

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 Executive are permitted to suspend or waive Standing Orders.

GENERAL

1*. **Constitution to be given to members**

A printed copy of the Constitution shall be given to each member of the Council by the Democratic Services Manager upon delivery of the member's declaration of acceptance of office.

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 unless in the reasonable opinion of the Borough Solicitor a variation is a minor variation or is required to be made to remove any other inconsistency or ambiguity or is required to be made so as to comply with any statutory provision in which case such variation may be made by the Borough Solicitor. Any such variation made by the Borough Solicitor shall come into effect on the date specified by him or her but other than in the case of minor variations, such variations shall be referred to Full Council for approval within a reasonable period and shall continue to have effect only if Full Council so agree. Any variation or revocation agreed by Full Council shall come into effect at the close of the meeting of Full Council at which the variation or revocation is adopted or approved.

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 at least 40% of any group of members shall be submitted to the Democratic Services Manager and shall be signed by the required number of such members at the offices of the Democratic Services Manager. The Democratic Services Manager 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 21 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 21 has been reached.

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.

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(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 Borough Solicitor 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.

Deleted: In these Standing Orders unless specifically provided otherwise the expression "Chief Officers" shall refer to the Chief Executive, Service Area Directors and Corporate Directors

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¹ The definition of Chief Officer is already contained in the Articles and so can be deleted from these Standing Orders.

9*. Motions relating to confidential or exempt information

If any matter arises at a meeting of Full Council or the Executive (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 Executive 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.

12. Appointment of the Executive and Executive Functions

- (a) The Executive shall be appointed by Full Council at the Annual Meeting or the first meeting of Full Council after the Annual Meeting and subsequently as and when a vacancy arises and shall comprise the Leader of the Executive *and nine other members** who may not be the Mayor or Deputy Mayor.
- (b) The Leader shall determine which portfolios will be held by the members of the Executive and may change those portfolios at any time.
- (c) An Executive member may resign from the Executive at any time.
- (d) The Leader may suspend any member of the Executive but such suspension may not last longer than six weeks except with the approval of the Full Council or until the next meeting of Full Council if longer than six weeks.
- (e) Subject to (c) and (d) above and to Standing Order 18 (*Vote of No Confidence*) members of the Executive shall remain members of the Executive until a new Executive is appointed under paragraph (a) above unless they are re-appointed to the Executive at that meeting.
- (f) The Executive shall carry out the functions specified in these Standing Orders and in Part 4 of the Constitution and subject to the limitations and exceptions specified therein.
- (g) The Leader may delegate powers to the Executive members but should not do so until appropriate rules (as determined by the Borough Solicitor) have been established for the exercise of those powers by individual members.
- (h) The Leader may delegate powers to committees of the Executive and officers and has delegated powers to the Highways Committee of the Executive and to officers, as described in Part 4 of the Constitution.

13. The Forward Plan

The Democratic Services Manager shall on behalf of the Leader, and 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 Executive (including officers exercising executive functions), all other matters which are likely to be the subject of decision by the Executive and any other matter which the Leader considers should be included in the Forward Plan.

14. Meetings and Decisions of the Executive

- (a) The Executive will meet to take decisions on matters which relate to Executive functions 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 Executive and members of the public may only attend and speak at private meetings of the Executive if invited to do so by the Leader or if the Executive at the relevant meeting so decides and only then for the period so permitted.
- (c) The Quorum for meetings of the Executive and its committee(s) shall be 3.
- (d) The rules for debate at the meetings of the Executive shall be determined by the Executive.
- (e)* *Any decision taken by the Executive 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 Overview Committee, 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 Executive 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 Executive meeting shall be put before the next ordinary meeting of the Executive for approval as a correct record and as soon as they are so approved the Leader shall sign them.
- (i) The decisions of the Executive shall be published in a List of Executive Decisions and the list shall, in accordance with the Access to Information Rules, be sent to every member of the Council within 48 hours of the meeting at which the decisions were made.

15. Restrictions on the power of the Executive to make or implement decisions

(a)* Decisions Called In:

Any decision in respect of an Executive Function which has been called in pursuant to Standing Order 21 shall not be implemented except in accordance with the procedure set out in Standing 21.

(b)* Decisions Contrary to the Policy Framework and the Budget:

Except in accordance with Standing Order 16 (urgent decisions) 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. Any decision which the Executive has purported to take or is minded to take 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 shall be referred to Full Council for consideration in accordance with Standing Order 27.

(c)* Access to Information:

The Executive shall comply with the Access to Information Rules.

16. Urgent decisions Outside the Policy Framework and the Budget

- (a) 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 Overview Committee agrees that the decision is a matter of urgency.
- (b) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the Overview Committee shall be noted on the record of the decision. In the absence of the Chair of the Overview Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (c) Following the decision, 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.

17. 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 Executive 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 Executive to the next ordinary meeting of Full Council.

18. Vote of No Confidence in the Executive

The Leader and/or any or all of the Executive Members may be removed from the Executive following a vote of no confidence in them. A motion in respect of the

vote of no confidence shall be debated by Full Council if at least 10 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 non Executive members of the Council and proposes an alternative Leader and/or Executive Member(s).

19. The Overview Committee and the Scrutiny Committee

- (a) Full Council has appointed an Overview Committee and a Scrutiny Committee each comprising 17 members of the Council who shall not be members of the Executive; 4 voting co-opted members and 2 non-voting co-opted members appointed in accordance with Standing Order 20 below.
- (b) The Overview Committee and the Scrutiny Committee shall carry out the functions specified in Part 5 of, and elsewhere in, the Constitution but subject to the limitations and exceptions specified therein and may not discharge any other functions.
- (c) The Chairs of the Overview Committee and the Scrutiny Committee who shall each be a member of the Council shall be appointed by the members of those committees at the first meeting of those committees to take place after the Annual Meeting (or the meeting of Full Council which follows the Annual Meeting to make appointments) and again at any subsequent meeting if the Chair resigns or otherwise ceases to act as Chair.
- (d) The Chair of the Scrutiny Committee shall not be a member of the majority group unless:
 - (i) there is no nomination by members of the Scrutiny Committee for an opposition member of the Scrutiny Committee to be Chair in which case the Scrutiny Committee may appoint a member of the majority group to be Chair; or
 - (ii) the Scrutiny Committee cannot agree on the appointment of the opposition member(s) nominated to be Chair in which case the matter shall be referred to Full Council for decision.
- (e) The Overview Committee and the Scrutiny Committee shall, if they so wish, appoint a Vice Chair to stand in the place of the Chair in his or her absence. The Vice Chair, who shall be a member of the Council, shall be appointed by the members of those committees at the first meeting of those committees to take place after the Annual Meeting (or the meeting of Full Council which follows the Annual Meeting to make appointments) and again at any subsequent meeting if the Vice Chair resigns or otherwise ceases to act as Vice Chair.
- (f) The Chairs of the Overview Committee and the Scrutiny Committee shall seek to ensure that the Standing Orders and any other rule or protocols forming part of the Constitution are adhered to.
- (g) The Council has established various sub-committees of the Overview Committee and the Scrutiny Committee the terms of reference and membership of which are described in Part 5 of the Constitution.
- (h) The Overview Committee and the Scrutiny Committee shall appoint to any sub-committees but the members of any such sub-committees may not be members of the Executive.

