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BRENT COUNCIL STANDING ORDERS

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

THE CONSTITUTION.

1*. *Constitution to be Widely Available*

A copy of the Constitution is available to every member of the Council on the Council's website and a copy shall be made available by the Deputy Director Democratic & Corporate Governance upon request. The Deputy Director Democratic & Corporate Governance will:

(a) ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations, and
(c) ensure that the summary of this Constitution is made widely available within the area and is updated as necessary.

2. Monitoring and Review of the Constitution

The Monitoring Officer and the Audit and Standards Advisory Committee will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for changes as they consider appropriate. In undertaking this task the Monitoring Officer may:

(a) observe meetings of different parts of the councillor and officer structures;
(b) undertake an audit trail of a sample of decisions;
(c) record and analyse issues raised with him or her by councillors, officers, the public and other relevant stakeholders; and
(d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

3. 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. Such suspensions or waivers shall apply only to that meeting or item of business as the case may be.

4. Variation and Revocation of Standing Orders

These Standing Orders may only be varied or revoked at a meeting of Full Council or in accordance with Standing Order 5. Any variation or revocation shall come into effect at the close of the meeting of Full Council at which the variation was approved unless otherwise specifically agreed at the meeting.

5. Other Changes to the Constitution

(a) The Constitution may be varied by the Monitoring Officer if in his or her reasonable opinion a variation is a minor variation (which includes legal, factual, administrative and other technical changes) 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. Any such variation made by the Monitoring Officer shall come into effect on the date specified by him or her.

(b) Amendments to the Constitution made necessary by the Leader changing executive arrangements or the arrangements for the discharge of executive functions shall be made by the Monitoring Officer upon the Leader having followed the notification and reporting processes set out in Part 3 Paragraph 7.7.

(c) Should the council give consideration to changing from a Leader and Cabinet form of Executive to another form of Executive, the Council must take reasonable steps to consult with local electors and other interested persons in the Borough when drawing up proposals to change from a Leader and Cabinet form of Executive to any other form of Executive or to alternative arrangements. A referendum will be held if there is a proposal to move to an elected Mayor form of executive arrangements.

6. 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.

7. 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.

8. Form of Notice

(a) Subject to paragraph (b) below, any notice or request or motion required to be signed by members shall be submitted to the Deputy Director Democratic & Corporate Governance and shall be signed by the required number of such members at the offices of the Deputy Director Democratic & Corporate Governance or received from the member’s individual email address(es) and not from that member’s group office. The Deputy Director Democratic & Corporate Governance 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 14 shall be made in accordance with that Standing Order.

9. 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 Cabinet 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. For example, all references to giving 28 days notice for all Forward Plan matters are to 28 calendar 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 6, the Monitoring Officer shall advise on the construction, interpretation or application of any part of the Constitution.

10. 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.

11. *Motions relating to confidential or exempt information*

If any matter arises at a meeting of Full Council or the Cabinet (or a committee or sub-committee thereof) and in respect of which any confidential or exempt information may be disclosed or discussed then in the case of confidential information that matter shall not be the subject of further discussion; and in the case of exempt information that matter shall not be the subject of further discussion until Full Council or the Cabinet or the committee or sub-committee as the case may be has decided whether or not the power of exclusion of the public as set out in the Access to Information Rules shall be exercised.

12. *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.

13. Meetings and Decisions of the Cabinet and Cabinet Committees

(a) The Cabinet or Cabinet Committees will meet to take decisions on such matters which relate to executive functions as the Cabinet has been delegated by the Leader or the Cabinet Committees have been delegated by the Leader or the Cabinet (as appropriate) unless there is no business to consider and that meeting will be open to the press and public except to the extent that the press and public are excluded during the consideration of any confidential or exempt information, as set out in the Access to Information Rules.

(b) Members of the Council who are not members of the Cabinet or Cabinet Committees (as appropriate) and members of the public may only speak at public meetings, or attend and speak at private meetings, of the Cabinet or Cabinet Committees (as appropriate) if invited to do so by the Leader or if the

Cabinet/Cabinet Committee at the relevant meeting so decides and only then for the period so permitted.

(c) The Quorum for meetings of the Cabinet and Cabinet Committees shall be 3.

(d) The rules for debate at the meetings of the Cabinet shall be determined by the Cabinet/Cabinet Committees.

(e)* *Any decision taken by the Cabinet or by Cabinet Committees 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 relevant Scrutiny Committee and any previous meeting of Full Council where the matter the subject of the decision was considered.*

(f)* *Any decision of the Cabinet or Cabinet Committees shall be taken in accordance with all current legislation, these Standing Orders and the other applicable rules contained in the Constitution.*

(g) Minutes of the meeting shall be taken by an officer, such minutes to reflect the requirements contained in the Access to Information Rules for a record of Key Decisions (and certain other decisions) to be maintained.

(h) Minutes of each Cabinet and Cabinet Committee meeting shall be put before the next ordinary meeting of the Cabinet or Cabinet Committee (as appropriate) for approval as a correct record and as soon as they are so approved the Leader shall sign them.

(i) The decisions of the Cabinet/Cabinet Committees shall be published in a List of Cabinet Decisions and the list shall, be published within 48 hours of the meeting at which the decisions were made.

OVERVIEW AND SCRUTINY

14 Call in of Cabinet, Cabinet Committees and Officer Decisions

(a) If

(i) the relevant Scrutiny Committee decides; or

(ii) five non-cabinet members of the Council representing more than one political group (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) submit a valid request.

that any Key Decision (irrespective of the decision maker) and other decisions made by the Cabinet or by Cabinet Committees be called in for scrutiny then the relevant Scrutiny Committee shall consider that decision at its next meeting which, unless otherwise determined by the Leader, shall in the case of a decision made by the Cabinet or by Cabinet Committees take place within 15 days of the date on which the call-in is accepted as valid under paragraph (b) below. This period will be extended by the Deputy Director Democratic & Corporate Governance as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

(b) Any such decision by the relevant scrutiny committee 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. A request shall be valid if it:

(i) is received by the Deputy Director Democratic & Corporate Governance by 6 pm on the 5th day;
(ii) is in writing and submitted by letter signed by the member or from the member's individual email address and not from that member's group office.
(iii) includes 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 paragraph (a) above has been reached.
(iv) is made on the Call-in form available from Member Call in form - Member Details - Self (achieveservice.com) or includes all the information required by the form.
(v) includes the member's suggested alternative proposals, action, or resolution of the matter; and
(vi) meets the requirements of section 3.2 of the call in protocol included in Part 5 of this Constitution.

(c) A non-cabinet member who has notified a request to the Deputy Director Democratic & Corporate Governance under 14(a)(ii) may withdraw their request within 72 hours of by 6 pm on the 5th day in which case the Deputy Director Democratic & Corporate Governance will recalculate whether the threshold in paragraph (a)(ii) is met and if it is not the call-in shall not proceed.

(d) No decision covered by this Standing Order shall be implemented before the expiry of the 5 day period provided for in paragraph (b) above has expired and no decision which has been called in in accordance with this Standing Order may be implemented until the relevant Scrutiny Committee has met to consider the decision in accordance with paragraph (a) and, if applicable, the decision has been reconsidered unless the decision is urgent and the process in paragraph (e) below has been complied with.

(e) Where a decision covered by this Standing Order is urgent the following shall apply:

(i) a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public interest and it would not be practicable for a quorate meeting of the relevant Scrutiny Committee to be convened and for any necessary reconsideration by the decision maker to take place in compliance with the Access to Information rules if the matter were called in.
(ii) the Chief Executive shall determine whether the matter is urgent on the basis of the definition in (i) above and that any decision on that matter cannot be called-in.
(iii) the Chief Executive shall obtain the consent of the Chair of the relevant Scrutiny Committee (or in their absence the vice-chair) to the matter being treated as urgent and call-in not applying.
(iv) the published notice of the decision shall include the reasons why the decision may not be called-in prior to implementation.
(v) if the process in (ii) and (iii) has been completed prior to the publication of the report seeking the decision concerned, the report shall clearly state that the matter has been agreed as urgent and that call-in will not apply and, where applicable, this will be recorded in the minutes of the meeting that considers the matter.

(vi) where (ii) – (iii) take place after the decision has been taken, the fact that a matter had been determined as urgent and that call-in did not apply, shall be notified to all members of the relevant scrutiny committee.

(f) The Cabinet or Cabinet Committee 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.

(g) In considering the call in the relevant Scrutiny Committee shall have regard to the call in protocol and determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.

(h) If the relevant Scrutiny Committee recommends to the decision maker that it should reconsider the decision or matter then

(i) in the case of a decision made by the Cabinet/the Cabinet Committee, the Cabinet/Cabinet Committee (as appropriate) 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 15; 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 15.

15. Referral of Called in Decisions to Full Council

(a) If, following consideration by the relevant Scrutiny Committee of a called in decision, at least 10 members of the Council (not including the independent or co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.

(b) Any request to refer such a decision to Full Council, in accordance with paragraph (a) above, shall be made in writing, together with the reasons for the referral and may include details of any suggested alternative proposal, action, or resolution (standard forms are available from members' group offices), to the Deputy Director Democratic & Corporate Governance within 5 days of the date on which the relevant Scrutiny Committee met in accordance with Standing Order 14(a) or the date on which the decision maker reconsidered their decision in accordance with Standing Order 14(h) if later. The Deputy Director Democratic & Corporate Governance shall forthwith copy the request and the reasons to the Leader.

(c) The Leader shall include in his or her report to Full Council any comments of the Cabinet or Cabinet Committee (as appropriate) on the referral and the reasons given therefore.

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

16. Members' Rights to Request Scrutiny

Any member of the Scrutiny Committees may, by giving written notice to the Deputy Director of Democratic Services, request that any matter which is relevant to the functions of the Scrutiny Committee they are a member of is included in the agenda for, and is discussed at, a meeting of the relevant Scrutiny 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.*

17. Councillor Call for Action

(a) Any member of the council may, by giving written notice to the Deputy Director of Democratic Services, request that any matter (which is not an excluded matter under the Local Government Act 2000) which relates to the functions of the relevant Scrutiny Committee be included in the agenda for, and be discussed at, a meeting of the relevant Scrutiny Committee.

(b) Any member of the council may, by giving written notice to the Deputy Director of Democratic Services, request that a local crime and disorder matter (as defined by the Police and Justice Act 2006) be included in the agenda for, and be discussed at, a meeting of the Resources and Public Realm Scrutiny Committee.

(c) Prior to referring a local government or local crime and disorder matter to the relevant Scrutiny Committee a member should refer to the Council's Councillor Call for Action protocol which provides further information about the Call for Action process.

THE POLICY FRAMEWORK AND THE BUDGET

18. The Framework for Cabinet and Cabinet Committee decisions

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

19. Developing proposals for the budget and capital programme

(a) In the case of the Council's annual budget and the capital programme, the Cabinet shall receive a report from the Corporate Director, Finance and Resources setting out the financial position of the Council, financial forecasts for the following year and the possible expenditure priorities of the executive.

(b) The Resources and Public Realm Scrutiny Committee shall meet (on more than one occasion if necessary) to consider the Report to Cabinet and the issues raised. The Committee may receive evidence from Cabinet Members and others and shall then produce a report setting out its view of the budget priorities and any other issues it considers relevant. This report shall be submitted to each Cabinet Member and each Group Leader in order to inform budget proposal discussions.

(c) Prior to being agreed by the Cabinet, the Cabinet's budget proposals shall be sent to members of the Resources and Public Realm Scrutiny Committee which will then meet to consider the proposals, and, if it wishes, to receive evidence from Cabinet Members and others. The Committee shall submit a note of its deliberations and comments on the proposals to the Cabinet.

(d) Prior to agreeing its budget proposals the Cabinet shall take into account the issues raised and the note of the deliberations and comments from the Resources and Public Realm Scrutiny Committee submitted to the Cabinet under paragraph (c).

(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 Cabinet submits to Full Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 36 or 43 to 47 of the Local Government Finance Act 1992;

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

(iii) estimates of such a calculation

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

(g) Before Full Council makes any calculation (whether originally or by way of substitute) in accordance with any of the sections referred to above, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with Full Council's requirements.

(h) Where Full Council gives instructions in accordance with the above sub-paragraph, it must specify a period of at least five days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

(i) submit a revision of the estimates or amounts as amended by the Cabinet("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to Full Council for Full Council's consideration; or

(ii) inform Full Council of any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for any such disagreement.

(i) When the period specified by Full Council, referred to in the previous paragraph above has expired Full Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to above , take into account:-

(i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(ii) the Cabinet's reasons for those amendments;

(iii) any disagreement that the Cabinet has with any of Full Council's objections; and

(iv) the Cabinet's reasons for that disagreement

which the Leader submitted to Full Council, or informed Full Council of, within the period specified.

(k) In the event that there is a dispute between the Cabinet and Full Council on all or any part of the Capital Programme which cannot be resolved at the relevant meeting, Full Council shall instruct the Cabinet to reconsider their proposal in accordance with paragraphs (i) and (j) of Standing Order 20 below.

20. 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, the Cabinet may present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy.

(b) Full Council may refer the report and any issues raised at the meeting to the relevant Scrutiny Committee as appropriate. The committee may canvass the views of local stakeholders, in particular relevant Consultative Forums if it considers it appropriate but having particular regard not to duplicate any consultation carried out by the Cabinet.

(c) Following the referral of the report to it under paragraph (b) above, the relevant Scrutiny Committee shall report to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of the Full Council meeting unless Full Council considers that there are special circumstances that make this timescale inappropriate in which case Full Council will specify the period within which the response must be reported.

(d) In the case of a plan, policy or strategy forming part of the Policy Framework which is not to be subject to a debate a report setting out the various issues in respect of the plan, policy or strategy shall be submitted to the relevant Scrutiny Committee. The committee may canvass the views of local stakeholders in particular, relevant Consultative Forums if it considers it appropriate, but having particular regard not to duplicate any consultation carried out by the Cabinet.

(e) Following the submission of the plan, policy or strategy to it under paragraph (d) above, the committee shall provide comments to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of receipt of the report unless the Leader considers that there are special circumstances that make this timescale inappropriate in which case the Deputy Director Democratic & Corporate Governance 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 relevant Scrutiny Committee under paragraphs (b) and (d) above by sending a copy to the Deputy Director Democratic & Corporate Governance who will forward them to the Chair of the committee.

(g) Having considered any comments received from the relevant Scrutiny Committee and the matters noted at any debate, the Cabinet may then agree its proposed plan, policy or strategy which shall then be reported by the Leader to Full Council for consideration and determination together with details of how the Cabinet has taken into account any recommendations received from the committee.

(h) Full Council will consider the proposals of the Cabinet and may adopt them or may decide that it has objections to them or may decide that it would be minded to adopt them subject to certain amendments. Where Full Council objects to or wants to amend the proposals, then before it amends or adopts them or approves them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval, it must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Cabinet to reconsider the proposals in the light of those objections.

(i) Where Full Council gives instructions in accordance with the preceding paragraph, it must specify a period of at least 5 days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may submit to Full Council for reconsideration either a revised draft of the plan, policy or strategy together with the Cabinet's reasons for any amendments or details of those aspects of Full Council's objections that the Cabinet disagrees with and the reasons for any such disagreement.

(j) When the period specified in the preceding paragraph has expired Full Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval take into account any amendments, included in any revised draft plan, policy or strategy submitted by the Cabinet within the required period as set out above, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for that disagreement.

(k) Any member wishing to put forward an alternative proposal in respect of a plan, policy or strategy forming part of the Policy Framework shall submit the proposal in writing to the Deputy Director Democratic & Corporate Governanceat least 10 days before the meeting at which the debate is to take place or in the case of a plan, policy or strategy which is not the subject of a debate at least 15 days prior to the end of the consultation period specified by the Cabinet. The Deputy Director Democratic & Corporate Governance 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 debate is to take place or the next meeting of the relevant Scrutiny Committee at which the plan, policy or strategy will be considered.

(l) Full Council will, subject to paragraph (m) 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.

(m) 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 (l) above.

(n) The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (l) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-

(i) such change is necessary to ensure compliance with the law or a ministerial direction; or

(ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or

(iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.

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

21. Cabinet and Cabinet Committee Decisions Outside the Policy Framework and the Budget

(a) Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Corporate Director of Finance and Resources, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.

(b) According to statute, any function in respect of which the Leader, the Cabinet , or a Cabinet Committee has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Corporate Director, Finance and Resources 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, except as provided in paragraph (c).

(c) A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-

(i) it is not practical to convene a quorate meeting of Full Council; and

(ii) the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.

(d) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the relevant Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

(e) Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

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

(a) itself take a decision on the matter and/or

(b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision in which case the matter could be remitted to the Cabinet for a decision if the decision was not in fact taken by Full Council under paragraph (a) above or

(c) instruct the Cabinet to reconsider the matter and reach a decision which is in accordance with the existing Policy Framework and the Budget or with any other recommendations Full Council is minded to make (e.g. a special exception).

MEETINGS OF FULL COUNCIL

22. 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**".*

23. Time of Meeting

All Ordinary Meetings of Full Council and any Annual Meeting shall be held at 6.00 pm at Brent Civic Centre, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Deputy Director of Democratic Services. The Annual Council Meeting shall be held at Brent Civic Centre or as otherwise determined by Full Council. An annual calendar of meetings shall be adopted by Full Council for each municipal The Deputy Director Democratic & Corporate Governance may make any alterations deemed necessary to the Municipal Calendar during the course of the Municipal Year having consulted the Leader of the Council; the Leaders of the Opposition Groups; and the Chair of the affected meeting.

24. 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.

25. **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.

26. 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) If following the expiry of twenty minutes 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.

27. The Annual Meeting

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

(a)* ***Mayor:***

To elect the Mayor for the following year.

(b) **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.

(c) **Vote of thanks to the outgoing Mayor**

The incoming Mayor will invite a vote of thanks to the outgoing 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) **Declarations**:

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

(f) **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.

(g) **Agree the Constitution:**

To agree any changes to the Constitution.

(h) **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.

(i) **Appointments to committees and other bodies**:

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

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

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

(k) **Other meetings**:

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

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

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

(m) **Other Business**

To consider any other business including any urgent business.

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

28. Council Tax Setting

(a) **A Meeting of Full Council shall be held each year on a day not later than 10th March or such later date as may be allowed by statute to set the level of Council Tax for the following Council Tax year and to deal with associated budgetary matters.*

(b) At an ordinary meeting where council tax setting is to be decided items h to q in Standing Order 30 shall be replaced by the following:

(c) The Leader shall present a report to the meeting setting out the Cabinet's proposals for the budget.

(d) The Chair of the Resources and Public Realm Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee A procedural motion shall address the right to speak of the Group Leaders and the Lead Member for Resources including time limits. There will then be general debate. Provision shall also be made in the procedural motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken.

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

(f) Any amendment proposed to be moved to the recommendations in the report under (c) above must be set out in writing to the Deputy Director Democratic & Corporate Governance by 5.00pm on the previous working day.

29. 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, Deputy Director Democratic & Corporate Governance 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.

(d) The Council has adopted a Protocol governing requisitions under paragraph (b) above which is contained in Part 5 of the Constitution.

30. Ordinary Meetings

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

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

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

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

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

(c) **Minutes**:

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

(d) **Declarations:**

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

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

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

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

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

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

(h) **Deputations**

To enable deputations by Members of the public in accordance with Standing Order 32.

(i) **Questions from members of the public**

To enable questions from members of the public to be put to members of the Cabinet in accordance with Standing Order 33.

(j) **Petitions**

To enable members to reference petitions received and for there to be a debate on a petition which attracts more than 200 signatures in accordance with the Council's petition rules and Standing Order 66.

(k) **Motions**

To debate Motions selected by the groups in accordance with Standing Order 41

(l) *[This paragraph is not currently in use]*

(m) *[This paragraph is not currently in use]*

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

To enable questions to be put to the Cabinet in accordance with Standing Order 35.

(o) **Reports from the Chair of the Scrutiny Committees**

To receive reports from the Chairs of the Scrutiny Committees in accordance with Standing Order 36.

