealt with in his department as to their correctness in every respect. All such invoices, claims and accounts so checked and certified and complete with details of allocation and coding shall be passed without delay to the Director of Resources so that they may be processed for payment. The names of officers authorised to certify monies for payment shall be sent, annually or on request, to the Director of Resources by each Chief Officer together with specimen signatures, and shall be amended on the occasion of any change.
- (3) Chief Officers shall ensure that there is a division of duties between processing of orders, receipt of goods or services and certifying of invoices.
- (4) Certification shall mean:
 - (i) an official order has been issued in compliance with Regulation 14 or falls within the exceptions authorised by that Regulation;
 - (ii) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (iii) the prices, arithmetical accuracy, trade discounts, other allowances, credits and tax are correct and in accordance with quotations, contracts and valuations;
 - (iv) any VAT element of the payment has been correctly identified;
 - (v) the relevant expenditure has been properly incurred, is within the relevant estimate provision and is coded to the correct heads of expenditure;
 - (vi) the account has not been previously passed for payment and is a proper liability of the Council.
- (5) Every Chief Officer shall submit urgently and in sufficient time for the discount to be obtained all certified and checked invoices, claims and accounts subject to discount for prompt payment.

- (6) Each Chief Officer shall, to the extent requested by the Director of Resources and by the date specified, notify him of outstanding expenditure relating to the previous financial year.
- (7) Any voucher or other document relating to the financial transaction of the Council shall be retained for a minimum of 6 years.
- (8) When an invoice is found to be incorrect it must not be amended by an officer, but a revised account must always be requested from the creditor. Any alteration will result in the account being invalid for the purposes of VAT where applicable.
- (9) Payments will not be made on photocopies or fax copies of invoices.
- (10) Payment will be made direct to the creditor or his/her bank.
- (11) The payment of the sums due from the Council shall be made by the Director of Resources after entry on a Payments Schedule.
- (12) Payments Schedules shall be as follows:-
 - (a) a weekly Payments Schedule which shall be for routine payments;
 - (b) an Urgent Payments Schedule for payments not covered by (a) on a daily basis as required.

17. WAGES AND SALARIES

- (1) The payment of all salaries, wages, pensions and other emoluments and authorised payments to all employees or former employees of the Council shall be the responsibility of the Director of Resources.
- (2) The Chief Executive is responsible for initiating changes to the payroll and Chief Officers shall maintain such records and supply certified and authorised information to the Chief Executive as may be necessary to ensure the prompt and accurate payment of salaries, wages, pensions and other emoluments.
- (3) Chief Officers shall notify the Chief Executive as soon as possible, in the agreed form and manner of all matters affecting the payment of such emoluments and in particular:

appointments, resignations, dismissals and transfers
changes in remuneration, other than normal increments and pay awards and agreements in general

- (4) Chief Officers shall notify the Director of Resources in respect of :

absences from duty for sickness or other reason, apart from approved leave

information necessary to maintain records of service for pensions, income tax, national insurance and the like.
- (5) Time sheets in a form agreed with the Director of Resources shall be submitted to the Director of Resources and certified by the Chief Officer of the department concerned or certified by the appropriate delegated authorised Officer.
- (6) All records relating to salaries, wages, social security, superannuation and income tax payments of the Council's employees shall be kept by the Director of Resources who shall be responsible for the payment of such salaries and wages.

18. STORES

- (1) Each Chief Officer shall be responsible for the proper custody of stores held by him/her.
- (2) The accounts to be kept in connection with the receipt and issue of stores shall be in such form as shall be agreed with the Director of Resources and shall be subject to his/her examination and check at such times as he/she thinks fit.
- (3) The Director of Resources in conjunction with the Chief Officer concerned shall make such arrangements for stock taking as the Director of Resources may deem necessary.