- (i)* *Any member of the Overview Committee and the Scrutiny Committee and any member of any sub-committees thereof may, by giving written notice to the Democratic Services Manager, request that any matter which is relevant to the functions of the committee or sub-committee as the case may be is included in the agenda for, and is discussed at, a meeting of the committee or sub-committee such notice to be given at least 21 days prior to the date of the meeting at which the member wishes to raise the said matter.*
- (j) If the Overview Committee or the Scrutiny Committee or their sub-committees so agree or if at least 40% of the members of the relevant committee or sub-committee so request by giving notice to the Democratic Services Manager then any member of the Executive 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 or sub-committee to answer appropriate questions from the members of that committee or sub-committee on any matter falling within its remit including any matter called in under Standing Order 21.
- (k) The Overview Committee and the Scrutiny Committee or their sub-committees may decide to request the attendance of any other person, not covered by paragraph (j) above, at a meeting of the committee or sub-committee.
- (l) The Chair of the Overview Committee and the Chair of the Scrutiny Committee shall as soon as possible after the Annual Meeting submit to Full Council for approval the respective work programmes agreed by those committees for the forthcoming year together with an annual report on the work of the committee and sub-committees over the last year.
- (m) If the Overview Committee or the Scrutiny Committee or one of their sub-committees is intending to receive a report back from a task group the Committee or sub-committee as the case may be will allow an Executive member to address it at the meeting that receives the report and the time allowed will be determined by the Chair acting reasonably.

20. Appointment of Co-opted Members to Overview and Scrutiny Committees

- (a) The Membership of the Overview Committee, the Scrutiny Committee, the Children and Families Scrutiny Panel 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 Executive 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.
- (b) The term of office of the parent governor voting co-optees appointed under paragraph (a) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).
- (c) The Membership of the Overview Committee, the Scrutiny Committee, the Children and Families Scrutiny Panel 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 Executive may include 2 non voting co-opted members who represent the governing bodies of schools which are faith schools not covered in paragraph (a)

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above and such representatives shall be appointed by the appropriate appointing body.

- (d) 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 Executive as determined by the Borough Solicitor or his or her representative.
- (e) Voting co-opted members appointed under this Standing Order shall sign an undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interests which by that Code they are required to so register in the Register of Member Interests. Non-voting co-opted members appointed under this Standing Order shall sign an undertaking in a form notified to them by the Borough Solicitor.
- (f) No co-opted member shall take their place on the committee or sub-committee to which they have been appointed unless and until they have given the undertaking required to be given in accordance with paragraph (f) above.
- (g) If a voting co-opted member fails or refuses to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from any committee, sub-committee or joint committee to which he or she has been appointed.

21. Call in of Executive decisions

- (a) If:-
 - (i) the Scrutiny Committee decides; or
 - (ii) at least 40% of the members of the Scrutiny Committee (including voting co-opted members if the decision relates to any education function of the Executive) request; or
 - (iii) 40% of the non-executive members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted members) request

that any decision of the Executive or its committee(s) or any Key Decision made by officers be called in for scrutiny then the Forward Plan Select Committee (or in the case of an education matter the Children and Families Scrutiny Panel) 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 Executive 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 Democratic Services Manager 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. Any request to call-in shall be made in accordance with Standing Orders 5 and 6.

- (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 Forward Plan Select Committee (or in the case of call ins relating to education matters the Children and Families Scrutiny Panel) has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the Overview Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive 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 the Forward Plan Select Committee (or in the case of an education matter the Children and Families Scrutiny Panel) shall 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 Forward Plan Select Committee (or in the case of an education matter the Children and Families Scrutiny Panel) recommends to the decision maker that it should reconsider the decision or matter then
 - (i) in the case of a decision made by the Executive the Executive 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 22; 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 22.

22. Referral of Called in Decisions to Full Council

- (a) If, following consideration by the Forward Plan Select Committee (or in the case of an education matter the Children and Families Scrutiny Panel) of a called in decision, at least 40% of the members of the Council (not including the 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, to the Democratic Services Manager within 5 days of the date on which the Forward Plan Select Committee (or in the case of an education matter the Children and Families Scrutiny Panel) met in accordance with Standing Order 21(a) or the date on which the decision maker reconsidered their decision in accordance with Standing Order 21(e) if later. The Democratic Services Manager 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 Executive on the referral and the reasons given therefore.

- (d) Full Council may make such recommendations to the Executive as it sees fit and the Executive shall, if the recommendations relate to a function which is properly exercisable by the Executive, take into account but shall not be obliged to accept those recommendations.

THE POLICY FRAMEWORK AND THE BUDGET**23. The Framework for Executive decisions**

Full Council will, be responsible for the adoption of the Council's Policy Framework and the Budget as set out in Article 4 of the Constitution. Once a budget or a policy is in place, it will be the responsibility of the Executive to implement it in so far as it relates to Executive functions.

24. Timetable and consultation

The Executive will, whether by including it in the Annual Policy Programme or otherwise, publish a timetable for making proposals to Full Council for the adoption of any plan, policy or strategy that forms part of the Policy Framework and the Budget and its arrangements for consultation. The Chair of the Overview Committee will also be notified of that timetable. If the matter is one where the Overview Committee has carried out a review of policy, then the outcome of that review will be considered in the preparation of proposals by the Executive together with the responses to consultation.

25. Developing proposals for the budget and capital programme

- (a) In the case of the Council's annual budget, including the capital programme, the Executive shall present a report to Full Council setting out the financial position of the Council, financial forecasts for the following year and expenditure priorities. 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".
- (b) Following the First Reading Debate a record of the debate shall be sent by the Democratic Services Manager to the Leader of the Council and the Chairs of the Overview Committee and the Scrutiny Committee all of whom may wish to undertake appropriate consultation with others
- (c) The Executive shall take into account the issues raised at the First Reading Debate prior to agreeing its budget proposals which proposals shall be submitted to the Overview Committee and the Scrutiny Committee for consideration.
- (d) A joint meeting of the Scrutiny Committee and the Overview Committee shall be convened in order to afford them an opportunity to consider the Executive's budget proposals
- (e) 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.
- (f) Where, before 8th February in any financial year (but not otherwise), the Executive 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.