(p) **Report from the Vice-Chair of the Audit and Standards Advisory Committee**

To receive a report from the Vice-Chair of the Audit and Standards Advisory Committee in accordance with Standing Order 37.

(q) *[This paragraph is not currently in use]*

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

(s) *__Urgent business__:

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

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

Where the Council is to set the Council Tax items (h) to (p) will be replaced by the other items set out in Standing Order 28.

31. [*This paragraph is not currently in use*]

32. Deputations

(a) Deputations may be made by members of the public. Each deputation shall last not more than 5 minutes and there shall be a maximum of 3 deputations at any one council meeting on different subject matters. There shall be no more than one deputation made by the same person or organisation in a 6 month period and no repetition of the subject.

(b) Any deputation must directly concern a matter affecting the borough and relate to a Council function. Deputations shall not relate to legal proceedings or be a matter which is or has been the subject of a complaint under the Council's complaints processes. Nor should a deputation be frivolous, vexatious, or defamatory. A deputation may be rejected if it names, or clearly identifies, a member of staff or any other individual. The Chief Executive with advice from the Monitoring Officer shall have discretion to decide whether the deputation is for any other reason inappropriate and cannot proceed.

(c) Any person wishing to make a deputation shall give written notice to the Monitoring Officer of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.

(d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before

33. Questions from members of the public

(a) Subject to para (b) members of the public or those employed by or owning a business based in Brent may ask a member of the Cabinet questions on any matter in relation to which the Council has powers or duties affecting the borough.

(b) Questions shall be submitted fifteen clear working days in advance to the Deputy Director Democratic & Corporate Governance and written copies of questions will be provided at meetings.

(c) The time set aside for questions shall be 15 minutes.

(d) At the Ordinary meeting following the Annual Meeting and at alternate Ordinary meetings for the rest of the municipal year, an additional 15 minutes shall be set aside for questions from members of the Youth Parliament.

(e) No member of the public may submit more than one question at a council meeting.

(f) The Chief Executive or his/her nominee shall have the power to edit or amend written questions to make them concise but without affecting the substance, following consultation with the questioner.

(g) The Mayor may rule that questions which are on the same or closely related subjects are taken together.

(h) An answer may take the form of a written answer provided by close of business the previous working day and which will be available at the meeting.

(i) Questions shall be asked in the order determined by the Mayor.

(j) A person asking a question under para (a) may ask one oral supplementary question, without notice, of the member who supplied the written answer. The supplementary question must arise directly out of the original question or the reply.

(k) Replies to supplementary questions shall not exceed 2 minutes.

(l) Questions not answered at a meeting may, at the request of the questioner, be withdrawn and resubmitted to the next or future meeting of the Council, provided that answer has not already been supplied.

(m) The Chief Executive, with the benefit of advice from the Monitoring Officer, may reject a question if it:

(i) Is not about a matter for which the Council has a responsibility or which affects the area;
(ii) Is defamatory, frivolous or offensive;
(iii) Is substantially the same as a question asked within the last six months;
(iv) Requests the disclosure of information which is confidential or exempt; or
(v) Names, or clearly identifies, a member of staff or any other individual.

34. [*This paragraph is not currently in use*]

35. Questions from the Opposition and Non Cabinet Members

(a) Non-Cabinet members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 5 written questions to the Cabinet on any matter which is the responsibility of the Cabinet. Each non-Cabinet member may only put one written question to the Cabinet in any one question time session. The 5 written questions are to be divided as follows: 1 from each of the opposition group, and 2 from the administration group.

Such questions must be provided in writing to the Deputy Director Democratic & Corporate Governance not less than 10 clear working days before the date of the meeting and the answers published with the meeting summons.

(b) The party groups shall decide which of their members shall put the questions to the Cabinet.

(c) Each non Cabinet member shall have up to 1 minute within which to put their supplementary question.

(d) A member of the Cabinet shall have up to 2 minutes to respond to the supplementary question.

(e) 30 minutes shall be set aside for this item.

(f) Following (a) to (d) above, for the remainder of the time available, other non

Cabinet members may put one question orally each to the relevant Cabinet member. If the Cabinet member is unable to provide a response at the meeting, a written response shall be provided within a period of 10 working days.

(g) The Chief Executive, with the benefit of advice from the Monitoring Officer, may reject a question if it:

(i) is not about a matter for which the Council has a responsibility or which affects the area;
(ii) is defamatory, frivolous or offensive;
(iii) is substantially the same as a question asked within the last six months;
(iv) requests the disclosure of information which is confidential or exempt;or
(v) names, or clearly identifies, a member of staff or any other individual.

36. Reports from the Chairs of the Scrutiny Committees

(a) The Chairs of Scrutiny Committees may submit written reports in advance of the meeting on any matter in respect of which the committee has been consulted or which it has been reviewing or considering.

(b) The Chair shall where appropriate include in his or her report:-

(i) details of the decisions or proposals of the Cabinet, which have been called in for scrutiny and are being referred to Full Council in accordance with Standing Order 14;

(ii) details of decisions or proposals of the Cabinet, other than those permitted to be made by the Cabinet under Access to Information Rule 38 (urgency) or 20(n) (in year changes to policy), which the relevant Scrutiny Committee considers are or, if made, would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's budget and the recommendations to Full Council thereon;

(iii) details of the decisions of the Cabinet which the relevant Scrutiny Committee considers were made by the Cabinet other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

37. Report from the Audit and Standards Advisory Committee

(a) The Vice-Chair of the Audit and Standards Advisory Committee may present reports on any matter reported to the Committee or in respect of which the Committee has reviewed or considered and shall be permitted to speak for up to 3 minutes thereon.

(b) In the absence of the Vice-Chair, the report may be presented by another member of the Committee selected for that purpose by the Vice-Chair or, if no person has been selected by the Vice-Chair, a person selected for that purpose by the Mayor or other person presiding at the meeting of Full Council.

38. [*This paragraph is not currently in use*]

39. Debate on key issues affecting the Borough

(a) With agreement of all Group Leaders a speaker shall be invited to attend and speak on an issue pertinent to the London Borough of Brent. The speech shall not exceed 10 minutes.

(b) The Lead Member will be permitted to speak for 5 minutes on the topic addressed by the speaker within which time they will propose a motion for debate which has been delivered to the Deputy Director Democratic & Corporate Governance by close of business the previous day and circulated in advance.

(c) The debate by members will not exceed 45 minutes. Questions or comments by members shall not exceed 2 minutes.

40. Vote of No Confidence

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

41. Motions

(a) Members may put motions to council. No motion may exceed 500 words in length.

(b) A maximum of 3 motions will be debated at any one meeting in accordance with the following political group allocations in each municipal year:

Meeting 1 (usually in June/July)

a. Labour x 1
b. Conservative x 1
c. Liberal Democrats x 1

Meeting 2 (usually in September/October)

d. Labour x 1
e. Conservative x 1
f. Green x 1

Meeting 3 (usually in November/December)

g. Labour x 1
h. Liberal Democrats x 1
i. Green x 1

(c) Each group must give notice in writing of their motion to the Deputy Director Democratic & Corporate Governance not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.

(d) Any amendments to the motions can be accepted provided they are set out in

writing to the Deputy Director Democratic & Corporate Governance by 5.00pm on the previous working day.

(e) The debate shall commence with the proposer being invited to speak for up to 2 minutes during which time they shall move the Motion notified to the Deputy Director of Democratic Services.

(f) The proposer of an amendment will then be invited to speak for up to 2 minutes during which time they shall move the Amendment notified to the Deputy Director Democratic & Corporate Governance.

(g) Further speakers shall then be called by the Mayor, each limited to 2 minutes.

(h) The mover of the motion shall then have a right of reply for up to 1 minute. If one or more amendments have been moved, the mover of each amendment shall also have a right of reply for up to 1 minute in the order in which the amendments were moved.

(i) The matter shall be put to the vote at the end of the debate. Where one or more amendments have been moved the voting process in Standing Order 43(a) and (b) shall apply.

(j) Up to 20 minutes shall be set aside for each motion.

(k) Up to 60 minutes shall be set aside for this item.

(l) The Chief Executive, with the benefit of advice from the Monitoring Officer, may reject a Motion if it:

(i) is not about a matter for which the Council has a responsibility or which affects the area;
(ii) is defamatory, frivolous or offensive;
(iii) is substantially the same as a Motion asked within the last six months;
(iv) requests the disclosure of information which is confidential or exempt;or
(vi) names, or clearly identifies, a member of staff or any other individual.

42. Rules Of Debate For Meetings of Full Council

(a)* Any motion or amendment to a motion must relate to an item of business specified in the summons for the meeting and may be moved (only if notice in writing by 12 noon two working days before the date of the meeting is given to the Deputy Director Democratic & Corporate Governance:

(i) (except as provided in Standing Order 28, Standing Order 40 and Standing Order 41); or
(ii) except for motions which may be moved without notice as set out in paragraph (aa) of this Standing Order; or

(iii) except with the consent of the Mayor.

(aa) The following motions may be moved without notice:

(i) A procedural motion which includes but is not limited to appointing a chair of the meeting at which the motion is moved; that the minutes be amended before approved as a correct record; changing the order of business in the agenda; suspending or waiving a standing order relating to the conduct of the meeting; excluding the press and public in accordance with the Access

to Information Rules; if moved, that a motion or amendment to a motion be withdrawn or altered by the proposer of the motion or amendment; that only a specified number of members from each of the political groups shall be permitted to speak; that the question be now put; that the debate be adjourned; that the meeting is adjourned; that a member not be heard and that a member leave the meeting.

(ii) An urgent motion where the Mayor has given consent

(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) 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.

(e) A member shall stand when speaking (if able to do so) and shall address the Mayor. If two or more members rise to speak the Mayor shall call on one to speak.

(f) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.

(g) 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.

(h) With the exception of a Cabinet Member responding to a question put to the Cabinet by a non-Cabinet member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.

(i) A member may rise to raise a point of order or make a personal explanation. A point of order shall be confined to an assertion that a breach of these Standing Orders or of the law has occurred, 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.

(j) Subject to the provisions of Standing Order 6(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.

(k) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.

(l) A motion or amendment to a motion which has not been moved may be withdrawn by the proposer of the motion or amendment, a motion or amendment to a motion which has been moved 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 by a show of hands and/or by a roll call. Where a motion is withdrawn there shall thereafter be no further debate on the item.

(m) 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.

(n) The mover of the motion shall then have a right of reply. If one or more amendments have been moved, the mover of each shall also have a right of reply in the order in which the amendments were moved.

(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.

43. 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 Monitoring Officer or the Chief Executive, it is agreed by the meeting that the amendments shall be taken en bloc.

(c) The mode of voting at meetings of Full Council shall be by show of hands and/or a roll call 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) If a vote is to be recorded, the Chief Executive (or an officer acting on behalf of the Chief Executive) will acknowledge the request, confirm to the meeting that the vote is to be recorded and will read aloud the name of each Member present and record who cast a vote for the decision or against the decision or who abstained

from voting. No discussion shall take place while the vote is being taken and recorded.

(e) Immediately after any vote is taken at a budget decision meeting of an authority on the budget or council tax there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

(f) 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.

(g) For the purpose of voting and for recording votes at meetings of Full Council, members shall be present and seated in their places.

(i)* *In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.*

(j)* *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.*

44. The Council Guillotine Procedure

(a) Every ordinary meeting of Full Council shall terminate after 3 hours or no later than 10:00pm (whichever is earlier) 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.

45. *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.

46. Disorderly Conduct

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

(b) If the member named is guilty of further misconduct after a motion under the foregoing sub-paragraph has been carried the Chair shall:-

(i) move "That [Councillor X] shall now leave the meeting" and the motion shall be put and determined without discussion. If the Chair's motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or

(ii) adjourn the meeting for such period, as the Chair shall consider expedient.

(c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.

(d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.

(e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.

(f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the meeting room. In case of general disturbance in any part of a meeting room open to the public the Chair shall order that part to be cleared.

(g) Members of the press and public may be excluded from Council meetings either in accordance with the Access to Information Rules in Part 2 of the Constitution or Standing Order 46(f).

47. Smoking and Mobile Phones at Meetings

(a) No person shall smoke at any meeting of the Council or the Cabinet or a committee or sub-committee thereof which is held in a physical location.

(b) Any mobile phone taken into a meeting is to be switched to silent for the duration of the meeting.

COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

48. 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 Monitoring Officer or the Deputy Director Democratic & Corporate Governance or their representatives.

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

(i) 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.

(ii) Full Council shall appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.

(iii) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.

(iv) Other than in the case of the Licensing sub-committees, Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution. In the case of the Alcohol and Entertainment Licensing sub-committees the Licensing Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference.

(v) 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.

(vi) 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.

(vii) Co-opted members may be appointed to committees and sub-committees in accordance with Standing Order 50 and the rules for membership for committees and sub-committees contained in Part 4 of the Constitution.

50. Independent and Co-opted Members

(a) The Council shall appoint up to five co-opted voting Members to its Audit and Standards Advisory Committee. The Council shall also appoint up to 4 non-voting co-opted members on its Corporate Parenting Committee.

(b) The co-opted Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the

meeting of Full Council that takes place after that Annual meeting to agree appointments to committees) whichever occurs later. Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).

(c) The membership of the Community and Wellbeing Scrutiny Committee and any other Council committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet shall include as Voting Co-opted Members, 2 parent governor representatives, 1 representative nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.

(d) The term of office of the parent governor Voting Co-optees appointed under paragraph (c) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).

(e) The membership of the Community and Wellbeing Scrutiny Committee and any other Council Committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet may include 2 Non-Voting Co-opted Members who represent the governing bodies of schools which are faith schools not covered in paragraph (c) above and such representatives shall be appointed by the appropriate appointing body.

(f) A Co-opted Member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and Voting Co-opted Members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Cabinet as determined by the Monitoring Officer or his or her representative.

(g) No Voting Co-opted Member appointed by Full Council shall be entitled to act as a Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members' Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.

(h) No Non-voting Co-opted Member shall be entitled to act as a Non Voting Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking in a form notified to them by the Monitoring Officer.

51. Appointment of and Changes to Substitute Members

(a) The Council may appoint a pool of substitute members from which a member may be selected to speak and vote in the absence of a member of the committee provided that the substitute member is not already a member of the committee. Each pool shall number up to the number of members comprising membership of the committee and be divided according to the political balance on the committee, save that where a group has only one member on the committee up to two members may be appointed to the pool. A member of a committee (or the appropriate Group Whip) shall notify the Deputy Director Democratic & Corporate Governance at least two hours before a meeting that a substitute member will be attending in their place.

(b) A parent committee may appoint a pool of substitute members to its sub-committees in the same manner as is described in (a). However, the Licensing Committee may appoint all remaining Committee members to its Sub-Committees as substitutes so that any member from this pool may be selected. Whereas, the Senior Staff Appointments Sub-Committee may appoint two additional Labour group members as substitutes.

(c) No member is able to act as a substitute for more than one primary member of the committee at any one time.

(d) Any member acting as a substitute shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is substituting.

52. Additional Meetings of Committees or Sub-Committees

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a third of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Deputy Director Democratic & Corporate Governance provided that the number of members so calling the meeting shall not be less than 3.

53. 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 fifteen minutes or two times at which the committee shall adjourn for ten minutes save that in the case of the Alcohol and Entertainment Licensing Sub-Committee and the General Purposes Committee (when considering a licensing hearing or appeal), the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary.

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

54. Chairing Meetings of Committees and Sub-Committees

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

(b) For the purpose of this Standing Order and Standing Order 55 the word “present” mean physically present in the room in which the meeting is to take place.

(c) The Chairs of the Scrutiny Committees shall seek to ensure that the Standing Orders and any other rules or protocols forming part of the Constitution are adhered to.

55. 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 Licensing Sub-Committees the quorum shall be three.

56 Speaking Rights of Members of the Public

(a) This Standing Order shall not apply to meetings of the Planning Committee or the Licensing Sub-Committees.

(b) Except as set out in this Standing Order or Standing Orders 66 (Petitions) and 67 (Deputations), no member of the public shall be permitted to speak at a meeting of a committee or sub-committee of the Council unless invited by the Chair of the meeting to do so who shall specify the period allocated to the member of the public to speak which shall usually be up to 2 minutes except in special circumstances in which case up to 3 minutes shall be permitted.

(c) Except in the case of a person representing a deputation under Standing Order 67, 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 Deputy Director Democratic & Corporate Governance 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 Deputy Director Democratic & Corporate Governance 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 Deputy Director of Democratic Services.

(e) Where a report from or concerning a relevant Consultative Forum is before the Scrutiny Committees and the Chair or any other representative of the Forum is present at the meeting and that person has given notice to the Deputy Director Democratic & Corporate Governance prior to the commencement of the meeting of their wish to address the meeting on that item of business that person shall be entitled to address the committee for not more than 3 minutes (unless a longer period is permitted by the Chair) on that item of business. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Deputy Director Democratic & Corporate Governance shall keep a record of the order of receipt of such notices. Where the Chair or any other representative of the Forum has not given such a notice but wishes to address the committee, the Chair shall decide whether s/he shall be permitted to speak which shall be for not more than 3 minutes unless a longer period is permitted by the Chair.

57 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 3 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. The Chair may also invite two or more objectors or two or more supporters to share the allotted time of 3 minutes. The Chair shall also have discretion to allow a representative of a public organisation (such as the police) to speak for up to 3 minutes. In addition (and after hearing any members of the public and/or representatives of public organisations 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 if this is practical.

(b) Persons wishing to speak to the Committee shall give notice to the Deputy Director Democratic & Corporate Governance 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. Persons wishing to speak to the Committee shall be given the opportunity to submit a transcript of their intended submission in advance. 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.

58 Members' rights to attend and speak at Committees

(a) Subject to (c) below, members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee and the Staff Appeals Sub-Committees.

(b) Subject to sub-paragraphs (c) and (d), 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.

(c) At meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing a party, will have the right to speak. They will not have the right to vote at such meetings.

(d) At meetings of the Planning Committee when reports are being considered on applications for planning permission, ward councillors shall be entitled to speak for a maximum of 5 minutes provided that written notice has been given to the Deputy Director Democratic & Corporate Governance 24 hours before the commencement of the meeting.

(e) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public

during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the course of negotiations for a contract.

59. Requirement to Attend Entire Meeting

(a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee or the Senior Staff Appeals Sub-Committee unless the member is present for the entire meeting.

(b) No member shall be entitled to vote on any item being considered by the Planning Committee, the General Purposes Committee (when hearing an appeal) and the Licensing Sub-Committees unless the member is present for the entire discussion of that item.

(c) No member of the Audit and 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.

60. Any Other Urgent Business as an Agenda Item

At all meetings of Council committees and sub-committees that are not extraordinary 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 Deputy Director Democratic & Corporate Governance 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.

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

(a) In the case of Planning Committee, if members are minded to grant or refuse planning permission contrary to the recommendation of officers, members cannot proceed to a final vote unless the following conditions have been met:

(i) each member proposing or supporting the decision has articulated and explained the planning reasons why;

(ii) the reasons address the issues on which the member disagrees with the recommendation of officers;

(iii) officers have been given an opportunity to explain the implications of the contrary decision;

(iv) if officers advise that there is uncertainty or concern about the validity of the reasons given, members have considered deferring the decision to another meeting to have the reasons tested and assessed by officers in a follow-up report; and

(v) if members are not minded to defer the decision, the Planning Committee has formally resolved not to defer the decision.

(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 and/or a roll call.

(d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and/or roll call 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, an officer shall read aloud the name of each member present and record at the meeting and in the minutes who cast a vote for the decision or against the decision or who abstained from voting. No discussion shall take place while the vote is being recorded.

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

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

(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 after 3 hours or no later than 10.00pm (whichever is earlier) provided that if after 3 hours or at 10.00pm (whichever is earlier) 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 a further 30 minutes 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 Licensing Sub-Committees, the General Purposes Committee (when hearing an appeal) and the Standards Committee may by

majority vote taken no later than after 3 hours or 10.00pm (whichever is earlier), 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) dis-apply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.

(e) Paragraph (c) above shall not apply to:-

(i) meetings of the Senior Staff Appointment Sub-Committee or the Staff Appeals Sub-Committee; and

(ii) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.

