

Part 4 – Rules of Procedure

The Council's Standing Orders

These rules govern the way in which the Council operates. They also apply, unless otherwise indicated, to the operation of other Council Committees and Working parties.

1.0 Meetings of the Council, Committees and Working Parties

- 1.1 The Annual Meeting of the Council shall be held at the Council Offices, Cromer on a day in the month of April or May as the Council may fix.

In addition to the Annual Meeting of the Council and any meetings convened by the Chairman or by Members of the Council, meetings for the transaction of general business shall be held every seven weeks except when the Council otherwise direct.

The Annual Meeting and other meetings of the Council for the transaction of general business shall be held in the morning except when the Council otherwise decide.

- 1.2 Ordinary meetings of the Council's Committees and Working Parties shall be held at such times and on such days as the Committee or Working Party shall from time to time decide.

2.0 Extraordinary Meetings of the Council and its Committees

- 2.1 The Chairman of the Council in consultation with the Vice-Chairman may call an extraordinary meeting of the Council at any time.

- 2.2 If the Chairman of the Council refuses to call an extraordinary meeting of the Council after a requisition for that purpose signed by at least five Members of the Council has been presented to him or her, or if, without so refusing, the Chairman fails to call an extraordinary meeting within 7 days of receiving the requisition then any five Members of the Council, on that refusal or on the expiration of those 7 days, may forthwith call an extraordinary meeting of the Council.

- 2.3 The Chairman of a Committee or the Chairman of the Council in consultation with the relevant Vice-Chairman may call an extraordinary meeting of the Committee at any time.
- 2.4 An extraordinary meeting of a Committee shall also be called on the requisition of a third of the whole number of the Committee, delivered in writing to the Head of Paid Service but in no case shall less than three Members requisition an extraordinary meeting.
- 2.5 In the case of extraordinary meetings, however called, the summons to the extraordinary meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

3.0 Chairman of the Council

- 3.1 The Council shall at every Annual Meeting appoint a Chairman who shall unless he or she resigns or becomes disqualified continue in office until his or her successor becomes entitled to act as Chairman.
- 3.2 All Members of the Council shall be eligible to stand for election as Chairman irrespective of their membership or non-membership of any political group but subject to 3.5 below and the Council shall seek to appoint a person who shall best promote the Council, its District and the interests of its inhabitants.
- 3.3 In the event of the Chairman resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor's term of office. This period in office shall not preclude the successor from standing for election at the next following Annual Meeting.
- 3.4 The Chairman shall have precedence in the District, but not so as to prejudicially affect Her Majesty's royal prerogative. The Chairman shall, unless the Council shall have decided otherwise, represent or arrange the representation of the Council on all state, civic or formal occasions.
- 3.5 No Member may stand for a second consecutive term as Chairman.

4.0 Vice-Chairman of the Council

- 4.1 The Council shall at the Annual Meeting appoint a Vice-Chairman who shall unless he or she resigns or becomes disqualified continue in office until his or her successor becomes entitled to act as Vice-Chairman.
- 4.2 All Members of the Council shall be eligible to stand for election as Vice-Chairman irrespective of their membership or non-membership of any political group but subject to 4.5 below and the Council shall seek to appoint a person who shall best assist the Chairman in promoting the Council, its District and the interests of its inhabitants.
- 4.3 In the event of the Vice-Chairman resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor's term of office. This period in office shall not preclude the successor from standing for election at the next following Annual Meeting.
- 4.4 The Vice-Chairman shall assist the Chairman as requested and shall if necessary assist the Chairman in representing the Council on state, civic or formal occasions.
- 4.5 No Member may stand for a second consecutive term as Vice-Chairman

5.0 Constitution of Committee and Working Parties

- 5.1 The following Committees shall be the Standing Committees of the Council:
 - The Cabinet
 - The Development Control Committee
 - The Scrutiny Committee
 - The Standards Committee
 - The Licensing and Appeals Committee
 - The Audit Committee
- 5.2 (a) The Cabinet shall consist of not more than 10 Members with Special Responsibilities appointed by the Council under Standing Order 6.
- (b) The Scrutiny Committee shall consist of 13 Members save that the Council may increase or decrease this number if a lower or higher number would more accurately reflect the political balance of the Council.

- (c) The Development Control Committee shall consist of 14 Members save that the Council may increase this number if a higher number would more accurately reflect the political balance of the Council.
- 5.3 The Council may at any time appoint Working Parties for such purposes as it shall specify. Standing Committees of the Council may appoint Working Parties as specified in their Terms of Reference and additional Working Parties with the agreement of the Cabinet.
- 5.4 The constitution of each Working Party appointed by the Council or a Committee shall unless the Council agree otherwise be the smallest number which complies with the political balance requirements of the Local Government and Housing Act 1989. Working parties shall in law be Committees of the Council. The terms of reference of Working Parties shall be specified by the body appointing them as shall their duration or the event on which they shall cease to meet. The continuation of Working Parties shall be reviewed at least annually by the body appointing them and in the case of those appointed by Committees, the agreement of the Cabinet shall be required for their continuation for more than a year.
- 5.5 A Member of the Council may attend as an observer any meeting of a Committee or Working Party of which he or she is not a Member. He or she should not engage in debate or discussion nor vote, but may speak by way of explanation on any matter of which the Chairman has been previously notified.
 - 5.5.1 The Chairman of the Council shall not be eligible for appointment as Chairman or Vice-Chairman of any Committee, or Working Party.
- 5.6 A Member of the Council duly appointed under Standing Order 6.6 may attend as a substitute any meeting of a Committee (other than the Cabinet) if the substitute has been requested to attend the meeting by and in place of a Member of the Committee. In the case of the Development Control Committees (East and West) any appointed substitute (with the required training) may substitute for any Member of either Committee. In all other cases where substitution is permitted the substitute may only attend the meeting in place of a Member in the same political group or in the case of non-grouped Members in place of another non-grouped Member.
- 5.7 Following declaration of a substitute the Member attending as a substitute shall be treated for all purposes (save the payment of Allowances) as a Member of the Committee and have full rights to speak and vote and otherwise take part in the business transacted.

5.8 Once a substitution has been declared it shall last for the whole of the meeting of the Committee, or Working Party, and the Member in whose place the substitute attends shall only be entitled to attend as an observer in accordance with paragraph 5.5 above.

6.0 Appointment of Committees, Leader of the Council and Portfolio Members

6.1 The Council shall at the Annual Meeting:

6.1.1 appoint the Members of such Committees as they are required to appoint by or under any statute or under Standing Order 5 (Constitution of Committees) but shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;

6.1.2 elect a Leader of the Council who shall also be Chairman of the Cabinet;

6.1.3 specify which Member of the Cabinet shall have responsibility for promoting each of the following functions of the Council:

Arts Built Heritage The Coast Democratic Services e-government Economy Efficiency	Environment Environmental Health Forward Planning Health Housing Human Resources Law	Licensing Performance Management Planning Resources Sports and Leisure Transport Tourism Waste
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6.2 The Leader of the Council shall have responsibility for promoting with the community, outside bodies and other statutory agencies the policies and functions of the Council as a whole. The Council may also appoint one of the other Cabinet Members to be Deputy Leader of the Council to assist the Leader in this task. In that case, the Deputy Leader shall be Vice-Chairman of the Cabinet.

- 6.3 The Portfolio Members (or such one or more of them as shall be specified in the Council's Scheme of Delegation) shall be entitled to be consulted by Chief Officers and Service Managers when exercising delegated powers requiring such consultation.
- 6.4 The Head of Paid Service and senior officers shall meet regularly with the Portfolio Members to discuss policy, budgetary or other matters.
- 6.5 The Council may at any time:
 - 6.5.1 dissolve any Committee or alter its Membership;
 - 6.5.2 alter the responsibility of any Portfolio Member or discontinue the appointment of an Portfolio Member and elect a replacement. In the case of the Leader of the Council (or the Deputy Leader if appointed) on discontinuance of their appointment they shall also cease to be Chairman or Vice-Chairman of the Cabinet.
- 6.6 The Council may also at any time appoint named substitutes for all Committees of the Council (other than the Cabinet), each political group and the non-grouped Members being entitled to nominate as many substitutes as they have Members on the Committee save that in the case of the Area Development Committees each group and non grouped members may nominate any number of named substitutes provided that those substitutes have the requisite training and are not members of the Cabinet.
- 6.7 Members shall not be eligible to hold certain positions if they already hold certain other positions as follows:
 - 6.7.1 The Chairman of the Council shall not be eligible to be elected as Chairman of a Committee or Working Party nor as a Portfolio Member.
 - 6.7.2 Portfolio Members shall not be eligible to be elected as Chairmen of Committees or of Working Parties, other than the Cabinet and its Working Parties.
 - 6.7.3 Portfolio Members shall not normally be Members of Council Committees other than the Cabinet unless it is not otherwise possible to achieve the political balance required by the Local Government and Housing Act 1989 save for the Standards Committee which is not required to be so balanced.
 - 6.7.4 No Member who is a member of the same political group as a Portfolio Member shall be eligible for election as Chairman of the Scrutiny Committee unless all declared political groups and non-grouped members have a Portfolio Member amongst them.