- (g) Subject to (e) above, before Full Council makes any calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (f)(i), it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Full Council's requirements.
- (h) Where Full Council gives instructions in accordance with paragraph (f), 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 Executive within which the Leader may:-
 - (i) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Executive'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 Executive has with any of Full Council's objections and the Executive's reasons for any such disagreement.
- (i) When the period specified by Full Council, referred to in paragraph (g) above has expired Full Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (e)(i), take into account:-
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Executive's reasons for those amendments
 - (iii) any disagreement that the Executive has with any of Full Council's objections; and
 - (iv) the Executive's reasons for that disagreement

which the Leader submitted to Full Council, or informed Full Council of, within the period specified.
- (j) In the event that there is a dispute between the Executive 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 Executive to reconsider their proposal in accordance with paragraphs (i) and (j) of Standing Order 26 below.

26. 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 identified in the Annual Policy Programme (if any) as a plan, policy or strategy to be subject to a First Reading Debate, the Executive 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 Overview Committee for further advice and consideration. The Overview 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 Executive.
- (c) Following the referral of the report to it under paragraph (b) above, the Overview Committee shall report to the Executive 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 identified in the Annual Policy Programme (if any) as a plan, policy or strategy 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 Overview Committee for advice and consideration. The Overview 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 Executive.
- (e) Following the submission of the plan, policy or strategy to it under paragraph (d) above, the Overview Committee shall provide comments to the Executive 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 Democratic Services Manager 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 Overview Committee under paragraphs (b) and (d) above by sending a copy to the Democratic Services Manager who will forward them to the Chair of the Overview Committee.
- (g) Having considered any comments received from the Overview Committee and the matters noted at any First Reading Debate the Executive 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 Executive has taken into account any recommendations received from the Overview Committee.
- (h) Full Council will consider the proposals of the Executive 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 Executive 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 Executive within which

the Leader may submit to Full Council for reconsideration either a revised draft of the plan, policy or strategy together with the Executive's reasons for any amendments or details of those aspects of Full Council's objections that the Executive 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 Executive within the required period as set out above, the Executive's reasons for those amendments, any disagreement that the Executive has with any of Full Council's objections and the Executive'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 Democratic Services Manager 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 in the Annual Policy Programme. The Democratic Services Manager 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 Overview Committee at which the plan, policy or strategy will be considered.

27. Executive Decisions Outside the Policy Framework and the Budget

Full Council may in respect of any decision which the Executive has purported to take or is minded to take which is referred to Full Council for consideration under Standing Order 15(b):-

- (a) endorse the decision or proposed decision of the Executive;
- (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision of the Executive and agree to the decision with immediate effect; or
- (c) instruct the Executive 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

28. 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) All Meetings, of Full Council shall be held at 7.00 pm at Brent Town Hall, 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 Democratic Services Manager.

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)* **Citizenship Awards:**

Prior to any business being transacted at the meeting the Mayor will present the Citizenship Awards.

(b)* **Mayor:**

To elect the Mayor for the following year. The incoming Mayor will give a vote of thanks to the outgoing Mayor who will then have the opportunity to address the meeting.

(c) **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.

(d) **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.

(e) **Election expenses:**

Authorisation of the payment of the proper expenses of the Elections.

(f) **Declarations:**

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

(g) **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.

(h)* **Urgent business:**

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

(i)* **Business required to be dealt with:**

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

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

33. **Citizenship Awards**

The outgoing Mayor shall, at the Annual Meeting of Full Council and prior to any business being transacted, present the citizenship awards and may invite persons on to the floor of the chamber 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.

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) The Leader shall present a report to the meeting setting out the Executive's proposals for the budget
- (c) Following presentation of the report by the Leader, the Chair of the Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the joint meeting of the Scrutiny Committee and the Overview Committee following which there shall be a general debate and a vote taken.

35. The Constitution and Appointments

**Unless the following business has already been transacted at the Annual Meeting a Meeting of Full Council shall be held each year as soon as reasonably practicable after the Annual Meeting to consider the following:-*

(a) **Agree the Constitution:**

To agree any changes to the Constitution.

(b) **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.

(c) **The Executive:**

To appoint the Leader of the Executive and another nine members to be members of the Executive.

(d) **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 (except the Overview Committee and the Scrutiny Committee) and to agree the alternates for members.

(e) **Meetings of Full Council:**

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

(f) **Other meetings:**

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

(g) **Other Business**

To consider any other business including any urgent business.

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 Democratic Services Manager, or a member of his or her staff, who shall be empowered to receive the requisition on the Mayors 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 Mayors behalf.

37. Ordinary Meetings

Unless otherwise provided in these Standing Orders the order of business at every ordinary meeting of Full Council shall be:-

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

To choose a person to preside if the 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 in any matter to be considered at the meeting.

(e) **Mayor's announcements**

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

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

(g) Appointments to Committees/Appointments of Chairs/Vice Chairs

If necessary, to agree appointments to committees and except in the case of the Overview Committee or the Scrutiny Committee to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

(h) 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, reports from Chief Officers and any other business required to be dealt with.

(i) Question Time/Non-Executive Members Items:

A Question Time Debate and a Non-Executive Members Item Debate shall be held alternately at each ordinary meeting of Full Council.

(j) Reports from the Leader of the Executive, Chair of Overview Committee and the Chair of Scrutiny Committee :

To receive reports from the Leader of the Executive and the Chairs of the Overview Committee and the Scrutiny Committee in accordance with Standing Orders 40 to 42.

(k) General Debate:

To hold a general debate in accordance with Standing Order 43.

(l) First Reading Debate:

If necessary to hold a First Reading Debate on the policies described in the Annual Policy Programme as being subject to a First Reading Debate to be held in accordance with Standing Order 44.

(m) Motions Selected by the Leaders of the two Largest Opposition Groups

If there is no First Reading Debate to receive from and debate Motions selected by the leaders of the two largest opposition groups or a person nominated by them 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.

38. Question Time

- (a) A period of not more than 45 minutes shall be allowed to ask and respond to questions raised under this item.
- (b) Any non-executive member may submit a written question to the Executive on any matter which is the responsibility of the Executive. Such written question shall consist of not more than 50 words and shall be submitted to the Democratic

Services Manager at least 5 clear days prior to the next ordinary meeting of Full Council at which a Question Time will take place. Only one written question may be submitted by each non-executive member in the period between each Question Time. All such written questions shall be responded to by the Executive within three weeks of receipt of the written question unless a longer period is required for some special reason.