(f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.

(g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

63. 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 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.

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

(a) If the Audit and Standards Advisory or the Audit and Standards Committee so agrees then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the committee to answer appropriate questions from the members of that committee on any matter falling within its remit.

(b) The Audit and Standards Advisory or the Audit and Standards Committee may decide to request the attendance of any other person, not covered by paragraph (a) above, at a meeting of the committee.

(c) If the relevant Scrutiny Committee agrees or if at least 40% of the members of the committee so request by giving notice to the Deputy Director Democratic & Corporate Governance then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the relevant committee to answer appropriate questions from the members of that committee on any matter falling within its remit including any matter called in under Standing Order 14.

(d) The relevant Scrutiny Committee may decide to request the attendance of any other person, not covered by paragraph (c) above, at a meeting of the committee.

65. The exclusion of members with a disclosable pecuniary interest

Members must leave the meeting, during the consideration of any item of business in which they have a disclosable pecuniary interest, unless a member is permitted to remain as a result of a dispensation.

PETITIONS AND DEPUTATIONS

66. Petitions

(a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it either in paper form to the office of the Deputy Director Democratic & Corporate Governance during office hours (other than during any period during which the Civic Centre is not open to the Public) or use the Council's e-petition facility. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.

(b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people who either live, work or study in the borough.

(c) The Deputy Director Democratic & Corporate Governance will establish how many valid signatures the petition has.

(d) Sub-paragraphs (e) to (l) of this Standing Order apply subject to sub-paragraph (m)

(e) Petitions with between **5 and 50** valid signatures:

(i) any such petition shall be referred to the relevant Corporate Director or Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;

(f) Petitions with **51** or more valid signatures:

(g) Any such petition shall be notified to the Chair of the relevant Scrutiny Committee and to the relevant Corporate Director or Director;

(i) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Cabinet or a Cabinet Committee rather than an individual

then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Cabinet/Cabinet Committee(as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Cabinet. The General Purposes Committee or the Cabinet as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.

(ii) Petitions not concerning specific decisions planned to be made shall be referred to the Cabinet/Cabinet Committee 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 Monitoring Officer of Law and Governance or Deputy Director of Democratic Services. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting. This paragraph does not apply to specific decisions which have already been made. There is no requirement for specific decisions which have already been made to be re-considered or reviewed. In the case of petitions relating to a Highways matter, the petition shall be referred to the Corporate Director of Neighbourhoods and Regeneration and the relevant Cabinet member. The Corporate Director of Neighbourhoods and Regeneration will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate.

(h) At every Ordinary Council Meeting, a list of petitions containing 51 or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. The relevant ward member, or in the absence of the ward member, or where the issue is cross cutting, the Chair of the relevant Scrutiny Committee may ask Full Council to note the receipt of a petition without debate. The list will contain the information set out below, provided this has been received by the Deputy Director Democratic & Corporate Governance twelve or more days prior to the meeting.

(i) The information to be included in the schedule described in the previous paragraph is as follows:

(i) the date the petition was received or closed on-line;

(ii) the name of the person who submitted the petition if a name was given;

(iii) the subject of the petition;

(iv) the terms of the petition;

(v) the name of the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.

(j) Where the Cabinet/Cabinet Committee 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 relevant Scrutiny Committee for consideration or further research;

(iii) hold an inquiry or public meeting;

(iv) call for an officer's report to be brought to a future meeting; or

(v) refer it to the relevant officer for a formal response.

(k) Where the relevant Scrutiny Committee considers a petition it shall note the petition and may:-

(i) call for an officer's report to be brought to a future meeting;

(ii) make recommendations to the Cabinet or the relevant referring committee concerning it; or

(iii) refer it to the relevant officer for a formal response.

(l) If the organiser of a petition feels the Council has not dealt with their petition properly then they may request the relevant Scrutiny Committee to review the steps the Council has taken in response to the petition and that committee may;

(i) decide there is no case to answer;

(ii) ask for an investigation into how the petition was dealt with; or

(iii) make recommendations to the Cabinet.

(m) Where a petition has more than 200 valid signatures, the organiser of a petition may request that the matter is debated at Full Council. Such notice to be received 5 days before the date of the meeting. Any such debate shall be for up to 21 minutes and the conduct of the debate shall be subject to a procedural motion.

(n) This Standing Order applies to planning applications and other planning issues and matters as follows:

(i) Petitions objecting to a planning application which has not been decided yet:

if the petition:

- has at least 51 signatures,
- objects to a planning application not decided yet,
- is not an excluded application by virtue of paragraph 1(vi) of the terms of reference of the Planning Committee,
- meets all the criteria for written objections set out in the terms of reference of the Planning Committee, and
- concerns an application officers are either minded to approve under delegated powers or recommend approval of or concerns an application which for some other reason will be considered by the Planning Committee,

the petition will be considered by the Planning Committee before it decides the application;

(ii) Petitions supporting a planning application which has not been decided yet:

if the petition:

- has at least 51 signatures,
- supports a planning application not decided yet, and
- if in accordance with the terms of reference of the Planning Committee, at least three councillors have requested that the application be considered by the Planning Committee, or officers have referred the application to the Planning Committee or is an application the Planning Committee has indicated it wishes to consider itself,

the petition will be considered by the Planning Committee before it decides the application;

(iii) Petitions relating to planning applications not covered by the preceding paragraphs:

all other petitions relating to a planning application will be referred to the relevant Corporate Director for a response;

(iv) Petitions relating to other planning issues or matters:

all other petitions relating to planning issues or matters (i.e. planning petitions not covered by the preceding paragraphs) will be dealt with in accordance with the general provisions of this Standing Order.

(o) This Standing Order does not apply to the 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-Committee. Similarly, any petition received in respect of any other licensing or registration matter which cannot be determined until a hearing is held, shall be dealt with in accordance with the relevant hearing rules.

67. Deputations

(a) With the exception of the Audit and Standards Committee, the General Purposes Committee (when considering licensing applications or appeals), the 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 Deputy Director Democratic & Corporate Governance 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

68. 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

69. Custody of Seal

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

70. Sealing of Documents

(a) No document shall be sealed with the Common Seal of the Council 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 Director of Law 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 Director of Law or a deputy or other person duly authorised by the Director of Law for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a register kept for the purpose and shall be signed by the person who has attested the seal.

(c) The seal may be physically affixed to the document, or, if the Director of Law or a deputy or other person duly authorised by the Director of for that purpose agrees, an electronic seal may be applied a document

71. 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 <u>no</u> consideration;

(ii) that exceed £500,000 in value over the life of the contract including contracts where the Council is providing goods, services or works to another body); or

(iii) which are grants that exceed the sum of £150,000;

must be executed as a deed under seal in accordance with these Standing Orders. However, this will not apply to contracts, agreements or transactions where the Director of Law considers it is legally permissible to execute otherwise than as a deed under seal and to do so would be in the Council's best interest. For the avoidance of doubt there is no requirement to execute contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

(b) Any other contract, agreement or other transaction which is:

(i) £150,000 in value or more (in money or money's worth); or

(ii) relates to land or property;

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

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

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

(e) All contracts, agreements or transactions required to be executed as a deed under seal or signed in accordance with these Standing Orders may be executed by electronic means and/ or electronic signature where authorised by the Director of Law in respect of a particular contract or class of contract.

STANDING ORDERS RELATING TO STAFF

72. Declaration by Candidates

(a) The Corporate Director of Finance and Resources 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.

73. 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.

74. Appointment and Dismissal of Staff not Covered by Standing Order 75 or Standing Order 81

(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 75(b) and 81 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 9.4 of Part 3 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 77 or 78 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 Corporate Director of Finance and resources the acts required under these Standing Orders Relating to Staff to be done by the Corporate Director of Finance and Resources shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

75. Appointments to Senior Management Posts

(a) The Corporate Director of Finance and Resources shall be consulted on all appointments to posts covered by this Standing Order. ‘Appointments’ in this Standing Order 75 refers to permanent appointments. Fixed terms and interim appointments to Senior Management posts are addressed in Standing Order 76 below.

(b) This Standing Order shall apply to the posts of:-

(i) the Chief Executive;

(ii) any director (or other senior officer) reporting directly or being directly accountable to the Chief Executive;

(iii) statutory Chief Officers being:

- the Corporate Director Children, Young People and Community Development (acting as the Director of Children's Services appointed under section 18 of the Children Act 2004);
- the Director Adult Social Services appointed under section 6 (A1) of the Local Authority Social Services Act 1970 as amended by the Children Act 2004);
- the Corporate Director, Finance and Resources (acting as the Director of Finance appointed under section 151 of the Local Government Act 1972);

(iv) any officer who, as respects all or most of the duties of his or her post, is required to report directly or is directly accountable to the Full Council itself or any committee or sub-committee of the Authority;

(v) the Monitoring Officer; and

(vi) any Director reporting directly to a Corporate Director.

(c) The posts mentioned in paragraph (b) above may only be created, amended (other than a minor variation) or deleted by the Cabinet or the Chief Executive in consultation with the relevant Cabinet member(s) following consideration of a report from the relevant Corporate Director or other officer nominated by the Chief Executive setting out the proposed job description and person specification for that post and/or the reasons for the creation, amendment or deletion of the post and any legal or financial or other implications arising there from.

(d) The terms and conditions of any of the posts mentioned in paragraph (b) above and the grading structure to be applied to them may only be determined by the General Purposes Committee. The Chief Executive may, in consultation with the Chair of the General Purposes Committee, agree that the holder of any such post may work part time or to any flexible working pattern.

(e) The posts mentioned in paragraph (b) above may only be appointed to by the Senior Staff Appointments Sub-Committee *(which sub-committee shall include at least one member of the Executive*)*.

(f) Unless it is intended that the appointment shall be made exclusively from among existing officers (e.g. where one or more officer is entitled to a ring fenced interview under the Council's Human Resources procedures) paragraphs (g) – (i) below shall apply to the appointment to any of the posts mentioned in paragraph (b) above.

(g) The Chief Executive or another Chief Officer authorised by him or her shall arrange for the post to be advertised in such a way as is likely to bring it to the attention of persons who meet the person specification criteria to apply, and shall arrange for a

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

(h) The Chief Executive or another officer nominated by him or her may draw up a shortlist of applicants from those applicants that applied for a post and submit it to the Chair of the Senior Staff Appointments Sub-Committee together with copies of all applications received. If the Chair does not concur with the shortlist prepared by the officer, a meeting of the Senior Staff Appointments Sub-Committee shall be held to determine the shortlist. If the Chair does concur then the shortlist prepared by the officer shall stand.

(i) The Senior Staff Appointments Sub-Committee shall invite for interview all qualified applicants or a short list of qualified applicants drawn up in accordance with paragraph (h) above where applicable and the interviews shall be conducted in accordance with the Council's recruitment policies and procedures in place from time to time.

(j) Following any interviews of candidates for a post specified in (b) above no offer of appointment shall be made until the following paragraphs have been complied with.

(k) The Chair of the Senior Staff Appointments Sub-Committee shall notify to the Corporate Director of Finance and Resources (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 Corporate Director of Finance and Resources (or such other appropriate officer) shall forthwith notify to every member of the Cabinet:

(i) the name of the person to whom the sub-committee wishes to make the offer;

(ii) any other particulars relevant to the appointment which the sub-committee has notified to him or her; and

(iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Corporate Director of Finance and Resources (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 Corporate Director of Finance and Resources (or such other appropriate officer) and the Chair of the Senior Staff Appointments Sub-Committee of any objection which the Leader or any other member of the Cabinet has to the proposed appointment.

(n) If no such objection is received by the Corporate Director of Finance and Resources (or such other appropriate officer) or the Chair of the Senior Staff Appointments Sub-Committee the Corporate Director of Finance and Resources 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 Corporate Director of Finance and Resources may proceed to offer the appointment to the successful candidate.

(o) In the case of an appointment to the post of Chief Executive the proposed

appointment must be approved at a meeting of the Full Council before an offer of appointment is made.

(p) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (j) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

76. Interim and fixed term appointments to Senior Management posts

(i) Decisions to appoint to Senior Management Posts as defined in Standing Order 75(b) (ii) – (v) which are not permanent appointments but are interim appointments or fixed term contracts for less than one year be made by the Chief Executive.
(ii) The General Purposes Committee shall be informed of any recommendation for an extension of the interim arrangements beyond a year to a post defined in Standing Order 75(b) (ii) – (v).
(iv) Any interim appointment to the post of Director of Public Health shall be in accordance with (i) – (iii) above.
(v) The appointment of an Interim Chief Executive shall be considered by a sub-committee of General Purposes Committee which shall include the Leader, Deputy Leader and a Leader of an opposition party as decided by the Leader.
(vi) The requirements in Standing Order 75 ((j) – (n) shall apply to appointments made under this Standing Order.

77. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Section 151/Director of Finance

(a) 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 Section 151/Director of Finance other than in accordance with Standing Order 77 and HR Procedures: Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151/Director of Finance.

(b) The Chief Executive, Monitoring Officer and Section 151/Director of Finance may be suspended by the General Purposes Committee for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and, if it lasts longer than two months from the date it took effect, it will be reviewed by the General Purposes Committee.

78. Dismissal from Senior Management Posts

(a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 75(b) shall be notified to the Corporate Director of Finance and Resources (or the Director of HR and Organisational Development if the notification relates to the Corporate Director of Finance and Resources) 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 Corporate Director of Finance and Resources (or Director of HR and Organisational Development) shall forthwith notify every member of the Cabinet:

(i) the name of the person whom it is intended to dismiss;

(ii) any other particulars relevant to the dismissal which have been notified to the Corporate Director of Finance and Resources; and

(iii) the period within which any objection to the dismissal is to be made by the Leader of the Cabinet on behalf of the Cabinet to the Corporate Director of Finance and Resources.

(c) The Leader shall within the period specified in the notice notify the Corporate Director of Finance and Resources of any objection which the Leader or any other member of the Cabinet has to the proposed dismissal.

(d) If no such objection is received by the Corporate Director of Finance and Resources, the Corporate Director of Finance and Resources 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 Corporate Director of Finance and Resources may proceed to give notice of the dismissal to the employee.

(e) In the case of the dismissal of the Chief Executive, Monitoring Officer or the Section 151 Officer/, a proposal to dismiss as a result of 'disciplinary action' (as defined in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001, SI 2001/3384) must be approved at a meeting of Full Council before the notice of dismissal is given. In addition, before the taking of a vote at any such meeting, Full Council must take into account, in particular:

(i) any advice, views or recommendations of the Dismissal Advisory Panel as constituted in accordance with SI 2001/3384, Regulation 3 (1)(b);

(ii) the conclusions of any investigation into the proposed dismissal; and

(iii) any representations from the officer concerned.

79. Staff Appeals Against Dismissal

Appeals by members of staff at Director level and below against dismissal for misconduct shall be heard by a more senior officer unless the Corporate Director of Finance and Resources considers it appropriate for any other appeal within the terms of reference of the Senior Staff Appeals Sub-Committee to be heard by that Sub-Committee.

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

80. Political Assistants

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

The provisions include:

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

(ii) There shall be no more than one political assistant for each group that qualifies.

(iii) Where a group does not qualify the group is prohibited from being allocated a political assistant.

(iv) Where only one group has a membership of one tenth or more of the membership of the authority the groups qualifying shall be that group and the group with the next largest membership.

(v) On application of these rules the Labour Group, and the Brent Conservative Group, are each allocated political assistant posts. Appointment to each of these posts will be made only upon confirmation of the wishes of the relevant group given to the Deputy Director Democratic & Corporate Governance by the leader of the group, or by a written statement signed by a majority of the members of the group given to Deputy Director of Democratic Services.

81. Appointment and Dismissal of the Director of Public Health

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

CONTRACT STANDING ORDERS

82. Definitions

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

DEFINED TERM	DEFINITION
Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of Goods Services or Works contracts
Central Digital Platform	A web-based facility operated by the Minister for the Cabinet Office and that the Council uses to advertise contract related notices, including contract opportunities on or after 24 February 2025;
Chief Officer	The Chief Executive and Corporate Directors.
Collaborative Procurement	Any arrangement between the Council and any other body under which the Council or the other body undertakes a procurement process with or on behalf of the other.
Contract Value	The contract value or estimated contract value is the maximum amount the Council is expected to pay for Goods, Services or Works to be provided through the contract term (including extensions) calculated exclusive of VAT (save where indicated that the value is inclusive of VAT).
Contracts Finder	A web-based facility operated by or on behalf of the Cabinet Office for advertising tenders and publishing contract awards prior to 24 February 2025 and thereafter replaced by the Central Digital Platform.
Contracts Register	The electronic register of contracts awarded by the Council and overseen by the Procurement Service.
Dynamic Purchasing System	A purchasing system procured prior to 24 February 2025, and operated electronically through which commonly used Services, Goods or Works may be purchased from providers that may at any time apply to join the system.
Dynamic Market	A flexible procurement system procured on or after 24 February 2025 under the Procurement Act 2023 operated electronically under which providers may at any time during the contract's duration join an arrangement established under section 35(1) of the Procurement Act 2023 for the provision of, supplies, Services, Goods or works.
E-Auction Facility	A web-based facility approved by the Head of Procurement which enables the electronic submission of prices for a Tender.

DEFINED TERM	DEFINITION
Electronic Tender Facility	A web-based facility used by the Council and approved by the Head of Procurement which enables the electronic despatch and receipt of Tender documents and communication with tenderers.
Evaluation Panel	The officers who are tasked with reviewing tenders in accordance with the criteria for award.
Find a Tender (FTS)	The UK e-notification service where notices in relation to procurements of contracts over relevant Thresholds commencing on or after 1 January 2021 are required to be published prior to 24 February 2025 and thereafter replaced by the Central Digital Platform.
Framework Agreement	A contract between the Council or another "contracting authority" (as defined under Procurement Legislation) and one or more suppliers that provides for the future award of contracts ("call-offs") under which contracts for the provision of Services, Goods or Works can be entered into ("called-off") on agreed terms.
Goods	means products, supplies or goods which are procured through purchase, lease, rental or hire-purchase, with or without an option to buy.
High Value Contract	Any contract with a Contract Value of and over the following values: for Services or Goods contracts £2,000,000; and for Works contracts £5,000,000.
Light Touch Services	Those health, social and other related services listed in Schedule 1 of The Procurement Regulations 2024.
Local Brent Provider	A provider of Services, Goods or Works that is based or has a local office situated within the London Borough of Brent.
Low Value Contract	In the case of contracts for Services (including Schedule 3 Services prior to 24 February 2025 and Light Touch Services on or after 24 February 2025) or Goods: a contract with a Contract Value of between £30,000 (inclusive of VAT) and the Threshold for Services and Goods contracts (which is currently £207,720 (inclusive of VAT). In the case of a contract for Works: a contract with a Contract Value of between £30,000 (inclusive of VAT) and £250,000. ..
Medium Value Contract	In the case of contracts for Services (including Schedule 3 Services and Light Touch Services on or after 24 February 2025) or Goods: a contract with a Contract Value of between

DEFINED TERM	DEFINITION
	the amount which is the relevant Threshold for Services or Goods contracts (which is currently £207,720 (inclusive of VAT)) and £2,000,000. In the case of a contract for Works, a contract with a Contract Value of between £250,000 and £5,000,000. ..
Member	An elected Councillor of Brent Council.
Monitoring Officer	The Director of Law.
Online Market Place	A web-based facility approved by the Head of Procurement which enables the procurement of specified types of Services, Goods or Works contracts.
Procurement Legislation	The Procurement Act 2023, the Procurement Regulations 2024, the Health Care Services (Provider Selection Regime) Regulations 2022, and any other relevant UK legislation as amended or replaced from time to time including (where appropriate) The Public Contracts Regulations 2015 and The Concession Contracts Regulations 2016.
Provider Selection Regime	The regime for the procurement of health care services in accordance with the Health & Care Act 2022 and associated regulations
Purchase Order	An order for Services, Goods or Works to the Council issued by an authorised officer using the Council's official order form.
Schedule 3 Services	Those social and other specific services listed in Schedule 3 of The Public Contracts Regulations 2015.
Services	means all services other than those referred to in the definition of Works.
SME(s)	Small and medium-sized enterprise(s).
Tender(s)	An offer or bid or tender from a party to provide Services, Goods or Works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing or electronically of a Tender.
Threshold(s)	The current thresholds (inclusive of VAT) under Procurement Legislation for the following types of contracts are: • in the case of contracts for Works, £5,193,000 (inclusive of VAT); **1.** in the case of contracts for Services or Goods, £207,720 (inclusive of VAT);

DEFINED TERM	DEFINITION
	2. in the case of contracts for Schedule 3 Services or Light Touch Services, £663,540 (inclusive of VAT); and • in the case of contracts for public Works or Services concession contracts, £5,193,000 (inclusive of VAT).
Very Low Value Contract	A contract or commitment with a value inclusive of VAT estimated to be less than £30,000.
Works	The activities comprising works, construction, refurbishment, demolition, rebuilding, repairs and maintenance, and facilities management contracts including those specified within: • Schedule 2 of The Public Contracts Regulations 2015, for those procurements commenced prior to 24 February 2025. • Schedule 3 of The Procurement Regulations 2024, for those procurements commenced on or after 24 February 2025.

83. Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:

(a) individual agency contracts for the provision of temporary staff (although it is mandatory to place such contracts through the Council's corporate agency staff arrangements);

(b) employment contracts; and

(c) contracts relating to an interest in land or property.

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 Procurement Legislation and unless for good operational and/or financial reasons the Cabinet or individual Cabinet member (or, if appropriate, the General Purposes Committee) agrees otherwise, with these Contract Standing Orders and the Council's Financial Regulations.

(b) In addition to the powers of the Cabinet, individual Cabinet member and the General Purposes Committee in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Corporate Director, Finance and Resources is also able to grant such exemptions:

(i) on grounds of extreme urgency; or

(ii) where the exemption sought is in relation to the requirement to obtain three written quotations under Contract Standing Order 86(c).

The Corporate Director, Finance and Resources shall only exercise his / her authority under this paragraph:

(i) following legal advice that there is no breach of Procurement Legislation or the Council's own procedures in the exercise of the authority; or

(ii) where there are good operational and / or financial reasons for doing so, after taking advice from the Head of Procurement.

(c) Chief Officers shall ensure, in undertaking any contract procurement, that:

(i) fair, transparent and auditable processes are followed at all stages;

(ii) tender exercises are conducted appropriate to the nature of the contract being procured;

(iii) all tenderers are treated the same unless a difference between the suppliers justifies different treatment;

(iv) these Contract Standing Orders are complied with.

(v) the Contracts Register is kept updated at all times as set out in Contract Standing Order 110; and

(vi) appropriate steps are taken to prevent, identify and remedy any conflicts of interest.

(d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Head of Procurement in the first instance and the Monitoring Officer as appropriate.

(e) For the avoidance of doubt these Contract Standing Orders apply to:

(i) the appointment of consultants; and

(ii) the establishment of Framework Agreements and Dynamic Purchasing Systems.

(f) Subject to paragraph (a) and (b) above, Contract Standing Order 97 (Approved List and Online Market Place), all Medium and High Value Contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Contract Standing Orders.

85. Partnership Arrangements and Collaborative Procurement

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

(b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or, where relevant, Full Council).

(c) Any Collaborative Procurement shall comply with these Contract Standing Orders and Financial Regulations unless:

(i) agreed otherwise in consultation with the Head of Procurement and in writing by the Corporate Director Finance and Resources and the Monitoring Officer; or

(ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Contract Standing Order 84(a).

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

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

86. Contracts not subject to full tendering requirements

(a) Certain contracts as set out in this Contract Standing Order listed below are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.

(b) No formal procurement procedures apply to **Very Low Value Contracts** apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotations or another procurement route. As with all Council procurement, there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.

(c) For **Low Value Contracts** at least three written quotations should be sought unless the contract opportunity has been advertised. Advice must be sought from the Head of Procurement ~~Service~~ about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotations shall be sought using the Electronic Tender Facility and at least one of the quotations shall be sought from a Local Brent Provider, where possible. Low Value Contracts require formal approval for award according to Contract Standing Order 88(a) from a duly authorised officer, where applicable, within the relevant Council Directorate and from the 24 February 2025, the publication of a contracts details notice.

(d) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Contract Standing Order 97, are not subject to full tendering requirements.

(e) Subject to the proviso below, no formal tendering procedures apply where contracts are called off (call-offs) under:

(i) a Framework Agreement or Open Framework established pursuant to these Contract Standing Orders or otherwise established pursuant to a joint procurement involving the Council. Call-offs let under such Framework Agreement or Open Framework must be procured in accordance with the conditions of the Framework Agreement or Open Framework; or

(ii) a Framework Agreement, Open Framework, Dynamic Purchasing System or Dynamic Market established by another contracting authority, where call-off under the Framework Agreement, Open Framework, Dynamic Purchasing System or Dynamic Market is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the Director of Law has advised that participation in the Framework Agreement, Open Framework, Dynamic Purchasing System or Dynamic Market is legally permissible. Advice from the Director of Law must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer. Call-offs let under a Framework Agreement, Open Framework, Dynamic Purchase System or Dynamic Market must be procured in accordance with the conditions of the Framework Agreement, Open Framework, Dynamic Purchase System or Dynamic Market; or

(iii) the Online Market Place (as detailed in Contract Standing Order 97), where the call-off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract. Call-offs let under such Online Market Place must be procured in accordance with the conditions of the Online Market Place.

SAVE THAT any High Value Contract may only be awarded on the approval of the Cabinet or relevant Cabinet Member as required by paragraph 9.5 / paragraph 13 of Part 3 of the Constitution.

(f) Subject to complying with any relevant parts of Procurement Legislation and PROVIDED that advice is sought from the Director of Law and Head of Procurement, Tenders need not be invited nor quotations sought:

(i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the Services, Goods 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, Goods or Works required and in the case of High Value Contracts, approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or

(ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure Services, Goods or Works necessary to deal with the immediate urgent situation; 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 personnel; or

(iv) for contracts for health care services procured in compliance with the Provider Selection Regime; or

(v) for contracts concerning the production of a prototype, or the supply of other novel Goods or Services, and for the purpose of testing the suitability of the Goods or Services, researching the viability of producing or supplying these Goods or Services, or for other research, experiment study or development; or

(vi) for the provision of Goods, Services or Works procured on or after 24 February 2025, from the existing supplier as an extension, or partial replacement, to the existing Goods, Services or Works, and where a change in supplier would result in differences or incompatibility with the existing goods, service or works which would also result in disproportionate technical difficulties in maintenance or operation; or

(vii) for contracts for the supply of user choice services where others have a legal right to have a say in the choice of supplier to include the Care Act 2014, and the Children and Families Act 2014. This justification applies only where:

a. procuring Light Touch Services;
b. such Services are supplied for the benefit of a particular individual; and
c. a contracting authority is required by legislation to have regard to the views of the particular individual, or a person providing care to that individual (their 'carer'), concerning who should supply the services.

87. Provision of Goods, Services and Works by the Council

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

(b) Before entering into arrangements under any of these provisions, officers must comply with the relevant requirements of Financial Regulation in Part 2 of the Constitution.

(c) Authority to enter into arrangements under any of these provisions must be agreed by the Cabinet (or if appropriate the General Purposes Committee) where:

(i) the Contract Value would exceed £1m *per annum*; or

(ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed £1m *per annum* calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract); or

(iii) where a company is to be set up for the purposes of the arrangements.

(d) In all cases advice shall be sought from the Director of Law and the Corporate Director, Finance and Resources prior to entering into any such arrangement and/or prior to seeking approval by the Cabinet.

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

(a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award and terminate contracts in accordance with paragraph 9.5 of Part 3 of this Constitution. No individual Member may enter into a contract on the Council's behalf.

(b) Where approval to invite expressions of interest is required from the Cabinet or if appropriate, the relevant Cabinet Member, the General Purposes Committee or Pension Fund Sub-Committee as the case may be, they shall receive and consider a report setting out the pre-tender considerations specified in Contract Standing Order 89 and shall give such approval or approvals as it considers necessary.

(c) Where approval to award or terminate a contract is required to be obtained or is in any event sought from the Cabinet or if appropriate the relevant Cabinet Member, the General Purposes Committee or Pension Fund Sub-Committee, as the case may be, they shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.

(d) Chief Officers are responsible for ensuring that the relevant category manager in the Procurement Service is notified of all proposed procurements of or exceeding £30,000 (inclusive of VAT) in value. The role of the category manager under this Contract Standing Order 88 is to advise on appropriate procurement routes, ensuring that the Department takes legal advice as necessary.

89. Pre-Tender Considerations

In procuring any contract, Chief Officers (or if appropriate Cabinet, the relevant Cabinet Member, the General Purposes Committee or Pension Fund Sub-Committee) shall, where appropriate, consider the following matters prior to inviting Tenders:

(i) the nature of the Services, Goods or Works contract to be tendered;

(ii) the Contract Value;

(iii) the contract term and any period of extension(s) anticipated by the contract;

(iv) the tender procedure to be adopted including, whether to include an informative processes like: pre-market engagement, consider if any part of the procedure will be conducted otherwise than by electronic means and whether there will be an e-auction;

(v) the procurement timetable;

(vi) the evaluation criteria and process;

(vii) any business risks associated with entering the contract;

(viii) the Council's Best Value duties;

(ix) the Council's duty under the Public Services (Social Value) Act 2012 (the duty applies only to Medium and High Value Contracts for services but should be considered for all contracts with a Contract Value above £100,000);

(x) any staffing implications including TUPE and pensions;

(xi) relevant financial, legal and other considerations;

(xii) Sustainability

(xiii) Key Performance Indicators / outcomes;

(xiv) any policy requirements including the National Procurement Policy Statement, prompt payment, London Living Wage, modern slavery and carbon reduction;

(xv) consideration of what information would allow providers and others to understand the Council's procurement policies and decisions;

(xvi) consideration of whether SMEs may face particular barriers to participate in the Tender and consider if such barriers can be removed or reduced; and

(xvii) Contract management arrangements.

90. Contract Value

Chief Officers shall ensure that a Contract Value is prepared and recorded prior to the 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 were 48 months. Where it is not possible to value the contract, then it will be deemed to be valued at the relevant Thresholds.

91. Lots

Chief Officers in consultation with Procurement shall consider whether a contract should be subdivided into lots and if a decision is taken not to sub-divide into lots, shall record the reason for such decision in writing. Contracts must not, however, be sub-divided into lots to avoid competitive tendering or compliance with these Contract Standing Orders. The estimated value of contracts split into lots shall be calculated using the total value of all lots, to determine what threshold applies and the procurement process to be undertaken.

92. Procurement by consultants

Where consultants are appointed to undertake tendering on the Council's behalf they shall be instructed to comply with these Contract Standing Orders and to consult with the Head of Procurement and the Contract Procurement and Management Guidelines as appropriate. No consultant shall make a decision about the award of 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 Director of Law and the Corporate Director, Finance and 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 (PINs) and Pipeline Notice

(a) Notwithstanding Prior Information Notices (PINs) being issued in Find a Tender prior to a tender process, the Head of Procurement will endeavour to advise the market on an annual basis by the issue of a PIN of forthcoming opportunities that may transpire during the forthcoming financial year.

(b) By the 26 May 2025 and annually thereafter, the Head of Procurement will publish a pipeline notice setting out the relevant information about any public contract with an estimated value of more than £2 million in respect of which the Council intends to publish a tender notice or transparency notice during the next 18 months.

95. Inviting Tenders for Contracts over Thresholds

(a) On or after 24 February 2025, where a Services, Goods or Works contract has a Contract Value in excess of the Threshold(s), then Tenders shall be invited in accordance with Procurement Legislation using the relevant procurement procedure by publishing the appropriate notice on the Central Digital Platform in accordance with Procurement Legislation and no later than any other advertisement placed in any other publication.

(b) Prior to 24 February 2025, a notice for such Tender will also be placed on Contracts Finder following the placing of the notice on Find a Tender in accordance with Procurement Legislation.

(c) Where a contract for Schedule 3 Services or Light Touch Services has a Contract Value in excess of the Threshold, then Tenders may be invited using relevant procurement procedures outlined in paragraph (a) above or such additional procedures as are consistent with Procurement Legislation.

96. Inviting Tenders for Contracts below Thresholds

(a) Where a Contract Value is below the relevant Threshold, then Tenders shall be invited in accordance with:

(i) all requirements in Procurement Legislation relating to below -Threshold contracts, as appropriate;

(ii) these Contract Standing Orders; and

(iii) the requirements of either (b) or (c) below.

(b) Prior to 24 February 2025:

Single Stage Tenders

(i) Tenders shall be invited by way of a public notice published on Contracts Finder, the Electronic Tender Facility and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and stating the last date when Tenders will be accepted, which shall not normally be less than 21 calendar days after the date that the Notice was first published. The Contract Value may also be included.

(ii) Where relevant to the subject matter of the procurement and proportionate, suitability assessment questions may be asked in order to ensure that the person or body meets the Council's requirements and minimum standards of suitability, capability, legal status or financial standing.

Two-Stage Tenders

For Medium Value Contracts and High Value Contracts for Works of up to Threshold value or Schedule 3 Services that are below the appropriate Threshold, in addition to a Single Stage Tender process, tenders may also be invited as follows:

(i) Expressions of interest shall be invited by public notice published on Contracts Finder, the Electronic Tender Facility and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and the last date when expressions of interest will be accepted which shall not normally be less than 21 calendar days after the date that the Notice was first published;

(ii) Information about the tender shall also be placed on Contracts Finder.

(iii) Persons or bodies wishing to express an interest shall be directed to a selection questionnaire to be completed and submitted to the Council by the date specified in the Notice;

(iv) The response to the Selection Questionnaire shall be used to evaluate whether the person or body meets the Council's minimum technical capacity and financial standing requirements, has relevant experience and should be included in a shortlist; and

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

(c) On or after the 24 February 2025:

(i) Tenders shall be invited by the publication of a below-threshold tender notice on the Central Digital Platform before being published elsewhere.

(ii) Officers when designing the tender must:
   a. have regard to the national procurement policy statement (NPPS) and document their thinking on which NPPS policies the individual procurement can contribute to and how this will be addressed, as well as why any disregarded policies are irrelevant or inappropriate or would be disproportionate to consider.
   b. consider the barriers that SMEs may face in competing for the contract and whether such barriers can be removed or reduced. Unless the award is to be made under a Framework Agreement.
   c. not discriminate against a treaty tenderer but only to the extent that below-threshold procurements are covered by an international agreement as set out in Schedule 9 of the Procurement Act 2023.

(iii) Where relevant to the subject matter of the procurement and proportionate, suitability assessment questions may be asked in order to ensure that the person or body meets the Council's requirements or minimum standards of suitability, capability, legal status or financial standing. However, these will

not be used to have a separate suitability stage before the submission of tenders or as a way of reducing the number of tenderers who are invited to tender unless this is considered appropriate for the procurement of Works contracts with an estimated value of over £207,720.

(iv) Procurement officers will publish a contract details notice as soon as reasonably practicable after the Council enters into a below-threshold contract.

97. Approved Lists and Online Market Place

(a) The Council has agreed the use of a corporate Approved List. The Director of Law in consultation with the Head of Procurement may prescribe the rules on how the corporate Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.

(b) The use of the corporate Approved List shall be mandatory for all Low Value Contracts for Services and Goods and for all Low and Medium Value contracts for Works where a relevant corporate Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (a) above.

(c) The Council has agreed the use of a Small Works and Services Approved List. The Head of Procurement in consultation with the Director of Law may prescribe the rules on how the Small Works and Services Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.

(d) The use of the Small Works and Services Approved List shall be mandatory for all Low Value Contracts for Services, Goods and Works where a relevant Small Works and Services Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (c) above.

(e) The Council has agreed the use of an Online Market Place. The Head of Procurement may prescribe the internal rules as to how the Online Market Place shall be used, monitored and reviewed and may amend such rules periodically.

(f) The Online Market Place shall consist of:

(i) a contract or Framework Agreement established pursuant to these Contract Standing Orders; or

(ii) a Dynamic Purchasing System, Dynamic Market or Framework Agreement established by another contracting authority, PROVIDED that the Monitoring Officer, in consultation with the Head of Procurement, has advised that participation in the Dynamic Purchasing System, Dynamic Market or Framework Agreement and inclusion on the Online Market Place is legally permissible.

98. The Invitation to Tender

(a) The invitation to tender shall include the following details:

(i) a description of the Services, Goods or Works being procured;

(ii) whether the Council is of the view that TUPE will apply

(iii) the tender timetable including the tender return date and time, which must allow a reasonable period for applicants to prepare their Tenders;

(iv) a specification and instructions on whether any variants are permissible;

(v) the Council's terms and conditions of contract;

(vi) the evaluation criteria including either weightings or the order of importance;

(vii) pricing schedules, if appropriate, and instructions for completion;

(viii) whether the tenderer is required to price separately if the tenderer were required to offer appropriate pension provision and/or parent company guarantee and/or a performance bond;

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

(x) confirmation that Tenders are to be submitted electronically unless this is not possible or inappropriate;

(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 an e-auction will be conducted;

(xiv) information about Social Value, Sustainability, London Living Wage and Lots (where appropriate); and

(xv) any further information which will inform or assist applicants in preparing their Tenders.

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 its Tender is priced on the basis of TUPE applying or not;

(iii) except where permitted by Procurement Legislation, a statement that formal acceptance of the Tender by the Council will, until such time as a written contract can be executed, bind the parties into a contractual relationship; and

(iv) except in the case of an e-auction, the price and whether this would be different if the tenderer were to offer a comparable pension and/or a parent company guarantee and/or a performance bond.

(b) Tenders must be submitted and opened in accordance with the requirements of Contract Standing Orders 100 and 101.

100. E-Tendering and E-Auctions

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

(a) Invitations to Tender should be submitted 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 Procurement Legislation where applicable.

(b) Tenders received electronically via the Electronic Tender Facility must be held securely until after the closing date and time.

(c) Tenders securely held must all be opened at the same time by an authorised officer and the Tender details recorded.

(e) In appropriate cases the submission of prices or values of quantifiable elements for a Tender may be conducted by e-auction using an E-Auction Facility. An E-Auction Facility may be used in conjunction with an Electronic Tender Facility.

(f) Tenders conducted by e-auction must comply with Procurement Legislation where applicable and unless used in conjunction with an Electronic Tender Facility, must follow the usual process for the invitation, submission and evaluation of Tenders (including this Contract Standing Order 100) except that the submission of prices and/or values may occur via an online auction.

(g) Except with the prior written approval of the Corporate Director of Finance and Resources,, electronic tendering shall only be undertaken using the Council’s Electronic Tender Facility or E-Auction Facility operated by the Procurement Service.

101. Receipt and Opening of Tenders

In the event that tenders are submitted in hard copy, the receipt and opening of Tenders shall be conducted as follows:

(a) All High Value Contract Tenders shall be addressed to the Council's Democratic Services Manager and the Tender shall remain in the custody of the Democratic Services Manager until the time appointed for its opening;

(b) High Value Contract Tenders shall be opened and Tender details recorded by an authorised representative of the Democratic Services Manager and at least one other officer;

(c) Medium Value Contract Tenders shall be addressed to the relevant Chief Officer and the Tender shall remain in the custody of the Chief Officer until the time appointed for its opening; and

(d) The Deputy Director Democratic & Corporate Governance 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.

102. Late Tenders

(a) Late Tenders shall not be considered except in special circumstances and only then if no other Tenders have been opened and only with the prior written approval of the Chief Executive or the Monitoring Officer on receipt of a written request specifying the special circumstances and why acceptance of a late Tender is justified. A record of any such approval shall be kept with the record of Tenders received.

(b) If Tenders are received electronically via the Electronic Tender Facility or by an E-Auction Facility, then if the Facility will still accept the submission of tenders after the appointed closing date and time for the submission of Tenders it will automatically flag late Tenders as “late”. Late Tenders flagged as such may only be accepted in accordance with Contract Standing Order 102 (a) above. However, once other Tenders have been opened on the Facility, no late Tenders can be accepted.