19. SECURITY

- (1) Each Chief Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under his/her control.
- (2) Maximum limits for cash holdings in accordance with insurance shall be agreed with the Director of Resources and shall not be exceeded without his/her express permission.
- (3) Keys to safes and cash receptacles are to be carried on the person of those responsible at all times. The loss of any keys must be reported to the Director of Resources forthwith.
- (4) Each Chief Officer shall be responsible for maintaining appropriate security measures to ensure against unauthorised access to, or alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data in accordance with data protection legislation in force at any time.
- (5) The Director of Resources shall be responsible for maintaining proper security and privacy as respects information held in the computer installation or for its use.

20. TRAVELLING AND SUBSISTENCE ALLOWANCES ETC

- (1) Travelling claims should be completed for each calendar month and submitted, duly certified in a form approved by the Director of Resources, to the Payroll Section.
- (2) Claims for expenses (including rail fares) and subsistence must be accompanied by receipts showing VAT where applicable, and submitted to the Director of Resources.
- (3) Claims for mileage allowance will be paid with salary and not reimbursed through petty cash.
- (4) Claims must be authorised by the Chief Officer or appropriate delegated authorised signatory. Chief Officers shall be responsible for ensuring that for payment of travelling and subsistence expenses are checked as valid and accurate prior to certification. Certification by or on behalf of the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were made authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- (5) All officers who use their private cars for official journeys shall indemnify the Council against claims from third parties and shall produce their driving licence, insurance policies and/or renewal receipts as required by the Director of Resources.
- (6) Payments to Members travelling or other allowances, in accordance with the appropriate statutory provisions, will be made by the Director of Resources upon receipt of the prescribed form duly completed. Members are encouraged to submit claims on a monthly basis for expenditure to be accounted for within the appropriate month.

21. IRREGULARITIES

- (1) Where any officer has cause to suspect irregularity he/she shall inform his Chief Officer who will inform both the Chief Executive and the Director of Resources and provide facilities for investigation to the Council's Auditors, as stated in the Whistle-Blowing Charter adopted by the Council.
- (2) Should it be considered that irregularity has occurred or is occurring, the Chief Executive shall consider whether it is appropriate to inform the relevant Cabinet Member or Leader and prepare a report for the Policy Committee.

Contracts Procedure Rules

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Certain statutory provisions dealing with the proceedings and business of local authorities are relevant to these Rules. These are shown in italics, together with a reference to the Act and section, or if no Act is shown the section refers to the Local Government Act 1972. As a general rule the statutory provisions have been set out verbatim but in a few cases the requirements have been paraphrased.

These rules provide for tenders to be sought by way of an open/public tender or by way of selective tendering i.e. select list, standing list of approved contractors or the negotiated procedure.

Changes within Local Government and Best Value legislation is encouraging the Council to review the type and form of service delivery to ensure Best Value is obtained. This in turn leads to alternate methods of contracting i.e. Partnership Agreements/Preferred Bidders. Revision of procedures may be necessary to provide for such arrangements or for varying pre-qualification criteria for contractors.

Any proposals to vary these Rules for particular contracts/circumstances shall be in accordance with paragraph 16 hereof. These Rules shall otherwise apply unless an exemption under paragraph 14 can be relied on.

These rules were reviewed as a whole in December 2005, however, they are updated from time to time as necessary.

1. **CONTRACTS**

Section 135

- "(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.
- (3) Standing Orders made by a local authority with respect to Contracts for the supply of goods, or materials or for the execution of works shall include provision for securing competition for such Contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision Contracts for a price below that specified in Standing Orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a Contract with a local authority shall not be bound to ensure whether the Standing Orders of the authority which apply to the Contract have been complied with, and non-compliance with such orders shall not invalidate any Contract entered into by or on behalf of the authority."
- (5) Every Contract made by the Council, the Cabinet, a Committee or Officer acting on their behalf shall comply with the EU Treaty and with any relevant Directives of the EU for the time being in force in the United Kingdom and except as provided in (6) below with these Standing Orders.
- (6) Exemption from any of the following provisions of these Standing Orders may be made by direction of the Council, the Cabinet or of the appropriate Committee where they are satisfied the exemption is justified in special circumstances.
- (7) The reasons for every exception made by the Council, the Cabinet or a Committee shall be recorded in the minutes.