- (c) At least 5 clear days before the relevant meeting any non-executive member may notify the Democratic Services Manager that he or she would like to raise a supplementary question relating to the subject matter of his or her original written question provided the written question was submitted within the timescale specified in paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)). Such notification shall be given to the Democratic Services Manager before 12 noon on the relevant day.
- (d) The Democratic Services Manager shall then prepare a list of the names of the members who have in accordance with paragraph (c) notified him or her of their request to ask a supplementary question (hereinafter referred to as "the list of names").
- (e) A total of ten members shall be invited to ask a supplementary question under this standing order such members to be selected from the list of names in accordance with the remaining provisions of this standing order but which will not include the councillors who will at the date of the relevant meeting be the Mayor and Deputy Mayor.
- (f) The Democratic Services Manager shall, as soon as the list of names has been prepared, select from it by way of random ballot the names of three members from the majority group who will be invited to ask a supplementary question provided that the Democratic Services Manager shall have given notice to the group offices of the date, time and place of the random ballot. The Democratic Services Manager shall notify those members forthwith that they have been selected.
- (g) The leader of the largest opposition group may, by serving notice on the Democratic Services Manager by the deadline specified in paragraph (c) above, select up to two members from his or her group to ask a supplementary question provided that those members have also served notice of their request to ask a supplementary question on the Democratic Services Manager in accordance with paragraph (c) above.
- (h) The leader of the second largest opposition group may, by serving notice on the Democratic Services Manager by the deadline specified in paragraph (c) above, select one member from his or her group to ask a supplementary question provided that the member has also served notice of his or her request to ask a supplementary question on the Democratic Services Manager in accordance with paragraph (c) above.
- (i) The remaining members to be invited to ask a supplementary question shall be selected from the list of names by way of random ballot by the Democratic Services Manager provided that the Democratic Services Manager shall have given notice to the group offices of the date, time and place of the random ballot.
- (j) Prior to the relevant meeting the original written questions submitted to the Democratic Services Manager shall be circulated to all members together with any written response that has been received from the Executive.

- (k) The members selected by the leader of the largest opposition group shall be called first to ask their supplementary questions followed by the member selected by the leader of the second largest opposition group followed by the majority group members selected by the Democratic Services Manager (in the order in which they were drawn) followed by the remaining members selected by the Democratic Services Manager under the random ballot (also in the order in which they were drawn).
- (l) Each member shall have up to 2 minutes to ask their supplementary question which must relate to the subject matter of their original written question. A written note of the supplementary question to be asked at the meeting or a summary of it shall be provided to the Democratic Services Manager immediately prior to it being asked.
- (m) A member of the Executive shall have up to 2 minutes to respond to the supplementary question.
- (n) In the event that a non-executive member does not attend the meeting at which their supplementary question is to be asked or chooses not to ask his or her supplementary question then the right to ask his or her supplementary question shall be forfeited and the question may not be asked by another member except in the case of the supplementary questions reserved for the majority group and the two largest opposition groups which may be asked by another member of his or her group.

39. Items Selected by Non-Executive Members

- (a) As soon as possible after an ordinary election of members to the Council the Democratic Services Manager shall notify the leaders of the political groups of the date, time and venue of the random ballot of names of non-executive members (but excluding the Mayor and Deputy Mayor) for the purposes of this Standing Order.
- (b) The Democratic Services Manager will, at the appointed date time and place, select by way of random ballot the names of the non-executive members (but excluding the Mayor and Deputy Mayor) and will list those names in the order in which they are selected.
- (c) The members selected will then be entitled, in the order in which they were selected, to raise an issue of their choice (but which shall relate to the functions of the Council or which shall affect the inhabitants of the borough) at a meeting of Full Council at which non-executive members items are to be debated save that the Mayor and Deputy Mayor will not be entitled to raise an issue under this item of business at a meeting whilst they hold those positions.
- (d) The member selected may permit another non-executive member to stand in his or her place for the purpose of raising the item and any subsequent speech (unless that other non-executive member has already raised an item under this Standing Order) but in such cases the name of that other member shall be deleted from the numbered list prepared under paragraph (b) above and there shall in its place be substituted the name of the member selected originally to raise the item at the meeting concerned.
- (e) No member shall be permitted to raise an issue under this Standing Order more than once until there are no names remaining on the list in which case another ballot shall be held on a date and at a time and venue to be notified to the leaders of the political groups by the Democratic Services Manager such notification to be

given not less than 2 weeks prior to the date of the ballot. The list will cease to be of effect upon the date of the next ordinary election of members to the Council.

- (f) The member selected (or the member nominated by such member to stand in his or her place) shall submit to the Democratic Services Manager at least 10 days prior to the meeting at which the item is to be raised a note of the item he or she will be raising which note shall comprise not more than 100 words. The note submitted shall be included in the agenda for the meeting at which it will be raised provided that its contents are not, in the reasonable opinion of the Borough Solicitor, improper, irregular or unlawful.
- (g) At every meeting at which Non-Executive Member Items are on the agenda there shall be allowed a period of up to 45 minutes to raise not more than three such items and to respond to and comment thereon in accordance with the following procedure.
- (h) The first member selected or nominated shall be allowed up to 3 minutes to raise the issue and ask any associated question(s). The Mayor shall then select up to four further speakers who shall be allowed up to 2 minutes each to comment, which comments shall relate to the subject of the item raised. The Leader or, if the Leader so indicates, another member of the Executive shall be allowed up to 3 minutes to respond to the issues raised and any questions asked by the non-executive member who raised the item. Full Council shall then move to the vote on whether to request the Executive to consider further the issues raised unless the Leader or other member of the Executive indicates that the Executive will in any event consider further the issues raised in which case no vote will be necessary.
- (i) The process set out in the preceding paragraph shall be repeated for the second member selected or nominated under paragraphs (b) or (d) above and then again for the third member selected.
- (j) The Mayor may exercise his or her discretion to curtail speeches in order to allow the Leader or other Executive Member a reasonable period in which to respond to the final item raised under this Standing Order within the overall time limit in (g) above.
- (k) The names of any new members elected to office and the names of any members who were at the time of the ballot a member of the Executive but have since ceased to be a member of the Executive shall be added to the list if they make a written request to the Democratic Services Manager. Such names will be added to the list in the order in which the request is received. Non-executive members who become Executive members will lose their right to raise an item under this Standing Order.

