

PART 3

STANDING ORDERS

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BRENT COUNCIL STANDING ORDERS

All or part of those Standing Orders written in italics and marked with an asterisk cannot be suspended, or waived or may only be suspended or waived in limited ways. The intention is to give members guidance as to when to seek legal advice before moving suspension or waiver. This only applies to meetings of Full Council, as neither committees nor sub-committees or the Cabinet are permitted to suspend or waive Standing Orders.

GENERAL

1*. **Constitution to be provided to members**

A copy of the Constitution is available to every member of the Council on the Council's intranet and a copy shall be made available by the Head of Executive and Member Services upon request.

2. **Suspension of Standing Orders**

These Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived.

3. **Variation and Revocation of Standing Orders**

These Standing Orders may only be varied or revoked at a meeting of Full Council or in accordance with Article 1 of Part 2 of the Constitution.

4. **Mayor's Rulings Under Standing Orders**

- (a) The Mayor shall decide on the construction, interpretation or application of these Standing Orders in relation to the proceedings at a meeting of Full Council.
- (b) The decision of the Mayor under this Standing Order or under any other power contained in these Standing Orders when notified to the Council shall take effect forthwith unless two members of the Council indicate dissent by rising in their places in which case the Mayor's decision shall be treated as a proposal to be effective only if confirmed by the Council on a vote and the Mayor's proposal shall be put to the vote at once without any discussion.

5. **Notice to be given**

Any notice or request required to be given under these Standing Orders is required to be given in writing and be received by the person or body specified by 12 noon on the day in question unless otherwise specified.

6. **Form of Notice**

- (a) Subject to paragraph (b) below, any notice or request or motion required to be signed by members shall be submitted to the Head of Executive and Member Services and shall be signed by the required number of such members at the offices of the Head of Executive and Member Services. The Head of Executive and Member Services shall have delegated authority to take such action as is necessary to respond to any such notice, request or motion signed by the requisite number of members.

- (b) Any request under Standing Order 20 shall be made in writing and submitted in person, by letter, by email or by facsimile and:
- (i) In the case of a request submitted in person, by letter or by facsimile shall be signed and the signature(s) shall be the original signature of the member(s).
 - (ii) In the case of a request submitted by facsimile, it shall be sufficient if the signature is not photocopied or a stamp signature.
 - (iii) In the case of a request submitted by email, the email shall be from a member's individual address and not from that member's group office.
 - (iv) Shall include the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in Standing Order 20 has been reached.
 - (v) Maybe made on the Call-in form available from member's group offices, and may include members' suggested alternative proposals, action, or resolution.

7. Interpretation

- (a) References to the Mayor shall include the Deputy Mayor when acting in his or her absence (or in relation to Chairing a meeting of Full Council any other member selected at a meeting of Full Council to chair it if not the Deputy Mayor).
- (b) References to the Leader shall include the Deputy Leader when acting in his or her absence and shall include any other member of the Executive who in the absence of the Leader and the Deputy Leader is nominated by the Leader to act or if no such nomination is made the person nominated by the Deputy Leader to so act.
- (c) References to days shall unless otherwise specified be to clear working days. Clear working days means excluding the day on which the notice is given and the day of the meeting or other event or action to which it relates.
- (d) Other words and phrases shall unless the contrary intention is clear have the meaning given in the definitions section of the Constitution.
- (e) Except as provided in Standing Order 4 the Chief Legal Officer shall advise on the construction, interpretation or application of any part of the Constitution.

8. Access to Information

The Access to Information Rules which apply to meetings and documents are set out in the separate Access to Information Rules forming part of the Constitution.

9*. Motions relating to confidential or exempt information

If any matter arises at a meeting of Full Council or the Cabinet (or a committee or sub-committee thereof) and in respect of which any confidential or exempt information may be disclosed or discussed then in the case of confidential information that matter shall not be the subject of further discussion; and in the case of exempt information that matter shall not be the subject of further

discussion until Full Council or the Cabinet or the committee or sub-committee as the case may be has decided whether or not the power of exclusion of the public as set out in the Access to Information Rules shall be exercised.

10*. Motions Involving Expenditure

No decision of the Council which involves the expenditure of money for which there is no budgetary provision shall be implemented in any way until such budgetary provision has been made.

THE EXECUTIVE ARRANGEMENTS

11. Form of Executive Arrangements

The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.

12. Appointment of the Cabinet

- (a) The Cabinet shall be appointed in accordance with Article 7 of the Constitution

13. Vote of No Confidence

- (a) The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

14. Executive Functions

- (a) All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.
- (b) The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.
- (c) The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.

15. The Forward Plan

- (a) The Head of Executive and Member Services shall in accordance with the Access to Information Rules, publish a Forward Plan of the matters in respect of which Key Decisions will be made by the Cabinet (including officers making Key Decisions) and any other matter which the Head of Executive and Member Services considers should be included in the Forward Plan.
- (b) Except as provided for in Standing Order 16 all decisions to be taken by the Cabinet must be included in the Forward Plan in accordance with the Access to Information Rules.

16. Urgent Decisions not on the Forward Plan

- (a) If the Cabinet (including officers making Key Decisions) is proposing to take a decision which is not included in the Forward Plan then the decision may only be taken if:-

- (i) the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;
 - (ii) the Head of Executive and Member Services has informed the Chair of the Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;
 - (iii) the proper officer has made copies of the notice given to the Chair of the Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and
 - (iv) at least 5 clear days have elapsed since the notice was given to the Chair of the Scrutiny Committee or, where that is not reasonably possible, the Chair of the Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.
- (b) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.

17. Meetings and Decisions of the Cabinet

- (a) The Cabinet will meet to take decisions on such matters which relate to executive functions as the Cabinet has been delegated by the Leader unless there is no business to consider and that meeting will be open to the press and public except to the extent that the press and public are excluded during the consideration of any confidential or exempt information, as set out in the Access to Information Rules.
- (b) Members of the Council who are not members of the Cabinet and members of the public may only attend and speak at private meetings of the Cabinet if invited to do so by the Leader or if the Cabinet at the relevant meeting so decides and only then for the period so permitted.
- (c) The Quorum for meetings of the Cabinet and its committee(s) shall be 3.
- (d) The rules for debate at the meetings of the Cabinet shall be determined by the Cabinet.
- (e)* *Any decision taken by the Cabinet shall be taken following the consideration of a written report and after having taken into account all legal, financial and other relevant implications, the responses to any consultation and the comments received from the Scrutiny Committee and any previous meeting of Full Council where the matter the subject of the decision was considered.*
- (f)* *Any decision of the Cabinet shall be taken in accordance with all current legislation, these Standing Orders and the other applicable rules contained in the Constitution.*

- (g) Minutes of the meeting shall be taken by an officer, such minutes to reflect the requirements contained in the Access to Information Rules for a record of Key Decisions (and certain other decisions) to be maintained.
- (h) Minutes of each Cabinet meeting shall be put before the next ordinary meeting of the Cabinet for approval as a correct record and as soon as they are so approved the Leader shall sign them.
- (i) The decisions of the Cabinet shall be published in a List of Cabinet Decisions and the list shall, be published within 48 hours of the meeting at which the decisions were made.

18. Decisions Contrary to the Policy Framework and the Budget:

- (a) *Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.*
- (b) *According to statute, any function in respect of which the Leader, the Cabinet, or a committee of the Cabinet— has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration in accordance with Standing Order 276, except as provided in paragraph (c).*
- (c) 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 may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-
 - (i) it is not practical to convene a quorate meeting of Full Council; and
 - (ii) the Chair of the Scrutiny Committee agrees that the decision is a matter of urgency.
- (d) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (e) Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

19. Virement, transfers and in-year changes to policy

- (a) Full Council will, subject to paragraph (b) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.

- (b) No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (a) above.
- (c) The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (a) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-
 - (i) such change is necessary to ensure compliance with the law or a ministerial direction; or
 - (ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or
 - (iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.

and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.

20. Call in of Cabinet and Officer decisions

- (a) If:-
 - (i) the Scrutiny Committee decides; or
 - (ii) five non- cabinet members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) request

that any Key Decision made by the Cabinet or committee of the Cabinet or officers be called in for scrutiny then the Scrutiny Committee shall consider that decision at its next meeting which unless otherwise determined by the Leader shall in the case of a decision made by the Cabinet or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Head of Executive and Member Services as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

- (b) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. The request for Call In must be received by 6 pm on the 5th day. Any request to call-in shall be made in accordance with Standing Orders 5 and 6 and the process set out in the call-in protocol included in Part 7 of this Constitution.
- (c) Any decision which has been called in pursuant to paragraph (a) above which has not been implemented prior to the date on which the decision maker receives notification of the call in from the Democratic Services Manager shall not be implemented until the Scrutiny Committee has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the Scrutiny Committee, needs to be implemented as a matter of

urgency and should not be delayed. The Cabinet shall report to the next ordinary meeting of Full Council details of any such urgent decisions and the reasons why the decision needed to be implemented as a matter of urgency.

- (d) In considering the call-in Scrutiny Committee shall have regard to the call-in protocol and determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.
- (e) If the Scrutiny Committee recommends to the decision maker that it should reconsider the decision or matter then
 - (i) in the case of a decision made by the Cabinet the Cabinet shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the matter is referred to Full Council for further consideration under Standing Order 21; or
 - (ii) in the case of a key decision made by an officer, the officer who made the key decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 21.

21. Referral of Called in Decisions to Full Council

- (a) If, following consideration by the Scrutiny Committee of a called in decision, at least 10 members of the Council (not including the independent or co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.
- (b) Any request to refer such a decision to Full Council, in accordance with paragraph (a) above, shall be made in writing, together with the reasons for the referral and may include details of any suggested alternative proposal, action, or resolution (standard forms are available from member's group offices), to the Head of Executive and Member Services within 5 days of the date on which the Scrutiny Committee met in accordance with Standing Order 18(a) or the date on which the decision maker reconsidered their decision in accordance with Standing Order 18(e) if later. The Head of Executive and Member Services shall forthwith copy the request and the reasons to the Leader.
- (c) The Leader shall include in his or her report to Full Council any comments of the Cabinet on the referral and the reasons given therefore.
- (d) Full Council may make such recommendations to the Cabinet as it sees fit and the Cabinet shall, if the recommendations relate to a function which is properly exercisable by the Cabinet, take into account but shall not be obliged to accept those recommendations.

[Paragraph number 22 not used]

THE POLICY FRAMEWORK AND THE BUDGET

23. The Framework for Cabinet decisions

Full Council will be responsible for the adoption of the Council's Policy Framework and the Budget. Once a budget or a policy is in place, it will be the responsibility of the Cabinet to implement it in so far as it relates to executive functions.