103. Record of Tenders and Contracts

(a) The Procurement Service shall maintain a record of all Tenders invited and received by it, of all contracts entered into and Framework Agreements concluded on behalf of the Council. The Procurement Service shall also record the reasons for awarding the contract to or concluding a Framework Agreement with a tenderer and the reasons for non-acceptance of a Tender or the rejection of a contractor who has not been included in a Tender shortlist or Approved List.

(b) For contract award procedures conducted by electronic means, appropriate information shall be kept to document the progress of the procedure.

104. Tender Evaluation

(a) Tenders subject to Procurement Legislation shall be evaluated in accordance with such legislation and the invitation 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 Contract Standing Orders save where there is a conflict with Procurement Legislation in which case the legislation shall prevail.

(b) Prior to the 24 February 2025, Tenders for all contracts shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council. The most economically advantageous offer to the Council will be determined using a combination of both quality and price evaluation criteria (except for certain Works, Goods or energy supply contracts where price alone may be the sole evaluation criterion).

(c) On or after the 24 February 2025, Tenders for all contracts shall be evaluated and awarded on the basis of the most advantageous tender (MAT) as determined in accordance with section 19(2) of the Procurement Act 2023. MAT comprises the criteria for award that the Council considers satisfies its requirements, and best satisfies the award criteria as detailed in the invitation to tender documents.

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 Monitoring Officer.

(c) Post-tender negotiations are only permissible where the Invitation to Tender specified the areas to be subject to negotiation and where this is permitted by Procurement Legislation. In all other cases, only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

Chief Officers shall ensure that sufficient security for the due performance of High Value Contracts is taken and for other contracts where such security is considered to 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 Procurement Legislation, where the Contract is subject to the full application of Procurement Legislation (being a Services, Goods or Works contract, concession contract or Framework Agreement above the relevant Threshold) a mandatory standstill period of at least:

i. ten calendar days beginning on the day on which after the last written award notification is sent to all tenderers, for those procurements commenced prior to 24 February 2025;

ii. eight working days beginning with the day the contract award notice is published and after providing an assessment summary to all tenderers in writing of the award decision and the planned award of contract, for those procurements commenced on or after the 24 February 2025.

(b) The standstill period and the written notification or assessment summary must comply with the requirements of Procurement Legislation. If an unsuccessful tenderer requests further information, such information must be provided in accordance with Procurement Legislation.

(c) 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 Monitoring Officer in consultation with the Head of Procurement.

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

108. Contract Award and Contract Details Notices

(a) Officers shall ensure that a contract award notice is published in Contracts Finder and in Find a Tender for above Threshold procurements for procurements commenced on or after 1 January 2021 and prior to the 24 February 2025 within not less than 30 days of the award of any contract where required by Procurement Legislation or the award of a Framework Agreement, or in the case of Dynamic Purchasing Systems, to ensure that individual notices and grouped notices are published in Contracts Finder or Find a Tender (depending on the value of the Contract) in the time period and as required under Procurement Legislation and as described at Contract Standing Order 115(b). Grouped notices are to be published within 30 days of the end of each quarter. Officers shall ensure that relevant information is published on Contracts Finder or Find a Tender as required by Procurement Legislation and as described in Contract Standing Order 115 (b).

(b) For procurements commenced on or after 24 February 2025, Officers shall ensure that the applicable notice(s) for the awarding a contract are published in the Central Digital Platform within the relevant statutory notice period as described in Contract Standing Order 115(a) as notification of contract award. In the case of Dynamic Market Notices, Officers shall ensure that individual notices or grouped notices are published in the Central Digital Platform in accordance with Contract Standing Order 115 (a). If the relevant Contract is below threshold then its' award shall be advertised on the Central Digital Platform first before it is published anywhere else.

109. Letters of Intent

Letters of Intent shall only be used as follows:

(a) where the Council's form of tender has not included a statement that until such time as a formal contract is executed the Council's written acceptance of a Tender shall bind the parties into a contractual relationship; or

(b) exceptionally where a contractor is required to provide Services, Goods or Works prior to written acceptance by the Council and only then with the prior written approval of the Monitoring Officer.

110. Contracts Register

(a) Chief Officers shall ensure that all contracts awarded by the Council to the value of £30,000 (inclusive of VAT) or more over the term of the contract shall be entered on the Contracts Register. The Contracts Register shall for each contract specify the name of the relevant Council Department, the contractor, the Services, Goods or Works to be provided, the Contract Value and contract term and, where relevant, any provisions for extension. Details of all such contracts awarded must be sent to the Procurement Service entered on the Contracts Register within two weeks of award and in the required format.

(b) Chief Officers shall also ensure that for all contracts on the Contracts Register, all contract extensions and variations, terminations, assignments and novations are entered on the Contracts Register and notified to the relevant category manager in the Procurement Service to ensure that all notices described in Contract Standing Order 115 are published in due time.

111. Contract Terms and Conditions

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

112. Extension and Variation of Contract

(a) Contracts subject to 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 Monitoring Officer and the Corporate Director of Finance and Resources. All extensions (of any duration) shall be notified to the Procurement Service.

(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 9.5. The relevant individual Cabinet Member has such power in accordance with paragraph 13 of Part 3 of the Constitution. Where approval to extend, vary or renegotiate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) as the case may be, they shall receive and consider a report setting out all relevant information and circumstances considered necessary to give such approval or approvals. Any notice as is required under Contract Standing Order 112(d) shall be given in accordance with Procurement Legislation and Contract Standing Orders 115(a) or (b).

113. Early Termination of Contract

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

High Value and 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. On or after 24 February 2025, a termination notice shall be published in accordance with Contract Standing Order 115 following termination.

114 Assignment and Novation of Contract

(a) Contracts may be novated or assigned provided that the novation or assignment would not breach Procurement Legislation. Chief Officers have delegated to them the power to novate or assign contracts pursuant paragraph 9.5, of Part 3 of this Constitution provided that the novation or assignment does not substantially alter the terms and conditions of the contract and provided that the relevant Chief Officer is satisfied that the new contractor meets certain standards.

(b) Where approval to novate or assign a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee or Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

115 Statutory Procurement Notices

(a) General Notice Requirements under the Procurement Act 2023:

All procurements which commence on or after 24 February 2025 shall comply with the notice requirements as set out in the Procurement Act 2023. Save where an exemption applies, the following notices are to be published on the Central Digital Platform ensuring compliance with the transparency notice requirements:

Notice	Mandatory or Discretionary	When Required	Relevant Legislation (Procurement Act 2023)	Required Days
Pipeline Notices	Mandatory	For planned expenditures exceeding £100 million in a financial year, forecasting future procurements.	Section 93	Within 56 days beginning with the first day of the financial year.
Planned Procurement Notices	Discretionary	Before the start of the procurement process to notify the market of an upcoming opportunity.	Section 15	At least 40 days before the day on which the tender notice is published.
Preliminary Market Engagement Notices	Discretionary	Prior to conducting any pre-tender engagement activities with potential suppliers.	Section 17	No minimum requirement .
Tender Notices	Mandatory	When inviting tenders for contracts above the procurement thresholds.	Section 21	At least 25 days before the Tender submission date; or

Notice	Mandatory or Discretionary	When Required	Relevant Legislation (Procurement Act 2023)	Required Days
				at least 10 days before Tender submission date where there is state of urgency that means a 25 day participation period is impractical; or no minimum requirement where it is Light Touch Services.
Below-Threshold Tender Notice	Mandatory	When inviting tenders for contracts below the procurement thresholds.	Section 87	No minimum requirement .
Dynamic Market Notices	Discretionary	When establishing or modifying a dynamic market system.	Section 39	No minimum requirement .
Procurement Termination Notices	Mandatory	When a procurement process is abandoned before contract award.	Section 55	As soon as reasonably practicable after making the decision.
Transparency Notices	Mandatory	For direct awards. These notices ensure the market is aware of non-competitive award decisions. This requirement does not apply to direct awards of user choice contracts or to contracts for the preservation of life.	Section 44	As soon as decision to directly award is made.
Contract Award Notices and	Mandatory	After awarding a contract to the successful	Section 50	As soon as all assessment

Notice	Mandatory or Discretionary	When Required	Relevant Legislation (Procurement Act 2023)	Required Days
Assessment Summaries		bidder, including standstill period feedback.		summaries have been issued to all tenderers.
Contract Details Notices	Mandatory	Contract entry or entry into contract. Entry into the contract for these purposes is denoted by the date on which the contract is awarded.	Section 53	Within 30 days beginning with the day the Contract is entered into or within 120 days of the day a Light Touch Services contract is entered into.
Contract Performance Notice	Mandatory	A notice reporting on (1) supplier performance against KPIs (for public contracts valued over £5m); and (2) supplier breach/poor performance under section 71(5).	Section 71 (2) Section 71(5)	For KPI reporting, at least once every 12 twelve months during the life cycle of the public contract and on termination. For breach of contract or poor performanc e reporting, within 30 days of the relevant supplier breach or failure to perform.
Regulated Below-Threshold Contract Notices	Mandatory	For contracts entered into below statutory thresholds that are still subject to transparency requirements.	Section 87	No minimum requirement .
Payments Compliance Notices	Mandatory	Publish details of performance against 30-day payment terms (twice annually).	Section 69	A notice setting out specified information about an authority's compliance with rules around

Notice	Mandatory or Discretionary	When Required	Relevant Legislation (Procurement Act 2023)	Required Days
				prompt payment of invoices. To be published within at least 30 days after 31st March and 30th September.
Contract Payment Notice	Mandatory	Required to report details of any payments exceeding £30,000 under a contract	Section 70	Within 30 days beginning with the last day of the quarter in which the payment was made.
Contract Change Notices	Mandatory	Before making any significant changes to the contract (e.g., value, scope).	Section 75	Subject to the provisions for a voluntary standstill period in section 76, before modifying a public contract or a convertible contract.
Contract Termination Notices	Mandatory	When a Contract is terminated. Termination may include expiry, or the exercise by a relevant party of termination rights under the contract, or any other means by which the contract ends.	Section 80	Before the end of the period of 30 days beginning with the day on which a public contract is terminated.

(b) General Notice Requirements under the Public Contract Regulations 2015:

All procurements of Services, Works, and Goods which exceed the relevant Threshold which commence prior 24 February 2025, shall comply with the notice requirements as set out in the Public Contract Regulations 2015. Where applicable the following notices are to be published on the Central Digital Platform/Find a Tender:

Notice	Mandatory or Discretionary	When required	Relevant Legislation (Public Contract Regulations 2015)	Required Days from publication electronically
Prior Information Notices ("PIN or "Pin Notice")	Discretionary	Making known the Council's intention for a planned future procurement.	Regulation 48	No minimum requirement. NB PIN Notices generally last between 35 days and 12 months from the date on which the PIN Notice was published.
Contract Notices	Mandatory	As a means of calling for competition for a procurement of a public contract.	Regulation 49	At least 30 days before the Tender submission date or at least 15 days before publication if a PIN Notice was published.
Notices of decisions to award ("standstill letters")	Mandatory	To notify Tenderers of the making of a decision to award a contract or a decision to conclude a framework agreement.	Regulation 86 and Regulation 87	Once the decision to award a contract or conclude a Framework Agreement is made.
Contract Award Notice	Mandatory	Decision to award a contract or to conclude a framework agreement.	Regulation 50	Not less than 30 days after the award of a contract or conclusion of a framework agreement.
Voluntary Transparency Notice	Discretionary	To protect the Council from a declaration of ineffectiveness, in circumstances where a modification notice is not required.	Regulation 99	At least 10 days prior to entering into the contract.
Payment Compliance Notice	Mandatory	Statutory publication of the Council's compliance with obligations to make payments	Regulation 113	Every financial year prior to 24 February 2025 and then to be published within at least 30 days

Notice	Mandatory or Discretionary	When required	Relevant Legislation (Public Contract Regulations 2015)	Required Days from publication electronically
		no later than the end of a period of 30 days from the date on which a relevant invoice is regarded as valid and undisputed		after 31st March and 30th September.
Modification notice	Mandatory	Where a contract is modified in accordance with Regulation 72(1)(b) or Regulation 72(1)(c).	Regulation 72	Once the contract has been modified.

(c) Chief Officers shall: -

(i) comply with contract management obligations under Procurement Legislation; and

(ii) shall record, retain, update and supply to the Head of Procurement such information as is required for the publication of the notices described at Contract Standing Order 115.

(d) Publication and Record Keeping:

A record of all notices, including dates of publication and content, must be maintained for a minimum of three years or relevant retention period post-contract award. The Council must also ensure compliance with any requirements for notices to be publicly accessible.

(e) Exemptions:

As specified in Procurement Legislation in certain cases, such as urgent procurement or national security, exemptions from full notice publication may apply. The Monitoring Officer shall approve and record such exemptions where necessary.

ACCESS TO INFORMATION RULES

Scope

1. These rules apply to all meetings of the Council and its committees and sub-committees and meetings of the Cabinet and committees established by the Leader or the Cabinet except where specified (together these meetings are herein referred to as "meetings"). They also apply where specified to decisions made by officers, the Leader and Cabinet Members.

2. Nothing in these rules shall be treated as limiting or diminishing any rights conferred on the public, members of the Council or co-opted or independent members by any of the Standing Orders or other rules in the Constitution or the law.

Rights of Press and Public to attend Meetings

3. The press and public shall, subject to the exceptions contained in these rules, be entitled to attend all meetings subject to the capacity of the room in which the meeting is held. Unless there is another meeting being held in the room in which the meeting is to be held, the press and public will be admitted to the room 30 minutes before the meeting is due to start.

4. Separate seating will be provided for the press and public and admission will be on the basis of “first come, first served” with no seating being reserved.

5. Except in respect of disturbances and unruly behaviour, the press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information as defined in the relevant legislation and set out below, and any resolution excluding press and public shall specify the nature of the confidential and/or exempt information relating to the business to be transacted which justifies the exclusion.

6. Tweeting, blogging etc. and filming from hand held devices will normally be permitted at meetings without advance notice, however it is important that meetings are allowed to discharge their business without distraction or disruption both to the Councillors and officers around the table and any public present. This means that ‘roving’ filming close to or around a meeting table and filming using flash lighting will not normally be allowed. The Chair shall have discretion over deciding whether any such activity poses a threat to the efficient conduct of the meeting. Further rules governing the media are set out below.

7. No animal shall be allowed into any meeting, except a guide dog accompanying a blind or deaf person.

Media

8. Photography and sound recording shall generally be permitted except where the public and media have been excluded. Any individual or television production company shall be permitted to film any proceedings of any meeting except where the public and the media have been excluded. Any filming in a meeting shall only take place from the positions authorised by the Deputy Director Democratic & Corporate Governance for that purpose.

9. The Chair shall have discretion to regulate the behaviour of all media representatives present at a meeting in the interests of the efficient conduct of the

meeting. In exercising this discretion the Chair shall have regard to the following principles:

(a) the Chair's discretion shall not be used for the purpose of seeking to limit or restrict the right of the press to fairly report the business of the Council conducted in public and shall be used only for the purpose of enabling the efficient conduct of the meeting.

(b) the main priority shall be to enable the business of the meeting to be conducted by the members.

(c) the second priority shall be to enable the public and media representatives present at the meeting to see and hear the business being conducted.

(d) the third priority shall be to facilitate photography, sound recording and filming of the proceedings, bearing in mind always that these facilities are provided at the discretion of the Council and are in addition to the basic legal entitlement of the media to report the proceedings of the Council.

(e) generally media representatives will not be permitted to wander round within the meeting room.

(f) the use of any equipment which interferes with the efficient operation of hearing aids or facilities to improve hearing for the hearing impaired shall not be permitted.

(g) any sound recording equipment must not operate in such a way as to be audible and generally wandering microphones will not be permitted in meeting rooms other than for brief periods not exceeding a few minutes.

(h) any photography in meeting rooms must take place from positions approved by the Deputy Director Democratic & Corporate Governance so that the view of members, officers, public and media representatives in attendance is not obstructed. Any use of flash lighting will generally be permitted for periods not exceeding a few minutes with much longer intervals between. Generally, close up photography in the sense of the photographer being close to the subject will not be permitted, with or without flash lighting; where this is desired it should be arranged before or after the meeting.

(i) if filming causes any noise it will be limited as for sound recording. Use of additional lighting in connection with filming will be restricted as for flash photography to minimise inconvenience to those others in attendance at the meeting.

(j) any disruptive behaviour by any media representative will be dealt with in the normal manner under these rules.

(k) where appropriate, the Chair and/or Deputy Director Democratic & Corporate Governance as the case may be will give preference to media representatives who obtain agreement to their proposed activity before the meeting takes place.

Notice of Meetings - The Weekly List

10. Notice of meetings shall be given at least five clear working days in advance. On Friday in each week a list shall be published at the Civic Centre and on the

Council's website giving notice of the meetings to be held in the week commencing on the second Monday following publication of the notice. This list should be known as "The Weekly List". If the Friday falls on a public holiday then the Weekly List shall be published the working day before the Friday.

Access to Agendas and Reports prior to Meeting

11. Except in the case of urgency (see below) the agenda for, and any reports or minutes to be submitted to, meetings shall be sent to members of the Cabinet or the relevant committee or sub-committee at least five clear working days in advance of the meeting in question.

12. Once agendas have been sent out as above, an item may only be added if it is urgent in the opinion of the Chair.

13. The papers which do not relate to any exempt or confidential matters ("the open papers") shall also be available for public inspection on the Council's website from the date copies are sent or given to members together with the list of relevant background information (see below) and shall be despatched (not necessarily in hard copy) to any members who are not members of the committee or sub-committee upon request.

14. Where a report to the Cabinet or a committee of the Cabinet contains exempt or confidential matters such that it is likely that information will not be discussed at the meeting in public or be available to the public, the Council will give 28 days notice (at its offices or on its website) of its intention not to provide such information and the reasons for this and these details will be included in the Forward Plan. Further notice will be given 5 days before the meeting with details of any representations made, and the Council's response. Where, because of the date by which the meeting must be held, the notice cannot be given, agreement must be given by the Chair of relevant Scrutiny Committee and reasons for the urgency must be given and published on the Council's website.

Access to minutes and papers after a decision has been taken

15. The Council will make available for inspection during normal office hours or on the Council's website, copies of the following for at least six years after a decision has been taken:

    (a) the minutes of any meeting and, in the case of any Key Decision, the record of the decision required to be prepared pursuant to these Rules (but excluding any minute or record which discloses any exempt or confidential information);

    (b) a summary of any proceedings in a meeting not open to the public where the minutes or record open to inspection would not provide a reasonably fair and coherent record;

    (c) the agenda for the meeting; and

    (d) reports relating to items when the meeting was open to the public and reports considered by individual decision makers.

Background Papers

16. All reports shall include a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the proper officer who shall be the relevant Corporate Director or Director within whose Directorate or Department the report was written or relates:

    (a) discloses any facts or matters on which the report or an important part of the report is based; and

    (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information or the advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.

17. The relevant Corporate Director or Director will make available for public inspection during normal office hours or on the Council's website for four years after the date of the meeting a copy of each of the documents on the list of background papers.

Supply of Copies

18. The Council will supply copies of:

    (a) any agenda and reports which are open to public inspection;

    (b) any further statements or particulars which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda; and

    (c) any minutes and records of decisions;

    (d) if the Deputy Director Democratic & Corporate Governance thinks fit, any other documents supplied to councillors in connection with an item;

    to any person via email.

Rights of Access for Members of the Council

19. Any member of the Council will be entitled to inspect any document in the possession or under the control of the Council which relates to any business <u>to be transacted</u> at a meeting of the Council, a committee or a sub-committee, except any part of a document that contains exempt information.

20. Any member of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or a Cabinet Committee which relates to any business <u>to be transacted</u> at a public meeting except any part of a document that contains exempt information or advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.