2. **PUBLIC PROCUREMENT**

- (1) Where the Council proposes to enter into a contract for the provision of works, supplies or services, and the value of the proposed contract is above the threshold laid down by the EU Public Procurement Rules, or where it is below the threshold but the appropriate Chief Officer shall so decide, then the procurement system and procedures contained in those Rules shall be followed.
- (2) The EU Public Procurement Rules prescribe the form of tendering procedures, notices to be given, invitations to tender, contract conditions, selection of tenderers, tender evaluation and timetable to be followed.
- (3) Compliance with the EU Public Procurement Rules shall exempt the Council from following Standing Orders 3, 4, and 5.

3. **INVITATION OF TENDERS OR QUOTATIONS**

Calculation of Contract Values

For the purpose of these Rules the value of a contract is to be calculated as the maximum cost / value to South Bucks over the full duration of the contract (including any possible extension period) or the best estimate thereof.

- (1) For contracts which are not subject to the EU Public Procurement Rules:-
- (a) Where the estimated value of a proposed contract exceeds **£60,000**, tenders shall be invited in accordance with Standing Order 4 or 5.
 - (b) Where the estimated value of the contract exceeds **£10,000** but does not exceed **£60,000**, no contract shall be entered into unless reasonable efforts to obtain at least three written quotations have been made.
 - (c) Where the estimated value of the contract exceeds **£3,000** but does not exceed **£10,000**, such contract shall be at the discretion of the Chief Officer provided that no contract shall be entered into unless reasonable efforts to obtain at least two written quotations have been made.
 - (d) Where the estimated value of the contract exceeds **£1,000** but does not exceed **£3,000**, such contract shall be at the discretion of the relevant Chief Officer or Head of Service provided a verbal or written quote has been obtained or the price is agreed at the time the order is placed.
 - (e) Where the estimated value of the contract does not exceed **£1,000**, such contract shall be at the discretion of the relevant Chief Officer, Head of Service or Team leader provided a verbal or written quote has been obtained or the price is agreed at the time the order is placed.
- (2) The following table summarises the procedures applicable to Tenders and Quotations:

Est. Total Aggregate Value (excl. VAT)	No. Tenders or Quotations	Submission	Opening	Acceptance	Seal
>£60,000	Min. 4 (unless fewer than 4 have applied or meet the qualification criteria)	Sealed Tender to Director of Resources	Chairman or Vice-Chairman of Committee, or relevant Cabinet Member and a Chief Officer and a representative from the Finance Section.	Report to Council or Cabinet (or as otherwise delegated by Council / Cabinet)	Yes
£10,000-£60,000	Min 3	Sealed Quotation to appropriate Chief Officer	A Chief Officer (or nominated representative) and a representative from the Finance Section.	Lowest - Chief Officer Other than lowest - report to Committee/Cabinet/Portfolio Holder responsible.	No

£1,000 - £10,000	Min 2	Written quotations to appropriate Chief Officer, Business Unit Head or Team Leader	N/A.	Chief Officer	No
< £1,000	N/A	N/A	N/A	Chief Officer, Business Unit Head or Team Leader	No

- (3) For the purposes of these Rules, where the estimated value of the contract falls within either paragraph 3 (1)(a), (b) or (c), complying with the procedure set out in that paragraph will satisfy these Rules notwithstanding that the tenders or quotes received may be lower than or exceed the limits of the paragraph such that a different procedure would have applied.

4. PUBLIC TENDERS

- (1) This Standing Order shall apply where the Council, the Cabinet or duly authorised Committee have decided to invite public tenders.
- (2) Public Notice shall be given via OJEU or by way of at least one other relevant website or otherwise in at least one local newspaper or a journal circulating among such persons or bodies who undertake such contracts inviting tenders for the contract. The notice shall state the nature and purpose of the contract, indicate where further details can be obtained, and invite tenders for its execution for return by a date and time fixed not less than 10 days after publication of the notice.