- 6.7.5 Members of the Cabinet shall not be eligible to serve as Members of the Judicial Board, the Licensing and Appeals Committee and Scrutiny Committee, (including substitutes).
- 6.7.6 Only one Member of a Cabinet may serve upon the Standards Committee at any given time.
- 6.7.7 No member who is a member of the Cabinet or Executive Committee of another principal Council shall be eligible to serve as a Chairman of a Council Committee (other than a Joint Committee) at any given time.
- 6.7.8 The Chair and Vice Chair of the Standards Committee must be Independent Members elected by the Standards Committee from its membership, but such election to be ratified by Full Council. At least 25% of Members of the Standards Committee must be Independent Members.
- 6.7.9 Where the Council has specified that training shall be mandatory for members of a Council Committee, no member or substitute shall be eligible for appointment to that Committee unless they have undertaken the specified training, or have agreed to undertake that training within six months of their appointment.
- 6.7.10 Any member or substitute who has not undertaken the requisite training within six months of being appointed to a Committee shall, unless a majority of the Council otherwise agree, cease to be a member of that Committee.

7.0 Election of Chairman and Vice-Chairman of Committees

- 7.1 The Council shall at its Annual Meeting elect a Chairman and Vice-Chairman for each Committee (in the case of the Cabinet subject to Standing Orders 6.1.2 and 6.2), both to serve to the next Annual Meeting (subject to Standing Order 17.14)
- 7.2 In the event of a Committee being constituted during a year then the Council shall elect a Chairman and Vice-Chairman for that Committee, both to serve to the next Annual Meeting (subject to Standing Order 17.14)
- 7.3 In the event of a Committee needing to replace for whatever reason their Chairman or Vice-Chairman prior to the Annual Meeting , they shall report the matter to Full Council which shall elect a new Chairman and/or Vice-Chairman at its next meeting.

- 7.4 In the case of the Standards Committee the Chair and Vice Chair shall be Independent Members appointed as aforesaid and they shall serve for the 4 year duration of their appointment as Members.
- 7.5 The body appointing a Working Party shall also appoint its Chairman and may appoint a Vice-Chairman and may at any time appoint a new Chairman or Vice-Chairman if it becomes necessary.

8.0 Complaints against Members

- 8.1 Where a complaint against a Member is made by another Member or by a member of the public then it shall be referred to the Monitoring Officer for attention under the Local Assessment Framework.

9.0 Chairman of Meeting

In the absence of the Chairman and Vice-Chairman from a meeting of the Council, a Committee or Working Party a person to preside for that meeting shall be elected by the meeting and any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

10.0 Quorum

- 10.1 The quorum for meetings of the Council shall be one quarter of the whole number of Members of the Council subject to 10.2 below
- 10.2 Where more than one third of the Members of the Council become disqualified at the same time, then until the number of Members in office is increased to not less than two thirds of the whole number of Members of the Council, the quorum shall be one quarter of the number of the Members of the Council remaining qualified
- 10.3 Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one half of the whole number of the Committee is present.

Provided that in no case shall the quorum of a Committee be less than three Members.

- 10.4 Except as aforesaid or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a Working Party Committee unless at least one half of the whole number of the Working Party is present, provided that in no case shall the quorum of a Working Party be less than three Members.
- 10.5 If during any meeting of the Council a Committee or Working Party the Chairman after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the Council, Committee or Working Party.

11.0 Order of Business

- 11.1 Except as otherwise provided by paragraph 11.2 of this Standing Order, the order of business at every meeting of the Council and unless otherwise stated its Committees and Working Parties shall be:-
- 11.1.1 To choose a person to preside if the Chairman and Vice-Chairman are absent.
 - 11.1.2 To deal with any business required by statute to be done before any other business.
 - 11.1.3 To receive apologies for absence and in the case of the Cabinet and details of substitute Members.
 - 11.1.4 To approve as a correct record and sign the minutes of the last meeting of the Council or Committee or Working Party.
 - 11.1.5 To deal with any business expressly required by statute to be done.
 - 11.1.6 Chairman's announcements.
 - 11.1.7 To dispose of business (if any) remaining from the last meeting.
 - 11.1.8 To receive and consider reports, minutes and recommendations of:
 - 11.1.8.1 in the case of the Council, Committees
 - 11.1.8.2 in the case of Committees, Working Parties
 - 11.1.8.3 in the case of the Cabinet, Policy Panels.

- 11.1.9 In the case of the Council to answer questions asked under Standing Order 23 and Standing Order 24.
 - 11.1.10 In the case of the Council to consider motions in the order in which notice has been received.
 - 11.1.11 In the case of the Council to authorise the sealing of documents.
 - 11.1.12 Other business, if any, specified in the summons.
- 11.2 The Chairman of the meeting may, at the commencement of the meeting, particularly if members of the public are present, open the Meeting with any necessary introductions and explanations. Otherwise business falling under items 11.1.1, 11.1.2, 11.1.3, 11.1.4 or 11.1.5 shall not be displaced. The order of other items may be varied
- 11.2.1 by the Chairman at his or her discretion;
 - 11.2.2 by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

12.0 Notices of Motion

- 12.1 Notice of every motion other than a motion which under Standing Order 13 may be moved without notice shall be given in writing, signed by the Member or Members of the Council, giving the notice, and delivered, not later than 10 days before the next meeting of the Council at the office of the Head of Paid Service by whom it shall be dated, numbered in the order in which it is received, and entered in a book, which shall be open to the inspection of every Member of the Council.
- 12.2 The Head of Paid Service shall set out in the summons for every meeting all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing when giving it that he or she proposed to move it at some later meeting, or has since withdrawn it in writing.
- 12.3 If a motion thus set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his or her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

- 12.4 The following procedure shall apply where the subject matter of any motion of which notice has been given comes within the terms of reference of a Committee

After being moved and seconded, the notice of motion shall be referred without discussion to that Committee or any other Committee which the meeting may prefer. The body to which the notice is referred shall be asked to consider it and report back.

Provided that the Chairman may, if he or she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

- 12.5 Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the district.

13.0 Motions and Amendments which may be moved without notice

The following motions and amendments may be moved without notice:-

- 13.1 Appointment of a Chairman of the meeting at which the motion is made.
- 13.2 Motions relating to the accuracy of the minutes.
- 13.3 That an item of business specified in the summons have precedence.
- 13.4 In the case of the Council remission to a Committee
- 13.5 Appointment of a Committee or Working Party or Member or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- 13.6 Adoption of reports and recommendations of Committees, Working Parties or officers and any consequent resolutions.
- 13.7 That leave be given to withdraw a motion.
- 13.8 Extending the time limit for speeches.
- 13.9 Amendments to motions.
- 13.10 That the Council, or Committee or Working Party proceed to the next business.
- 13.11 That the question be now put.
- 13.12 That the debate be now adjourned.

- 13.13 That the Council, Committee or Working Party do now adjourn.
- 13.14 In the case of the Council authorising the sealing of documents.
- 13.15 Suspending Standing Orders, in accordance with Standing Order 48.
- 13.16 Motion under section 100A of the Local Government Act 1972 to exclude the public.
- 13.17 That a Member named under Standing Order 25 be not further heard or do leave the meeting.
- 13.18 Inviting a Member to remain under Standing Order 18. (Interest of Members in contracts and other matters).
- 13.19 Giving consent of the Council or Committee or Working Party where that consent is required by these Standing Orders.
- 13.20 That a report be made to a future meeting where the person responsible for the setting of the agenda has declined or failed to arrange for a report
- 13.21 That the Council, a Committee or Working Party has no confidence in its Chairman

14.0 Motions affecting persons employed by the Council

If any question arises at a meeting of the Council (or of a Committee or Working Party thereof to which the Local Government Act 1972 applies by virtue of section 100A) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council or Committee or Working Party, as the case may be, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised.