40. Report from the Executive

- (a) The Leader or other member(s) of the Executive shall be allowed up to 20 minutes to report to Full Council on any matter which is the responsibility of the Executive including all or any of the following matters:-
 - (i) **Changes to Annual Policy Programme:**

Any changes recommended to be made to the Annual Policy Programme;
 - (ii) **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;

(iii) **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 Executive to Full Council for approval, the views (if any) of the Overview Committee and the way in which those views were taken into account by the Executive;

(iv) **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 Executive to Full Council for approval, the views (if any) of the Overview Committee and the way in which those views were taken into account by the Executive;

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

Any decisions which the Executive have purported to take or are minded to take which, in the reasonable opinion of the 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 27;

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

Any decisions which the Executive have 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 16 (to include the reasons for urgency);

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

Any decisions which were not included in the Forward Plan but were taken by the Executive under the urgency provisions in Rules 37 and 38 of the Access to Information Rules and the reasons for such urgency;

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

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 21(c) prior to consideration of the decision by the Forward Plan Select Committee or the Children and Families Scrutiny Panel as the case may be and the reasons for urgency;

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

Any decisions which the Executive have taken in respect of which the Executive 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 or any of its sub-committees has required the Executive to report to Full Council under the Access to Information Rules because it considers that the Executive did not comply with the Access to Information Rules relating to the decision;

(x) **The response of the Executive to comments received:**

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

(xi) **The Response of the Executive to Items Selected by Non Executive Members**

The Executive's response to any items raised by Non Executive Members under Standing Order 39; and

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

41. Report from the Chair of the Overview Committee

- (a) Following the presentation of the report from the Leader or Members of the Executive the Chair of the Overview Committee may present a report on any matter in respect of which the Committee or its sub-committee has been consulted or which it has been reviewing or considering and shall be permitted to speak for up to 10 minutes thereon.
- (b) In the absence of the Chair the report shall be presented by the Vice Chair of the Overview 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.

42. Report from Chair of Scrutiny Committee

- (a) Following the presentation of the report from the Chair of the Overview Committee or, if there was not one, the report from the Leader or Members of the Executive, the Chair of the Scrutiny Committee may present a report on any matter in respect of which the committee or its sub-committees have been consulted or which the committee or its sub-committees have been reviewing or considering. The Chair or other person nominated by him or her to speak shall be permitted to speak for up to 10 minutes. The Chair or other person nominated to speak shall where appropriate include in his or her report:-
 - (i) proposed changes to the work programme of the committee or its sub-committees;
 - (ii) details of the decisions or proposals of the Executive, which have been called in for scrutiny and are being referred to Full Council in accordance with Standing Order 22;
 - (iii) details of decisions or proposals of the Executive, other than those permitted to be made by the Executive under Standing Order 16 (urgency) or 17 (viement and in year changes to policy), which the Scrutiny Committee or any of its sub-committees consider 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;

- (iv) details of the decisions of the Executive which the Scrutiny Committee or any of its sub-committees consider were made by the Executive other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

- (b) In the absence of the Chair the report shall be presented by the Vice Chair of the Scrutiny 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.

43. General Debate on Reports from the Executive, Overview and Scrutiny

Following the presentation of the reports in accordance with Standing Orders 40 to 42 there shall be allowed a period of up to 30 minutes to debate the issues raised in the reports (other than issues relating to a matter which is to be the subject of a First Reading Debate) and to answer questions and at the end of the period there shall be put to the vote:

- (i) any Motions and/or amendments relating to the issues raised in the report back from the Chair of the Scrutiny Committee;
- (ii) followed by any Motions and/or amendments relating to the issues raised in the report back from the Chair of the Overview Committee;
- (iii) followed by any Motions and/or amendments relating to the issues raised in the report back from the Leader or other Members of the Executive (*including any alternative proposals submitted in respect of any plan, policy or strategy submitted by the Executive to Full Council*).*

44. First Reading Debate

- (a) Where at an Ordinary Meeting of Full Council 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 30 minutes shall be allowed for a debate on the budget or that plan, policy or strategy (or longer if the Mayor so agrees).
- (b) 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 Overview Committee in accordance with Standing Orders 25 (b) and/or 26 (b) as the case may be.

45. Motions Selected by the Leaders of the Two Largest Opposition Groups

- (a) Where at an Ordinary Meeting of Full Council there is no First Reading Debate there shall be held an item called 'Motions Selected by the Leaders of the Two Largest Opposition Groups' in respect of which a period of no more than 40 minutes shall be allowed.
- (b) The leaders of the two largest opposition groups shall, if they wish to select a Motion to be debated under this Standing Order, give notice of their intention to do so to the Democratic Services Manager not less than 10 days before the date

of the meeting which notice shall be accompanied by a copy of the Motion they are intending to move at the meeting.

- (c) Up to 25 minutes shall be allowed to debate and vote on the Motion selected by the leader of the largest opposition group and a further period of up to 15 minutes shall then also be allowed to debate and vote on a Motion selected by the leader of the second largest opposition group.
- (d) The debate shall commence with the leader of the largest opposition group or a person nominated by him or her being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor.
- (e) Two minutes before the end of the 25 minute period allowed in paragraph (c) above, the Motion shall be put to the vote.
- (f) Following the vote the debate shall continue with the leader of the second largest opposition group or a person nominated by him or her being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor.
- (g) Two minutes before the end of the 15 minute period allowed in paragraph (c) above, the Motion selected shall be put to the vote.

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.
- (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 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) 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 an Executive Member responding to a question put to the Executive by a non-executive 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 Borough Solicitor 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.
- (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 a bell shall be rung to 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 10:30pm 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 Council chamber or meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the Council chamber or meeting room. In case of general disturbance in any part of the chamber or meeting room open to the public the Chair shall order that part to be cleared.

51. Smoking and Mobile Phones at Meetings

- (a) No person shall smoke at any meeting of the Council or the Executive or a committee or sub-committee thereof.
- (b) Any mobile phone taken into a meeting is to be switched off 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 Borough Solicitor or the Democratic Services Manager or their representatives.

53. Appointments to 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) Chairs and Vice Chairs of the Overview Committee and the Scrutiny Committee shall be appointed by the members of those committees except as prescribed by Standing Order 19(d). In all other cases, Full Council shall, appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (c) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (d) 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 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.
- (e) 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.
- (f) 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.
- (g) Co-opted members may be appointed to committees and sub-committees in accordance with the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

54. Independent Members

- (a) The Full Council shall appoint 2 Independent Members to its Standards Committee one of whom shall be appointed as Chair.
- (b) The Independent 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) No Independent Member appointed by Full Council shall be entitled to act as an Independent 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.
- (d) The Independent Members shall not take their place on the Standards Committee unless and until they have given the undertaking required to be given in accordance with paragraph (c) above.
- (e) If the Independent Members fail or refuse to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from the Standard Committee.