5. SELECTIVE TENDERING

- 1.(1) This paragraph 5.1 shall apply where the Council, the Cabinet or duly authorised Committee have decided that invitations to tender for a contract are to be made to some or all of those persons or bodies who have replied to a public notice.
- (2) Public notice shall be given via OJEU or by way of at least one other relevant website or otherwise in at least one local newspaper or a journal circulating among such persons or bodies who undertake such contracts.
- (3) The public notice shall:-
- (a) specify details of the contract into which the Council wishes to enter;
 - (b) invite persons or bodies interested to apply for permission to tender;
 - (c) specify the pre-qualification criteria to be applied; and
 - (d) specify a time limit, being not less than 10 days, within which such applications are to be submitted to the Council.

- (4) After the expiry of the period specified in the public notice, invitations to tender for the contract shall be sent to:-
 - (a) not less than four of the persons or bodies who applied for permission to tender who meet the pre-qualification criteria, selected by the Council, or
 - (b) where fewer than four persons or bodies have applied or less than four meet the pre-qualification criteria then all those who are considered suitable.
 - (5) Companies registered with Constructionline will be deemed to be pre-qualified to tender and consequently preference may be given to such companies when selecting persons/bodies to be invited to tender.
2. Where a standing list of approved contractors is sought to be compiled and maintained then the following provisions shall be complied with:
- (a)
 - i) the list shall be approved by the Council, Cabinet or appropriate Committee
 - ii) contain names of all persons/bodies who wish to be included and who are selected in accordance with a predetermined procedure and
 - iii) indicate in respect of a person or body whose name is so included, the category of contracts and values in respect of those categories for which approval has been given
 - (b) at least 4 weeks before the list is first compiled, notices inviting applications for inclusion are to be published in at least one local newspaper and at least one newspaper/journal circulating amongst such persons/bodies as undertake such contracts and shall specify the pre-qualification criteria to be applied for inclusion in the list
 - (c) any such list shall be reviewed at regular intervals of not less than 1 year and not more than 3 years
 - (d) any such list shall be open to inspection on request by any Councillor
 - (e) where invitations to tender are required for such works/services or goods/materials as are covered in the standing list then:
 - i) not less than 4 persons/bodies on the list shall be invited to tender or
 - ii) where fewer than 4 persons/bodies for the contract of the type requested appear on the list, all those persons/bodies on the list are invited to tender.

3. In relation to paragraph 5.1 and 5.2 above, the pre-qualification criteria shall include the contractors financial standing, technical ability and performance record and written details/references can be requested in relation to each criteria. Interviewing of potential contractors may also be appropriate on some occasions. Further criteria may be adopted in relation to specific contracts which should be submitted for the prior approval of the Council, the Cabinet/Cabinet Member or duly authorised Committee.
4. The Negotiated Procedure can be invoked where
 - a) one of the other tendering procedures has been previously used but the tenders received were not appropriate or no tenders were received
 - b) the relevant Chief Officer is satisfied such procedure is likely to obtain better value for money/terms
 - c) there is only one or very few contract providers
 - d) there is urgency resulting from unforeseen events
 - e) in exceptional cases where the nature of the contract cannot be fully defined in advance.
 - in all cases the approval of the Council, the Cabinet or relevant Committee must receive a report justifying the basis of the decision to implement this procedure and must approve the persons/bodies to be negotiated with.

6. **SUBMISSION OF TENDERS AND QUOTATIONS**

- (1) Every invitation to tender issued shall state:-
 - (a) that no tender will be considered unless it is in a plain sealed envelope bearing the word "Tender" followed by the subject to which it relates but bearing no name or mark indicating the sender;
 - (b) the criteria subject to which tenders will be evaluated (examples of which are price/cost, quality, capability, commitment, affordability and/or results);
 - (c) that acceptance of tenders will be based on the price which is the most economically advantageous;
 - (d) that the Council does not bind itself to accept the lowest or any tender;
 - (e) that tenders must be held open for acceptance for a specified period of not less than 90 days;

(f) that rectification of any error or omission in a tender shall be subject to the approval of the Council's Head of Legal Services.