15.0 Mover of Motion may attend Committee

A Member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He or she shall have the right to attend the meeting and if he or she attends shall have an opportunity of explaining the motion.

16.0 Minutes

- 16.1 The Chairman shall put the question that the minutes of the meeting of the Council, Committee or Working Party held on the day he or she shall specify be approved as a correct record.
- 16.2 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 Chairman shall sign the minutes.
- 16.3 Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that schedule.

17.0 Rules of Debate for Council, Committee and Working Party Meetings

The following paragraphs set out the formal rules of debate. However, it shall be open to the Chairman of any meeting (particularly those of Working Parties) governed by these Standing Orders to adopt less formal procedures, if in his or her view, this will allow all Members to express their views properly and is appropriate to the subject matter under debate. If the Chairman permits departures from these rules it shall be open to any Member to request that "the formal rules of debate be followed" in which case the remainder of the debate on the matter under discussion shall be in accordance with the rules below:

Motions and Amendments

- 17.1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 12 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- 17.2 A Member when seconding a motion or amendment may, if he or she then declare his or her intention to do so, reserve his or her speech until a later period of the debate.
- 17.3 If two or more Members indicate a wish to speak, the Chairman shall call on one to speak; the other or others shall remain silent, unless making a point of order or in personal explanation.
- 17.4 A Member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order. No

speech shall exceed five minutes except by consent of the Council, Committee or Working Party

17.5 A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-

17.5.1 to speak once on an amendment moved by another Member;

17.5.2 if the motion has been amended since he or she last spoke, to move a further amendment;

17.5.3 if his or her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he or she spoke was carried;

17.5.4. in exercise of a right of reply given by paragraph 17.11 or 17.13 of this Standing Order;

17.5.5 on a point of order;

17.5.6 by way of personal explanation.

17.6 An amendment shall be relevant to the motion and shall be either:-

17.6.1 in the case of the Council to refer a subject of debate to a Committee for consideration or re-consideration or in the case of a Committee to make such reference to a Working Party;

17.6.2 to leave words out;

17.6.3 to leave out words and insert or add others;

17.6.4 to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council, Committee or Working Party.

17.7 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the business of the Council, Committee or Working Party

17.8 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

17.9 A Member may with the consent of the Council, Committee or Working Party signified without discussion:-

17.9.1 alter a motion of which he or she has given notice, or

17.9.2 with the further consent of his or her seconder alter a motion which he or she has moved.

if (in either case) the alteration is one which could be made as an amendment thereto.

17.10 A motion or amendment may be withdrawn by the mover with the consent of his or her seconder and of the Council, Committee or Working Party which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

17.11 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment; and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his or her amendment but may briefly correct any misinterpretation or misunderstanding.

17.12 When a motion is under debate no other motion shall be moved except the following:-

17.12.1 to amend the motion;

17.12.2 to adjourn the meeting;

17.12.3 to adjourn the debate;

17.12.4 to proceed to the next business;

17.12.5 that the question be now put;

17.12.6 that a Member be not further heard;

17.12.7 by the Chairman under Standing Order 25 that a Member do leave the meeting;

- 17.12.8 a motion under section 100A of the Local Government Act 1972 to exclude the public.
- 17.13 A Member may move without comment at the conclusion of a speech of another Member, "that the meeting proceed to the next business", "that the question be now put", "that the debate be now adjourned", or "that the meeting now adjourns", on the seconding of which the Chairman shall consider whether to allow at least one Member from each political group and one non-grouped member wishing to speak to speak and shall then proceed as follows:-
- 17.13.1 on a motion to proceed to the next business; unless in his or her opinion the matter before the meeting has been insufficiently discussed, he or she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- 17.13.2 on a motion that the question be now put; unless in his or her opinion that matter before the meeting has been insufficiently discussed, he or she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his or her right of reply under paragraph 17.11 of this Standing Order before putting his or her motion to the vote;
- 17.13.3 on a motion to adjourn the debate or the meeting; if in his or her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he or she shall put the adjournment motion to the vote without giving the mover of the original motion his or her right of reply on that occasion.
- 17.14 Motions proposing no confidence in the Chairman of a meeting of the Council, a committee or Working Party shall be dealt with in the following way
- 17.14.1 At any meeting of the Council a Member may propose that "the meeting has no confidence in the Chairman". The motion shall after debate be put and if carried the Chairman shall consider his or her position, and report his or her decision to the Council as soon as possible.
- 17.14.2 At any meeting of a Committee or Working Party a Member may propose that "the meeting has no confidence in the Chairman". The question shall after debate be put and if carried by a majority of at least two thirds of the Members present the Chairman shall stand down and the remainder of the meeting shall be chaired by the Vice-Chairman or in his

or her absence (or if he or she was the Chairman subject to the vote) by a Member elected for that purpose by the meeting

17.14.3 Following a successful vote of no confidence in the elected Chairman he or she shall not officiate at any subsequent meeting of the Committee or Working Party prior to the next meeting of the Council. At that meeting the Council shall consider whether to confirm or not the vote of no confidence. If by a simple majority they shall decide to confirm the vote the office of Chairman of the relevant Committee shall be declared vacant and a new Chairman shall be elected by the Council.

17.15 A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.

17.16 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

17.17 Whenever the Chairman speaks during a meeting a Member then speaking shall be silent.

18.0 Interest of Members in Contracts and Other Matters

18.1 If a Member of the Council has any prejudicial interest (as defined in the Members` Code of Conduct), in any contract, proposed contract, or other matter, then the Member shall withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council, a Committee or Working Party unless:-

18.1.1 the disability to discuss that matter imposed upon him or her by the section has been removed by the Secretary of State under section 97(1) thereof; or

18.1.2 in the case of the Council or a Committee the contract, proposed contract, or other matter is under consideration by the Council or Committee as part of the report of a Committee or Working Party respectively and is not itself the subject of debate;

- 18.2 Any Member who has a personal interest (as defined by the Member's Code of Conduct Part 5) in any matter shall forthwith disclose that interest but may remain, speak and vote. If the interest is prejudicial the Member will comply with the Code of Conduct.

19.0 Rescission of Preceding Resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 12 bears the names of at least one fourth of the Members of the Council, Committee or Working Party. When any such motion or amendment has been disposed of by the Council, Committee or Working Party it shall not be open to any Member to propose a similar motion within a further period of six months.

Provided that in the case of the Council this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee and in the case of a Committee to such a motion moved in pursuance of a recommendation of a Working Party.

20.0 Voting

At any meeting of the Council, a Committee or Working Party voting on any question arising shall at the discretion of the Chairman of the meeting be either:

- 20.1 In the case of matters which the Chairman judges to be non-controversial by silent assent, that is by the Chairman asking "is that agreed?" and in the event of no dissent being made the vote being recorded as carried.
- 20.2 In others cases or where dissent is made by show of hands. If no hands are raised on one side of the question but hands are raised on the other side, no count need be taken of the numbers voting.
- 20.3 Prior to any vote being taken any Member may request that the names of those voting for and against the question be recorded and in that event voting shall be by show of hands. If on the requisition of a Member, the voting on any question is recorded, there shall also be recorded the name of any Member then present who abstained from voting.
- 20.4 The person presiding at any meeting of the Council, a Committee or Working Party shall have a second or casting vote.

21.0 Voting on Appointments

- 21.1 Where there are more than two persons nominated for any position to be filled by the Council, a Committee or Working Party and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 21.2 The Chairman of the meeting may if there are a large number of appointments to be made suggest that the procedure outlined in (1) above be dispensed with and that where there are more than two persons nominated the number of votes for each person nominated be recorded and that the person with the highest number of votes be appointed. If no Member objects to this procedure it shall be adopted in preference to (1) above. If this procedure is adopted and two or more persons secure the highest number of votes and the Chairman does not exercise a casting vote, any person nominated who secured a lower number of votes shall be struck off the list and a fresh vote taken.