21. Any member of the Council will be entitled to inspect at the conclusion of a meeting of the Cabinet or a Cabinet Committee or, in the case of an executive decision made by an officer, immediately after that decision has been made, any document which is in the possession, or under the control, of the Cabinet or a Cabinet Committee and which contains material relating to any business <u>previously transacted</u> at a private meeting or (in the event that they are permitted to take

decisions) any decision taken by an individual member of the Cabinet or any executive decision made by an officer except any part of a document that contains exempt information or advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.

22. Notwithstanding anything in paragraphs 19 to 21 a member is entitled to inspect any information that is exempt information if it falls within;

(a) Category 3* "information relating to the financial or business affairs of any particular person (including the authority holding that information)" unless it contains information that relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or

(b) Category 6* "Information which reveals that the authority proposes -
(i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
(ii) to make an order or direction under any enactment" a member is entitled to have access to that information.

*Category refers to one of the categories of exempt information set out in paragraph 52.

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

Additional rights for members of Scrutiny Committees

24. Any member of the Scrutiny Committees shall be entitled to copies of any document which is in the possession or control of the Cabinet or a Cabinet Committee and which contains material relating to any business already transacted at a meeting or (in the event that they are permitted to take decisions) any decision taken by an individual member of the Cabinet or any decision that has been made by officers except:-

(a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or to any review contained in any programme of work of the relevant Scrutiny Committee of which they are member; or

(b) the advice of a political adviser appointed pursuant to Section 9 of the Local Government and Housing Act 1989.

Human Rights Act

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

Recordable Decisions

26. As soon as reasonably practicable after an officer has made a recordable decision as defined in Part 1 of the Constitution, the officer must produce and send to the Proper Officer to be made available at the Civic Centre or on the council's website a record of the decision which must include;

(i) the date it was made;

(ii) the reasons for the decision;

(iii) details of any alternative options considered and rejected by the officer when making the decision;

(iv) any conflict of interest declared by any cabinet member who is consulted by the officer which relates to the decision; and

(v) in respect of any such declared conflict of interest, a note of dispensation granted by the council's Chief Executive.

EXCEPT THAT this paragraph shall not:

- apply in respect of non-executive decisions where legislation other than the Openness of Local Government Bodies regulations 2014 requires the decision and the information in (e) (i) and (ii) to be recorded;
- require the disclosure of exempt or confidential information or advice from a political assistant (if any).

Key Decisions

27. A decision taken by Cabinet or a Cabinet Committee, the Leader or a Cabinet Member or an officer exercising an executive function under delegated powers will be a Key Decision if the decision is likely to:

(a) result in the Council incurring expenditure or making of savings of £500k or more; or

(b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

28. In determining whether a decision falls into one of the above categories officers must consider each decision in light of its particular facts having regard to the statutory definition of Key Decisions and to:
- any relevant statutory guidance in force at the time;
- the amount of money concerned;
- the type of function; and
- the overall circumstances of the case.

29. Special attention should be paid to decisions which are likely to result in a Directorate or Department incurring expenditure which is, or the making of savings which are, 30% or more of its budget for the function in question. In determining what is a 'budget' or a 'function' for these purposes the person or body taking the decision should have regard to any guidance from the Monitoring Officer or Corporate Director of Finance and Resources.

Consequences of a decision being classed as a Key Decision.

30. Subject to the rules on urgency (see paragraph 39), a Key Decision may not be taken (by the Cabinet, a Cabinet Committee, the Leader or a Cabinet Member or officers) in respect of any matter unless the matter in question has been publicised in the Forward Plan and, in the case of decisions by the Cabinet or a Cabinet Committee, unless the reports to be considered by the decision maker have been available for public inspection for at least 5 clear days prior to the date on which the decision is made.

31. As soon as reasonably practicable after a Key Decision has been taken a record of that decision must be prepared in accordance with these Rules and made available for public inspection. This will be included in the minutes of the meeting.

The Forward Plan

32. A Forward Plan shall be prepared by the Deputy Director Democratic & Corporate Governance to cover a period of not less than 28 days before any decision on it is to be made.

33. The Forward Plan, unless it is impracticable, will contain details of the matters which the Deputy Director Democratic & Corporate Governance has reason to believe will be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet or by Cabinet Committees in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

    (a) that a decision is to be made on behalf of the Council and whether the decision is a Key Decision;

    (b) the matter in respect of which the decision is to be made;

    (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

    (d) the date on which, or the period within which, the decision is to be made;

    (e) a list of the documents submitted to the decision maker for consideration in relation to the mater in respect of which the key decision is to be made;

    (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

    (g) that other documents relevant to those matters may be submitted to the decision maker; and

    (h) the procedure for requesting details of those documents (if any) as they become available.

34. A Key Decision must be included on the Forward Plan not less than 28 days before the decision is to be made.

35. Exempt information <u>need not</u> be included in the Forward Plan and confidential information <u>cannot</u> be included. In accordance with paragraph 14 above, the reasons for excluding such information shall be given on the Forward Plan.

Urgency

36. The reports which relate to an item of urgent business which is added to an agenda in accordance with these rules after the agenda has been sent out and/or the reports which relate to an item of business which is included on an agenda but in respect of which it was not possible for the report to be sent out with the agenda in accordance with these rules shall be sent or given to members of the Cabinet or

the committee or sub-committee concerned as soon as reasonably practicable and shall thereafter be made available for other members of the Council and for public inspection together with the list of background information.

37. The reason(s) for urgency shall be specified in the minutes of the meeting concerned together with the reason why it was not possible for the report to be available when the agenda was published (where relevant).

38. If the Cabinet, Cabinet Committees, the Leader or Cabinet Member, or officers are proposing to take a Key Decision which is not included in the Forward Plan then:

(a) The decision may only be taken if:-

1.1. the decision is required to be taken by such a date that it is impracticable, in the opinion of the Chief Executive or a nominated deputy, to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;

1.2. the Deputy Director Democratic & Corporate Governance has informed the Chair of the relevant Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;

1.3. the proper officer has made copies of the notice given to the Chair of the relevant Scrutiny Committee and made these available to the public at the offices of the Council or on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and

1.4. at least 5 clear days have elapsed since the notice was given to the Chair of the relevant Scrutiny Committee or, where that is not reasonably possible, the Chair of the relevant Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices or on its website.

1.5. Access to Information Rule 14 may also apply.

(b) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.

(c) If the Cabinet or Cabinet Committees are proposing to take a decision which is not a Key Decision and is not included in the Forward Plan then the decision may only be taken if the Chief Executive agrees that the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales.

Reports to Full Council concerning Key Decisions

39. The Leader shall report to Full Council any Key Decisions which were agreed as urgent by the Chair of the relevant Scrutiny Committee i.e. any Key Decisions which were made without giving at least 5 clear days notice.

40. If the relevant Scrutiny Committee considers that an executive decision should have been treated as a Key Decision but was not treated as such the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee may specify. The power to require a report rests with the committee but is also delegated to the Deputy Director of Democratic Services, who shall require such a report on behalf of the committee when so requested by 40% of the Members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

41. If requested to do so in accordance with the above rule the Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within 9 days of receipt of the written notice of the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion or, if the Leader considers that the decision was a Key Decision but that the rules for taking the decision were complied with, the reasons for that opinion.

Record of Executive Decisions

42. In addition to the List of Executive Decisions prepared by the Deputy Director Democratic & Corporate Governance under Standing Orders, the Deputy Director Democratic & Corporate Governance will, as soon as reasonably practicable after a public meeting of the Cabinet or a Cabinet Committee, produce a record of every decision taken at that meeting which shall include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, any conflict of interest declared by any member and any dispensation granted.

43. As soon as reasonably practicable after an executive decision has been taken by an officer a record of that decision shall be prepared by the relevant officer setting out the information listed above and shall be forthwith submitted to the Deputy Director of Democratic Services. An executive decision by an officer is a decision which is a Key Decision, or a decision which is delegated to an officer by the Cabinet or by a Cabinet Committee.

44. As soon as reasonably practicable after any decision has been taken by the Leader or a Cabinet Member a record of that decision shall be prepared by a representative of the Deputy Director Democratic & Corporate Governance setting out the information listed above. Such decisions may only be taken in the presence of a relevant officer able to advise the Leader or Cabinet Member concerning the content of the report and in the presence of a representative of the Deputy Director of Democratic Services.

45. A copy of the record(s) so prepared and the reports considered (unless confidential or exempt) and the background documents shall be made available for public inspection at the Council offices or on the website.

Joint Committees

46. These Rules apply to the Council's Joint Committees as follows:

    (a) if all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.

    (b) if the joint committee contains members who are not on the Cabinet of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the Full Council and its committees will apply.

Exempt and Confidential information

47. Nothing in the above shall be taken to authorise the publication of any report which in the discretion of the Deputy Director Democratic & Corporate Governance is marked not for publication in accordance with the Local Government Act 1972 i.e. it contains confidential or exempt information.

48. Reports containing confidential information shall remain not for publication but in respect of reports containing exempt information the meeting to which the report is submitted may decide to take the report while the press and public are present in which case copies shall be made available to press and public at that time and the report and list of background information shall be available for public inspection from the next working day following the meeting.

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

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

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

52. Exempt information means information falling within any one of the following 7 categories but the information is **only considered exempt, if and so long**, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Categories of exempt information
1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). However Information falling within this paragraph is not exempt information if it is required to be registered under— (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978;

(e) the Building Societies Act 1986; or
(f) the Charities Act 2011.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

53**.** Information falling within any of categories 1-7 is not exempt if it relates to proposed development for which the Council can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992**.**

FINANCIAL REGULATIONS

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FINANCIAL REGULATIONS

INTRODUCTION

1.1 What This Section Covers

1.1.1 These Regulations form part of the Council's Constitution, which makes up the Council's regulatory framework alongside Standing Orders. They are mandatory and as such must be followed by all officers of the Council whether directly employed, contracted or employed through an agency in their conduct of financial and related matters. They cover the following areas of financial management and control:

- principles of financial management
- revenue budgets
- the capital programme
- financial systems and accounting
- procurement, contracts & leasing
- orders & payments
- expenditure items
- income and debt
- external arrangements
- risk management and control of resources
- retention of documents

1.2 To Whom the Regulations Apply

1.2.1 For the purposes of this document, the Corporate Director, Finance and Resources is the Director appointed by the Council in accordance with Section 151 of the Local Government Act 1972. The Council formally adopts the CIPFA Statement on the Role of the Chief Financial Officer in Local Government as setting out the requirements for the Corporate Director of Finance and Resources. (Further details of roles and responsibilities are set out in Part 3 of the Constitution).

1.2.2 These Regulations apply to all officers and members across the council responsible for or engaged in undertaking financial activity. Failure to comply may constitute misconduct and lead to formal disciplinary action.

1.2.3 The following describes the overall framework and the main roles and responsibilities in respect of these Regulations. This is not exhaustive and there will be overlaps. The Corporate Director, Finance and Resources is responsible for reviewing these Regulations and the reporting of any significant breaches to the Cabinet or Full Council:

- The Chief Executive is responsible for ensuring the long term financial sustainability of the council's finances by ensuring that officers propose realistic and achievable budgets and financial plans, and ensuring that officers take prompt action to address significant financial risks, such as ensuring that action is taken to mitigate losses due to undelivered savings.
- The Leader and Cabinet members have a key role to play by ensuring that council policy and decisions ensure the financial sustainability of the council over the long term.
- The Corporate Director, Finance and Resources puts in place financial standards and practices across the Council to deliver a framework for financial

control, provide accurate, timely and consistent monitoring information, and sound advice on financial decisions to be made by officers and members.

- Member of the Councils Management Team and Directors and officers are fully accountable for budgets under their control. They must ensure that the service promotes, enacts and monitors adherence to the financial control framework, that effective budgetary control systems are in place and that spending is within their aggregate cash limit, indicating where necessary, conflicts between current service policy and plans and resource allocation. Each Member of the Corporate Management Team or Director must ensure that the formal records of officers authorised to act upon their behalf in respect of managing budgets, income collection, requisitioning, placing and approving orders, approving variations and write offs, are kept up to date with both old authorisations removed, and new ones added. Where appropriate the record should show limits of their authority. Further detail of the role of Departments in self-service is detailed in section 1.4.

- Finance maintains the council's financial and procurement system, collates and reports financial information, monitors the implementation of the financial control framework, advises & supports Department officers in fulfilling their financial responsibilities, and gives assurance to management and members that adequate controls exist to produce sound financial administration. Further detail of the role of Finance in self-service is detailed in section 1.4.

- Audit and Investigations provide the Council's internal audit function and anti-fraud services. They are authorised representatives of the Corporate Director of Finance and Resources.

- to report on the Council's internal controls to the leadership team and the audit and standards committees. They also provide Managers with advice and guidance on the system of internal control. They are responsible for investigations into financial irregularities across all Council services.

1.2.4 These Regulations are supplemented by, and should be read in conjunction with:

- Scheme of Transfers & Virements. This must be complied with as part of the Council's Constitution. Any variation from this scheme requires the approval of Full Council
- Required Financial Practice Notes. This represents mandatory financial practice within the Council and must be followed by all officers. They set out in detail the key financial controls and supporting processes.
- Specific guidance, procedure and process notes on good financial practice that are issued periodically by the Corporate Director of Finance and Resources.

1.3 Principles of Financial Management

1.3.1 Council staff and members are required to apply the following principles of financial management to their work

- **Organisational leadership** – the council's leadership should demonstrate a clear strategic direction based on a vision in which sound financial management is embedded into organisational culture.
- **Accountability** – the council will drive its Annual Budget process based on its medium-term financial planning. Across the council, managers and their teams are responsible for ensuring effective risk management, internal control, maintenance of quality supporting data and use of whole life, whole council costing to support the budget and planning process.

- To enable **transparency** in its Financial management, council staff must ensure that accurate, meaningful and intelligible data is recorded, and reported frequently.
- Council staff and members must **proactively** report and take action to address significant financial issues and risks, such as overspends or poor contract management.
- Adherence to professional **standards,** as set out in these Financial Regulations and the Required Financial Practice Notes, must be promoted by the Leadership Team and evidenced. All officers and elected members must follow the council's agreed procedures, and seek to develop their understanding of good financial practice.
- Officers must utilise effective sources of **assurance** as a tool to deliver good financial management. This includes management oversight and controls, political scrutiny and the results of external audit, internal audit and inspection.
- Officers and members should prioritise the long-term **sustainability** and **value for money** of local services as the heart of all financial management processes and be able to evidence this by prudent use of public resources.

1.3.2 Further details on specific measures required based on these principles are detailed in the sections below.

1.4 Responsibilities for Finance Self-Service

1.4.1 The council operates a self-service model of recording financial transactions. Self-service is an important part of financial control as the financial standards the council is required to follow require that income and expenditure are recorded when goods and services are delivered, not when they are paid for. The following sets out the role of finance and Department managers in self-service.

1.4.2 Finance are required to:

a) provide relevant training for managers;
b) publish 'how to' and similar guides for standard financial and related administrative processes, such as managers' roles in paying invoices;
c) ensure that training, including 'drop-in' sessions if these are popular, is available for managers and staff on processing financial transactions;
d) provide reasonable tools to enable managers to fulfil their financial responsibilities (such as generally available salary forecasting models);
e) provide a clear framework within which budget monitoring will take place, including timetables and dates;
f) assist managers and colleagues (especially in strategic commissioning) to carry out key analytical tasks (for example unit or activity based costing exercises to support business process re-engineering);
g) provide support on monitoring complex budgets, (the budgets that require additional support are to be agreed by Corporate Director of Finance and Resources, these should principally be budgets that are high risk, or require additional analytical support as per 1.4.2.g above);
h) advise Directors if their managers have not provided monitoring returns by agreed dates;
i) run automated background checks against budgets and spend to identify apparent exceptions, which services will be expected to address;
j) consolidate returns to produce council-wide financial information;
k) advise on major decisions and complex financial issues;
l) help to draft the narrative content of consolidated financial returns, but ordinarily managers with transactions, results or forecasts to report will be expected to provide at least initial drafts; and
m) help resolve specific transactions that are 'stuck' in the system and require sophisticated troubleshooting to resolve, (but responsibility for ensuring that

transactions are properly processed ordinarily rests with managers up to the point of payment);

n) seek to minimize the amount of time taken in correcting trivial errors, such as miscoding, in order that resources can be focused on addressing the most material financial issues that affect the council.

1.4.3 Responsibilities of Department managers:

a) monitoring against budgets in line with the timetable published by the Corporate Director of Finance and Resources, with support from finance only for training and complex budgets (as agreed with Corporate Director, Finance and Resources per 1.4.2.g);
b) to address any exceptions identified in their transactions by Finance;
c) monitoring of salary budgets, and ensuring that their service can afford the recorded HR establishment and any agency staff hired;
d) actively managing their budgets to deliver an outturn within their agreed budget, and following the rules set out in sections 2.3 & 3.2 for any potential overspends on revenue and capital;
e) to ensure that their teams prepare and manage purchase orders, with prompt recording of purchases and receipts, and clear descriptions of what has been purchased and received, in order that these records form the primary audit trail for the council's expenditure;
f) to ensure that all income due to the council is recorded promptly with appropriate descriptions, using a financial system approved by the Corporate Director, Finance and Resources for this purpose;
g) to ensure that their teams, and anyone processing transactions on their behalf have the right information to be able to record transactions correctly first time;
h) to manage relationships and communications with suppliers and customers; and
i) to ensure that all the information they are responsible for is recorded correctly and promptly so that suppliers are paid within 30 days of the receipt of a valid invoice where the invoice is not disputed.

2. REVENUE BUDGETS

2.1 General Provisions

2.1.1 The Budget is proposed by the Cabinet and agreed by Full Council. The Budget and Policy procedure rules are set out in Standing Orders. It is the Council's financial representation of its policies.

2.1.2 The Corporate Director, Finance and Resources is responsible for:

- Developing and maintaining a resource allocation process that ensures due consideration of Full Council's policy framework.
- Preparing a consolidated budget for all Revenue Account activities and for reporting on the robustness of budget estimates and the adequacy of financial reserves.
- Preparing a policy for approval by full council on the reserve levels required to ensure the financial sustainability of the council.
- Developing a long term financial strategy for the council, that should be developed alongside the council's Borough Plan and submitted to Full Council for approval alongside the Borough Plan.
- Preparing a medium term financial strategy based on the long term financial strategy and borough plan to ensure the sustainability of the council's finances. This medium term financial strategy must include both revenue and capital strategies.

- Preparing a budget monitoring statement to the Cabinet on a quarterly basis. Budgetary control action should be specified and where the action is endorsed by the Cabinet which would make changes to the Policy Framework and the Budget then it will require agreement by Full Council (detailed further under "**THE POLICY FRAMEWORK AND THE BUDGET**" in Part 2 of the constitution). Officers cannot implement these changes until such endorsement is obtained.
- Preparing and maintaining a Scheme of Transfers and Virements to be approved by Full Council and approving Transfers and Virements where required under the Scheme.
- Preparing and maintaining the Required Financial Practice Notes (RFPNs), which require review and approval by CMT prior to issue.
- Ensuring that systems are in place to measure activity and collect accurate information for use in performance indicators and performance plans.
- Determining what constitutes revenue expenditure and income and which relevant account in which a transaction should be properly recorded.

2.2 Setting the Revenue Budget

2.2.1 The Corporate Director, Finance and Resources is responsible for preparing annual budget preparation guidelines for authorisation by the Chief Executive via the Corporate Management Team (CMT) and publishing a detailed budget book covering council spending.

2.2.2 Members of the Corporate Management Team and Directors are responsible for preparing and submitting draft budget estimates and accompanying schedules as required. Service plans must be supported by adequate budgets.

2.2.3 The inclusion of an item within the Revenue Budget as approved by the Full Council provides the necessary authorisation to responsible officers to spend up to that sum for the specified purposes for that budget.

2.2.4 Finance will ensure the robustness of Directorate budgets by working with budget holders to prepare budgets and to report any weakness or concern covering budget construction or its adequacy to cover service provision.

2.2.5 Development of the annual revenue budget should be underpinned by medium and long term financial strategies that consider the sustainability of the council's financial position and help to prevent short term decisions significantly damaging the long term sustainability of the council.