24. Developing proposals for the budget and capital programme

- (a) In the case of the Council's annual budget and the capital programme, the Scrutiny Committee shall, prior to the First Reading Debate, meet (on more than one occasion if necessary) to consider the financial position statement prepared by the Chief Finance Officer, and to receive evidence from Strategic Directors regarding what they consider to be the critical issues for their respective departments.
- (b) The Cabinet shall present a report from the Chief Finance Officer to Full Council setting out the financial position of the Council, financial forecasts for the following year and the possible expenditure priorities of the executive. There shall then be a debate on the issues raised in that report held in accordance with Standing Order 44 hereinafter called a "First Reading Debate".
- (c) Following the First Reading Debate a record of the debate shall be made available on the Council's website.
- (d) The Scrutiny Committee shall then meet again (on more than one occasion if necessary) to consider the Report to Full Council and the issues raised during the First Reading Debate. The Committee may receive evidence from Cabinet Members and others and shall then produce a report setting out its view of the budget priorities and any other issues it considers relevant. This report shall be submitted to each Cabinet Member and each Group Leader in order to inform budget proposal discussions.
- (e) Prior to being agreed by the Cabinet, the Cabinet's budget proposals shall be sent to members of the Scrutiny Committee which will then meet (on more than one occasion if considered desirable) to consider the proposals, and, if it wishes, to receive evidence from Cabinet Members and others. The committee shall submit a note of its deliberations and comments on the proposals to the Cabinet.
- (f) Prior to agreeing its budget proposals the Cabinet shall take into account the issues raised at the First Reading Debate and the note of the deliberations and comments from the Scrutiny Committee submitted to the Cabinet under paragraph (e).
- (g) A meeting of Full Council shall be convened in accordance with Standing Orders for the purpose of agreeing the Council's budget and setting the Council Tax.
- (h) Where, before 8th February in any financial year (but not otherwise), the Cabinet submits to Full Council for its consideration in relation to the following financial year:
 - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 36 or 43 to 47 of the Local Government Finance Act 1992;

- (ii) estimates of other amounts to be used for the purposes of such a calculation; or
- (iii) estimates of such a calculation

(other than those required in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992) and following consideration of those estimates or amounts Full Council has any objections to them it must then comply with the following paragraphs of this Standing Order.

- (i) Before Full Council makes any calculation (whether originally or by way of substitute) in accordance with any of the sections referred to above, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with Full Council's requirements.
- (j) Where Full Council gives instructions in accordance with the above sub-paragraph, it must specify a period of at least five days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-
 - (i) submit a revision of the estimates or amounts as amended by the Cabinet("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to Full Council for Full Council's consideration; or
 - (ii) inform Full Council of any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for any such disagreement.
- (k) When the period specified by Full Council, referred to in the previous paragraph above has expired Full Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to above , take into account:-
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Cabinet's reasons for those amendments
 - (iii) any disagreement that the Cabinet has with any of Full Council's objections; and
 - (iv) the Cabinet's reasons for that disagreement

which the Leader submitted to Full Council, or informed Full Council of, within the period specified.
- (l) In the event that there is a dispute between the Cabinet and Full Council on all or any part of the Capital Programme which cannot be resolved at the relevant meeting, Full Council shall instruct the Cabinet to reconsider their proposal in accordance with paragraphs (i) and (j) of Standing Order 26 below.

25. Developing plans, policies and strategies forming the Policy Framework

- (a) In the case of a plan, policy or strategy forming part of the Policy Framework which is to be subject to a First Reading Debate, the Cabinet shall present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy. There shall then be a First Reading Debate on the issues raised in that report.
- (b) Following the First Reading Debate, Full Council may refer the report and any issues raised at the meeting to the Scrutiny Committee as appropriate. The committee may canvass the views of local stakeholders, in particular relevant Consultative Forums if it considers it appropriate but having particular regard not to duplicate any consultation carried out by the Cabinet.
- (c) Following the referral of the report to it under paragraph (b) above, the Scrutiny Committee shall report to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of the First Reading Debate unless Full Council considers that there are special circumstances that make this timescale inappropriate in which case Full Council will specify the period within which the response must be reported.
- (d) In the case of a plan, policy or strategy forming part of the Policy Framework which is not to be subject to a First Reading Debate a report setting out the various issues in respect of the plan, policy or strategy shall be submitted to the Scrutiny Committee. The committee may canvass the views of local stakeholders in particular, relevant Consultative Forums if it considers it appropriate, but having particular regard not to duplicate any consultation carried out by the Cabinet.
- (e) Following the submission of the plan, policy or strategy to it under paragraph (d) above, the committee shall provide comments to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of receipt of the report unless the Leader considers that there are special circumstances that make this timescale inappropriate in which case the Head of Executive and Member Services will, on behalf of the Leader, specify the period within which the response must be reported to it.
- (f) The report will be referred to the Scrutiny Committee under paragraphs (b) and (d) above by sending a copy to the Head of Executive and Member Services who will forward them to the Chair of the committee.
- (g) Having considered any comments received from the Scrutiny Committee and the matters noted at any First Reading Debate, the Cabinet may then agree its proposed plan, policy or strategy which shall then be reported by the Leader to Full Council for consideration and determination together with details of how the Cabinet has taken into account any recommendations received from the committee.
- (h) Full Council will consider the proposals of the Cabinet and may adopt them or may decide that it has objections to them or may decide that it would be minded to adopt them subject to certain amendments. Where Full Council objects to or wants to amend the proposals, then before it amends or adopts them or approves them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval, it must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Cabinet to reconsider the proposals in the light of those objections.
- (i) Where Full Council gives instructions in accordance with the preceding paragraph, it must specify a period of at least 5 days beginning on the day after

the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may submit to Full Council for reconsideration either a revised draft of the plan, policy or strategy together with the Cabinet's reasons for any amendments or details of those aspects of Full Council's objections that the Cabinet disagrees with and the reasons for any such disagreement.

- (j) When the period specified in the preceding paragraph has expired Full Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval take into account any amendments, included in any revised draft plan, policy or strategy submitted by the Cabinet within the required period as set out above, the Cabinet's —reasons for those amendments, any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for that disagreement.
- (k) Any member wishing to put forward an alternative proposal in respect of a plan, policy or strategy forming part of the Policy Framework shall submit the proposal in writing to the Head of Executive and Member Services at least 10 days before the meeting at which the First Reading Debate is to take place or in the case of a plan, policy or strategy which is not the subject of a First Reading Debate at least 15 days prior to the end of the consultation period specified by the Executive. The Head of Executive and Member Services shall number such written alternative proposals in the order in which they are received and shall arrange for them to be circulated to all members of the Council as soon as possible after having received them and prior to the meeting at which any First Reading Debate is to take place or the next meeting of the Scrutiny Committee at which the plan, policy or strategy will be considered.

26. Cabinet Decisions Outside the Policy Framework and the Budget

Full Council may in respect of any decision which the Cabinet has purported to take or is minded to take which is referred to Full Council for consideration under Standing Order 186(b):-

- (a) itself take a decision on the matter and/or
- (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision (in which case the matter could be remitted to the Cabinet for a decision if the decision was not in fact taken by Full Council under paragraph (a) above or
- (c) instruct the Cabinet to reconsider the matter and reach a decision which is in accordance with the existing Policy Framework and the Budget or with any other recommendations Full Council is minded to make (e.g. a special exception).

MEETINGS OF FULL COUNCIL

27. Types of Meeting

- (a) Full Council shall hold an **Annual Meeting** each year, to be held on such day in the month of March, April or May as the Council may determine.
- (b) The Council may in every year hold, in addition to the Annual Meeting, such other meetings on such days as it may determine which shall be called **Ordinary Meetings**.
- (c)* *A meeting called by the Mayor (or, in the absence of the Mayor, by the Deputy Mayor) or otherwise called under the provisions of paragraph 3 of Part I of Schedule 12 of the Local Government Act 1972 is referred to as an “**Extraordinary Meeting**”.*
- (d) If required by law or otherwise a **Special Meeting** may be held for the principal purpose of transacting a specific item or specific items of business.

28. Time of Meeting

All Ordinary Meetings of Full Council shall be held at 7.00 pm at Brent Civic Centre, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Head of Executive and Member Services.

–The Annual Council Meeting shall be held at Brent Civic Centre, or as otherwise determined by Full Council, at a time to be decided by the Head of Executive and Member Services.

29. Intervals

At any meeting of Full Council there may be an interval if the Mayor so directs and, if he or she does so direct, for such period as specified by him or her.

30*. Chair of Meeting

Any powers or duties of the Mayor in relation to the conduct of a meeting of Full Council may be exercised by the Deputy Mayor if present and chosen by the meeting to chair that meeting, or if the Deputy Mayor is not present or is not chosen by the meeting, by another councillor chosen by the meeting to chair the meeting.

31. Quorum of Meetings of Full Council

- (a)* *A quorum for a meeting of Full Council shall be one quarter of the whole number of members of the Council.*
- (b)* *If at the time appointed for the meeting and during the succeeding twenty minutes, a quorum of members shall not be present, no business shall be transacted.*
- (c) During any meeting of Full Council, the Mayor may require the division bell to be rung and if, one minute after the bell has been rung, the Mayor counts the number of members present and declares the meeting inquorate, the meeting shall stand adjourned.

- (d) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned or if the Mayor does not fix a time, to the next ordinary meeting of Full Council.

32. The Annual Meeting

At the Annual Meeting of Full Council, the order of business shall be as follows:-

~~(a)* **Community Champion Awards:**~~

~~— Prior to any business being transacted at the meeting the Mayor will present the Community Champion Awards.~~

~~(ab)* **Mayor:**~~

~~To elect the Mayor for the following year.~~

~~(be) **Deputy Mayor:**~~

~~If so signified to receive the Mayor's intimation in writing of the appointment by the Mayor of a Councillor of the Borough to be Deputy Mayor.~~

~~(ce) **Vote of thanks to the outgoing Mayor**~~

~~The incoming Mayor will invite a vote of thanks to the outgoing Mayor~~

~~(de) **Election results and acceptance of office:**~~

~~To receive the report of the Chief Executive upon the result of the elections of Councillors to the several wards of the borough held on the day fixed for the purpose by the Secretary of State pursuant to the provisions of the Local Government Act 1972 and the acceptance of office of Councillors elected.~~

~~(ef) **Declarations:**~~

~~Declarations by members of any personal and prejudicial interests in any matter to be considered at the meeting.~~

~~(fg) **Minutes:**~~

~~To read and approve as a correct record the minutes of the last meeting or meetings of Full Council provided that if a copy has been circulated to each member of the Council not later than the date of issue of the summons to attend the meeting the minutes shall be taken as read.~~

~~(gh) **Agree the Constitution:**~~

~~To agree any changes to the Constitution.~~

~~(hi) **Political Balance:**~~

~~To review and determine under Section 15 of the Local Government and Housing Act 1989 or any re-enactment or modification thereof the allocation of seats on Council committees and other relevant bodies.~~

(ij) Appointments to committees and other bodies:

To appoint to the membership of Council committees and joint committees and other relevant bodies, forums and panels; to appoint the Chairs and Vice Chairs of the Council Committees, forums and panels and to agree the substitutes for members.

(jk) Meetings of Full Council:

Where possible to agree the days, hour and venue for meetings of Full Council in the forthcoming municipal year.

(kl) Other meetings:

To settle, as far as is considered advisable, the calendar of meetings for the forthcoming municipal year.

(lm)* Business required to be dealt with:

To deal with any other business expressly required by statute to be dealt with.

(m) Other Business

To consider any other business including any urgent business.

Business falling under (a), (b), (c) and (d) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his or her discretion

33. Community Champion Awards

The outgoing Mayor shall, at the Annual Meeting of Full Council and prior to any business being transacted, present the Community Champion awards and may invite persons on to the floor of the meeting to collect such awards. During the presentation of the awards only the Mayor and persons invited by the Mayor to do so may speak and for no longer than the period permitted by the Mayor. The Council shall convene for the Community Champion Awards and Annual Meeting in the Civic Centre or such other venue as the Mayor shall determine.