22.0 Record of Attendances

Every Member of the Council attending any meeting of the Council, or of any of its Committees or Working Parties of which he or she is a Member, shall sign his or her name in the attendance book or on the sheet provided for that purpose or if neither is available give his or her name to the senior officer present.

23.0 Questions

- 23.1 A Member of the Council may ask the Chairman of a Committee any question upon an item in the report of a Committee when that item is under consideration by the Council.
- 23.2 A Member of the Council may:-
- 23.2.1 if five clear days' notice in writing has been given to the Head of Paid Service ask the Chairman of the Council or the Chairmen of any Committee (in the case of Questions at the Cabinet) any question on any matter in relation to which the Council have powers or duties or which affects the district.
 - 23.2.2 with the permission of the Chairman of the Council (in the case of Questions at Full Council) or the Chairman of the Cabinet (in the case of Questions at Cabinet), put to him or her or (in the case of Questions at Full Council) the Chairman of any Committee, any question relating to urgent business, of which such notice has not been given. A copy of any such question shall, if possible, be delivered to the

Head of Paid Service not later than ten o'clock in the morning of the day previous to the day of the meeting.

- 23.2.3 If two clear days' notice in writing of any question has been given to the Democratic Services Manager and the Leader or if the question is addressed to a Portfolio Member, ask the Leader or Portfolio Member to whom the question was addressed to reply to the question and on hearing the reply may ask one supplementary question on any matter relating to the accuracy and content of the reply.
- 23.3 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer where the matter is privileged or relates to an individual or upon advice from the Head of Paid Service or Monitoring Officer or in the case of a question to the Leader or a Portfolio Member may defer replying to the question until the next meeting of Full Council.
- 23.4 An answer may take the form of:-
 - 23.4.1 a direct oral answer; or
 - 23.4.2 where the desired information is contained, in a publication of the Council, a reference to that publication; or
 - 23.4.3 where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.
- 23.5 This Standing Order does not apply to meetings of Committees other than the Cabinet or to Working Parties.

24.0 Public Participation at all Public Meetings (Have Your Say!)

- 24.1 Any member of the public who is a resident or have a business interest in the District Council area may ask one question (subject to the provisions set out below) or address a meeting on a matter which is on the agenda for the meeting, or is within the terms of reference of the Cabinet, Working Party or Committee except in cases where the Cabinet, Working Party or Committee is acting in a quasi-judicial capacity or similar, or in relation to planning applications, subject to the following procedure.
- 24.2 Subject to the absolute discretion of the Chairman to extend or limit the time available for public participation, a period of up to thirty minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.

- 24.3 Members of the public will be asked to submit their name, contact details and nature of question before the commencement of the meeting where they wish to ask a question.
- 24.4 Where public participation relates to an item on the agenda for the meeting, the Chairman can invite the participation immediately prior to the consideration of the item by the meeting. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Chairman but should not normally exceed thirty minutes.
- 24.5 At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- 24.6 A member of the public may ask questions or make a statement for a period not exceeding three minutes. When a speaker has reached the end of the allotted time, a bell will be rung. If an answer is given at the meeting the member of the public will have the opportunity to ask one supplementary question, which must relate to the subject matter of the original question and will last not longer than one minute. At the end of the period of time, the bell will be rung again and the speaker will resume his/her seat whether or not the speech has been concluded.
- 24.7 An answer to a question posed by a member of the public may take the form of:-
- 24.7.1 a direct oral answer
 - 24.7.2 where the desired information is contained in a publication of the Council, a reference to that publication; or
 - 24.7.3 where the reply to the question cannot conveniently be given orally, a written answer will be given within seven working days and the reply reported to the next meeting of that body. Public questions and responses will be appropriately minuted.
- 24.8 In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- 24.9 Public participation at meetings must be made orally at the meeting. However, a written question can be submitted to the Chairman if the person submitting the question prefers. They will still be expected to attend the meeting to hear any response and may exercise their right to ask a supplementary question. Public participation can also include the presentation of petitions to meetings of the Council.
- 24.10 Responses to questions shall be directed for answer by the Chairman to the Member(s) and/or Officer who is best placed to respond.

25.0 Disorderly Conduct

25.1 If at a meeting of the Council, Committee or Working Party any Member misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, Committee or Working Party the Chairman or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Continuing misconduct by a named Member

25.2 If the Member named continues his or her misconduct after a motion under the foregoing paragraph has been carried the Chairman shall:

either move "that the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

or adjourn the meeting of the Council, Committee or Working Party for such period as he or she in his or her discretion shall consider expedient.

General disturbance

25.3 In the event of general disturbance which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman in addition to any other power vested in him or her may, without question put, adjourn the meeting of the Council, Committee or Working Party for such period as he or she in his or her discretion shall consider expedient.

26.0 Disturbance by Members of the Public

26.1 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him or her. If he or she continues the interruption the Chairman shall order his or her removal from the Council chamber or meeting place. In the case of general disturbance in any part of the chamber or meeting place open to the public the Chairman shall order that part to be cleared.

26.2 No person present at any meeting shall without the express consent of a majority of the members present and entitled to vote, use any recording device or still, video or other camera and any person using any such device without consent shall be considered to be interrupting the proceedings at that meeting and dealt with in accordance with

paragraph 26.1 above in the case of members of the public and in accordance with Standing Order 25 in the case of a Member of the Council.

27.0 Exercise of Powers and Functions

- 27.1 No individual Member or officer or group of Members or officers (or both) shall be entitled to exercise any power or function of the Council save as delegated to them by the Council or by a Committee or Working Party exercising a power or fulfilling a function on behalf of the Council or as detailed in these Standing Orders.
- 27.2 Whilst the Chairman and Vice-Chairman of the Council and Committees and Working Parties of the Council and Portfolio Members can expect to be consulted on matters affecting their areas of responsibility they shall not save as in 27.1 above have power to act on behalf of or bind the Council.
- 27.3 Groupings of Members such as the Committee Chairmen or of officers such as the Corporate Management Team shall act only in accordance with powers delegated to them or instructions given to them by the Council or by a Committee or Working Party acting under delegated powers.

28.0 Inspection of Documents

- 28.1 A Member of the Council may, for the purposes of his or her duty as such Member but not otherwise, on application to the Head of Paid Service inspect any document which is in the possession of the Council, and if copies can be made shall on request be supplied for the like purposes with a copy of such a document.

Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he or she is professionally interested or in which he or she has directly or indirectly any prejudicial interest within the meaning of the Members' Code of Conduct, and that this Standing Order shall not preclude the Head of Paid Service from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

- 28.2 All reports made or minutes kept by the Council or any Committee or Working Party shall, as soon as that body has concluded action on the matter to which such reports or minutes relate, be open for the inspection of any Member of the Council.

29.0 Inspection of Lands, Premises etc

Unless specifically authorised to do so by the Council or a Committee or Working Party, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his or her 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.

30.0 Custody of Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Paid Service.

31.0 Sealing of Documents

31.1 The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee to which the Council have delegated their powers in this behalf, but a resolution of the Council (or of a Committee where that Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

31.2 The seal shall be attested by the following persons present at the sealing, viz, the Chairman or Vice-Chairman of the Council or other Member of the Council and the Head of Paid Service or Monitoring Officer, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal. In a case where sealing is urgently required in the best interests of the Council the seal may be attested by any two Chief Officers of the Council.

32.0 Authentication of Documents for Legal Proceedings

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Head of Paid Service or Monitoring Officer unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

33.0 Interest of Officers in Contracts

The Head of Paid Service shall record in a book to be kept for the purpose of particulars of any notice given by an officer of the Council of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.

34.0 Canvassing of and Recommendations by Members

34.1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments or in any form of application.

34.2 A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

35.0 Relatives of Members or Officers

35.1 A candidate for any appointment under the Council who knows that he or she is related to any Member or senior officer of the Council shall when making application disclose that relationship to the Head of Paid Service. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and senior officer of the Council shall disclose to the Head of Paid Service any relationship known to him or her to exist between himself and any person who he or she knows is a candidate for an appointment under the Council. The Head of Paid Service shall report to the Council or to the appropriate Committee any such disclosure made to him or her.

35.2 The purport of this Standing Order shall be included in every advertisement inviting applications for appointments or in any form of application.

35.3 The following relatives of a senior officer or Member shall be subject to this Standing Order and cohabitants of senior officers or Members shall also be subject to it as though they were related.