55. Appointment of and Changes to Alternate Members

- (a) Other than in the case of the Standards Committee, Full Council may appoint a first alternate member to attend, speak and vote in the absence of each member of a committee and a second alternate member to attend, speak and vote in the absence of each member and his or her first alternate, provided in either case that the alternate member is not already a member of the committee.
- (b) A parent committee may appoint alternate members to its sub-committees in the same manner as is described in (a) above.
- (c) If, apart from this part of the Standing Order, a person would otherwise be entitled to act at the same time as an alternate for more than one primary member of the committee that person shall be the alternate for the member whose surname has alphabetical priority.
- (d) Any member acting as an alternate 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 alternating.

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 quarter of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Democratic Services Manager provided that the number of members so calling the meeting shall not be less than 3². Meetings called under this Standing Order shall be known as a Special Meeting.

Deleted: . The summons to any meeting called under this Standing Order shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting

² The deleted text was unnecessary because it is always the case that no business can be transacted unless specified in the agenda, except in the case of urgent business.

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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 Licensing Sub-Committee, the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary³.

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(c) 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 Democratic Services Manager.

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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 or 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.

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(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.

59. Quorum of Committees and Sub-Committees

Other than in the case of the Alcohol & Entertainment Licensing 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 members, or three members, whichever is greater, are present. In respect of the Alcohol & Entertainment Licensing Sub-Committees at least two members of the relevant sub-committee must be present before business can be transacted at that meeting. 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.

³ This change will enable the sub-committees to adjourn more than once if necessary in order to properly consider licensing applications. This may be necessary if, for example, new documentary evidence is produced or if a party is unable to attend a meeting or if there is insufficient time available to conclude the hearing.

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- (c) Except in the case of a person representing a deputation under Standing Order 68, 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 Democratic Services Manager 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 Democratic Services Manager 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 Democratic Services Manager.
 - (e) Where a report from or concerning a relevant Consultative Forum is before the Scrutiny Committee or Overview Committee or a sub-committee thereof and the Chair or any other representative of the Forum is present at the meeting and that person has given notice to the Democratic Services Manager 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 or sub-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 Democratic Services Manager 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 or sub-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 Democratic Services Manager 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**

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- (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, the Staff Appeals Sub-Committees and the Schools Disciplinary Sub-Committee.
- (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 an interested 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 paragraphs 1 to 6, 9, 11, 12 and 14 of the Table set out in the Access to Information Rules.

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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, the Schools Disciplinary 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 Licensing Sub-Committee 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 Democratic Services Manager 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 10.15pm unless the Chair is satisfied on reasonable grounds that:-
 - (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 10.30pm provided that if at 10.30pm 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 11.00pm 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 Licensing Sub Committee and the Standards Committee may by majority vote taken no later than 10.30 pm, 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, the Staff Appeals Sub-Committees, or Schools Disciplinary Sub-Committee; and
- (i) 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

- ⁴
(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.
- (e) 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.
- (f) 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.

Deleted: (a) Minutes of committee and sub-committee meetings shall be prepared in two parts:-¶
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 (i) Part I containing minutes of decisions taken by the committee or subcommittee under powers delegated to it by Full Councils; and¶
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 (ii) Part II containing minutes of recommendations made by the committee or sub-committee to a committee or Full Council.¶
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 (b) The recommendations of each committee or sub-committee meeting as may be contained in Part II of its minutes shall be submitted to the next Ordinary Meeting of the relevant committee or Full Council (as the case may be) together with a supporting report.

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⁴ The minutes are not now prepared in this format and have not been for some time. This change merely reflects current practice.

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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 to the office of the Democratic Services Manager during office hours. 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, all of whom shall be registered electors in the borough.
- (c) The Democratic Services Manager 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 Corporate 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 Director of Environment and Culture 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 Chairs of the Overview Committee and the Scrutiny Committee and to the relevant Service Area or Corporate 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 Executive 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 Executive (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 Executive. The General Purposes Committee or the Executive as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
 - (ii) Petitions not concerning specific decisions planned to be made shall be referred to the Executive 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 Borough Solicitor or Democratic Services Manager. 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) Where the Executive 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 Overview Committee or the Scrutiny Committee or one of their sub-committees for consideration;
 - (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.
- (g) Where the Overview Committee or the Scrutiny Committee or one of their sub-committees consider a petition referred to it under (f) (ii) above they 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 Executive or the relevant referring committee concerning it; or
 - (iii) refer it to the relevant officer for a formal response.

(h) 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.

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69. Deputations

- (a) With the exception of the Standards Committee, the General Purposes Licensing Sub-Committee, 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 Democratic Services Manager 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 Borough Solicitor and shall be secured by two different locks, the keys or combination of which shall be kept by the Borough Solicitor provided that the Borough Solicitor 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 Borough Solicitor 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 Borough Solicitor or a deputy or other person duly authorised by the Borough Solicitor 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; or
 - (ii) that relate to the provision of goods or services by the Council to another body and which exceed £150,000 in value over the life of the contract; or
 - (iii) that exceed £500,000 in value over the life of the contract

(iv) which are grants that exceed the sum of £150,000⁵

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must be executed as a deed under seal in accordance with these Standing Orders.

- (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.⁶

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

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⁵ This has been added to make it clear that the requirement to have agreements over a certain value executed as a deed also applies to grants.

⁶ This amendments clarifies that these contracts have to be signed by either two chief officers or by any other two officers from the relevant department provided they have the appropriate authority from their Director.

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(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 Director of Finance and Corporate Resources.

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

- (a) The Director of Human Resources and Diversity 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.

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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

- (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 77b) 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 of Human Resources and Diversity the acts required under these Standing Orders Relating to Staff to be done by the Director of Human Resources and Diversity 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 of Human Resources and Diversity shall be consulted on all appointments to posts covered by this Standing Order.
- (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 Director of Children and Families (acting as the Director of Children's Services appointed under section 18 of the Children Act 2004);
- the Director of Housing and Community Care (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;

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(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 assistant director or deputy director reporting directly to a Service Area Director or Corporate Director;

(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 Executive 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 therefrom.

(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*), save that decisions to renew fixed term contracts in respect of such posts and decisions to offer contracts with no fixed term on the expiry of such fixed term contracts may be made by the Chief Executive or another Chief Officer authorised by him or her.