34*. Council Tax Setting

- (a) *A Meeting of Full Council shall be held each year on a day not later than 10th March or such later date as may be allowed by statute to set the level of Council Tax for the following Council Tax year and to deal with associated budgetary matters.*
- (b) At an ordinary meeting where council tax setting is to be decided items h, i, j and k in Standing Order 37 shall be replaced by the following:
- (c) The Leader shall present a report to the meeting setting out the Cabinet's proposals for the budget
- (d) The Chair of the Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee A procedural motion shall address the right to speak of the Group Leaders and the Lead Member for

Resources including time limits. There will then be general debate. Provision shall also be made in the procedural motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken.

- (e) At an Ordinary Meeting where Council Tax Setting is decided there shall be no motions (item (m) under the Ordinary Council Meeting items of business).

35 [Paragraph number not in use]

36. Extraordinary meetings

- (a) An Extraordinary Meeting of Full Council may be called at any time by the Mayor, or in the absence of the Mayor, by the Deputy Mayor. References in the following paragraphs of this Standing Order to the Mayor shall include the Deputy Mayor acting in his or her absence.
- (b) If the Mayor refuses to call an Extraordinary Meeting of Full Council after a requisition for that purpose, signed by five members of the Council, has been presented to him or her, or if, without so refusing, the Mayor does not call an extraordinary meeting within seven days after the requisition has been presented to him or her, then, any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of Full Council.
- (c) A requisition under paragraph (b) above for an Extraordinary Meeting of Full Council may be presented to the Mayor either personally or by leaving it with the, Head of Executive and Member Services or a member of his or her staff, who shall be empowered to receive the requisition on the Mayor's behalf. Any such requisition shall be accompanied by notice of the motion or motions to be debated at the Extraordinary Meeting. The requisition shall be marked with the date and time of receipt by the Mayor or the officer receiving it on the Mayor's behalf.

37. Ordinary Meetings

Unless otherwise provided in these Standing Orders the order of business at ordinary meetings of Full Council except those concerning a first reading debate or the Council tax setting shall be:-

- (a)* **Absence of Mayor:**

To choose a person to preside if the Mayor or Deputy Mayor is absent.

- (b)* **Business required to be dealt with first:**

If necessary, to deal with any business required by statute to be done before any other business.

- (c) **Minutes:**

To approve as a correct record and sign the minutes of the last meeting or meetings of Full Council.

- (d) **Declarations:**

Declaration by members of any personal and prejudicial interests and disclosable pecuniary interests in any matter to be considered at the meeting.

(e) **Mayor's announcements (including petitions received)**

(f) **Business from previous meetings:**

If necessary, to dispose of any business remaining from the last meeting of Full Council.

(g) **Appointments to Committees and Outside Bodies and Appointments of Chairs/Vice Chairs**

If necessary, to agree appointments to committees and outside bodies and to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

(h) **Reports from the Leader or members of the Cabinet**

To receive reports from the Leader or Cabinet in accordance with Standing Order 38

(i) **Deputations**

To enable deputations by Members of the public in accordance with Standing Order 39.

(j) **Questions from the Opposition and other Non Cabinet Members**

To enable questions to be put to the Cabinet in accordance with Standing Order 40.

(k) **Reports from the Chair of the Scrutiny Committee**

To receive reports from the Chair of the Scrutiny Committee in accordance with Standing Order 41

(l) **Other Business required to be dealt with:**

Including, by way of example but not limitation, election results, review of political balance, changes to the Constitution, recommendations from committees, and any other business required to be dealt with.

(m) **Motions**

To debate Motions selected by the groups in accordance with Standing Order 45.

(n)* **Urgent business:**

If the Mayor so agrees, to consider any urgent business.

Business falling under (a) to (f) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his/her discretion.

Where the Council is to consider a first reading debate item (j) does not take place.

Where the Council is to set the Council Tax items (h), (i), (j) and (k) will be replaced by the other items set out in Standing Order 34.

38. Report from Leader or Members of the Cabinet

(a) The Leader or other member(s) of the Cabinet shall be allowed up to 15 minutes to report to Full Council on any matter which is the responsibility of the Cabinet including but not limited to all or any of the following matters:-

(i) **Reports to be discussed at a First Reading Debate:**

Any initial report to be debated at a First Reading Debate in accordance with Standing Order 44, including the initial report on the annual budget

(ii) **Policy proposals referred to Full Council for approval following a First Reading Debate:**

Any proposed plan, policy or strategy which has been through a First Reading Debate and which is being presented by the Cabinet to Full Council for approval, the views (if any) of the Scrutiny Committee and the way in which those views were taken into account by the Cabinet;

(iii) **Other Policy proposals referred to Full Council for approval:**

Any other proposed plan, policy or strategy forming part of the Policy Framework or the Budget which is being presented by the Cabinet to Full Council for approval, the views (if any) of the Scrutiny Committee and the way in which those views were taken into account by the Cabinet;

(iv) **Approval to depart from Policy Framework or Budget:**

Any decisions which the Cabinet has purported to take or is minded to take which, in the reasonable opinion of the Chief Executive, Monitoring Officer or the Chief Finance Officer are, or would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council and in respect of which decision is sought from Full Council in accordance with Standing Order 18

(v) **Urgent decisions outside the Policy Framework and the Budget:**

Any decisions which the Cabinet has taken and which were contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget but which were taken in accordance with the urgency provisions in Standing Order 18 (to include the reasons for urgency);

(vi) **Urgent decisions not included in the Forward Plan:**

Any decisions which were not included in the Forward Plan but were taken by the Cabinet under the urgency provisions in Standing Order 16 and the reasons for such urgency;

(vii) **Urgent decisions called in:**

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 20 prior to consideration of the decision by the Scrutiny Committee and the reasons for urgency;

(viii) **Non-compliance with Access to Information Rules:**

Any decisions which the Cabinet have taken in respect of which the Cabinet should have but did not comply with those parts of the Access to Information Rules relating to such decisions and any decisions which the Scrutiny Committee has required the Cabinet to report to Full Council under the Access to Information Rules because it considers that the Cabinet did not comply with the Access to Information Rules relating to the decision;

(ix) **The response of the Cabinet to comments received:**

The response of the Cabinet to any other comments or recommendations received from, or being presented by, the Scrutiny Committee or Full Council;

(x) **Any recommendations to Full Council.**

39 Deputations

- (a) Deputations may be made by members of the public. Each deputation shall last not more than 5 minutes and there shall be a maximum of 3 deputations at any one council meeting on different subject matters. There shall be no more than one deputation made by the same person or organisation in a 6 month period and no repetition of the subject.
- (b) Any deputation must directly concern a matter affecting the borough and relate to a Council function. Deputations shall not relate to legal proceedings or be a matter which is or has been the subject of a complaint under the Council's complaints processes. Nor should a deputation be frivolous, vexatious, or defamatory. The Chief Legal Officer shall have discretion to decide whether the deputation is for any other reason inappropriate and cannot proceed.
- (c) Any person wishing to make a deputation shall give written notice to the Chief Legal Officer of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.
- (d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before the Council.

40. Questions from the Opposition and Non Cabinet Members

- (a) Not in use.

- (b) Non Cabinet members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 9 questions to the Cabinet on any matter which is the responsibility of the Cabinet. Each non-Cabinet member may only put one matter to the Cabinet in any one question time session. The 9 questions are to be divided as follows: 1 from each of the two main opposition groups, 1 from the minority an opposition member who is not a member of a group, and 6 from the administration group. Such questions to be provided to Head of Executive and Member Services not less than 5 days before the date of the meeting.
- (c) The party groups shall decide which of their members shall put the questions to the Cabinet.
- (d) Each non Cabinet member shall have up to 1 minute within which to put their question.
- (e) A member of the Cabinet shall have up to 2 minutes to respond to the question.

41. Report from the Chair of the Scrutiny Committee

- (a) The Chair of Scrutiny Committee may present reports on any matter in respect of which the committee has been consulted or which it has been reviewing or considering and shall be permitted to speak for up to 5 minutes thereon.
- (b) In the absence of the Chair, the report shall be presented by the Vice Chair of the Committee or, in the absence of the Vice Chair, by another member of the Committee selected for that purpose by the Chair or, if no person has been selected by the Chair, a person selected for that purpose by the Mayor or other person presiding at the meeting of Full Council.
- (c) The Chair or other person nominated to speak shall where appropriate include in his or her report:-
 - (i) details of the decisions or proposals of the Cabinet, which have been called in for scrutiny and are being referred to Full Council in accordance with Standing Order 20;
 - (ii) details of decisions or proposals of the Cabinet, other than those permitted to be made by the Cabinet under Standing Order 16 (urgency) or 19 (virement and in year changes to policy), which the Scrutiny Committee considers are or, if made, would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's budget and the recommendations to Full Council thereon;
 - (iii) details of the decisions of the Cabinet which the Scrutiny Committee considers were made by the Cabinet other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

42. [Paragraph number not used]

43. [Paragraph number not used]**44. First Reading Debate**

At an Ordinary Meeting where the first reading debate is to take the place, item j, in Standing Order 37, shall be replaced by the following;

(a) The Leader shall present the initial report to the meeting setting out the budget or any plan, policy or strategy forming part of the Policy Framework

(b) Where a First Reading Debate is to be held in respect of the budget or any plan, policy or strategy forming part of the Policy Framework a period of 60 minutes shall be allowed for a debate on the budget or that plan, policy or strategy (or longer if the Mayor so agrees).

(c) The Leader shall have the right to respond.

(d) At the conclusion of the First Reading Debate, Full Council shall note the contents of the report and any other information submitted to it, the debate concerning any questions raised and any other relevant issues. The proposal may be referred to the Scrutiny Committee in accordance with Standing Orders 25 (c) and/or 26 (b) as the case may be.

45. Motions

(a) Members may put motions to council.

(b) A maximum of 3 motions will be put to Council at any one meeting (one per party group) which will be debated.

(c) Each group must give notice in writing of their motion to the Head of Executive and Member Services not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.

(d) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services. Further speakers shall then be called by the Mayor.

(e) Up to 3 speakers shall be allowed for each motion (1 from each group), each limited to 2 minutes.

(f)

(f) The matter shall be put to the vote at the end of the debate.

(g) Any amendments to the motions can be accepted provided they are set out in writing to the Mayor prior to a vote taking place

46. Rules Of Debate For Meetings of Full Council

(a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*

- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate, and the Mayor will require that the motion or an amendment to a motion is written down and handed to him/her.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking (if able to do so) and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) ~~(h)~~—No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any motion or amendment to a motion shall be put within the time allowed for the speeches.
- (i) With the exception of a Cabinet Member responding to a question put to the Cabinet by a non-Cabinet member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.
- (j) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by the member at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- (k) Subject to the provisions of Standing Order 4(b) the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (l) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.
- (m) A motion or amendment to a motion may be withdrawn or altered by the proposer of the motion or amendment with the consent of Full Council, which shall be signified without discussion. Where a motion is withdrawn there shall thereafter be no further debate on the item.
- (n) At the commencement of a debate, any member may move that only a specified number of members from each of the political groups shall be permitted to speak before a vote is taken or at the commencement of any meeting of Full Council or during the course thereof any member may move that only a specified number of members of each political group shall be permitted to speak on each motion or amendment thereto.