2.3 Revenue Budget Monitoring, Forecasting and Overspends

2.3.1 Members of the Corporate Management Team and Directors and their officers are not authorised to exceed the cash limited budget under their control and must identify and set performance measures linked to service plans. They must make suitable arrangements to ensure that identified overspends are controlled and implement corrective action within the overall constitution.

2.3.2 Members of the Corporate Management Team and Directors are responsible for preparing accurate financial forecasts and must report forecast overspends or forecast reductions in income to the DOF along with a detailed plan of action aimed at controlling the situation.

2.3.3 Members of the Corporate Management Team and Directors shall identify budget holders who will prepare budgets, keep spending within cash limits, maintain forecasts, monitor and report performance data.

2.3.4 Finance will identify Finance Business Partners to work with and support Directorates in ensuring the robustness of the monitoring and forecasting arrangements. They must report to the Corporate Management Team (CMT) any significant failures to adhere to those arrangements or any overspends identified and will ensure the completeness and accuracy of the budget and transactional data input and held in the general ledger. Material failures are to be reported to Cabinet (materiality will follow the same levels and criteria as used by external audit for the Statement of Accounts).

2.3.5 Finance will co-ordinate a process to monitor delivery of savings across the council and report any delays or issues in delivering savings to Cabinet. Directors will be required to submit information for their Departments on savings delivery. Where there is a shortfall in savings, the Corporate Director, Finance and Resources will work with Directors to propose alternative saving(s) for agreement by Cabinet.

2.3.5 The Corporate Director, Finance and Resources will review the monitoring information and provide summary information and exception reports to the Corporate Management Team (CMT). CMT will examine proposed recovery plans and take any other necessary action to deliver spending within those overall resources.

3. THE CAPITAL PROGRAMME

3.1 Authorisation and Financing

3.1.1 The Full Council will approve the Capital Programme and make budget allocations to Directorates as part of the Policy Framework and the Budget.

3.1.2 The Corporate Director, Finance and Resources will prepare for approval by Full Council a capital programme report detailing the capital budget and will ensure that all reporting requirements under the Prudential Code are met and that prudential indicators are maintained. The Corporate Director, Finance and Resources will also determine the method of financing of capital schemes.

3.1.3 Members of the Corporate Management Team will prepare capital schemes for inclusion within the capital programme report.

3.1.4 The Corporate Director, Finance and Resources must set aside an amount of minimum revenue provision (MRP) which is prudent and also prepare an annual statement of their policy on making MRP to Full Council.

3.2 Capital Programme Monitoring

3.2.1 Members of the Corporate Management Team will make adequate arrangements for the management and monitoring of their capital programme. They must report scheme progress, slippage and forecast underspends and overspends, detailing the action they propose to control the overspend and to set out the arrangement by which it will be funded from within the Directorate's programme. In cases where this proposed action will stop or significantly change any previously agreed projects or programmes then this may require the approval of the Cabinet and Full Council as set out in the Council's Scheme of Virements and Transfers.

3.2.2 Members of the Corporate Management Team shall identify Budget Holders responsible for ensuring expenditure is contained within the capital resources allocated in each financial year and that the overall cost of the scheme does not

exceed the budget allocated. They must ensure that all external funding streams are validated and collected.

3.2.3 Members of the Corporate Management Team must identify those officers responsible for issuing and approving variations to orders for works and building contracts. This process must adhere to best practice and guidance.

3.2.4 Finance through the Finance Business Partner will ensure the robustness of the monitoring and forecasting arrangements. They must report to CMT any significant failures to adhere to those arrangements or any overspends identified. They must ensure the completeness and accuracy of the budget and transactional data input and held in the general ledger. Material failures are to be reported to Cabinet (materiality will follow the same levels and criteria as used by external audit for the Statement of Accounts).

3.3 Capital Expenditure

3.3.1 Finance will ensure all capital expenditure meets the required definition for capital expenditure, any expenditure incorrectly badged as capital expenditure will be moved to the revenue cost centre(s) of the relevant Department manager.

3.3.2 Budget holders are responsible for ensuring that payments made are in accordance with the terms and conditions of the contract provisions in relation to stage, interim and retention payments. They must keep a contract payment register to provide a record of all interim payments and any outstanding retention amounts and also make proper arrangements for the identification of expenditure liable for construction industry scheme tax.

4. FINANCIAL SYSTEMS AND ACCOUNTING

4.1 Accounting Systems and Procedures

4.1.1 The Corporate Director, Finance and Resources will propose the main accounting system that shall be used by the Council, which will need approval as per Contract Standing Orders in Part 2 of the Constitution and propose the financial processes that shall be operated for review by XXX prior to issue. The Corporate Director, Finance and Resources is to ensure adequate controls and segregation of duties exist within the system, that adequate security arrangements have been made and that adequate procedures are in place to enable financial records to be reconstructed in the event of system and procedure failures.

4.1.2 Finance will determine and maintain the allocation of user responsibilities within the system.

4.1.3 Where Members of the Corporate Management Team and Directors require ancillary financial systems to be provide specialised functions not available in the main financial system, they must seek written permission from the Corporate Director, Finance and Resources for use of such systems prior to tender and entering into any contracts for ancillary financial systems. Each ancillary financial system requires a director to be responsible for its operation. The Corporate Director, Finance and Resources is to maintain a record of approved ancillary financial systems and the responsible directors. Procurement of such financial systems requires Contract Standing Orders in Part 2 of the Constitution to be followed, in addition to approval by the Director of Finance.

4.1.4 The director responsible for each ancillary financial system is for ensuring:

- adequate controls and segregation of duties exist within the system,
- that adequate security arrangements have been made,
- that adequate procedures are in place to enable financial records to be reconstructed in the event of system and procedure failures, and
- determining and maintaining the allocation of user responsibilities within the system.

4.1.5 Finance will advise directors on how to discharge these responsibilities, and Internal Audit will review the adequacy of such arrangements.

4.2 Accounts and Accounting Policies

4.2.1 The Corporate Director of Finance and Resources will determine the:

- Council's accounting policies and ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK and for ensuring proper arrangements are made for the audit of the accounts in accordance with the Accounts and Audit Regulations.
- Treatment of balances where a provision and/or liability recorded in the balance sheet is deemed no longer appropriate.
- Arrangements and procedures for preparing the annual accounts; requirements for Department Managers and Budget Holders will be proposed to the Chief Executive via CMT for sign off.

4.3 Balance Sheet Monitoring

4.3.1 The Corporate Director, Finance and Resources shall publish procedures and a timetable for sign off by the Chief Executive via CMT to ensure that the items record on the council's balance sheet are reviewed at least quarterly.

4.3.2 Officers with responsibility for balance sheet transactions, such as the operation of debtors systems (e.g. council tax collection), shall ensure their staff follow these procedures and timetable.

4.3.3 Council officers are required to ensure that all entries that they are responsible for in the balance sheet are updated prior to this review, and correctly accounted for in line with the accounting standards adopted by the council.

4.3.4 The Corporate Director, Finance and Resources must communicate any significant risks identified by this balance sheet review to the CMT as part the quarterly report to CMT. Any material risks identified must be reported to Cabinet in the quarterly report to cabinet.

5. PROCUREMENT, CONTRACTS & LEASING

5.1 Procurement

5.1.1 The Member of the Corporate Management Team responsible for Procurement in consultation with the Corporate Director, Finance and Resources propose the council's procurement system(s) (subject to approval as per Contract Standing Orders in Part 2 of the Constitution) and ensure this is maintained after procurement.

5.1.2 Procurement covers a range of activities from sourcing through the tender process to receipting purchase orders, these activities are governed as follows:

- Sourcing, Tendering and Contract Award as per Contract Standing Orders (Part 2 of the Constitution)
- Contract Management – as per the Contract Management Policy issued by Member of the Corporate Management Team responsible for Procurement following approval by the Chief Executive via CMT
    - The Contract Management Policy must include details of how the council's contract register is to be maintained.
- Purchase orders and Receipting as per RFPNs issued by the Corporate Director, Finance and Resources (approved as per paragraph 2.1.2).

5.1.3 All Officers are required to procure using the procurement system and following the policy and procedures set out in 5.1.2.

5.1.4 Procurement and contracts require co-ordination across Finance, Procurement and Legal, therefore the Monitoring Officer, Corporate Director, Finance and Resources and the Member of the Corporate Management Team responsible for Procurement should be consulted prior to issuing changes for approval by the Chief Executive via CMT or where appropriate Full Council.

5.1.5 The Member of the Corporate Management Team responsible for Procurement shall maintain a contract register for the council based on the information provided under the Contract Management Policy covered in 5.1.2.

5.1.6 Members of the Corporate Management Team must ensure that adequate monitoring and review arrangements are in place to cover contracts for externally provided services and sign off any variations or amendments to contracts.

5.2 Contract Management

5.2.1 Officers are required to follow this framework when managing contracts. It is the responsibility of Directors to ensure that arrangements in their service units deliver effective contract management to secure value for money for the council, and that there is appropriate reporting on the performance of contracts within their services, and that the Leadership Team is informed of significant issues.

5.2.2 Members of the Corporate Management Team and Directors must also ensure that contract management and budget monitoring are appropriately linked to contract management by their staff, so that the value of goods and services recorded as supplied to the council correctly matches the actual value of goods and services supplied to the council; and that any applicable deductions in the contract are recorded and applied correctly.

5.3 Assets used by the council and its contractors and leasing

5.3.1 Accounting rules require the council to recognise leases in a wide range of contracts that are not explicitly called leases. Department managers and budget holders must request a formal written review from Finance of whether proposed tenders and contracts contain a lease. Where a proposed tender or contract does contain a lease, the financial implications of this must be determined by Finance, and summarised in the financial implications section of any paper required for decision making.

5.3.2 The Corporate Director, Finance and Resources is to maintain a register of the leases identified by the process detailed in the previous paragraph.

6. ORDERS AND PAYMENTS

6.1 Members of the Corporate Management Team must ensure that all officers procure using the procurement system, or an appropriate ancillary financial system as set out in section 5.1. They must allocate and then maintain a record of officers' roles and approval levels within the procurement system. This record is called the system scheme of delegation and covers officers authorised to make requisitions and approve requisitions.

6.2 Budget Holders must ensure that value for money has been obtained in the purchasing of all goods and services, the requisition is lawful expenditure, and the correct code has been used to charge that expenditure.

6.3 Budget holders must ensure that an up to date audit trail with clear descriptions is recorded in the council's procurement system of what has been ordered and what has been delivered.

6.4 The Corporate Director, Finance and Resources will set a policy as part of the RFPNs (subject to approval as above) for how long purchase orders will be kept open, and the cleansing of the purchase orders, receipts and invoices from the financial systems.

7. EXPENDITURE ITEMS

7.1 GPC / Business credit cards/Pre pay cards

7.1.1 The Corporate Director, Finance and Resources is responsible for putting in place arrangements for the use of these cards to be detailed as part of the RFPNs (subject to approval as detailed in 2.1.2).

7.1.2 Members of the Corporate Management Team must ensure that only authorised officers have access and use of these cards.

7.2 Payroll

7.2.1 The Corporate Director, Finance and Resources shall approve arrangements for the payment of all salaries, wages, pensions, compensation, other emoluments and the deductions from salaries for tax, superannuation and other deductions to and/or from all employees and former employees of the Council. All redundancy and early retirements have to be approved by the Corporate Director of Finance and Resources. Policy for these payments is to be detailed in the RFPNs (subject to approval as detailed in 2.1.2).

7.2.2 Members of the Corporate Management Team or Directors must authorise the recruitment of permanent or temporary staff and the undertaking of overtime or additional payments. They must ensure that and that adequate budget provision is available. Within Departments the budget holders must ensure that all appointments, resignations, absences, overtime or other circumstances affecting the salary, wage or emoluments of an employee included in their budget is acted upon immediately and notified to Finance.

7.3 Officer Expenses Claims

7.3.1 Budget holders are responsible for authorising officer expenses and for ensuring the correct method of reimbursement is used.

7.4 Petty Cash and cash/cheque handling

7.4.1 Petty cash is not allowable unless approved by the Corporate Director of Finance and Resources.

7.4.2 In the rare cases, where staff or contractors must handle cash or cheques on behalf of the council, the directors responsible for the staff and/or contract under which cash is handled must ensure that there are written cash and cheque handling procedures, and that these are approved by the Corporate Director of Finance and Resources.

7.5 Internal Trading & Recharges

7.5.1 The Corporate Director, Finance and Resources is responsible for approving all internal trading and recharging initiatives. Where necessary approval of the Cabinet or Full Council will be obtained. The relevant policies are to be detailed in RFPNs (subject to approval as detailed in 2.1.2).

7.5.2 Budget holders must ensure that the agreed budgeting, accounting and charging procedures for internal trading and recharging are adhered to.

7.6 Income and Expenditure Taxation Returns

7.6.1 It is council policy to fully comply with HMRC's requirements on taxation.

7.6.2 The Corporate Director, Finance and Resources will make arrangements and issue guidance for the completion of all returns to the HM Revenue and Customs. The relevant policies are to be detailed in RFPNs (subject to approval as detailed in 2.1.2).

7.6.3 Finance are responsible for ensuring that the council's financial systems enable all input and output invoices to be tax compliant in every respect.

7.6.4 Budget holders are responsible for seeking advice from Finance on the tax implications of their plans for income and expenditure, and complying with rules and procedures set out by Finance to ensure tax is recorded and accounted for correctly.

7.6.5 Budget holders, must provide information on employee benefits in the format and timetable required by central finance.

7.6.6 Budget holders must ensure that the required employment status and Construction Industry Scheme checks are undertaken prior to approving new suppliers or requisitions.

8. INCOME AND DEBT

8.1 Income – General

8.1.1 The Corporate Director, Finance and Resources is responsible for approving all debt recovery arrangements including performance monitoring and any on-line income collection or payment facilities. Council wide policy is to be documented in RFPNs (subject to approval as detailed in 2.1.2).

8.1.2 Members of the Corporate Management Team shall review all charges within their area at least annually. Such reviews shall take account of any criteria agreed by Full Council except where such charges are fixed by statutory provision.

8.1.3 Budget holders are required to record all outstanding debts on one of the financial systems approved by the Director of Finance. They are responsible for ensuring that the correct instructions are communicated to customers so that payments from customers can be efficiently allocated to the relevant debt(s).

8.1.4 Finance is responsible for setting policy for the collection of all debt over 31 days old and ensuring records are maintained relating to income collection and debt write-offs.

8.2 Income – Grants

8.2.1 The Corporate Director, Finance and Resources is responsible for signing grant claims unless otherwise required by the grant giving body. The DOF will maintain a grants register.

8.2.2 Members of the Corporate Management Team are responsible for signing off grant applications and ensuring that where the grant application requires matching resources to be input, that the matching amount is available from within existing budgets or verified other sources.

8.2.3 Budget Holders are responsible for claiming and recovering grant due. Copies of grant notifications, remittances and claims must be sent to the appropriate finance officer nominated by the Corporate Director of Finance and Resources.

8.2.4 Finance will scrutinise claims and review working papers.

8.3 Income – Bad Debts and Write Offs

8.3.1 The Corporate Director, Finance and Resources will put in place arrangements for the collection and write off of bad debts. This policy is to be documented in RFPNS, and subject to approval as per 2.1.2.

8.3.2 Members of the Corporate Management Team must ensure adequate bad debt provision exists to cover debt within their service. They have delegated powers to authorise the write-off of debts only in relation to their own operational budgets up to the value of £1,000 per debt, a schedule of which must be submitted to the Corporate Director, Finance and Resources in an approved format. The Corporate Director, Finance and Resources will set a policy for how these delegated powers are to be exercised to increase consistency across the council. Any single debt above £20,000 is to be agreed individually in advance by the Corporate Director of Finance and Resources. Those debts over £20,000 will be reported to the Cabinet bi-annually.

8.3.4 Finance Services will ensure that following approval to write-off debt the appropriate accounting and budgeting adjustments are made and the debt recovery team are informed.

9. EXTERNAL ARRANGEMENTS

9.1 Accountable Body and Partnership Arrangements

9.1.1 The Corporate Director, Finance and Resources must be informed and written approval from the Corporate Director, Finance and Resources obtained before entering into any proposed accountable body or partnership arrangements

9.1.2 Members of the Corporate Management Team must ensure that the objectives of the arrangement are consistent with the Council objectives and priorities. Within Departments the budget holders are responsible for managing & controlling such arrangements and the expenditure incurred and income received.

9.1.3 Prior to entering into any proposed accountable body or partnership arrangements the tax implications of such an arrangement must be formally reviewed by Finance, and summarised in the financial implications of any papers requesting a decision to be made on such an arrangement.

9.1.4 The officers and members responsible for the management of the Accountable Body and Partnership Arrangements must ensure that these arrangements:

- Focus on long term value over short term savings
- Reflect the nature and extent of risk inherent to these arrangements so risk is managed
- Create a culture of openness and mutual respect
- Promote collaborative, problem- solving approach
- Are adaptable to evolving circumstances
- Embrace creativity, drawing on combined skills, experience and expertise
- Maintain transparent and accountable arrangements for effective scrutiny and oversight
- Include an agreed way to measure the performance of the arrangements
- Provide that the Council/partner seeks regular feedback from service users and potential service users

9.1.5 Finance is responsible for monitoring and validating such arrangements.

9.2 Provisions of Goods, Services and works to Other Bodies

9.2.1 Members of the Corporate Management Team can enter into such arrangements providing they have written legal advice that the Council has power to make such arrangements. Specific Cabinet approval (or if appropriate the General Purposes Committee) will be required if:

- the contract value would exceed £1m per annum;
- the gross cost to the Council of providing the relevant goods or services under the contract is estimated to exceed £1m per annum having consideration to the full costs over the term of the contract. It is not acceptable to split contracts into smaller parcels to avoid exceeding the £1m per annum threshold above;
- a company is to be set up for the purposes of the arrangements; or
- the contract shall be in a formal document under the seal of the Council where the value exceeds the threshold set in Standing Orders for the sealing of documents.

9.2.2 Budget holders are responsible for the maintenance and control of such contracts.

9.2.3 Members of the Corporate Management Team must seek tax advice on such arrangements before making a decision to proceed with them. The tax implications must be included in the financial implications of any report for decision in respect of a proposal to provide goods, services and/or works to other bodies.

9.3 Grants to Outside Bodies

9.3.1 Members of the Corporate Management Team are responsible for ensuring that grants to outside bodies are only given where the Council has the statutory powers to do so. Legal opinion must be given before grant is awarded.

9.3.2 The Budget Holder is responsible for administering, monitoring and enforcing the terms and conditions of that grant. They must kept records of how they have ensured that the grant is being used in line with its terms and conditions.

10. RISK MANAGEMENT AND CONTROL OF RESOURCES

10.1 Risk Management and Insurance

10.1.1 The Member of the Corporate Management Team responsible for Audit and Investigations shall be responsible for the preparation and promotion of the Council's risk management policy statement.

10.1.2 Subject to any liability imposed on the Council by statute or other legal obligation, all insurance shall be effected by the Corporate Director, Finance and Resources or under arrangements approved by him/her.

10.1.3 Members of the Corporate Management Team must:

- ensure that adequate risk management controls are implemented, monitored and reviewed and that assets under their control have appropriate insurance cover within the overall guidance issued.
- notify the Corporate Director, Finance and Resources immediately of any loss, liability or damage that may lead to a claim against the Council and of all new risks, properties or vehicles that require insurance and of any alternations affecting existing insurances;
- consult with the Corporate Director, Finance and Resources and the Member of the Corporate Management Team responsible for Audit and Investigations to the Council on any terms or any indemnity that the Council is requested to enter into.

10.2 Internal Controls

10.2.1 The Member of the Corporate Management Team responsible for Audit and Investigations shall make arrangements for the production and publications of an annual independent statement on internal control and risk management.

10.2.2 Members of the Corporate Management Team must ensure that adequate systems of internal control are established, adhered to, tested and reviewed in order to be confident in the areas set out in the annual assurance matrix and that all staff have a clear understanding of the consequences of lack of control and knowledge of Financial Regulations.