- (2) All tenders shall be sent to and kept in the custody of the Director of Resources until they are opened.
- (3) No tender received after the time and date specified in the invitation or notice shall be accepted or considered.
- (4) Quotations shall be returned in a plain sealed envelope bearing the word "Quotation" followed by the subject to which they relate but bearing no name or mark indicating the sender and shall be sent to and kept by the appropriate Chief Officer until they are opened.

7. OPENING OF TENDERS AND QUOTATIONS

- (1) Tenders received under Standing Orders 2, 4, and 5 shall be opened at one time in the presence of:-
 - (a) the Chairman or Vice-Chairman of the appropriate Committee or the relevant Cabinet member or in his/her absence another member of the Cabinet; and
 - (b) a Chief Officer and a financial representative.
- (2) Quotations received under Standing Order 3(1)(b) shall be opened at one time in the presence of the appropriate Chief Officer (or his nominated representative) and a representative from the Finance Section.
- (3) Quotations received under Standing Order 3(1)(c) shall be opened by the relevant Chief Officer, Business Unit Head or Team Leader as appropriate.

8. ACCEPTANCE OF TENDER AND QUOTATIONS

- (1) A tender for a proposed contract which exceeds £60,000 in value shall not be accepted until the Council or the Cabinet (or as otherwise delegated by the Council or the Cabinet) shall have considered a written report from the appropriate Officer or other person.
- (2) A quotation for a proposed contract which exceeds £10,000 but is less than £60,000 in value and which is the lowest received may be accepted by the Chief Officer; a quotation other than the lowest received shall not be accepted until the Committee/Cabinet/Portfolio Holder responsible has considered a written report from the appropriate officer or relevant Cabinet Member.
- (3) A quotation for a proposed contract which is less than £10,000 in value may be accepted by the Chief Officer.

9. **POST CONTRACT MEETINGS**

All meetings should be minuted and placed on project files for further reference. Minutes should be circulated to both parties.

10. **NOMINATED SUB-CONTRACTORS OR SUPPLIERS**

Where a Sub-Contractor or Supplier is to be nominated to a main contractor, Standing Orders, 3, 4, 5, 6, 7 and 8 above shall apply and the terms of the invitation shall require an undertaking by the tenderer that if he/she is selected he/she will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the work or supply included in the sub-contract.

11. **COST ESTIMATE**

Before entering into a contract for the execution of any work or the supply of services or goods or materials exceeding £60,000 the Council shall obtain from the appropriate Officer or other person an estimate in writing of the probable expense of executing the work/undertaking the supply in an approved form and of the annual expense of maintaining it.

12. **SEALING**

Every contract which exceeds £10,000 in value or amount shall be in writing and in a form agreed by the Head of Legal Services and every contract which exceeds £60,000 shall be under the Common Seal of the Council.

13. **CONTRACT CONDITIONS**

Liquidated Damages

- (1) Every contract which exceeds £60,000 in value or amount and is either for the execution of works or for the supply of services or goods or materials otherwise than at one time shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

British Standards

- (2) Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that standard or with the national standard of another Member State of the EU an international standard recognised in another Member State and offering equivalent guarantees of safety, suitability and fitness for the purpose.

Performance Bond

- (3) In respect of every contract the value of which exceeds £250,000 for the supply of services or goods or materials or for the performance of any work the relevant Chief Officer, in consultation with the Director of Resources and the Head of Legal Services, shall determine whether a performance bond or parent or other company guarantee shall be required and if so the value thereof, and to seek the approval of the Resources Portfolio Holder to the proposal.

Bribery and Corruption

- (4) There shall be inserted in every formal contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if the acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1906 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

Equal Opportunities

- (5) Contractors will be required to comply with and not to unlawfully discriminate in the provision of employment or services in accordance with the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 or any statutory modifications or re-enactments thereof and shall use all reasonable endeavours to comply with any Code of Practice issued by the Commission for Racial Equality under the 1976 Act. The Contractor will also be required to use take all reasonable steps to secure observance of the above provisions by all servants, employees or agents and sub-contractors employed in the execution of the contract. If the Contractor has an equal opportunity policy, then Council shall be supplied with a copy thereof.