- (o) A member may move without comment at the conclusion of another member's speech: *"That the question be now put"*, *"That the debate be adjourned (to some stated time)"* or *"That the Council do now adjourn (to some stated time)"* on which the Mayor shall proceed as follows:-
- (i) On a motion that the question be now put, the Mayor shall first put that motion to the vote without further discussion; if it is passed the motion(s) and/or amendment(s) relating to the subject of the debate will then also be put to the vote;
 - (ii) On a motion to adjourn the debate or the meeting, the Mayor shall put that motion to the vote without further discussion; if it is passed the debate or meeting shall stand adjourned to the time stated; if the debate is adjourned the Council will proceed to the next item of business; if the meeting is adjourned no further business will be transacted until the adjourned meeting

AND no second motion that the question be now put or that the debate or meeting be adjourned shall be made during the consideration of the same business unless it shall be proposed by the Mayor.

- (p) The Mayor may at any time invite an officer to respond to any issue raised or question asked.

47. Voting

- (a) Prior to voting on a Motion there shall be put to the vote any amendments to that Motion that have been moved.
- (b)* *Amendments to Motions shall be taken in the order in which they were moved and shall be voted upon in succession unless, subject to the advice of the Chief Legal Officer or the Chief Executive, it is agreed by the meeting that the amendments shall be taken en bloc.*
- (c) The mode of voting at meetings of Full Council shall be by show of hands and, on the requisition of the leader of a political group, or of any member of the Council supported by 14 other members of the Council raising their hands, made before the vote is called, the voting on any question shall be recorded in the minutes of the meeting so as to show whether each member present gave their vote for or against that question or abstained from voting. Immediately after any vote is taken at a budget decision meeting of an authority on the budget or council tax there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (d)* *Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.*
- (e) Except in the case of a vote taken under any provision of Standing Orders 48 (Guillotine) 49 (Minutes) or 50 (Disorderly Conduct), at least one full minute before a vote is taken at a meeting of Full Council, the Mayor shall by way of announcement draw members' attention to the impending vote.
- (f) For the purpose of voting and for recording votes at meetings of Full Council, members shall be present and seated in their places.

- (g)* *In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.*
- (h)* *Once a vote has been taken on any matter, the matter shall not be reconsidered by the meeting other than to clarify any points or if the matter is a procedural matter only.*

48. The Council Guillotine Procedure

- (a) Every ordinary meeting of Full Council shall terminate no later than 10:00pm provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without discussion.
- (b) If the meeting is not adjourned, then any outstanding items of business shall be dealt with as follows:
- (i) in the case of reports from committees and sub-committees and reports of Chief Officers the Mayor shall invite motions to be proposed in respect of them. Any such motion(s) shall be moved without supporting comment and voted upon without debate. If no such motion is proposed, or if three successive motions are voted upon and defeated, the matter shall be adjourned to the next Ordinary Meeting of Full Council.
- (ii) any other business shall be adjourned to the next ordinary meeting of Full Council.

49.* Minutes

- (a)* *Minutes of any meeting of Full Council shall be put forward for approval as a correct record and for signing to the next ordinary meeting of Full Council or to the Annual Meeting whichever shall first occur.*
- (b) The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.
- (c) No discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.
- (d) There shall be recorded in the minutes of any meeting of Full Council any declarations of interests made by members in accordance with the Brent Members Code of Conduct both in the minute concerning the declaration of interests item itself and in the minute concerning the item of business to which the declaration relates.

50. Disorderly Conduct

- (a) If at any meeting of any part of the Council any member is, in the opinion of the person chairing the meeting, guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, then the Chair or any other member may move "That [Councillor X] not be heard further", and the motion shall be put and determined without discussion.
- (b) If the member named is guilty of further misconduct after a motion under the foregoing sub-paragraph has been carried the Chair shall:-

- (i) move “That [Councillor X] shall now leave the meeting” and the motion shall be put and determined without discussion. If the Chair’s motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or
- (ii) adjourn the meeting for such period, as the Chair shall consider expedient.
- (c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the meeting room. In case of general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.
- (g) Members of the press and public may be excluded from Council meetings either in accordance with the Access to Information Rules in part 6 of the Constitution or Standing Order 50(f).

51. Smoking and Mobile Phones at Meetings

- (a) No person shall smoke at any meeting of the Council or the Cabinet or a committee or sub-committee thereof.
- (b) Any mobile phone taken into a meeting is to be switched to silent for the duration of the meeting.

COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL**52. Standing Orders to apply to Council Committees and Sub-Committees**

- (a) The Standing Orders shall, where appropriate, apply with suitable modifications to meetings of committees and sub-committees of the Council except to the extent specified herein or to the extent that they are not necessary or relevant or would conflict with any other requirement in the Constitution in relation to that meeting including any code of conduct or code of practice.
- (b) In the event that there is any disagreement as to whether or not any part of these Standing Orders should or should not apply to a meeting of a committee or sub-committee whether with or without suitable modification the question shall be determined by the Chair on the advice from the Chief Legal Officer or the Head of Executive and Member Services or their representatives.

53. Appointments to and chairs of Council Committees and Sub-Committees

- (a) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (b) Full Council shall appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (c) The vice chair of the Scrutiny Committee shall be from a different political group as the chair.
- (d) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (e) Other than in the case of the Alcohol & Entertainment Licensing sub-committees, Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution. In the case of the Alcohol and Entertainment Licensing sub-committees the Alcohol & Entertainment Licensing Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference
- (f) Appointment of the Council's sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (g) No councillor may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or the meeting of Full Council which meets after the next Annual meeting to agree appointments to committees.
- (h) Co-opted members may be appointed to committees and sub-committees in accordance with Standing Order 54 and the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

54. Independent and Co-opted Members

- (a) The Council shall appoint one co-opted non-voting Member to its Standards Committee and one co opted non voting member for the Audit Committee.The

Council shall also appoint up to 4 non voting co opted members on its Corporate Parenting Committee.

- (b) The co opted Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the meeting of Full Council that takes place after that Annual meeting to agree appointments to committees). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).
- (c) The membership of the Scrutiny Committee and any other Council committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet shall include as Voting Co-opted Members, 2 parent governor representatives, 1 representative nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.
- (d) The term of office of the parent governor Voting Co-optees appointed under paragraph (c) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).
- (e) The membership of the Scrutiny Committee and any other Council Committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet may include 2 Non Voting Co-opted Members who represent the governing bodies of schools which are faith schools not covered in paragraph (c) above and such representatives shall be appointed by the appropriate appointing body.
- (f) A Co-opted Member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and Voting Co-opted Members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Cabinet as determined by the Chief Legal Officer or his or her representative.
- (g) No Voting Co-opted Member appointed by Full Council shall be entitled to act as a Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.
- (h) No Non-voting Co-opted Member shall be entitled to act as a Non Voting Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking in a form notified to them by the Chief Legal Officer.

55. Appointment of and Changes to Substitute Members

- (a) The Council may appoint a pool of substitute members from which a member may be selected to speak and vote in the absence of a member of the committee provided that the substitute member is not already a member of the committee. Each pool shall number up to the number of members comprising membership of the committee and be divided according to the political balance on the committee, save that where a group has only one member on the committee up to two members may be appointed to the pool. A member of a committee (or the appropriate Group Whip) shall notify the Head of Executive and Member Services at least two hours before a meeting that a substitute member will be attending in their place.
- (b) A parent committee may appoint a pool of substitute members to its sub-committees in the same manner as is described in (a).
- (c) No member is able to act as a substitute for more than one primary member of the committee at any one time.
- (d) Any member acting as a substitute shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is substituting-.

56. Special Meetings of Committees or Sub-Committees

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a third of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Head of Executive and Member Services provided that the number of members so calling the meeting shall not be less than 3. Meetings called under this Standing Order shall be known as a Special Meeting.

57. Adjournment and Cancellation of Meetings of Committees and Sub-Committees

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn for ten minutes save that in the case of the Alcohol and Entertainment Licensing Sub-Committee and the General Purposes Committee (when considering a licensing hearing or appeal) , the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary.
- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of a committee or sub-committee on the grounds of lack of business. He/she may postpone and rearrange the date and/or time of a meeting of a committee or sub-committee after consultation with the Head of Executive and Member Services

58. Chairing Meetings of Committees and Sub-Committees

- (a) The Chair shall preside at meetings of committees and sub-committees. If the Chair is not present for a meeting then the Vice Chair shall chair it but if the Chair arrives then he or she shall take over chairing the meeting at a convenient moment. If neither the Chair nor Vice Chair are present at a meeting then the

Chair for that meeting shall be elected by the persons present but if the Chair or in his or her absence the Vice Chair arrives then he or she shall take over chairing the meeting at a convenient moment.

- (b) For the purpose of this Standing Order the word “present” means physically present in the room in which the meeting is to take place.
- (c) The Chair of the Scrutiny Committees shall seek to ensure that the Standing Orders and any other rules or protocols forming part of the Constitution are adhered to.

59. Quorum of Committees and Sub-Committees

No business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its voting members, or three of its voting members, whichever is greater, are present (“the quorum”) save that in respect of the Alcohol & Entertainment Licensing Sub-Committees the quorum shall be two. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

60. Speaking Rights of Members of the Public.

- (a) This Standing Order shall not apply to meetings of the Planning Committee or the Alcohol & Entertainment Licensing Sub-Committees.
- (b) Except as set out in this Standing Order or Standing Orders 68 (e)(ii) (Petitions) and 69 (Deputations), no member of the public shall be permitted to speak at a meeting of a committee or sub-committee of the Council unless invited by the Chair of the meeting to do so who shall specify the period allocated to the member of the public to speak which shall usually be up to 2 minutes except in special circumstances in which case up to 3 minutes shall be permitted.
- (c) Except in the case of a person representing a deputation under Standing Order 69, any member of the public who wishes to address a meeting of a committee or sub-committee concerning an item of business on the agenda for the meeting in question shall give notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting of their wish to address the committee. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Head of Executive and Member Services shall keep a record of the order of receipt of such notices. Where a person indicating s/he wishes to address the committee has not given such a notice, the Chair shall decide whether s/he shall be permitted to speak.
- (d) Where more than one person wishes to speak on the same item of business under paragraph (b), the Chair shall have the discretion to limit the number of speakers and in so doing will take into account the order in which notices of a wish to speak were received by the Head of Executive and Member Services .
- (e) Where a report from or concerning a relevant Consultative Forum is before the Scrutiny Committee and the Chair or any other representative of the Forum is present at the meeting and that person has given notice to the Head of Executive and Member Services prior to the commencement of the meeting of their wish to address the meeting on that item of business that person shall be entitled to address the committee for not more than 3 minutes (unless a longer period is permitted by the Chair) on that item of business. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Head of Executive and Member Services shall keep a record of the order of receipt of

such notices. Where the Chair or any other representative of the Forum has not given such a notice but wishes to address the committee, the Chair shall decide whether s/he shall be permitted to speak which shall be for not more than 3 minutes unless a longer period is permitted by the Chair.

61. Speaking rights at Planning Committee

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission, any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application, the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants, the Chair and members of the Committee may ask them questions after they have spoken.
- (b) Persons wishing to speak to the Committee shall give notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting, the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with calling members of the public to speak on that matter.

62. Members' rights to attend and speak at Committees

- (a) Subject to (c) below, members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee and the Staff Appeals Sub-Committees.
- (b) Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote. However, at meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing a ~~n-interest~~ party, will have the right to speak. They will not have the right to vote at such meetings.
- (c) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 – 10 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the Course of negotiations for a contract.