35.3.1 Son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law

35.3.2 Father, mother, stepfather, stepmother

- 35.3.3 Husband, wife, ex-husband, ex-wife
- 35.3.4 Brother, sister, stepbrother, stepsister
- 35.3.5 Nephew, niece, uncle, aunt
- 35.3.6 Grandfather, grandmother, grandson, granddaughter

36.0 Staff establishment and filling of Vacancies

- 36.1 No new office shall be created nor any person be employed in addition to the existing establishment, except in accordance with the Council's scheme of delegation or by resolution of the Council or a Committee of the Council.
- 36.2 All vacancies to be filled in offices under the Council not being at a weekly wage, unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Council otherwise determine.

Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occur in an office in the appointment of the Council a Chief Officer may appoint one of the former applicants.

37.0 Publicity for Chief Officer Vacancies

- 37.1 Where the Council propose to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council or any Committee, Working Party or Chief Officer of the Council shall:-
 - 37.1.1 draw up a statement specifying -
 - 37.1.1.1 the duties of the officer concerned, and
 - 37.1.1.2 any qualifications or qualities to be sought in the person to be appointed.
 - 37.1.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - 37.1.3 make arrangements for a copy of the statement mentioned in paragraph 37.1.1 to be sent to any person on request.
- 37.2 Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101(5) of the Local Government Act 1972 the steps taken under paragraph 37.1 of this Standing Order may be taken by a joint Committee of the authority and such other authority or authorities whose functions are to be discharged, or by a Sub-Committee of that joint Committee, or by a

Chief Officer of either the authority or such other authority or authorities.

38.0 Procedure for Chief Officer Vacancies

- 38.1 Where a post has been advertised as provided in Standing Order 37, the Council or any Committee, Working Party or Chief Officer of the Council shall -
- 38.1.2 interview all qualified applicants for the post, or
 - 38.1.3 select a short list of such qualified applicants and interview those included on the short list.
- 38.2 Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Standing Order 37
- 38.3 Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of section 101(5) of the Local Government Act 1972 the steps taken under paragraph 38.1 and 38.2 of this Standing Order may be taken by a joint Committee of the authority and such other authority or authorities whose functions are to be discharged, or by a Sub-Committee of that joint Committee, or by a Chief Officer of either the authority or such other authority or authorities.

39.0 Appointment of and discipline of Staff

- 39.1 In this Part -

"the 1989 Act" means the Local Government and Housing Act 1989;
"the 2000 Act" means the Local Government Act 2000;
"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;
"executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
"member of staff" means a person appointed to or holding a paid office or employment under the authority; and
"proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

- 39.2 Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.

- 39.3 Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against -
- (a) the officer designated as the head of the authority's paid service;
 - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 39.4 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
- 39.5 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 39.3, at least one member of the executive must be a member of that committee or sub-committee.
- 39.6 (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- 39.7 (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 39.3 must not be made by the appointor until -
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the executive of the authority of -
 - (i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either -

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

39.7 (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 39.3 must not be given by the dismissor until –

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

(iii) the period within which any objection to the dismissal

is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either -

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

39.8 Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by –

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

40.0 Appointment of Assistants for Political Groups

The provisions of Standing Orders 37 to 39 inclusive above do not apply to: any appointment in pursuance of section 9 (assistants for political groups) of the Local Government and Housing Act 1989.

41.0 Disciplinary Action – Statutory Officers

41.1. In paragraph 41.2, "chief finance officer", "council manager", "disciplinary action", "head of the authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.

41.2. No disciplinary action in respect of the head of the authority's paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in paragraph 3, may be taken by the authority, or by a committee, a sub-

committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

- 41.3 The action mentioned in paragraph 41.2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

42.0 Finance and the Finance Code of Practice

- 42.1 The Council and each Committee with the advice of the responsible Officer appointed under Section 151 of the Local Government Act 1972 shall ensure the observance of all aspects of the Finance Code of Practice throughout the Council..
- 42.2 The Council may resolve to suspend the Code of Practice in respect of any particular matter but only in so far as is permitted by law. A Committee or Working Party may also so resolve but not if the effect of the suspension would be an increase in expenditure or a reduction in income which would result (after taking into account any virement made in accordance with the Code of Practice) in an overspending in that year on a head of estimate.
- 42.3 A proposal to suspend the Code shall be made by means of a motion to suspend this Standing Order but such a motion shall not be made without notice (i.e under Standing Order 13) unless there shall be present at least two-thirds of the whole number of Members of the Council, Committee or Working Party
- 42.4 The Code of Practice may be amended from time to time by recommendation of the Chief Finance Officer who shall have power to approve the Code of Practice by a majority of those Members present and voting.

43.0 Contracts and the Contracts' Code of Practice

- 43.1 All contracts between the Council and any third party shall be dealt with in accordance with the Contracts' Code of Practice which shall include provisions to ensure that European and Compulsory Competitive Tendering legislation is adhered to and that Best Value for money is obtained in the procurement of goods and services. The Council and

each Committee shall ensure the observance of all aspects of the Contracts' Code of Practice throughout all Departments and Directorates under their control.

- 43.2 The Council and a Committee or Working Party may resolve to suspend the Code of Practice in respect of any particular matter but only in so far as it is permitted by law. Any resolution to suspend the Code of Practice shall detail why it is considered in the best interests of the Council to suspend the Code.
- 43.3 A proposal to suspend the Code shall be made by means of a motion to suspend this Standing Order but such a motion shall not be made without notice (i.e under Standing Order 13) unless there shall be present at least two-thirds of the whole number of Members of the Council, Committee or Working Party
- 43.4 The Code of Practice may be amended from time to time by the Council who shall have power to approve the Code of Practice by a majority of those Members present and voting.

44.0 Calling in Decisions of the Cabinet

- 44.1 Decisions taken by the Cabinet will be notified to all Members by means of the Members' Bulletin or otherwise within 5 working days of the date of the Meeting.
- 44.2 Any Member who wishes any such decision to be referred to the Scrutiny Committee shall notify the Head of Paid Service within 10 working days of the date of the meeting when the decision was taken. If the Members request is supported two other Members then the Head of Paid Service will refer the matter to the next meeting of the Scrutiny Committee (or if he or she considers it appropriate to a Special Meeting of that Committee).
- 44.3 Any decision of the Cabinet which is not referred under 44.2 above shall come into effect on the eleventh working day after the meeting at which is was made.
- 44.4 The Scrutiny Committee on considering matters referred to it under this Standing Order may:
 - 44.4.1 Support the decision of the Cabinet.
 - 44.4.2 Make comments on or recommend amendments to the decision of the Cabinet.
- 44.5 The Member requesting referral to the Scrutiny Committee shall be entitled to speak on the item or if unable to attend to have their written comments presented to the meeting.

44.6 Once a matter has been referred back to the Scrutiny Committee, it shall be reconsidered by the Cabinet at its next available meeting. The Cabinet shall consider the comments of the Scrutiny Committee in deciding whether to confirm its decision.

44.7 A decision of the Cabinet cannot be referred to the Scrutiny Committee if it has already been referred under this Standing Order or if it is passed in an amended form recommended by the Scrutiny Committee.

44.8 Any Member of the Cabinet proposing a resolution may also propose that the resolution be treated as urgent. If the Cabinet pass the resolution and confirm that it is an urgent matter it shall not be capable of referral to the Scrutiny Committee under this Standing Order provided that:

44.8.1 The Chairman of the Scrutiny Committee or the Vice-Chairman of the Scrutiny Committee in his or her absence (or the Chairman of the Council in the absence of both Chairman and Vice-Chairman) certify that waiting until a meeting of the Scrutiny Committee would:

Either

disadvantage the Council or a local government elector or other inhabitant of or visitor to the District.

Or

threaten life, limb or substantial damage to property within the District.

44.9 Decisions treated as urgent and duly certified under Standing Order 44.8 shall come into effect as soon as they are certified. All Members will be informed of such decisions in the next available Members' Bulletin.

Note: For the purposes of Paragraph 44.2 of this Standing Order those Members who are not members of Groups declared under the provisions of the 1989 Act shall be treated together as a political group.