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(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.

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(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 of Human Resources and Diversity (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 of Human Resources and Diversity (or such other appropriate officer) shall forthwith notify to every member of the Executive:
- (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 Executive to the Director of Human Resources and Diversity (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 of Human Resources and Diversity (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 Executive has to the proposed appointment.
- (n) If no such objection is received by the Director of Human Resources and Diversity (or such other appropriate officer) or the Chair of the Senior Staff Appointments Sub-Committee the Director of Human Resources and Diversity 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 of Human Resources and Diversity 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

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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.

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 a recommendation contained in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (b) The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and will last no longer than two months from the date it took effect.

79. Dismissal from Senior Management Posts

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 77(b) or (o) shall be notified to the Director of Human Resources and Diversity 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 of Human Resources and Diversity shall forthwith notify to every member of the Executive:-
- (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 of Human Resources and Diversity; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Executive on behalf of the Executive to the Director of Human Resources and Diversity.
- (c) The Leader shall within the period specified in the notice from the Director of Human Resources and Diversity notify the person or body proposing the dismissal and the Director of Human Resources and Diversity of any objection which the Leader or any other member of the Executive has to the proposed dismissal.
- (d) If no such objection is received by the Director of Human Resources and Diversity or the person proposing the dismissal the Director of Human Resources and Diversity 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 of Human Resources and Diversity may proceed to give notice of the dismissal to the employee.

(e) In the case of the dismissal of the Chief Executive the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.

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80. Staff Appeals Against Dismissal

Appeals by members of staff 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.

CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders:

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 officers defined as such in Standing Order 7(c) being the Chief Executive, Service Area Directors and Corporate Directors.
Contract Register Officer	The officer appointed to maintain the contract register.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
<u>E-Auction Facility</u>⁷	<u>A web-based facility which enables the electronic submission of prices for a tender.</u>
<u>Electronic Tender Facility</u>	<u>A web-based facility which enables the electronic despatch and receipt of tender documents.</u>
<u>Electronic Tender Time-Box</u>	<u>The feature within an Electronic Tender Facility which stores received tenders and prevents viewing of them until after the appointed closing date and time.</u>
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations including: Directives 92/50/EEC (services), 93/36/EEC (supplies) and 93/37/EEC (works); The Public Services Contracts Regulations 1993; The Public Supply Regulations 1995; The Public Works Regulations 1991; as amended or replaced from time to time.
Framework Agreement	A contractual agreement for the provision of services, supplies or works on a call-off basis for an agreed term at a guaranteed price.
High Value Contract	In the case of contracts for supplies or services a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of more than £500,000 or in the case

⁷ These amendments are to enable e-tendering and e-auctions to be undertaken

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	of a contract for works a contract with an estimated value of more than £1,000,000 or a PFI contract.
Medium Value Contract	In the case of contracts for 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 £150,000 and £500,000 or in the case of a contract for works a contract with an estimated value of between £150,000 and £1,000,000.

Member	An elected member of Brent Council.
Monitoring Officer	The Borough Solicitor.
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
Low Value Contract	A contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,000 and £149,999 over the term of the contract.
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, bid or offer.

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;
- (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 Executive (or, if appropriate, the General purposes Committee) agrees otherwise with these Contract Standing Orders and the Council's Financial Regulations.
- (b) 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; and
 - (iv) these Contract Standing Orders are complied with.

- (c) 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 Borough Solicitor or Director of Finance and Corporate Resources as appropriate.
- (d) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) Framework agreements.
- (e) Subject to paragraph (a) above, 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. Consortia and Partnership Arrangements⁸

- (a) No consortia purchasing arrangements may be entered into unless the arrangements are approved in writing by the Borough Solicitor and the Director of Finance and Corporate Resources.
- (b) No Partnership Arrangements may be entered into unless they are approved by the Director of Finance and Corporate Resources and a formal partnership agreement is signed by the parties.

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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 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.
- (c) Subject to complying with any relevant parts of the European Procurement Legislation tenders need not be invited:
- (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 Borough Solicitor and in the case of High Value Contracts approval is sought from the Executive (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 Borough Solicitor; or
 - (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the

⁸ This amendment is to set out the rules required for entering into partnership arrangements and reflects the requirements of Financial Regulations

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 and services by the Council

The Local Authorities (Goods and Services) Act 1970 (“the Act”) provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 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. Authority to enter into arrangements under either of these provisions must be agreed by the Executive (or if appropriate the General Purposes Committee) where the contract value would be £150,000 or more in value over the term of the contract or where a company is to be set up for the purposes of the arrangements. In all cases advice shall be sought from the Borough Solicitor and the Director of Finance and Corporate Resources.

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 Executive (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Executive, the General Purposes Committee, or the Pension Fund Sub-Committee⁹ 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.

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(c) Where approval to award, or terminate a contract is required to be obtained or is in any event sought from the Executive (or the General Purposes Committee or Pension Fund Sub-Committee), the Executive, 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.

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89. Pre-Tender Considerations

In procuring any contract Chief Officers shall, where appropriate, consider the following matters prior to inviting tenders:

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- (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 by electronic means and whether there will be an e-auction;¹⁰

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⁹ This reflects the fact that the Pension Fund Sub-Committee has power to award certain contracts relating to the pension fund.

¹⁰ This amendment is to enable e-tendering and e-auctions to be undertaken and to state the pre-tender considerations in relation to e-tendering and e-auctions

- (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) any staffing implications including TUPE and pensions; and
- (x) 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. Small Lots

The estimated value of contracts split into lots shall be calculated using the total value of all lots. Contracts must not be split into lots to avoid competitive tendering.

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 Borough Solicitor and the Director of Finance and Corporate Resources 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 OJEC (the Official Journal of the European Community) 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 Subject to Full EU Rules

Where a services (Part A services), supplies or works contract is above the EU threshold then tenders shall be invited in accordance with European Procurement Legislation using the open, restricted, negotiated, or competitive dialogue procedure.¹¹

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96. Contracts for Part B Services and Contracts not Subject to EU Rules

¹¹ This amendment is to enable the use of the new tendering procedure under EU Procurement legislation which must be adopted into UK law by 31st January 2006

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- (a) Where a contract is for a Part B service or is below the EU threshold then tenders shall be invited in accordance with:-
 - (i) any requirements in the European Procurement Legislation relating to Part B Services if appropriate;
 - (ii) these Contract Standing Orders; and
 - (iii) the requirements of either (b) or (c) below.