63. Requirement to Attend Entire Meeting

- (a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee or the Staff Appeals Sub-Committee unless the member is present for the entire meeting.
- (b) No member shall be entitled to vote on any item being considered by the Planning Committee, the General Purposes Committee (—when hearing a licensing application or appeal) and the Alcohol and Entertainment Licensing Sub-Committees unless the member is present for the entire discussion of that item.
- (c) No member of the Standards Committee shall be entitled to take part in or vote on any item relating to the conduct of individual members of the Council unless the member is present for the entire discussion of that item.

64. Any Other Urgent Business as an Agenda Item

At all meetings of Council committees and sub-committees that are not special meetings, there shall be an item on the agenda entitled 'Any Other Urgent Business'. Any member of the committee or sub-committee as the case may be who wishes a matter to be raised under this Agenda heading shall give written notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting concerned specifying the nature of the business they would like to raise under this Standing Order. The committee or sub-committee shall only consider such business in respect of which notice has been given in accordance with this Standing Order and which the Chair has certified as urgent under S100B of the Local Government Act 1972.

65. Voting in Committees and Sub-Committees and recording dissent

- (a) In the case of Planning Committee, if members are minded to grant planning permission contrary to the recommendation of officers then the matter shall be deferred until the next meeting of the committee and no decision shall be taken on that matter until that next meeting.
- (b) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Voting at a meeting of a committee or sub-committee shall be by show of hands.
- (d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and supported by not less than half of the members of the committee or sub-committee then present, voting shall be recorded so as to indicate whether each member present has voted for the motion, against it or abstained.
- (e) Where immediately after a vote is taken any member of the committee or sub-committee so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.

66. Time and duration of meetings of Committees and Sub-Committees

- (a) Subject to paragraph (b) below, the time specified on the summons for commencement of a committee or sub-committee meeting shall not be later than 9.30pm unless the Chair is satisfied on reasonable grounds that:-

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- (i) each item of business to be transacted at that committee or sub-committee meeting should be dealt with as a matter of exceptional urgency; and
 - (ii) the meeting cannot be called to commence at an earlier hour without undue inconvenience.
- (b) The summons for a committee or sub-committee meeting may specify that the meeting will commence at the time specified on the summons or upon the rising of another meeting of the Council, committee or sub-committee, if later.
- (c) Subject to paragraphs (d) and (e) below, transaction of business at every committee or sub-committee meeting shall end no later than 10.00pm provided that if at 10.00pm there is business not yet dealt with which the committee or sub-committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until not later than 10.30pm in accordance with the following procedure (which shall be known as “the guillotine procedure”):-
- (i) the meeting shall identify those items of business to be transacted;
 - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;
 - (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee, the Alcohol & Entertainment Licensing Sub-Committees, the General Purposes Committee (when hearing an appeal) and the Standards Committee may by majority vote taken no later than 10.00pm, decide to:-
- (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or
 - (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:-
- (i) meetings of the Senior Staff Appointment Sub-Committee or the Staff Appeals Sub-Committee; and
 - (ii) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.
- (f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.
- (g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

67. Minutes of Committees and of Sub-Committees

- (a) Minutes of each committee or sub-committee meeting shall be put before the next suitable meeting of that committee or sub-committee for approval as a correct record. No discussion shall take place upon the minutes except as to their accuracy and as soon as they are approved as a correct record the Chair shall sign them.
- (b) Minutes of each sub-committee meeting shall be submitted to the next suitable meeting of the relevant parent committee for information.
- (c) Under “Matters Arising from the Minutes” members may seek information on the current position but no motion to vary or rescind the minutes nor any other motion may be permitted.
- (d) Minutes taken at hearings of the Alcohol & Entertainment Licensing Committee and Sub Committees must be kept for 6 years from the date of the Sub Committees determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal if later.

67A. Rights of Certain Committees and Sub-Committees to require attendance of members and officers

- (a) If the Audit Committee so agrees then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the committee to answer appropriate questions from the members of that committee on any matter falling within its remit.
- (b) The Audit Committee may decide to request the attendance of any other person, not covered by paragraph (a) above, at a meeting of the committee.
- (c) If the Scrutiny Committee agrees or if at least 40% of the members of the committee so request by giving notice to the Head of Executive and Member Services then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the relevant committee to answer appropriate questions from the members of that committee on any matter falling within its remit including any matter called in under Standing Order 18.
- (d) The Scrutiny Committee may decide to request the attendance of any other person, not covered by paragraph (c) above, at a meeting of the committee.

PETITIONS AND DEPUTATIONS

68. Petitions

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it either in paper form to the office of the Head of Executive and Member Services during office hours or electronically on the Council's website. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people who either live, work or study in the borough.
- (c) The Head of Executive and Member Services will establish how many valid signatures the petition has.
- (d) Petitions with between **5 and 50** valid signatures:
 - (i) Any such petition shall be referred to the relevant Service Area or Strategic Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;
 - (ii) In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Strategic Director of Regeneration and Growth shall decide whether the signatures count as an objection.
- (e) Petitions with **50** or more valid signatures:
 - (i) Any such petition shall be notified to the Chair of the Scrutiny Committee and to the relevant Service Area or Strategic Director;
 - (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Cabinet rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Cabinet (as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Cabinet. The General Purposes Committee or the Cabinet as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
 - (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Cabinet or to the Council committee or sub-committee (if any) within whose terms of reference the subject matter of the petition falls as determined by the Chief Legal Officer or Head of Executive and Member Services. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting.

- (f) At every Ordinary Council Meeting, a list of petitions containing 50 or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. The Mayor will refer to this list under the Mayor's Announcements. The list will contain the information set out below, provided this has been received by the Head of Executive and Member Services twelve or more days prior to the meeting.
- (g) The information to be included in the schedule described in the previous paragraph is as follows:
- (i) the date the petition was received or closed on-line;
 - (ii) the name of the person who submitted the petition if a name was given;
 - (iii) the subject of the petition;
 - (iv) the terms of the petition;
 - (v) the name of the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.
- (h) Where the Cabinet or a Council committee or sub-committee considers a petition it shall note the petition and may:-
- (i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;
 - (ii) refer it to the Scrutiny Committee for consideration or further research;
 - (iii) hold an inquiry or public meeting;
 - (iii) call for an officer's report to be brought to a future meeting; or
 - (iv) refer it to the relevant officer for a formal response.
- (i) Where the Scrutiny Committee considers a petition it shall note the petition and may:-
- (i) call for an officer's report to be brought to a future meeting;
 - (ii) make recommendations to the Cabinet or the relevant referring committee concerning it; or
 - (iii) refer it to the relevant officer for a formal response.
- (j) If the organiser of a petition feels the Council has not dealt with their petition properly then they may request the Scrutiny Committee to review the steps the Council has taken in response to the petition and that committee may¹:
- (i) decide there is no case to answer¹;
 - (ii) ask for an investigation into how the petition was dealt with¹; or
 - (iii) make recommendations to the Cabinet.

- (k) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

69. Deputations

- (a) With the exception of the Standards Committee, the General Purposes Committee (when considering licensing applications or appeals), the Alcohol & Entertainment Licensing Sub-Committees and the Planning Committee the first 20 minutes of every Council committee or sub-committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:
 - (i) the committee or sub-committee has voted by a simple majority to receive such deputation;
 - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and
 - (iii) notice of the deputation has been given to the Head of Executive and Member Services or his or her representative at least 24 hours before the start of the relevant meeting.
- (b) In respect of each deputation received, one person representing the deputation will be entitled to address the meeting for up to 5 minutes.

MISCELLANEOUS

70. Inspection of Lands, Premises etc.

Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

SEALING AND SIGNING OF DOCUMENTS

71. Custody of Seal

The common seal of the Council shall be kept in a safe place in the custody of the Chief Legal Officer and shall be secured by two different locks, the keys or combination of which shall be kept by the Chief Legal Officer provided that the Chief Legal Officer may entrust the keys or combination temporarily to another officer of the Council.

72. Sealing of Documents

- (a) The Common Seal of the Council shall not be affixed to any document unless the transaction or decision to which the document gives effect is authorised by a person or body in accordance with the Constitution and is confirmed as being so authorised by the Chief Legal Officer or a member of his or her staff or a person nominated or authorised by him or her for that purpose.
- (b) The seal shall be attested by the Chief Legal Officer or a deputy or other person duly authorised by the Chief Legal Officer for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

73. Contracts, agreements or transactions to be in writing and/or under seal

- (a) All contracts, agreements or transactions
 - (i) in respect of which there is no consideration
 - (ii) that exceed £500,000 in value over the life of the contract including contracts where the Council is providing goods, services or works to another body); or
 - (iii) which are grants that exceed the sum of £150,000

must be executed as a deed under seal in accordance with these Standing Orders. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

- (b) Any other contract, agreement or other transaction which is:
 - (i) £150,000 in value or more (in money or money's worth); or
 - (ii) relates to land or property

shall be in writing and shall EITHER be executed as a deed under seal in accordance with these Standing Orders OR be signed by two officers who are either Chief Officers or officers duly authorised in accordance with the Constitution by the Chief Officer under whose authority the contract is entered into. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

- (c) Other contracts shall be executed under seal if the relevant Chief Officer or the Chief Legal Officer considers that to do so would be in the Council's best interest.

- (d) Contracts below £150,000 shall be in writing (which includes the Council's official order form) and signed in accordance with the Financial Regulations or any relevant financial procedures issued by the Chief Finance Officer. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

STANDING ORDERS RELATING TO STAFF**74. Declaration by Candidates**

- (a) The Director Human Resources ~~and Administration~~ will draw up a statement requiring any candidate for appointment as an officer to disclose any relationship to a councillor or employee of the Council.
- (b) No candidate related to a councillor or a Chief Officer or the partner of such a person should be appointed without the authority of the Chief Executive.

75. Seeking Support for Appointment

- (a) Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified and wording to this effect shall be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council nor give a written reference or testimonial for any person for any appointment with the Council.

76. Appointment and Dismissal of Staff not Covered by Standing Order 77 or Standing Order 81A (Director of Public Health)

- (a) Appointment and dismissal of, and taking disciplinary action against, a person appointed to or holding a paid office or employment under the Council (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) must be discharged, on behalf of the Council, by the Chief Executive or his or her nominee and may not be discharged by councillors. This is subject to paragraph (c) below and except in the case of the posts mentioned in Standing Order 77(b) and 81A or in the case of a person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants for political groups).
- (b) The persons who have been nominated by the Chief Executive pursuant to paragraph (a) above are those listed in Paragraph 2.4 of Part 4 of the Constitution and persons authorised by them to act on their behalf.
- (c) Members will not be involved in the dismissal of any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or in accordance with Standing Orders 79 or 80 or where the dismissal is required to be made by members by virtue of any legislative provision or any term or condition of any contract of employment.
- (d) In the case of the appointment or dismissal of the Director Human Resources ~~and Administration~~ the acts required under these Standing Orders Relating to Staff to be done by the Director Human Resources ~~and Administration~~ shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

77. Appointments to Senior Management Posts

- (a) The Director Human Resources ~~and Administration~~ shall be consulted on all appointments to posts covered by this Standing Order. 'Appointments' in this Standing Order 77 refers to permanent appointments. Fixed terms and interim appointments to Senior Management posts are addressed in Standing Order 77A below.

