

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**

(a) These Standing Orders may only be varied or revoked at a meeting of Full Council. 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.

(b) These Standing Orders and/or the Constitution may be varied by the Borough Solicitor if in her reasonable opinion¹ 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.

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.

¹ This is a minor amendment required to reflect the existing power delegated to the Borough Solicitor to make the said amendments to Standing Orders and to the Constitution.

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 ²members 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.

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7. Interpretation

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

² [This deletion has been made as it is not necessary to refer to the percentage number.](#)

- (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 and Scrutiny Committees 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.

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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. According to statute³ any function in respect of, which the Executive or its committee(s) has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an Executive function for the purposes of that decision and so shall be referred to Full Council for consideration in accordance with Standing Order 27.

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³ See footnote to standing order 27 for an explanation of this amendment.

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 (e) 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.

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21. Call in of Executive decisions

- (a) If:-
- (i) the Overview and Scrutiny Committee decides; or
- (ii) five 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 a committee of the Executive 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 Overview and Scrutiny Committee) shall consider that decision at its next meeting which unless otherwise determined by the Leader shall in the case of a decision made by the 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.

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- (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 Overview and Scrutiny Committee) has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the Overview and Scrutiny 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 Overview and Scrutiny Committee) 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

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 by the Executive. 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 and Scrutiny Committee (or any of its sub-committees, or the Children and Families Overview and Scrutiny Committee, as appropriate) 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) itself take a decision on the matter and/or
- (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision (in which case the matter could be remitted to the Executive for a decision if the decision was not in fact taken by Full Council under paragraph (a) above)⁴; or

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⁴ According to statute, where the Executive purports or is minded to take a decision in respect of any function but that decision would be in conflict with the Policy Framework adopted by the Council or the budget adopted by it then that function ceases to be an Executive function and must be decided by the Council itself. The change to the drafting in this standing order and standing order 15 reflects the legislative position with more clarity.

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 ~~invite~~ a vote of thanks to the outgoing Mayor who will then have the opportunity to address the meeting.

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(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 Budget Panel shall be allowed up to 10 minutes to present the findings of the panel following which there shall be a general debate and a vote taken.

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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 (other than the Budget Panel which is a sub-committee of the Overview & 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 Mayor's behalf. Any such requisition shall be accompanied by notice of the motion or motions to be debated at the Extraordinary Meeting. The requisition shall be marked with the date and time of receipt by the Mayor or the officer receiving it on the Mayor's behalf.

37. Ordinary Meetings

Unless otherwise provided in these Standing Orders the order of business at 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 (including petitions received)⁵:**

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

⁵ [This change reflects the earlier decision of Full Council that a list of petitions would be circulated at each meeting showing progress.](#)

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 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 and Non-Executive Members Items shall be held at each ordinary meeting of Full Council, [except the meeting at which the Council Tax is set.](#)

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

To receive reports from the Leader of the Executive and the Chair of the Overview and Scrutiny Committee in accordance with Standing Orders 40 and 41.

(k) **First Reading Debate:**

If necessary to hold a First Reading Debate in accordance with Standing Order 44.

(l) **Motions Selected by the Group Leaders**

If there is no First Reading Debate to receive from and debate Motions selected by the group leaders in accordance with Standing Order 45.

(m)* **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 40 minutes shall be allowed to ask and respond to questions raised under this item.

Any non-executive member (except the Mayor and Deputy Mayor) 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

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 necessary.
- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of a committee or sub-committee on the grounds of lack of business. He/she may postpone and rearrange the date and/or time of a meeting of a committee or sub-committee after consultation with the Democratic Services Manager.

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.
- (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

No business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its **voting** members or three of its **voting** members, whichever is greater, are present ("the quorum") save that in respect of the Standards Committee the quorum shall include one of the independent members of the committee (except as otherwise provided for in the terms of reference for that committee⁶) and in respect of the Alcohol & Entertainment Licensing Sub-Committees and the Audit Committee the quorum shall be two. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

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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.

⁶ This change is merely a drafting change which reflects the current position with regard to quorum for those specified committees. There is currently a further reference to quorum found in paragraph 10 of the introduction to Part 5 of the Constitution which deals with terms of reference of committees. This reference has also been amended so as to cross refer to this Standing Order in order to avoid repetition and/or duplication. Finally, this amendment makes it clear that the voting members of the committee or sub-committee have to be taken into account for the purpose of calculating the relevant quorum.

- (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

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

67A. Right of the Audit Committee to require attendance of members and officers

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- (a) If the audit committee so agrees 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 committee to answer appropriate

writing by the Director of Finance and Corporate Resources and the Borough Solicitor.

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) Contracts which are procured using the corporate Approved List in accordance with the rules prescribed pursuant to Standing Order 97 are not subject to full tendering requirements.
- (d) No formal tendering procedures apply where contracts are called off under:
 - (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority, where call off under the Framework Agreement is recommended by the relevant Chief Officer PROVIDED that the Borough Solicitor has advised that participation in the Framework Agreement is legally permissible and that approval to participate has been obtained from the Director of Finance and Corporate Resources.
- (e) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor Quotes sought⁷:
 - (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 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

⁷ [This amendment clarifies that this exemption also applies to low value contracts in respect of which only quotes rather than tenders would otherwise need to be sought.](#)

- (b) Tenders for all contracts (except works [or energy supply](#)⁸ 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

- (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

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

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

- (a) Subject to the specific exceptions in the European Procurement Legislation, where the Contract is subject to the full application of the European Procurement Legislation (being a Part A Services contract, public works contract, public supplies contract or Framework Agreement above the relevant EU threshold) a mandatory standstill period of at least 10 calendar days must be observed between notifying all tenderers in writing of the award decision and the actual award of contract. The standstill period shall commence on the day after the written award notification is sent to all tenderers and the written notification must comply with the requirements of the European Procurement Legislation. If an unsuccessful tenderer requests further information, such information must be provided in accordance with the European Procurement Legislation.
- (b) If a legal challenge to the procurement process or award decision is brought during a mandatory standstill period the contract must not be awarded and tender acceptance must not be communicated to the successful tenderer without the prior written approval of the Borough Solicitor.
- (c) Tender acceptance must not be communicated to the successful tenderer until after the expiry of any mandatory standstill period. Where Standing Order 107(a) does not apply, tender acceptance shall be communicated to the successful tenderer as soon as possible and where possible within 5 working days of the decision being made. Tender acceptance must be in writing and as minimum must detail the date of the decision and the decision-maker.

⁸ [Energy contracts are usually also evaluated and awarded on the basis of price only and so it is recommended that energy contracts are included in this standing order.](#)