(b) Single Stage Tender

Tenders shall be invited by way of public notice published in at least one local newspaper and at least one relevant trade journal 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.

(c) Two-Stage Tender

- (i) Expressions of interest shall be invited by public notice in at least one local newspaper and at least one relevant trade journal 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.
- (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 List

The Council does not currently operate a corporate Approved List. The Borough Solicitor may in consultation with the Director of Finance and Corporate Resources give approval to the introduction of a corporate Approved List and prescribe the rules on how that list shall be compiled, used, monitored and reviewed¹²

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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;

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¹² This amendment is to give the Borough Solicitor authority to agree the rules for the operation of an approved list at the earliest opportunity.

- (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 any weightings;
- (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 a comparable pension and/or parent company guarantee and/or a performance bond;

(ix) form and contents of method statements, if any, to be provided;

(x) whether or not tenders are to be submitted electronically;¹³

(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 in the case of the negotiated contracts, 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

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<#>statement requiring tenderers to submit their tender submission in hard copy and the location to which that submission must be returned;¶

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Deleted: whether or not tenderers may submit all or any of their tender submission electronically in addition to the hard copy provided under (x) above and if so, the electronic address where it should be sent; and

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¹³ These amendments are to enable e-tendering and e-auctions to be undertaken and to prescribe that certain matters must be addressed in instructions to tenderers

- (iv) except in the case of an e-auction¹⁴ 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.

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100. Receipt and Opening of Tenders

Except in the case of electronic tendering for which the rules in Standing Orders 101 shall apply¹⁵, the receipt and openings of tenders shall be conducted as follows:

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- (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 Democratic Services Manager 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-Auctions¹⁶

- (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 the 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 Procurement Strategy and Risk Management following their release and recorded.
- (d) In appropriate cases the submission of prices for a tender may be conducted by e-auction using an E-Auction Facility.

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¹⁴ These amendments are to enable e-tendering and e-auctions to be undertaken

¹⁵ This amendments is to enable e-tendering and e-auctions to be undertaken

¹⁶ These amendments are to enable e-tendering and e-auctions to be undertaken and prescribe the rules for the undertaking of e-tendering and e-auctions

(e) Tenders conducted by e-auction must comply with any specific European Procurement Legislation where applicable and must follow the usual process for the invitation, submission and evaluation of tenders except that the submission of prices will occur via an online auction.

(f) Except with the prior written approval of the Director of Finance and Corporate Resources, electronic tendering may only be undertaken using the Council's Electronic Tender Facility or E-Auction Facility operated by Procurement Strategy and Risk Management.

(g) Where tendering has been conducted by electronic means Chief Officers shall ensure that signed hard copies of the form of tender, parent company guarantee undertakings and bond undertakings are obtained from the successful tenderer prior to award of contract. **102. Late Tenders**

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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. Any written approval shall be kept with the record of tenders received. Except in these cases any envelope containing a late tender will be opened for the sole purpose of identifying the applicant and will be returned to them immediately.

103. Record of Tenders and Contracts

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The relevant Service Area Director shall maintain a record of all tenders invited and received by them and of all contracts entered into on behalf of the Council and shall record 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.

104. Tender Evaluation

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- (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 (except works contracts where lowest price was pre-determined to be the appropriate criteria) shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council.

105. Departure from Tender Documents

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- (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 Borough Solicitor.
- (c) Post tender negotiations are only permissible where the instructions to tender specified the areas to be subject to negotiation and in the case of contracts which

are subject to European Procurement Legislation only where the contract was advertised pursuant to the EU negotiated procedure. In all other cases only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

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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. Tender Debriefing and Acceptance

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(a) Except where only one tender has been received or the council has conducted an urgent negotiated procedure with only one tenderer, where the Contract is subject to the full application of the European Procurement Legislation (Part A Services, works or supplies contract above the EU threshold) a mandatory standstill period must be allowed between notifying all tenderers of the award decision and the actual award of contract. The mandatory standstill period shall be at least 10 calendar days and shall commence on the day after the award notification set out in (b) below is sent out to all tenderers. If the mandatory standstill period ends on a non-working day, it must be extended to the end of the next working day.¹⁷

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(b) In cases where the mandatory standstill period applies an award notification shall be sent to tenderers which shall include the following:

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- (i) the award criteria;
- (ii) the score the tender obtained against those award criteria (where appropriate);
- (iii) the score the winning tenderer obtained (where appropriate); and
- (iv) the name of the winning tenderer.

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(c) Where an unsuccessful tenderer requests in writing additional debriefing information by the end of the second working day following the commencement of a mandatory standstill period, the following information shall be provided to the unsuccessful tenderer at least 3 working days prior to the end of the mandatory standstill period:

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- (i) the reasons why the tenderer was unsuccessful; and
- (ii) if the tenderer submitted an admissible tender, the characteristics and relative advantages of the successful tenderer

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(d) If an unsuccessful tenderer requests in writing additional debriefing information after the end of the second working day following the commencement of a mandatory standstill period the information in (c) above must be supplied to the unsuccessful tenderer within 15 days of receipt of the request.

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(e) Tender acceptance must not be communicated to the successful tenderer until after the expiry of any mandatory standstill period. Subject to this, tender acceptance shall be communicated to the successful tenderer as soon as possible and where possible within 5 working days of the decision being made. Tender acceptance must be in writing and, as a minimum must detail the date of the decision and the decision-maker.

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¹⁷ These amendments introduce a ‘standstill’ period between the decision to award a contract and the actual award of contract where the contract is subject to EU Procurement Legislation. These amendments are as a result of EU case law which is due to be implemented into UK law by regulations imminently

- (f) 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 Borough Solicitor.

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108. Contract Award Notice

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Chief Officers shall ensure that a contract award notice is published in OJEC within 48 days of the award of any contract where required by European Procurement Legislation.

109. Letters of Intent

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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

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A register of all contracts placed by the Council to the value of £150,000 or more over the term of the contract shall be maintained by the Contract Register Officer. Such 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 shall be reported to the Contract Register Officer within one month of award and in the required format.

111. Contract Terms and Conditions

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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 Borough Solicitor as appropriate.

112. Extension and Variation of Contract

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- (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 Borough Solicitor and the Director of Finance and Corporate Resources. 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 Executive (or the General Purposes Committee or Pension Fund Sub-Committee) the Executive, ~~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.

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113. Early Termination of Contract

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High Value Contracts may only be terminated by the Executive, 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 Contract¹⁸

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- (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 Executive (or the General Purposes Committee or Pension Fund Sub-Committee) the Executive, 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.

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¹⁸ These amendments are clarification of the existing position