- (b) This Standing Order shall apply to the posts of:-
- (i) the Chief Executive;
 - (ii) any director (or other senior officer) reporting directly or being directly accountable to the Chief Executive;
 - (iii) statutory Chief Officers being:
 - the Strategic Director Children and Young People (acting as the Director of Children's Services appointed under section 18 of the Children Act 2004);
 - the Strategic Director Adults (acting as the Director of Adult Social Services appointed under section 6 (A1) of the Local Authority Social Services Act 1970 as amended by the Children Act 2004);
 - the Chief Finance Officer appointed under section 151 of the Local Government Act 1972;
 - (iv) any officer who, as respects all or most of the duties of his or her post, is required to report directly or is directly accountable to the Full Council itself or any committee or sub-committee of the Authority;
 - (v) the Monitoring Officer;
 - (vi) any Operational Director reporting directly to a Strategic Director or the Chief Executive ;
 - (vii) the following other officers:
 - the Head of Revenues and Benefits.
- (c) The posts mentioned in paragraph (b) above may only be created, amended (other than a minor variation) or deleted by the Cabinet following consideration of a report from the Chief Executive or other officer nominated by him or her setting out the proposed job description and person specification for that post and/or the reasons for the creation, amendment or deletion of the post and any legal or financial or other implications arising there from.
- (d) The terms and conditions of any of the posts mentioned in paragraph (b) above and the grading structure to be applied to them may only be determined by the General Purposes Committee.
- (e) The posts mentioned in paragraph (b) above may only be appointed to by the Senior Staff Appointments Sub-Committee (*which sub-committee shall include at least one member of the Executive**),
- (f) Unless it is intended that the appointment shall be made exclusively from among existing officers (e.g. where one or more officer is entitled to a ring fenced interview under the Council's Human Resources procedures) paragraphs (g) – (i) below shall apply to the appointment to any of the posts mentioned in paragraph (b) above.
- (g) The Chief Executive or another Chief Officer authorised by him or her shall arrange for the post to be advertised in such a way as is likely to bring it to the attention of persons who meet the person specification criteria to apply, and shall

arrange for a copy of the job description and person specification to be sent to any person on request. Where no person able to meet the person specification criteria has applied, the post shall be re-advertised as before.

- (h) The Chief Executive or another officer nominated by him or her may draw up a shortlist of applicants from those applicants that applied for a post and submit it to the Chair of the Senior Staff Appointments Sub-Committee together with copies of all applications received. If the Chair does not concur with the shortlist prepared by the officer, a meeting of the Senior Staff Appointments Sub-Committee shall be held to determine the shortlist. If the Chair does concur then the shortlist prepared by the officer shall stand.
- (i) The Senior Staff Appointments Sub-Committee shall invite for interview all qualified applicants or a short list of qualified applicants drawn up in accordance with paragraph (h) above where applicable and the interviews shall be conducted in accordance with the Council's recruitment policies and procedures in place from time to time.
- (j) Following any interviews of candidates for a post specified in (b) above no offer of appointment shall be made until the following paragraphs have been complied with.
- (k) The Chair of the Senior Staff Appointments Sub-Committee shall notify to the Director Human Resources ~~and Administration~~ (or such other appropriate officer) the name of the person to whom it wishes to make an offer together with any other particulars the sub-committee considers are relevant to the appointment.
- (l) The Director Human Resources ~~and Administration~~ (or such other appropriate officer) shall forthwith notify to every member of the Cabinet :
 - (i) the name of the person to whom the sub-committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the sub-committee has notified to him or her; 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 Director Human Resources ~~and Administration~~ (or such other appropriate officer) and the Chair of the sub-committee.
- (m) The Leader shall within the period specified in the said notice notify the Director Human Resources ~~and Administration~~ (or such other appropriate officer) and the Chair of the Senior Staff Appointments Sub-Committee of any objection which the Leader or any other member of the Cabinet has to the proposed appointment.
- (n) If no such objection is received by the Director Human Resources ~~and Administration~~ (or such other appropriate officer) or the Chair of the Senior Staff Appointments Sub-Committee the Director Human Resources ~~and Administration~~ may proceed to offer the appointment to the successful candidate. If an objection is made the Senior Staff Appointments Sub-Committee shall reconvene with, as far as is reasonably possible, the same members to consider the objection and to consider whether to confirm the appointment. If the sub-committee is satisfied that the objection is not material or is not well founded then the Director Human Resources ~~and Administration~~ may proceed to offer the appointment to the successful candidate.

- (o) In the case of an appointment to the post of Chief Executive the proposed appointment must be approved at a meeting of the Full Council before an offer of appointment is made.
- (p) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (j) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

77A Interim and fixed term appointments to Senior Management posts

- (i) Decisions to appoint to Senior Management Posts as defined in Standing Order 77(b) (ii) – (v) which are not permanent appointments but are interim appointments or fixed term contracts for less than one year be made by the Chief Executive
- (ii) Upon appointment to a post as defined in Standing Order 77(b) (ii) – (v) on an interim or fixed term basis the Chief Executive shall inform the General Purposes Committee setting out the process for selection and the timescales for a permanent appointment.
- (iii) The General Purposes Committee shall be informed of any recommendation for an extension of the interim arrangements beyond a year to a post defined in Standing Order 77(b) (ii) – (v)
- (iv) Any interim appointment to the post of Director of Public Health shall be in accordance with (i) – (iii) above
- (v) Decisions to appoint to Senior Management posts as defined in Standing Order 77 (b) (vi) – (vii) which are interim appointments or fixed term contracts be made by the Chief Executive
- (vi) The appointment of an Interim Chief Executive shall be considered by a sub-committee of General Purposes Committee which shall include the Leader, Deputy Leader and a Leader of an opposition party as decided by the Leader.

78. **Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer**

- (a) Except as described in paragraph (b) below, no disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may be taken in respect of the Chief Executive, Monitoring Officer or Chief Finance Officer other than in accordance with Standing Order 79.
- (b) The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended by the General Purposes Committee for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and, if it lasts longer than two months from the date it took effect, it will be reviewed by the General Purposes Committee.

79. **Dismissal from Senior Management Posts**

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 77(b) shall be notified to the Director Human Resources ~~and Administration~~ together with any other particulars that the person or body proposing the dismissal considers are relevant to the dismissal and no notice of dismissal shall be given unless the following paragraphs have been complied with.
- (b) The Director Human Resources ~~and Administration~~ shall forthwith notify every member of the Cabinet:

- (i) the name of the person whom it is intended to dismiss;
 - (ii) any other particulars relevant to the dismissal which have been notified to the Director Human Resources ~~and Administration~~; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Cabinet on behalf of the Cabinet to the Director Human Resources ~~and Administration~~.
- (c) The Leader shall within the period specified in the notice notify the Director Human Resources ~~and Administration~~ of any objection which the Leader or any other member of the Cabinet has to the proposed dismissal.
- (d) If no such objection is received by the Director Human Resources and Administration, the Director Human Resources ~~and Administration~~ may proceed to give notice of the dismissal to the employee. If an objection is made the person or body proposing the dismissal shall consider whether to proceed with the dismissal. If satisfied that the objection is not material or is not well founded then the Director Human Resources ~~and Administration~~ may proceed to give notice of the dismissal to the employee.
- (e) In the case of the dismissal of the Chief Executive, Monitoring Officer or the Chief Finance Officer, the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.
- (f) Before the taking of a vote at any such meeting Full Council must take into account, in particular:
- (i) any advice, views or recommendations of the Dismissal Advisory Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
- (g) (iii) any representations from the officer concerned.

80. Staff Appeals Against Dismissal

Appeals by members of staff at Operational Director level and below against dismissal for misconduct shall be heard by a more senior officer unless the Director of Human Resources considers it appropriate for the appeal to be heard by the Staff Appeals Sub-Committees.

Appeals by members of staff at Strategic Director level, or who report to the Chief Executive directly, against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

81. Political Assistants

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

The provisions include:

- (i) No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each group which qualifies for one

- (ii) There shall be no more than one political assistant for each group that qualifies.
- (iii) Where a group does not qualify the group is prohibited from being allocated a political assistant.
- (iv) Where only one group has a membership of one tenth or more of the membership of the authority the groups qualifying shall be that group and the group with the next largest membership .
- (v) On application of these rules the Labour Group, and the Group comprising the Conservative ~~Party~~ and the ~~Brent ondesbury Park~~ Conservative Members, are each allocated political assistant posts. Appointment to each of these posts will be made only upon confirmation of the wishes of the relevant group given to the Head of Executive and Member Services by the leader of the group, or by a written statement signed by a majority of the members of the group given to Head of Executive and Member Services.

81A. **Appointment and Dismissal of the Director of Public Health**

- (a) The arrangements for the appointment of the Director of Public Health are set out in the National Health Service Act 2006 Section 73A (as amended by the Health and Social Care Act 2012). The Council must have regard to the statutory guidance issued concerning the recruitment and appointment processes
- (b) The Local Authority must act jointly with the Secretary of State in the appointment of a Director of Public Health
- (c) Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders (in alphabetical order):

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The Chief Executive and Strategic Directors.
Collaborative Procurement	Any arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council.
Contracts Finder	A web based facility operated by or on behalf of the Cabinet Office for advertising tenders.
Contracts Register	The electronic register of contracts awarded by the Council and overseen by the Corporate Procurement Centre.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
E-Auction Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic submission of prices for a Tender.
Electronic Tender Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic despatch and receipt of Tender documents.
Electronic Tender Time Box	The feature within an Electronic Tender Facility which stores received Tenders and prevents viewing of them until after the appointed closing date and time.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations as amended or replaced from time to time including the Public Contracts Regulations 2015 and the Public Contracts Regulations 2006.
EU Thresholds	The current EU thresholds under European Procurement

	<p>Legislation for the following types of contracts are:</p> <ul style="list-style-type: none"> • in the case of contracts for public works, £4,322,012 • in the case of contracts for services or supplies, £172,514 • in the case of contracts for Schedule 3 Services, £625,050 • in the case of contracts for public works concession contracts, £4,322,012
Framework Agreement	An agreement for a specified term under which contracts for the provision of particular services, supplies or works can be entered into ("called off") on agreed terms.
High Value Contract	Any contract that exceeds the values stated for Medium Value Contracts (under which different thresholds apply for services / supplies and construction / works).
Low Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of £25,000 and up to the amount which is the current EU Threshold for services and supplies contracts (which is currently £172,514).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £25,000 and up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Legislation.</p>
Local Brent Provider	A party that provides services, supplies or works and that is based or has a local office situated in a postcode area falling within the London Borough of Brent.
Medium Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant EU Threshold for services or supplies contracts (which is currently £172,514) and £250,000.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £250,000 and £500,000, provided that the contract is classified as a contract for works and not services by European Procurement Legislation.</p>

Member	An elected member of Brent Council.
Monitoring Officer	Chief Legal Officer .
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
OJEU	The Official Journal of the European Union.
Online Market Place	A web-based facility approved by the Chief Legal Officer which enables the procurement of specified types of services, supplies or works contracts.
Schedule 3 Services	Those social and other specific services listed in Schedule 3 of the Public Contracts Regulations 2015.
Tender	An offer or bid or tender from a party to provide services, supplies or works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing of a Tender.
Very Low Value Contract	A contract or commitment with a value from £0 to £25,000.

83. Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:-

- (a) individual agency contracts for the provision of temporary staff (although it is mandatory to place such contracts through the Council's corporate agency staff arrangements, currently with Reed Specialist Recruitment Limited);
- (b) employment contracts;
- (c) contracts relating to an interest in land.

84. General Requirements

- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Cabinet (or, if appropriate, the General purposes

Committee) agrees otherwise, with these Contract Standing Orders and the Council's Financial Regulations.

- (b) In addition to the powers of the Cabinet in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Chief Finance Officer is also able to grant such exemptions:
- (i) on grounds of extreme urgency
 - (ii) where the exemption sought is in relation to the requirement to obtain 3 written quotes under Standing Order 86(b).

The Chief Finance Officer shall only exercise his / her authority under this paragraph (i) following legal advice that there is no breach of domestic or EU law or the Council's own procedures in the exercise of the authority (ii) where there are good operational and / or financial reasons for doing so.

- (c) Chief Officers shall ensure in undertaking any contract procurement that:-
- (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly;
 - (iv) these Contract Standing Orders are complied with;
 - (vi) the Contracts Register is kept updated at all times as set out in Standing Order 110; and
 - (vii) Appropriate steps are taken to prevent, identify and remedy any conflicts of interest
- (d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Chief Legal Officer or Chief Finance Officer as appropriate.
- (e) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) the establishment of Framework Agreements.
- (f) Subject to paragraph (a) and (b) above, Standing Order 97 (mandatory Approved List and Online Market Place), all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

85. Partnership Arrangements and Collaborative Procurement

- (a) No Partnership Arrangements may be entered into unless they are approved by the Chief Finance Officer and a formal agreement covering the arrangements is signed by the parties.

- (b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or where relevant, Full Council).
- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
 - (i) agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer; or
 - (ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (d) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (b) No formal procurement procedures apply to Very Low Value Contracts apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotes or using an Approved List (where one exists) or the Online Market Place, however this is not mandatory and it is open to a duly authorised officer to approve another procurement route. As with all Council procurement, there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.
- (c) Save where required by European Procurement Legislation, no formal tendering procedures apply to Low Value Contracts except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded or alternatively the contract is procured through the Online Market Place. Where quotes are sought, advice must be sought from the Council's procurement officers about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotes shall be sought using the Electronic Tender Facility and at least one of the quotes shall be sought from a Local Brent Provider. In the case of Low Value Works Contracts valued at above the relevant EU Threshold for supplies or services contracts (currently £172,514), approval of the Chief Legal Officer is required to use a quotation process; if approval is not given then a tender process under Standing Order 96 below is required for such contract. Low Value Contracts do however require formal approval for award according to Standing Order 88(a) from a duly authorised officer within the relevant Council department.
- (d) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Standing Order 97, are not subject to full tendering requirements.

- (e) Subject to the proviso below, no formal tendering procedures apply where contracts are called off under:
- (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority , where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Advice from the Chief Legal Officer must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer.
 - (iii) the Online Market Place (as detailed in Standing Order 97), where the call off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract.

SAVE THAT any high value contract may only be awarded on the approval of the Cabinet as required by paragraph 2.5 of Part 4 of the Constitution.

- (f) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sought:
- (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required PROVIDED that advice is sought from the Chief Legal Officer and in the case of High Value Contracts, approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or
 - (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Chief Legal Officer; or
 - (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

87. Provision of goods, services and works by the Council

- (a) The Local Authorities (Goods and Services) Act 1970 ("the 1970 Act") provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989. The general power of competence in the Localism Act 2011 may also authorise the provision of goods, works and services by the Council.

- (b) Before entering into arrangements under any of these provisions, officers must comply with the relevant requirements of Financial Regulation in Part 6 of the Constitution.
- (c) Authority to enter into arrangements under any of these provisions must be agreed by the Cabinet (or if appropriate the General Purposes Committee) where:
 - (i) the contract value would exceed £150,000 per annum; or
 - (ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed £150,000 per annum calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract);
 - (iii) where a company is to be set up for the purposes of the arrangements.
- (d) In all cases advice shall be sought from the Chief Legal Officer and the Chief Finance Officer prior to entering into any such arrangement and/or prior to seeking approval by the Cabinet.

88. Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Cabinet (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet~~—~~, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 89 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award or terminate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee), the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.
- (d) Chief Officers are responsible for ensuring that the relevant category manager in the Corporate Procurement Centre is notified of all proposed procurements of or exceeding £25,000 in value. The role of the category manager under this Standing Order 88 is to advise on appropriate procurement routes, ensuring that the service department takes legal advice as necessary.

89. Pre-Tender Considerations

In procuring any contract, Chief Officers (or the Cabinet for High Value contracts) shall, where appropriate, consider the following matters prior to inviting Tenders:

- (i) the nature of the services, supplies or works contract to be tendered;
- (ii) the estimated value;
- (iii) the contract term and any period of extension(s) anticipated by the contract;

- (iv) the tender procedure to be adopted including whether any part the procedure will be conducted otherwise than by electronic means and whether there will be an e-auction;
- (v) the procurement timetable;
- (vi) the evaluation criteria and process;
- (vii) any business risks associated with entering the contract;
- (viii) the Council's Best Value duties;
- (ix) The Council's duty under the Public Services (Social Value) Act 2012 (duty applies only to Medium and High Value Contracts for services but should be considered for all contracts);
- (x) any staffing implications including TUPE and pensions; and
- (xi) the relevant financial, legal and other considerations.

90. Estimated contract value

Chief Officers shall ensure that an estimated contract value is prepared and recorded prior to commencement of a tender exercise. Such estimate shall be calculated on the basis of the value of the contract over the life of the contract including any period of extension(s) anticipated by the contract whether or not a one off service, supply or work. Where a contract has no fixed term the value of the contract shall be calculated as if the term of that contract was 48 months.

91. Lots

Chief Officers shall consider whether a contract should be subdivided into lots and if a decision is decided not to subdivide into lots, shall record the reason for such decision in writing. Contracts must not however be subdivided into lots to avoid competitive tendering. The estimated value of contracts split into lots shall be calculated using the total value of all lots.

92. Procurement by consultants

Where consultants are appointed to undertake tendering on the Council's behalf they shall be instructed to comply with Contract Standing Orders and to refer to the Contract Procurement and Management Guidelines as appropriate. No consultant shall make a decision as to whom to award a contract nor enter into contracts on the Council's behalf. Appropriate arrangements shall be implemented to monitor any procurement managed by consultants.

93. Appointment to the Evaluation Panel

For High Value Contracts the Chief Legal Officer and the Chief Finance Officer shall, if he/she considers it appropriate, be part of or appoint a representative to the evaluation panel or shall advise the panel as he/she sees fit.

94. Prior Information Notice

Chief Officers should ensure that a Prior Information Notice is published in OJEU as soon as possible after the commencement of each financial year detailing the intended total procurement for the year for services, supplies and works contracts to be tendered which are subject to European Procurement Legislation.

95. Inviting Tenders for Contracts at or over EU Thresholds

- (a) Where a services, supplies or works contract has an estimated value in excess of the EU Threshold, then Tenders shall be invited in accordance with European Procurement Legislation using the open, restricted, competitive procedure with

negotiation, competitive dialogue, innovative partnership or negotiated (applicable to concession contracts only) procedure by placing a notice in OJEU no later than any other advertisement placed in any other publication. An advertisement for such Tender will also be placed on Contracts Finder following the placing of the notice on OJEU.

- (b) Where a contract for Schedule 3 Services has an estimated value in excess of the EU Threshold, then Tenders may be invited using procedures outlined in paragraph (a) above or such additional procedures as are consistent with European Procurement Legislation.

96. Inviting Tenders for Contracts below EU Thresholds

- (a) Where a contract is below the EU Threshold, then Tenders shall be invited in accordance with:-

- (i) any requirements in the European Procurement Legislation relating to below EU Threshold contracts, if appropriate;
- (ii) these Contract Standing Orders; and
- (iii) the requirements of either (b) or (c) below:

(b) Single Stage Tender

- (i) Tenders shall be invited by way of public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and stating the last date when Tenders will be accepted, which shall not normally be less than 21 days after the date that the notice was first published. The estimated value of the contract may also be included. Information about the tender shall also be placed on Contracts Finder.
- (ii) Where relevant to the subject matter of the procurement and proportionate, suitability assessment questions may be asked in order to ensure that the person or body meets the Council's requirements or minimum standards of suitability, capability, legal status or financial standing.

(c) Two-Stage Tender

For Medium Value Contracts and High Value Contracts for works or Schedule 3 Services that are below EU Thresholds, in addition to a Single Stage Tender process, tenders may also be invited as follows:

- (i) Expressions of interest shall be invited by public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered stating the last date when expressions of interest will be accepted which shall not normally be less than 21 days after the date that the notice was first published. Information about the tender shall also be placed on Contracts Finder.
- (ii) Persons or bodies wishing to express an interest shall be sent a pre-qualification questionnaire to be completed and returned to the Council by the date specified in the notice.
- (iii) The response to the pre-qualification questionnaire shall be used to evaluate whether the person or body meets the Council's minimum technical

capacity and financial standing requirements and has relevant experience, and whether they should be included in a shortlist.

- (iv) Tenders shall be invited from those persons or bodies who have been included in the shortlist.

97. Approved Lists and Online Market Place

- (a) The Council has agreed the use of a corporate Approved List. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Corporate Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (b) The use of the corporate Approved List shall be mandatory for all Low Value Contracts for services and supplies and for all Low and Medium Value contracts for works where a relevant corporate Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (a) above.
- (c) The Council has agreed the use of a Small Works and Services Approved List. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Small Works and Services Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (d) The use of the Small Works and Services Approved List shall be mandatory for all Low Value Contracts for services supplies and works where a relevant Small Works and Services Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (c) above.
- (e) The Council has agreed the use of an Online Market Place. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the internal rules on how the Online Market Place shall be used, monitored and reviewed and may amend such rules periodically.
- (f) The Online Market Place shall consist of:
 - (i) a contract or Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority, PROVIDED that the Chief Legal Officer has advised that participation in the Framework Agreement and inclusion on the Online Market Place is legally permissible.

98. The Invitation to Tender

- (a) The invitation to tender shall include the following details:-
 - (i) a description of the services, supplies or works being procured;
 - (ii) whether the Council is of the view that TUPE will apply;
 - (iii) the tender timetable including the tender return date and time, which must allow a reasonable period for applicants to prepare their Tenders;
 - (iv) a specification and instructions on whether any variants are permissible;
 - (v) the Council's terms and conditions of contract;

- (vi) the evaluation criteria including either weightings or the order of importance;
 - (vii) pricing schedules, if appropriate, and instructions for completion;
 - (viii) whether the tenderer is required to price separately if the tenderer were required to offer appropriate pension provision and/or parent company guarantee and/or a performance bond;
 - (ix) form and contents of method statements, if any, to be provided;
 - (x) confirmation Tenders are to be submitted electronically unless not possible or appropriate;
 - (xi) the rules and method for submitting Tenders;
 - (xii) where Tenders are to be received electronically via the Electronic Tender Facility, a requirement that tenderers submit a signed hard copy of the form of tender, undertakings and any other original documentation upon request;
 - (xiii) whether or not an e-auction will be conducted; and
 - (xiv) any further information which will inform or assist applicants in preparing their Tenders.
- (b) Except in the case of electronic tendering the invitation to tender shall state that no Tender will be considered unless contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In all cases the invitation to tender shall specify whether and if so to what extent, the terms of the contract or any part specified will be subject to negotiation between the parties.