10.3 Assurance

10.3.1 In the first instance, it is the responsibility of management, especially Members of the Corporate Management Team and Directors, to ensure that they have assurance that the council's services are well managed and there is good financial management. A number of approaches can be used to provide assurance to senior management that management controls and oversight ensure good financial management, including (but not limited to):

- Review of controls by the Department itself
- Peer review by colleagues from inside or outside the council
- Appropriate training on risks/controls
- Advice from specialists within the council such as Finance or IT
- External review by appropriately qualified and experienced experts

10.3.2 It is the responsibility of each director to ensure they have adequate assurance from such methods to ensure that the council's services are well managed and there is good financial management in each Department.

10.3.3 Further assurance is provided by reviews of internal controls by the internal audit service.

10.4 Audit Requirements

10.4.1 The Corporate Director of Finance and Resources, or authorised representative, shall have authority to:

- Enter any building, land or area where records relating to any activity of the Council, its partners, contractors or any body partly or wholly funded by the Council, are, or may be, held. This includes all schools who receive funding from the Council. If necessary, to conduct searches of those areas, including cabinets, workspaces, desks for the purposes of locating documents or other material relevant to any matter under investigation. Where necessary to remove and examine IT equipment.
- Have access to all records, data, computer systems, correspondence and any other source of information relating to any matter under examination and remove any documents and records as deemed necessary. This will include documentation held by Council Officers in respect of organisations who are partners of the Council receiving funding from the Council or are providing services on behalf of the Council.
- Require and receive such explanations as are considered necessary concerning any matter under examination.
- Require any person holding or controlling cash, stores or any other Council property to produce such items for examination. These may be removed as deemed necessary.

10.4.2 The Member of the Corporate Management Team responsible for Audit and Investigations will ensure that a strategic and annual audit plan is prepared by the Deputy Director, Organisational Assurance and Resilience which takes account of the characteristic and relative risks of the activities involved. The Member of the Corporate Management Team responsible for Audit and Investigations is responsible to the Audit and Standards Committee for ensuring that adequate arrangements are made for the effective delivery of this plan.

10.4.3 The Member of the Corporate Management Team responsible for Audit and Investigations will ensure that members, and in particular the audit committee, and

chief officers receive suitable reports setting out the findings of internal audit reports.

10.4.4 The Corporate Director, Finance and Resources will ensure that members, and in particular the audit committee, and chief officers receive suitable reports setting out the findings of internal and external audit reports.

10.4.5 Members of the Corporate Management Team must:

- consider and ensure Managers respond promptly to recommendations in both internal and external audit reports;
- ensure that agreed actions arising from the audit recommendations are carried out in a timely and efficient fashion;
- report to members the reasons for any failure by Managers to implement those audit recommendations.

10.5 Financial Irregularities

10.5.1 All officers have a responsibility to report any irregularities concerning cash, stores or other property of the Council or any suspected financial irregularity in the exercise of the functions of the Council

10.5.2 Directors must ensure that their staff follow the council's Gifts and Hospitality policy.

10.6. Money and Banking

10.6.1 Members of the Corporate Management Team must ensure the adequacy of security arrangements for the holding of cash including controlling access to safes and other receptacles. They must also approving the authorised signatories to all bank accounts within their control

10.6.2 The Corporate Director, Finance and Resources is responsible for opening and amending details of any bank account, and maintaining the authorised signatories to all bank accounts within the council's control.

10.7. Money Laundering

10.7.1 It is the responsibility of the Deputy Director, Organisational Assurance and Resilience -to put in place anti-money laundering policies.

10.7.2 All officers have a responsibility to identify possible money laundering activities, and report possible money laundering in line with the council's anti-money laundering policies.

10.8. Property, Stock and Equipment

10.8.1 Officers responsible for property, stock and equipment must ensure adequate security arrangements are made. They must maintain an inventory of, and ensure the care and custody of valuable goods and equipment.

10.8.2 The Corporate Director, Finance and Resources shall maintain an appropriately valued asset register of all the Council's land and buildings.

10.8.3 The Member of the Corporate Management Team responsible for Property shall ensure records are maintained of all properties owned or managed by the Council and that where commercial rents are payable to the Council a regular review of such rents is carried out to ensure they are set at an appropriate level. The terms

of any leases should generally reflect market rents. An annual review of property should be undertaken for the purpose of identifying surplus or inefficient properties. These records shall include details of all properties that the council has opted to tax for VAT purposes.

10.9. Sale of Council Assets – General Requirements

10.9.1 Officers disposing of assets must at all times have regard to the RFPNs and must obtain the required consent before any disposal takes place

10.9.2 The treatment for amounts received in excess of the costs of disposal shall be determined by the Corporate Director of Finance and Resources.

10.9.3 Prior to any disposal of assets in excess of £1,000, the Corporate Director, Finance and Resources must be informed of the proposed disposal, and its legal structure. As many contracts that do not have the legal form of a lease are leases from an accounting perspective, the Corporate Director, Finance and Resources must review if this disposal contains a lease, as defined by the CIPFA Code of Practice on Local Authority Accounting, and determine the financial implications of disposing of the asset accounted for as a lease. The financial implications of any disposal accounted for as a lease must be formally recorded, and summarised in the financial implications provided to the relevant decision maker(s).

10.9.4 The Corporate Director, Finance and Resources is to maintain a register of the leases identified by the process detailed in the previous paragraph.

10.10 Disposal of Equipment and Stock

10.10.1 Members of the Corporate Management Team can authorise disposals up to the value of £1000. The Corporate Director, Finance and Resources must be consulted on any disposals expected to exceed this sum.

10.10.2 Disposal of IT hardware and software must be approved by the Member of the Corporate Management Team responsible for IT.

10.11. Disposal of Land and Buildings

10.11.1 All disposals must be agreed by the Council's Cabinet except in circumstances specified in the Council's Constitution.

10.11.2 The Member of the Corporate Management Team responsible for Property shall make arrangements for the disposal of all land and property except in circumstances specified in the Council's Constitution.

10.12 Treasury Management

10.12.1 The Corporate Director, Finance and Resources is responsible for the execution and administration of treasury management decisions. The Corporate Director, Finance and Resources will act in accordance with the Treasury Policy Statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management.

10.12.2 The Corporate Director, Finance and Resources shall effect all borrowings and investments (or make arrangements to do so), report periodically to the Council, be responsible for the safe custody of securities held by or on behalf of the Council, and approve all Trust Funds.

10.12.3 The Corporate Director, Finance and Resources shall be responsible for maintaining adequate cashflow forecast and for ensuring that the Council has adequate liquidity at all times.

10.13 Business Cases and evaluation of financial implications

10.13.1 Financial sustainability depends on difficult and complex decisions being made. The authority's decisions must be supported by clear business cases based on application of appropriate option appraisal techniques. The appraisal methodology used must be documented along with working papers showing the details of any calculations and assumptions. The methodology used must be suitable to demonstrate value for money in the council's decisions.

10.13.2 As part of the evaluation of different options, officers should:

- engage with relevant stakeholders,
- seek appropriate professional advice and
- use realistic, evidence based targets (not overly optimistic ones that may not be achievable in practice)

10.13.3 For complex, multiple year option appraisals these appraisals should be undertaken by appropriately qualified and experienced staff and comply with the IFAC/PAIB Project and Investment Appraisal for Sustainable Value Creation guidance.

10.13.4 Complex and/or multi-year option appraisals will also need to consider different scenarios to ensure that the options considered are value for money, and to evaluate the risks that may emerge from foreseeable events. In these cases, this scenario analysis must be clearly summarised and communicated to the relevant decision makers, along with key assumptions made.

10.13.5 Business cases must consider the taxation implications of any options appraised, with appropriate advice as necessary.

10.13.6 To deliver accountability in the decision making process, any business case must consider the whole council, whole life cost of a decision, and not just the isolated impact on a particular service or financial year.

10.13.7 Business cases must be reviewed by Finance prior to starting to write reports with financial implications, in order to reduce the risk that time is wasted on proposals with weak business cases, and to help identify flaws with business cases. Where Finance has prepared business case, the business case should be reviewed by a member of Finance with minimal involvement in preparation of the business case to avoid self-review.

10.14 Financial Implications within Reports

10.14.1 All officers involved in the origination of reports must consult with the DOF before preparing reports to committee. They must ensure that reports they present to Full Council, the Cabinet, or any other committee of the council should contain a section covering the Financial Implications prepared in accordance with the RFPN requirements.

10.14.2 The Corporate Director, Finance and Resources may, where considered necessary, issue a concurrent report on matters requiring the Members' attention or where the financial implications of a report are considered invalid he/she may:

- require the report to be withdrawn;
- supply alternative financial implications under his own name to be circulated to Members; or
- indicate to Members the reasons why he believes the financial implications are incomplete and/or incorrect and the consequences of proceeding on that basis (i.e. that the expenditure would be unauthorised).

11. RETENTION OF DOCUMENTS

11.1 All officers are responsible for ensuring compliance with Required Financial Practice and the requirements of the Freedom of Information Act 2000 in determining their local retention policies. They should consult the Brent Retention and Disposals Policy and the council's Information Asset Register to determine retention records. If any records are missing they must notify the Information Governance Team.

Scheme of Transfers and Virements under Standing Order 20(l)
Definitions

GENERAL

1. Except where explicitly stated to the contrary, no virement, transfer, or new spending is authorised by this scheme if it is in conflict with the Policy Framework or the Constitution or if it conflicts with anything specifically agreed by Full Council as part of the budget setting process other than by a decision of Full Council.

2. The CIPFA Code of Practice on Local Authority Accounting in United Kingdom takes precedence over this document in determining how items should be accounted for; nothing in this document shall be construed as requiring the requirements of the Code of Practice to be breached.

3. Reserves must not be used to fund ongoing overspends unless there is an agreed, realistic plan to eliminate the overspend before the reserve is exhausted (this applies to all reserves, both earmarked and non-earmarked). The Corporate Director, Finance and Resources must review planned uses of reserves to ensure that these are not being used to hide or obscure systemic overspends. The Corporate Director, Finance and Resources must report to Full Council report any areas with inadequate plans to address overspends.

TRANSFERS BETWEEN FUNDS AND TO/FROM RESERVES
General

4. Spending on any Fund (that is the General Fund (GF), Housing Revenue Account (HRA), Dedicated Schools Grant (DSG) or Capital Programme) above that allowed for in the Budget, or a shortfall in income below that estimated in the Budget will result in a charge to reserves unless compensating changes are made. This follows from the Accounting Code of Practice, which has statutory force. It is acknowledged that such transfers may result in a conflict with the Constitution. Statute provides procedures for dealing with such transfers, especially where the resultant transfers exhaust reserves. This scheme does not deal with these transfers, although limits are placed on the Cabinet's action to minimise the chance that such circumstances arise.

5. In certain circumstances where such overspends on Funds arise, there is a choice as to which reserve the charge should be made. The annual Budget Report will identify which reserves overspends will and will not be charged against, for approval by Full Council. In the event of inadequate reserves to fund overspends, the Corporate Director, Finance and Resources may have to use additional reserves to fund overspends, any such action is to be reported to Full Council.

Earmarked Reserves for Specified Purposes

6. Reserves have been established to aid the smooth running of the Council's finances, and it will be normal to charge costs to those reserves subject to financial regulations and local procedures and policies. Further, the council has capital monies, such as capital grants and capital receipts held in the council's useable reserves. The Schedule of Earmarked Reserves in the Budget Report must specify how the council's useable reserves are to be used, including if they can be used to fund overspends, and this needs to be approved by Full Council as part of the Budget Report. Officers may make transfers from these reserves up to the amounts in the Budget Report for the specified purposes.

7. Transfers from Reserves not included in the Schedule of Earmarked Reserves or transfers from Reserves for purposes other than those for which they were established require the approval of Full Council, unless Cabinet is permitted to do this in accordance with the next section.

Cabinet Powers

8. The Cabinet shall have the power to approve any Transfer that does not result in additional gross expenditure or reduction in gross income across Funds (GF, HRA, DSG), on the recommendation of the Corporate Director of Finance and Resources, for the purposes of the efficient management of the Council's financial affairs.

9. For the purposes of maintaining reserves at a prudent level (as determined by the Cabinet on advice from the Corporate Director of Finance and Resources), the Cabinet may make any Transfer from any Fund to the appropriate reserve if there is a reported underspend in that Fund.

10. The Cabinet may make one or more Transfers up to a total of £1,500,000 in the financial year from any Reserve to any appropriate Fund for the purposes of New Spending provided that:

    (a) Reserves are maintained at a prudent level after considering the effect of the Transfer and any risks that fall upon Reserves;

    (b) The Fund to which the Transfer is to be made is not immediately prior to making the transfer forecast to overspend; and

    (c) The New Spending is for an objective contained within the Borough Plan~~,~~ a legislative requirement or a contractual obligation.

VIREMENTS – GENERAL FUND AND DEDICATED SCHOOLS GRANT

Officers

11. Officers may make any virement within a budget line in a Department within a single fund (i.e. within the control of a single director and within either the General Fund or the Dedicated Schools Grant budget

12. Subject to paragraph 13, officers may agree any virement within their area of responsibility which is designed to keep function and finance together (as determined by the Corporate Director of Finance and Resources), such as moving budget following a restructure that moves responsibility and staffing from one Department to another.

13. Virements in paragraph 12 may only be agreed by officers provided that:

    (a) They do not result in a commitment which would itself lead to an increased overspend in the current financial year or give rise to unfunded expenditure in future years;

    (b) They are consistent with the Borough Plan;

    (c) They do not conflict with any prior decision made or policy or plan or strategy adopted by the Cabinet ; and

(d) The virements are not used to circumvent the rules on use of earmarked reserves, or on new income and underspends detailed within this scheme; and

(e) They are reported to the Corporate Director of Finance and Resources.

14. The Corporate Director, Finance and Resources may agree any virement between areas of responsibility of different Officers whose effect falls within the criteria set out in paragraph 12 subject to the constraints in paragraph 13(a) to 13(c).

Cabinet

15. Subject to paragraph 16, the Cabinet may agree any virement either within or between any Directorate which:

(a) Is designed to keep function and finance together (as determined by the Corporate Director of Finance and Resources), such as moving budget following a restructure that moves responsibility and staffing from one Department to another;

(b) Helps to maintain prudent levels of Reserves; or

(c) Finances new initiatives supporting the Borough Plan but not explicitly included in the Service Plan and Budget.

16. The Cabinet may only agree virements under paragraph 15 if it has received advice from the Corporate Director, Finance and Resources that after the virement:

(a) Reserves remain at prudent levels; and

(b) The virements are not used to circumvent the rules on use of earmarked reserves, or on new income and underspends detailed within this scheme; and

(c) No unfunded expenditure commitments arise in future years.

New Income and underspends

17. If the council receives new grant, donations or contributions, and these are limited for a specific purpose (such that only one Department can utilise the new income), then officers may commit to additional expenditure providing that:

(a) There is no unfunded spending commitment for future years; and

(b) Any match funding for the current year is met from identified underspends.

18. If the council receives new grant, donations or contributions, and these could be used for two or more different purposes (i.e. more than one Department can utilise the funding), then Cabinet may determine how this funding is used, providing that:

(a) It is used to deliver or support objectives within the current Borough Plan or other council strategies or plans;

(b) There is no unfunded spending commitment for future years; and

(c) Any match funding for the current year is met from identified underspends.

19. Proposals to spend new income from grants, donations or contributions on objectives outside both the Borough Plan and not to and the council's other strategies and plans require approval from Full Council.

20. Where Departments generate additional income from current income streams, or underspend on expenditure, this can be used by officers, subject to approval by the Corporate Director of Finance and Resources, for:

(a) Addressing overspends in the council,

(b) Match funding new grant, donations or contributions (as set out in paragraphs 17 and 18), and/or

(c) Allocating to reserves (subsequent use of reserves is subject to the rules set out under the "Earmarked Reserves for Specified Purposes" heading in this document).

21. Cabinet may approve use of additional income from current income streams, or underspends on expenditure for new items of expenditure if the objectives are within the Borough Plan or to carry out the council's statutory responsibility, and no unfunded commitments are created in current or future years. Approval from Full Council is necessary for new items of expenditure outside the objectives of the Borough Plan or to carry out the council's statutory responsibility.

22. Officers may create new income streams where both the additional income and the estimated risk to the council is less than £0.1m (as determined by the Director of Finance), above this limit approval is required from cabinet where the additional income will be spent on objectives in the Borough Plan or to carry out the council's statutory responsibility;, and from Full Council where it will be spent on objectives outside the Borough Plan or not to carry out the council's statutory responsibility.

VIREMENTS - CAPITAL PROGRAMME

General

23. The Capital Programme consists of a number of programmes managed by an Director and then further broken down into projects with their own Project Manager. The Capital Programme is funded by a combination of capital receipts, grants and other direct external contributions and borrowing. The Corporate Director, Finance and Resources is responsible for ensuring the capital programme is affordable, prudent and sustainable in line with CIPFA's Prudential Code for Capital Finance in Local Authorities (2025).

24. Capital projects often span more than one year, and include provisions for contingencies, provisional sums and the like. This generates a degree of flexibility available for managing the overall programme.

25. Many funding streams for Capital projects are limited to particular types of projects. Nothing in this scheme allows virement between projects if the funding stream

cannot be vired because of some other condition or limitation restricting or precluding a virement.

Officers

26. Directors should make such virements, including between both project and programme headings, as are necessary to ensure that the overall capital spend is kept within the sums allocated provided that:

    (a) They do not stop or significantly change projects approved by Full Council or the Cabinet except where as part of project approval the Full Council or Cabinet has delegated authority to officers to revise or reschedule such projects;

    (b) They do not commit expenditure beyond resources available in future years; and

    (c) Where the change is:
    - Up to £0.5m, the change is approved by the appropriate Programme Board
    - Between £0.5m-£3m, the change is approved by Capital Programme Board

Cabinet

27. The Cabinet may make such virements within the Capital Programme as are necessary to ensure that overall spending is within the resources available, and it can bring forward, delay or stop projects as necessary to achieve this.

28. The Cabinet may vire funding between both project and programme headings, to another without limit provided that:

    (a) Reductions are not made to funding of projects below the level that is contractually committed;

    (b) Spending commitments in future years are not made beyond the resources already committed to the relevant projects/programmes within the Capital Programme.

Treatment of Year-end Balances

29. Due to the multi-year nature of capital projects, at the end of each financial year the actual expenditure may deviate from budget. This will include projects that have underspent due to delays or overspending as a project is ahead of schedule.

30. The Cabinet may vire of budget within approved capital projects across financial years to reflect timing differences between planned expenditure and actual expenditure.

New Spending

31. Where new Capital projects~~,~~ are identified during the year, the Cabinet may commit new expenditure provided that:

(a) Spending commitments in future years are not made beyond the resources already committed to the relevant projects/programmes within the Capital Programme;

(b) The cost of any new borrowing is affordable and prudent;

(c) The new spending meets objectives set out in the Borough Plan.

VIREMENTS – HOUSING REVENUE ACCOUNT

32. The Member of the Corporate Management Team Responsible for Housing may make any virements necessary for the efficient running of the Housing Revenue Account (HRA) within the HRA, including the use of revenue resources for capital purposes except purchase or construction of new properties, provided that:

(a) Spending commitments in future years are not made beyond the resources available to fund them;

(b) The changes are reported to the Corporate Director of Finance and Resources.

33. Purchase and/or construction of new properties shall be subject to the approval process set out in the Capital Programme section.

REPORTING ARRANGEMENTS

34. Subject to paragraph 32, all Transfers, Virements and New Income are to be reported to Cabinet whether or not they require Cabinet's approval. Normally this will be done by means of the regular expenditure monitoring reports made by the Corporate Director of Finance and Resources. The reports will classify changes by whether Officer, Cabinet or Full Council approval was required.

35. Virements within one line of the Directorate Budget Summary Appendix of the Report, within one capital programme portfolio headings, (except purchase and/or construction of new properties-will not normally be reported to Cabinet, but will be reported if the Corporate Director, Finance and Resources or the Monitoring Officer consider that a report should be submitted.

36. Any failure to report to or notify the Corporate Director, Finance and Resources on any matter as required under this scheme will not invalidate the decision by virtue of that failure to report or notify alone.