45.0 Submission of draft plans or strategies by the Executive

45.1 In this Part -

"executive" and "executive leader" have the same meaning as in Part II of the Local Government Act 2000; and
"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

45.2 Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

45.3 Before the authority -

(a) amends the draft plan or strategy;

(b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy,

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

45.4 Where the authority gives instructions in accordance with paragraph 45.3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may -

(a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

45.5 When the period specified by the authority, referred to in paragraph 45.4, has expired, the authority must, when -

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy,

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

45.6 Subject to paragraph 10, where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year -

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

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

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

45.7 Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to him instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

45.8 Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may –

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

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

45.9 When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –

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

(b) the executive's reasons for those amendments;

(c) any disagreement that the executive has with any of the authority's objections; and

(d) the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

45.10 Paragraphs 6 to 9 shall not apply in relation to -

(a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

46.0 Council Assembly

46.1 There shall be a meeting open to all Members of the Council every other month in the Municipal Year. The meetings shall be held at times decided by Full Council. This meeting shall be known as the Council Assembly.

46.2 The Assembly Meetings shall be chaired by the Chairman of the Council or in his or her absence the Vice-Chairman of the Council or in the absence of both by such member as the Assembly shall decide.

- 46.3 At each Assembly Meeting, the Leader of the Council and each Portfolio Member shall address the Assembly on such matters relating to his or her portfolio as he or she may decide.
- 46.4 Any Member may ask questions of the Leader of the Council or any Portfolio Member. The Chairman shall first take questions submitted in writing prior to the Meeting and thereafter oral questions from the floor.
- 46.5 The Leader of the Council and Portfolio Members shall if possible answer questions when asked but may agree to provide a written answer.
- 46.6 The detailed rules of debate for Council and Committee Meetings shall not be applied to Assembly Meetings unless the Chairman of the Meeting considers that they are necessary for the efficient and expeditious dispatch of the business of the Meeting.
- 46.7 Officers of the Council shall not attend Assembly Meetings save by invitation of the Assembly.

47.0 Variation and revocation of Standing Orders

- 47.1 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council except that the Council may deal immediately with a motion to amend Standing Orders occasioned only by the change in designation of any officer.
- 47.2 The Council may deal immediately with a motion to add to, vary or revoke these Standing Orders where the Chairman considers that such addition, variation or revocation is in the best interests if the Council and no Member present votes against such addition, variation or revocation.

48.0 Suspension of Standing Orders

- 48.1 Subject to paragraph 48.2 of this Standing Order, any of the preceding Standing Orders may be suspended if permitted by law so far as regards any business at the meeting where its suspension is moved.
- 48.2 A motion to suspend Standing Orders shall not be moved without notice (ie under Standing Order no 13) unless there shall be present at least two-thirds of the whole number of the Members of the Council, Committee or Working Party.

49.0 Standing Orders to be given to Members

A printed copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council shall be given to each Member of the Council by the Head of Paid Service upon delivery to him or her of the Member's declaration of acceptance of office on the Member being first elected to the Council.

50.0 Interpretation of Standing Orders

The ruling of the Chairman as to the construction or application of any of these Standing Orders or as to any proceedings of the Council, Committee or Working Party shall not be challenged at any meeting.

Access to Information Rules

1. SCOPE

ARRANGEMENTS

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at Council Offices, Holt Road, Cromer, the designated office.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) if the Head of Paid Service thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

The Head of Paid Service will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor, if any.

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at Council Offices, Holt Road, Cromer.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	

<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act 1985 or the Charities Act 1993 unless the public interest in maintaining the exemption outweighs the public interest in disclosing the information. "Financial or business affairs" includes contemplated, as well as past or current, activities.</p>
<p>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.</p>	<p>"labour relations matter" means any matter specified in paragraphs (a) to (g) of Section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992 ie matters which may be the subject of a trade dispute. "employee" means a person employed under a contract of service. "office holder" in relation to the authority, means the holder of any paid office which may be made or confirmed by the authority or by any joint Board on which the authority is represented or by any existing office holder or employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>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.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

Information within any of paragraphs 1-7 is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 unless the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13 – 24 apply to the Cabinet and its Working Parties. If the Cabinet or its Working Parties meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the Cabinet or its Working Parties meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief Members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

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

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 3 clear days have elapsed since the forward plan has become effective; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its Working Parties, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of forward plan

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of forward plan

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual Members of the Cabinet, officers, Area Committees or under joint arrangements in the course of the discharge of a Cabinet 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) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 14 days before the start of the period covered. The Head of Paid Service will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;

- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. **GENERAL EXCEPTION**

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

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Head of Paid Service has informed the chair of a relevant Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Head of Paid Service has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 3 clear days have elapsed since the Head of Paid Service complied with (b) and (c).

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

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the Scrutiny

Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of the Scrutiny Committee, or the chair is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

17. REPORT TO COUNCIL

17.1 When the Scrutiny Committee can require a report

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

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Scrutiny Committee chair, or the Chairman/Vice-Chairman of the Council under Rule 16;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Head of Paid Service, who shall require such a report on behalf of the Committee when so requested by (the chairman or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.2 Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

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

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its Working Parties, whether held in public or private, the Head of Paid Service or, where no officer was present, the person presiding at the meeting, will produce a record

of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. CABINET MEETINGS

The Council has decided that all meetings of the Cabinet will be held in public unless they are called to deal exclusively with Exempt or Confidential matters as defined in the Access to Information Procedure Rules.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet or its Committees will be entitled to receive three clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

- a) All Members of the Cabinet will be served notice of all private meetings of Working Parties of the Cabinet, whether or not they are Members of that Committee.
- b) All Members of the Cabinet are entitled to attend a private meeting of any Working Party of the Cabinet.
- c) Notice of private meetings of the Cabinet and its Working Parties will be served on the chair of all the Scrutiny Committee and its Working Parties, at the same time as notice is served on Members of the Cabinet. Where the Scrutiny Committee does not have a chair, the notice will be served on all the Members of that Committee.
- d) Where a matter under consideration at a private meeting of the Cabinet, or a Working Party of it, is within the remit of the Scrutiny Committee/Working Party, the chair of that Committee or in his/her absence the vice chair may attend that private meeting with the consent of the person presiding, and speak if those present agree.
- e) The head of the paid service, the chief financial officer and the monitoring officer, and their nominees are entitled to attend any meeting of the Cabinet and its Working Parties. The Cabinet may not meet unless the Head of Paid Service has been given reasonable notice that a meeting is to take place.
- f) A private Cabinet meeting may only take place in the presence of the Head of Paid Service or his/her nominee with responsibility for recording and publicising the decisions

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

The Council has resolved that Individual Members of the Cabinet shall not take decisions or exercise functions of the Council

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, the Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to any business transacted at a public or private meeting of the Cabinet or its Working Parties; or

23.2 Limit on rights

The Scrutiny Committee will not be entitled to:

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

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

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

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it contains exempt information falling within paragraph 3 of the categories of exempt information relating to any term proposed or to be proposed by or to the authority in the course of negotiations for a contract.

(c) it contains the advice of a political adviser

24.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which relates to any key decision unless paragraph 24.1 (a) or (b) above applies.

24.3 Nature of rights

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

Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

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

2. Roles and responsibilities in the Budget and Policy Framework

- (a) The Cabinet will publicise by including in the forward plan and on the Council's website a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairmen of the Scrutiny committee will also be notified. The Cabinet will ensure that the consultation process is adequate and allows for meaningful dialogue with those involved.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny committee has responsibility for fixing its own work programme, it is open to the Scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- (f) The decision will be publicised within 5 working days in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective 10 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within that period of 5 working days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the proper officer will call a Council meeting within a further 21 days. The Council will be required to re-consider its decision in the light of the Leader's written submission. The Council may
 - (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

If the Leader considers the matter does not necessitate the calling of a special Council meeting then the matter will be considered at the next ordinary meeting of the Council.

- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

3. Decisions outside the budget or policy framework

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

4. **Urgent decisions outside the budget or policy framework**

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

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

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

5. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Working Party of the Cabinet, officers, area committees or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure, discontinuance or restriction of a service or part of service to meet a budgetary constraint (and shall be reported to the next Council meeting);
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance (and shall be reported to the next Council meeting);
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration (and shall be reported to the next Council meeting).