99. Form of Tender

- (a) All Tenders shall be required to be submitted on the Council's form of tender which shall include the following details:
- (i) a statement that the Council will not be bound to accept any Tender;
 - (ii) a section where the tenderer shall state whether their Tender is priced on the basis of TUPE applying or not;
 - (iii) except where permitted by European Procurement Legislation, a statement that formal acceptance of the Tender by the Council will, until such time as a written contract can be executed, bind the parties into a contractual relationship; and
 - (iv) except in the case of an e-auction, the price and whether this would be different if the tenderer were to offer a comparable pension and/or a parent company guarantee and/or a performance bond.
- (b) Except in the case of electronic tendering, no Tender shall be considered unless it is contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In the case of electronic tendering, Tenders must be submitted and opened in accordance with the requirements of Standing Order 101.

100. Receipt and Opening of Tenders

Except in the case of electronic tendering via an Electronic Tendering Facility for which the rules in Standing Order 101 shall apply, the receipt and openings of Tenders shall be conducted as follows:

- (a) All High Value Contract Tenders shall be addressed to the Council's Democratic Services Manager and the Tender shall remain in the custody of the Democratic Services Manager until the time appointed for its opening.
- (b) High Value Contract Tenders shall be opened and Tender details recorded by an authorised representative of the Democratic Services Manager and at least one other officer.
- (c) Medium Value Contract Tenders shall be addressed to the relevant Chief Officer and the Tender shall remain in the custody of the Chief Officer until the time appointed for its opening.
- (d) Chief Officers and the Head of Executive and Member Services shall make appropriate arrangements for the receipt, storage and opening of Tenders by an officer of appropriate seniority which ensures that each tenderer is treated fairly and equally and ensures probity.

101. E-Tendering and E-Auctions

The following rules apply to the use of an Electronic Tender Facility and/or an E-Auction Facility regardless of the value of the contract being procured:

- (a) Invitations to tender may be despatched and Tenders received by electronic means via an Electronic Tender Facility. Except in the case of e-auctions no other form of electronic tendering shall be permissible. All e-tendering must comply with European Procurement Legislation where applicable.
- (b) Tenders received electronically via the Electronic Tender Facility must be held in an Electronic Tender Time-Box until after the appointed closing date and time.
- (c) Tenders held in an Electronic Tender Time Box must all be opened at the same time by an authorised officer in the Corporate Procurement Unit after the appointed closing date and time for the Electronic Tender Time Box has passed and the Tender details recorded.
- (d) Where any original Tender documentation is to be submitted in hard copy instead of electronically as part of the tender process using an Electronic Tender Facility, such documentation shall be addressed to the Head of the Corporate Procurement Unit and the Tender documentation shall remain in the custody of the Head of the Corporate Procurement Unit until the time appointed for its opening. At the time appointed for the opening of Tenders held in the Electronic Tender Time Box, the hard copy Tender documentation shall be opened and the details recorded by an authorised representative of the Head of the Corporate Procurement Unit and at least one other officer.
- (e) In appropriate cases the submission of prices or values of quantifiable elements for a Tender may be conducted by e-auction using an E-Auction

Facility. An E-Auction Facility may be used in conjunction with an Electronic Tender Facility.

- (f) Tenders conducted by e-auction must comply with any specific European Procurement Legislation where applicable and unless used in conjunction with an Electronic Tender Facility, must follow the usual process for the invitation, submission and evaluation of Tenders (including Standing Order 100) except that the submission of prices and/or values may occur via an online auction.
- (g) Except with the prior written approval of the Chief Finance Officer, electronic tendering may only be undertaken using the Council's Electronic Tender Facility or E-Auction Facility operated by the Corporate Procurement Unit.
- (h) Where tendering has been conducted by electronic means, Chief Officers shall ensure that signed hard copies of the form of tender, and where appropriate, the parent company guarantee undertakings and performance bond undertakings are obtained from the successful tenderer prior to award of contract.

102. Late Tenders

- (a) Late Tenders shall not be considered except in special circumstances and only then if no other Tenders have been opened and only with the prior written approval of the Chief Executive or the Monitoring Officer on receipt of a written request specifying the special circumstances and why acceptance of a late Tender is justified. A record of any such approval shall be kept with the record of Tenders received.
- (b) Where a late Tender is received in paper form, or partly in paper form, it will be opened for the sole purpose of identifying the applicant and will be returned to them immediately save where the late tender is accepted in accordance with Standing Order 102(a) above
- (c) If Tenders are received electronically via an Electronic Tender Facility or by an E-Auction Facility, then if the Facility will still accept the submission of tenders after the appointed closing date and time for the submission of Tenders it will automatically flag late Tenders as "late". Late Tenders flagged as such may only be accepted in accordance with Standing Order 102(a) above. However once other tenders have been opened on the Facility then no late Tenders can be accepted.

103. Record of Tenders and Contracts

- (a) The relevant Service Area Director shall maintain a record of all Tenders invited and received by them, of all contracts entered into and Framework Agreements concluded on behalf of the Council and shall record the reasons for awarding the contract to or concluding a Framework Agreement with a tenderer and the reasons for non-acceptance of a Tender or the rejection of a contractor who has not been included in a Tender short list or Approved List.
- (b) For contract award procedures conducted by electronic means, appropriate information shall be kept to document the progress of the procedure.

104. Tender Evaluation

- (a) Tenders subject to European Procurement Legislation shall be evaluated in accordance with the relevant regulations and the instructions to tender. All other Tenders shall be evaluated in accordance with the criteria and procedures set out in the invitation to tender. In both cases Tenders shall be evaluated in accordance with these Standing Orders save where there is a conflict with any European Procurement Legislation in which case that legislation shall prevail.
- (b) Tenders for all contracts shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council. The most economically advantageous offer to the Council will be determined using a combination of both quality and price evaluation criteria (except for works, supplies or energy supply contracts where price alone may be the sole evaluation criterion).

105. Departure from Tender Documents

- (a) Subject to paragraph (b) below where the Council has included non-negotiable terms and conditions with its instructions to tenderers then Tenders may only be accepted on those terms unless any revisions are notified to all tenderers prior to the tender return date.
- (b) Where contract terms and conditions are non-negotiable then no variations to them may be made after Tenders are received without the prior written approval of the Chief Legal Officer.
- (c) Post-tender negotiations are only permissible where the instructions to tender specified the areas to be subject to negotiation and where this is permitted by European Procurement Legislation. In all other cases only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

Chief Officers shall ensure that sufficient security for the due performance of High Value Contracts is taken and for other contracts where such security is considered be in the best interests of the Council.

107. Notification of Tender Decision, Standstill Period, Debriefing and Acceptance

- (a) Subject to the specific exceptions in the European Procurement Legislation, where the Contract is subject to the full application of the European Procurement Legislation (being a services contract, public works contract, public supplies contract or Framework Agreement above the relevant EU Threshold) a mandatory standstill period of at least 10 calendar days must be observed between notifying all tenderers in writing of the award decision and the actual award of contract. The standstill period shall commence on the day after the written award notification is sent to all tenderers and the written notification must comply with the requirements of the European Procurement Legislation. If an unsuccessful tenderer requests further information, such information must be provided in accordance with the European Procurement Legislation.
- (b) If a legal challenge to the procurement process or award decision is brought during a mandatory standstill period, the contract must not be awarded and tender acceptance must not be communicated to the successful tenderer without the prior written approval of the Chief Legal Officer.

- (c) Tender acceptance must not be communicated to the successful tenderer until after the expiry of any mandatory standstill period. Where Standing Order 107(a) does not apply, tender acceptance shall be communicated to the successful tenderer as soon as possible but subject to any relevant call-in provisions. Tender acceptance must be in writing and as a minimum must detail the date of the decision and the decision-maker.

108. Contract Award Notice

Chief Officers shall ensure that a contract award notice is published in OJEU within 30 days of the award of any contract where required by European Procurement Legislation or alternatively in the case of dynamic purchasing systems, ensure that grouped notices are sent within 30 days of the end of each quarter.

109. Letters of Intent

Letters of intent shall only be used as follows:

- (a) where the Council's form of tender has not included a statement that until such time as a formal contract is executed the Council's written acceptance of a Tender shall bind the parties into a contractual relationship; or
- (b) exceptionally where a contractor is required to provide services, supplies or works prior to written acceptance by the Council and only then with the prior written approval of the Monitoring Officer.

110. Contracts Register

- (a) Chief Officers shall ensure that all contracts awarded by the Council to the value of £25,000 or more over the term of the contract shall be entered on the Contracts Register. The Contracts Register shall for each contract specify the name of the relevant Council's Service Unit, the contractor, the services, supplies or works to be provided, the contract value and contract term and where relevant any provisions for extension. Details of all such contracts awarded must be entered on the Contracts Register within two weeks of award and in the required format.
- (b) Chief Officers shall also ensure that for all contracts on the Contracts Register, all contract extensions and variations, early terminations, assignments and novations are entered on the Contracts Register and notified to the relevant category manager in the Corporate Procurement Centre.

111. Contract Terms and Conditions

Chief Officers shall ensure that contracts are drafted as appropriate to the nature of the services, supplies or works to be provided and contain provisions to protect the Council's overall interest. Advice shall be sought from the Chief Legal Officer as appropriate.

112. Extension and Variation of Contract

- (a) Contracts subject to European Procurement Legislation may be extended in compliance with relevant legislative provisions. Contracts may be extended in accordance with the provisions for extension contained in the contract if the parties agree and if the relevant Chief Officer is satisfied that the extension will

achieve best value and is reasonable in all the circumstances. Any such extension that will last for more than one year shall be notified to the Chief Legal Officer and the Chief Finance Officer. All extensions (of any duration) shall be notified to the Contracts Register Officer.

- (b) Retendering of contracts shall be timetabled to ensure handovers can be effected at the end of the contract term. –Where any retendering is delayed or is unsuccessful then temporary arrangements may be agreed by the relevant Chief Officer.
- (c) Any temporary contractual arrangements necessary to cover periods between a contract expiring and a new contract commencing shall be kept to a minimum term possible and retendering shall be commenced or re-commenced as soon as is reasonably possible.
- (d) Chief Officers have delegated to them power to extend, vary or renegotiate contracts in accordance with paragraph 2.5 of Part 4 of this Constitution. Where approval to extend, vary or renegotiate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

113. Early Termination of Contract

High Value Contracts may only be terminated by the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as appropriate. Medium Value Contracts may only be terminated:

- (a) by agreement between the Council and the Contractor; or
- (b) in accordance with the termination conditions of the contract

and provided that in either case the financial and legal implications or other relevant circumstances have been taken into account.

114 Assignment and Novation of Contract

- (a) Contracts may be novated or assigned provided that the novation or assignment would not breach European Procurement Legislation. Chief Officers have delegated to them the power to novate or assign contracts pursuant paragraph 2.5, of Part 4 of this Constitution provided that the novation or assignment does not substantially alter the terms and conditions of the contract and provided that the relevant Chief Officer is satisfied that the new contractor meets certain standards
- (b) Where approval to novate or assign a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet-, the General Purposes Committee or Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.