Best Value

- (6) Every Contract shall make appropriate provisions for Best Value as defined by the Local Government Act 1999 which places a duty on local authorities to secure continuous improvement in the way in which functions are exercised having regard to a combination of economy, efficiency and effectiveness. Contracts shall also make provision for the Contractor to provide/supply to the Council any information necessary to

monitor the performance of the contract and achieve the targets set out in the Councils BVPP.

Health and Safety

- (7) Contractors will be required to take all such precautions necessary to protect the health and safety of all members of the authority's staff, members of the public and persons employed or contracted by the Contractor and shall comply with the requirements of the Health and Safety at Work, etc. Act 1974 (including any amendment or re-enactment thereof) and of any other Acts, Regulations or Orders pertaining to the health and safety of the staff of the authority, the public or the contractors employees/contractors.

Insurance

- (8) The Contractor must have valid insurance for the term of the contract. The officer managing the contract must put in place adequate arrangements to ensure that the insurance is renewed if it falls for renewal during the term of the contract.

Data Protection

- (9) Contractors must comply with all current data protection legislation including the Data Protection Act 1998. As a data processor, the Contractor will be required to process personal data only in accordance with the Council's written instructions and to put in place security measures to comply with the seventh data protection principle.

Freedom of Information

- (10) Every contract shall make provision for the Contractor to assist the Council in meeting any requests for information relating to the contract made in connection and in accordance with the Freedom of Information Act 2000 or any statutory modification or re-enactment thereof. The Contractor will be required to furnish all information in relation to such requests as the Council shall reasonably require within the period and in a form specified in a notice served from time to time on the Contractor.

14. WHEN TENDERS NEED NOT BE INVITED

Tenders need not be invited or quotations obtained in the following cases:-

- (1) In the case of contracts for the supply of goods or materials:-
- (a) the goods or materials are proprietary articles or are sold only at a fixed price and no reasonably satisfactory alternative is available;
 - (b) the prices of the goods or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available; or

- (c) for other reasons, there would be no genuine competition.
- (2) The work to be executed or the services or goods or materials to be supplied constitute an extension of an existing contract such an extension to be approved by both the Committee responsible (if appropriate) and the Cabinet.
 - (3) The contract is for the execution of work or the supply of services or goods or materials which in the opinion of the Chief Officer concerned is required so urgently as not to permit the obtaining of quotations or the invitation of tenders; in such case the Chief Officer is so authorised to act immediately and shall report to the next meeting of the Committee/PAG responsible or Cabinet.
 - (4) The work to be executed or the services or goods or materials to be supplied consist of repairs to or the supply of parts of existing proprietary machinery or plant.
 - (5) Tenders shall have been invited on behalf of any consortium or collaboration or similar body of which the Council is a member in accordance with any method adopted by such a body. Provided that where tenders are so invited by an Officer of the Council, the delivery, opening and acceptance of tenders shall comply with the provisions of these Standing Orders, save where those provisions are inconsistent with any by which tenders so obtained on its behalf are dealt with.
 - (6) The goods, materials, services or works are obtainable from only one or a limited number of specialist suppliers or contractors providing that quotations are requested or tenders invited from all known specialist suppliers or contractors.
 - (7) There is a pre-existing consortium or local authority contract in place which the Council is entitled to use or be a party to and Members agree that the pre-existing contract will provide value for money for the authority.

15. **ENGAGEMENT OF CONSULTANTS**

Consultants or private professional people engaged by the Council shall be subject to the provisions of these Standing Orders. Reference should also be made to the advice for officers in the Council's "Guide of Employing & Using Consultants".

16. **VARIATION OF STANDING ORDERS**

These Standing Orders may be varied or revoked only by resolution of the Council on the recommendation of a Committee or the Cabinet, provided that the financial levels set out (shown underlined) may be varied from time to time by resolution of the Council having considered a report from the Director of Resources.