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

- (a) Where the Scrutiny committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the monitoring officer's report and/or chief financial officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the Scrutiny Committee unless the Leader and Chairman of the Overview and Scrutiny Committee agree that the matter can be left to the next ordinary Council meeting. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:
 - (i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

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

Or

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

Cabinet Procedure Rules

The Cabinet shall operate in accordance with:

- (a) The Rules contained in the Council and Committee Procedure Rules
- (b) The Access to Information Rules
- (c) The Budget and Policy Framework

Scrutiny Committee Procedure Rules

Scrutiny Committees shall operate in accordance with:

- (a) The Rules contained in the Council and Committee Procedure Rules
- (b) The Access to Information Rules
- (c) The Budget and Policy Framework

In addition, the Scrutiny Committee shall have the following powers of “call-in” as specified in Standing Order 44.

- 44.1 Decisions taken by the Cabinet will be notified to all Members by means of the Members’ Bulletin or otherwise within 5 working days of the date of the Meeting.
- 44.2 Any Member who wishes any such decision to be referred to the Scrutiny Committee shall notify the Head of Paid Service within 10 working days of the date of the meeting when the decision was taken. If the Members request is supported by another Member not of the same political group then the Head of Paid Service will refer the matter to the next meeting of the Scrutiny Committee (or if he or she considers it appropriate to a Special Meeting of that Committee).

- 44.3 Any decision of the Cabinet which is not referred under 44.2 above shall come into effect on the eleventh working day after the meeting at which it was made.
- 44.4 The Scrutiny Committee on considering matters referred to it under this Standing Order may:
- 44.4.1 Support the decision of the Cabinet.
- 44.4.2 Make comments on or recommend amendments to the decision of the Cabinet.
- 44.5 The Member requesting referral to the Scrutiny Committee shall be entitled to speak on the item or if unable to attend to have their written comments presented to the meeting.
- 44.6 Once a matter has been referred back to the Scrutiny Committee, it shall be reconsidered by the Cabinet at its next available meeting. The Cabinet shall consider the comments of the Scrutiny Committee in deciding whether to confirm its decision.
- 44.7 A decision of the Cabinet cannot be referred to the Scrutiny Committee if it has already been referred under this Standing Order or if it is passed in an amended form recommended by the Scrutiny Committee.
- 44.8 Any Member of the Cabinet proposing a resolution may also propose that the resolution be treated as urgent. If the Cabinet pass the resolution and confirm that it is an urgent matter it shall not be capable of referral to the Scrutiny Committee under this Standing Order provided that:
- 44.8.1 The Chairman of the Scrutiny Committee or the Vice-Chairman of the Scrutiny Committee in his or her absence (or the Chairman of the Council in the absence of both Chairman and Vice-Chairman) certify that waiting until a meeting of the Scrutiny Committee would:
- Either
- disadvantage the Council or a local government elector or other inhabitant of or visitor to the District.
- Or
- threaten life, limb or substantial damage to property within the District.
- 44.9 Decisions treated as urgent and duly certified under Standing Order 44.8 shall come into effect as soon as they are certified. All

Members will be informed of such decisions in the next available Members' Bulletin.

Note: For the purposes of Paragraph 44.2 of this Standing Order those Members who are not members of Groups declared under the provisions of the 1989 Act shall be treated together as a political group.

Financial Procedure Rules

1.0 General Arrangements

1.1 Chief Finance Officer

The Chief Finance Officer is responsible for the Council's financial affairs. He or she is the Proper Officer appointed under Section 151 of the Local Government Act 1972 and also the officer responsible for reports under Section 114 of the Local Government Act 1988. He or she will approve all procedures dealing with income and expenditure of the Council.

1.2 Committees and Executive Members

Each Committee and Cabinet Member with the advice of the Chief Finance Officer, will in all their dealings ensure that the Finance Code of Practice is complied with. Chairmen of Committees and Cabinet Members shall regularly monitor the budgets of services falling within their areas of responsibility.

1.3 Service Managers

Each Service Manager will ensure that his or her staff understand and comply with the Finance Code of Practice.

Each Service Manager will be responsible for setting up, recording and improving the financial and management systems, within their Service, with the advice and approval of the Chief Finance Officer.

Each Service Manager will consult the Chief Finance Officer if any matter under his or her control is liable materially to affect the finances of the Council. These matters will be discussed by the Corporate Management Team before any commitment is incurred or before any report is submitted to Committee.

1.4 Financial Records

All accounts and accounting records of the Council will be compiled by the Chief Finance Officer or under his or her direction and be kept for a minimum of six years.

Where such accounts and accounting records operate outside of the Finance Service, they will be maintained so as to provide the Chief Finance Officer with the financial information he or she requires.

1.5 Separation Of Accounting Duties

The following principles will be observed:-

- (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, are to be separated as completely as possible from the duty of collecting or disbursing them;
- (b) Officers charged with the duty of examining and checking the accounts of cash transactions are not to be engaged in any of these transactions.
- (c) The duties of raising an order and the receipt of the goods or services should be separated from the process of certification of the invoice.

1.6 Banking Arrangements

All arrangements with the Council's Bankers will be made by the Chief Finance Officer who is authorised to operate all bank accounts and National Giro accounts.

2.0 Investments, Borrowings and Trust Funds

2.1 Title and Securities

All investments, borrowings and trust funds will be made in the name of the Council, or in the name of nominees approved by the Council. All Securities in the name of the Council or its nominees and the title deeds of all property will be held by the Solicitor.

2.2 Borrowing and Investments

Borrowing and Investments will be undertaken only by the Chief Finance Officer.

Borrowing and investment of available funds and the management of investments will be in accordance with the CIPFA Code of Practice for Treasury Management.

Following advice from the Chief Finance Officer, the Council will maintain a Treasury Management Policy and Strategy Statement and the Chief Finance Officer will produce a Systems Document for day to day Treasury Management activities.

All finance and operational leases and other financial arrangements will be approved by the Chief Finance Officer and be in accordance with the Capital Finance Regulations set by the Government from time to time.

2.3 Registrar

The Chief Finance Officer is the registrar of stocks, bonds and mortgages and will maintain records of all borrowing and investment of monies.

2.4 Trust Funds

All officers acting as trustees by virtue of their official position will deposit all securities, relating to the trust with the Legal Services Manager unless the deed otherwise provides.

3.0 Income

3.1 Cash Collection

The collection of all money due to the Council is under the supervision of the Chief Finance Officer. All money received by an officer will without delay be paid to the Chief Finance Officer, or as he or she may direct, into a bank account or National Giro account or to another authorised body or person. No deduction can be made from such money unless authorised by the Chief Finance Officer. Every officer or person acting on behalf of the Council who banks cheques will enter on the paying-in slip a reference to the related debt.

Every officer or person who receives money on behalf of the Council will comply with any requirement of the Chief Finance Officer with regard to the safe custody of the money.

No Officer can give a receipt for monies held on behalf of the Council in any form other than the approved form of receipt. This instruction will not apply to the Solicitor or other legal officer in respect of monies received by him or her for which a receipt is contained in a legal document.

3.2 Income Collection (Sundry Debtors And Other Arrangements)

Each Service Manager will be responsible for ensuring that accounts are promptly raised in connection with work done, goods supplied or services rendered and that accounts are only raised by means approved by the Chief Finance Officer.

The Chief Finance Officer will be notified promptly of all money due to the Council from Sundry Debtors and of contracts, leases and other agreements or arrangements entered into which involve the receipt of money by the Council. The Chief Finance Officer has the right to inspect any relevant documents as he or she may decide.

Any cancellations of debts previously raised will be notified to the Chief Finance Officer in writing.

3.3 Receipts And Tickets

All receipts and tickets will be ordered and supplied by the Chief Finance Officer, or agreed under arrangements approved by him or her. Every officer receiving these items will ensure proper arrangements for their control and safe custody.

3.4 Personal Cheques

Personal cheques will not be cashed out of money held on behalf of the Council.

3.5 Cash Transfers

Every transfer of cash from one member of staff to another will be evidenced in the records of the Service concerned by the signature of the receiving officer.

3.6 Write Offs

Sums due to the Council will not be written off except in accordance with the Council's Scheme of Delegation.

4.0 Expenditure

4.1 Petty Cash And Other Advances

4.1.1 The Chief Finance Officer will provide such amounts as he or she or she considers appropriate for officers to pay petty cash and other expenses.

4.1.2 Where necessary, the Chief Finance Officer will open a bank account for use by the account holder who will ensure that the account is not overdrawn. The Council's Bankers will report direct to the Chief Finance Officer any overdrawn balance on the account holder's bank account.

4.1.3 Officers will maintain a record of all payments and submit the account at regular intervals for examination and reimbursement.