Officer Employment Procedure Rules

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Regulations").

1. Recruitment and appointment

(a) Declarations

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

(b) Seeking support for appointment.

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

2. Recruitment of officers

Where the Council proposes to appoint an officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service, Chief Officers and Heads of Service

- (a) Subject to paragraph 4 below, the full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Panel of the Council.
- (b) Subject to paragraph 4 below, an Appointments Panel of the Council will appoint chief officers.

(For the purposes of paragraph 3 (a) and (b) an Appointments Panel shall comprise a minimum of four and a maximum of six members including the Leader, relevant Cabinet members and a non-majority group member to provide political balance).

- (c) Subject to paragraph 4 below, the appointment of officers as Heads of Service is the responsibility of the relevant Chief Officer in consultation with the Head of Paid Service.

4. Offer of Appointment as Head of Paid Service, Chief Officer or Head of Service

An offer of appointment as Head of Paid Service, a chief officer or Head of Service must not be made by the Council until:

- (a) the Appointments Panel, in the case of the Head of Paid Service or Chief Officers or the relevant Chief Officer in the case of Heads of Service, has notified the Proper Officer of the name of the person to whom an offer is proposed and any other particulars which it considers are relevant to the appointment;
- (b) the Proper Officer has notified every member of the Cabinet of:
 - (i) the name of the person to whom an offer is proposed;
 - (ii) any other particulars relevant to the appointment which have been notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and

- (c) either:
- (i) the Leader has, within the period specified in the notice under subparagraph (b)(iii), notified the Appointments Panel or the relevant Chief Officer as the case may be that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the Appointments Panel or the relevant Chief Officer as the case may be that no objection was received by him within that period from the Leader; or
 - (iii) the Appointments Panel or the relevant Chief Officer as the case may be is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

(For the purposes of this paragraph 4 "Proper Officer" means an officer appointed by the Council for this purpose in accordance with the Regulations and can be a different officer depending on the appointment being made).

5. **Disciplinary action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action other than suspension as set out above may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a "designated independent person", as defined by and appointed in accordance with the powers set out in Regulation 7 of the Regulations.

6. **Dismissal of Head of Paid Service, Chief Officers or Heads of Service**

- (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee or sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, or sub-committee or other officer, as the case may be. Where a committee or sub-committee is formed for this purpose, at least one member of the Cabinet must be a member of that committee/sub-committee which must otherwise be politically balanced.

- (2) Subject to paragraph 5, notice of the dismissal of the Head of Paid Service, a Chief Officer or a Head of Service must not be given by the dismissor until:
- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Cabinet of:
 - (i) the name of the person to who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and
 - (c) either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (iii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the Leader; or
 - (iv) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

(For the purposes of this paragraph Proper Officer will have the same meaning as paragraph 4 and as defined in the Regulations).

- (3) In the case of the Head of Paid Service, full Council must approve that dismissal before the notice of dismissal is given.

7. **Other Officers**

- (a) **Officers below Heads of Service.** Appointment, dismissal or the taking of disciplinary action against officers below Heads of Service (other than assistants to political groups) is the responsibility of the Head of Paid Service or an officer nominated by him which will be the relevant chief officer, unless otherwise stated.
 - (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
8. Councillors will not be involved in the appointment, dismissal or discipline of any officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct through the Council's disciplinary, capability and related procedures as adopted from time to time which may allow a right of appeal to members in respect of dismissals.
9. Nothing shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:
- (a) another person against a decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of or taking disciplinary action against that member of staff.

10. **Appointments to be on Merit**

All appointments (other than as an Assistant to a Political Group) shall be made on merit irrespective of race, ethnicity, gender, or religious or political beliefs or affiliations.

11. Except as reserved herein, disciplinary action shall be discharged by the Head of Paid Service or by an officer nominated by him and in accordance with the procedures adopted and/or amended by the Council from time to time.