4.1.4 No cash received on behalf of the Council should be paid into a petty cash or an advance account.

4.1.5 In the case of petty cash payments will only be for minor items of expenditure and will be supported by a receipted and certified

voucher. No payments will be made in respect of salary, wage, travel or subsistence.

4.1.6 An officer responsible for an advance account will, when requested, provide a certificate as to the state of his or her account to the Chief Finance Officer. Payments will be limited to items of expenditure at a value set by the Chief Finance Officer.

4.1.7 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an advance, the officer will account to the Chief Finance Officer for the amount advanced.

4.1.8 Service Managers will ensure that all cash balances are kept in a secure place.

4.2 Cheques

The Head of Paid Service is authorised to sign any mandate to the bank authenticating the signature of officers designated as cheque signatories.

All cheques, except cheques drawn on authorised advance accounts, are ordered only by the Chief Finance Officer, who will make arrangements for their safe custody. Cheques on the Council's main bank accounts, including National Giro accounts should bear either the facsimile signature of the Chief Finance Officer or computer produced alternative. Cheques can be signed by the Chief Finance Officer or other officer authorised to do so under the Scheme of Delegation and cheques exceeding £50,000 will require two signatures.

4.3 Method Of Payment

Apart from petty cash, payments from the Council will be by cheque, other instrument drawn on the Council's bank account or National Giro account by the Chief Finance Officer, or by the use of the Banking Automated Clearing System (BACS).

No direct debit arrangements will be set up on a Council's bank account without the authorisation of the Chief Finance Officer.

4.4 Invoices

4.4.1 A Service Manager issuing an order will be responsible for verifying and certifying the invoice(s) and similarly for any other payment voucher or account from within the Service. The certification must be in manuscript by, or on behalf of the Service Manager. A list of officers authorised to sign these records will be sent to the Head of Paid Service by each Service Manager, together with specimen signatures. Any amendments

to the list will be notified to the Head of Paid Service who will take the necessary action.

4.4.2 Before certifying an account for payment, the officer will be satisfied that:-

- a) the goods to which the invoice relates have been received, examined and approved as to the quality and quantity;
- b) services have been rendered or work carried out satisfactorily;
- c) other payments are correctly due;
- d) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
- e) the expenditure is within the relevant revenue budget, capital budget, or business strategy/financial plan;
- f) the account has not been previously passed for payment, nor is it a trading statement;
- g) the expenditure has been correctly coded and appropriate entries made in inventories, stores, records or stock books;
- h) the account has been compared with and marked off against the copy order.

4.4.3 Certified accounts will be passed without delay to the Chief Finance Officer who will examine them to the extent that he or she considers necessary. He or she will make enquiries and receive such information and explanations as he or she requires.

4.4.4 No amendments will be made to value added tax invoices. All value added tax invoices will be returned to the creditor for any amendment necessary in accordance with value added tax regulations. Amendments to other invoices will be agreed with the creditor and be signed by the employee making the amendment and the reasons (if not self evident) will be stated on the invoice.

4.5 Salaries And Wages

4.5.1 The processing and payment of all salaries, wages and other amounts to employees or former employees is the responsibility of the Chief Finance Officer.

4.5.2 The Chief Finance Officer will be notified as soon as possible and in the form prescribed by him or her, of all matters affecting such payments, and in particular:-

- a) appointments, resignations, dismissals, suspensions, secondments and transfers;
- b) absences from duty for sickness;
- c) changes in remuneration, other than normal increments and pay awards
- d) information necessary to maintain records of service for superannuation, income tax, national insurance and any other required purpose.

4.5.3 All time records or other pay documents will be in the form prescribed or approved by the Chief Finance Officer and will be certified in manuscript by or on behalf of the Head of Service. A list of officers authorised to sign these records will be sent to the Chief Finance Officer by each Service Manager, together with specimen signatures. Any amendments to the list will be notified to the Chief Finance Officer who will take the necessary action.

4.6 Travelling And Subsistence

4.6.1 Using a form approved by the Chief Finance Officer, all certified claims for payment of travel, subsistence allowances and expenses will be submitted to him or her made up to a specified day of each month, within seven days thereof. A list of officers authorised to sign these records will be sent to the Chief Finance Officer by each Service Manager, together with specimen signatures. Any amendments required to the list will be notified to the Chief Finance Officer, who will take the necessary action.

4.6.2 The certifications by or on behalf of the Service Manager will mean that the certifying officer is satisfied that the journeys were authorised, the expense properly and necessarily incurred and that the allowances are properly payable by the Council.

4.7 Members Allowances And Expenses

4.7.1 The Basic, and other Allowances will be paid monthly by the Chief Finance Officer in accordance with the approved scheme of Members Allowances agreed by the Council.

4.7.2 Payments to Members, including co-opted Members of the Council or its Committees who are entitled to claim, travelling

and subsistence allowances or other expenses will be made by the Chief Finance Officer upon receipt of the completed prescribed form. All claims for a financial year are to be submitted within one month of 31st March each year.

5.0 Obtaining Goods or Services

5.1 Orders

5.1.1 Official orders will be in the form approved by the Chief Finance Officer and will be signed only by officers authorised by the appropriate Service Manager who is responsible for orders issued in his or her name and for ensuring that they are kept in a secure place.

5.1.2 Each Service Manager will maintain a list of all persons authorised to sign orders on his or her behalf and a copy of the list will be sent to the Head of Paid Service with specimen signatures. Any amendments to the list will be notified to the Head of Paid Service.

5.1.3 Official orders will be issued for all work, goods or services except for supplies of utility services, periodical payments such as rent or rates, petty cash purchases or such other exceptions as the Chief Finance Officer may approve.

5.2 Verbal Orders

Verbal orders will only be given in cases of urgency and will be confirmed immediately thereafter by the issue of a written order.

5.3 Central Purchasing and Standardisation

Every officer issuing an order will have regard to any policies of the Council on central purchasing and supply and on the standardisation of supplies and materials.

5.4 Value of Orders

5.4.1 The table below summarises the requirements which need to be followed based on the estimated value of the order. Where the estimated value exceeds £50,000 then the Contract Procedure Rules apply.

Contract limits (27/9/07)

Total Value	Award Procedure	Shortlisting
Up to £5,000.00	£1,000 or less – single supplier sufficient. £1,001 - £5,000 – 2 verbal quotes, at higher end best practice of 3 verbal quotations.	Officer
£5,000.01 - £10,000.00	Obtain a minimum of 3 written	Officer and Line

	quotations, evidenced by letter, e-mail etc.	Manager
£10,000.01 - £50,000.00	Obtain a minimum of 3 written quotations. Must be in writing, to originator and on the supplier's headed notepaper. Formal contract conditions apply.	Officer and Line Manager
£50,000.01 - EU Threshold	Full tender procedures apply, to be sent out in accordance with Contract Procedure Rules, replies to Legal Services.	Officer, Line Manager, Legal Services Manager and Procurement Officer
above EU threshold	EU Procedure or, where this does not apply, Invitation to Tender by Advertisement/List to at least six Candidates.	Consult the Legal Services Manager and Procurement Officer

6.0 The Budget Process and Budgetary Control

6.1 The Budget Preparation Process

- 6.1.1 The Chief Finance Officer will prepare a five year revenue and capital plan predicting the likely level of the revenue budgets and Council Tax, and Housing rent levels taking account of central government support and local policy. This report will be periodically updated and annually considered by the Cabinet in advance of the detailed budget preparation process.
- 6.1.2 Guidance will then be given to Corporate Management Team as to the policy of the Council in considering detailed revenue budgets and capital programmes.
- 6.1.3 The format of the capital and revenue budgets will be determined by the Chief Finance Officer consistent with the general directions of the Cabinet and after consultation with the Corporate Management Team.
- 6.1.4 Any proposal for inclusion of a project in the capital programme will be accompanied by a full financial appraisal showing estimated costs and source of funding and associated revenue income and expenditure.
- 6.1.5 Estimates of income and expenditure on revenue and capital accounts, together with a full review of all fees and charges, will be prepared by Service Manager in consultation with the Chief Finance Officer. The Chief Finance Officer will collate the estimates for consideration by Corporate Management Team. After approval they will be referred to the Cabinet by the Chief Finance Officer, on behalf of the Management Team, will then report on the overall position.
- 6.1.6 The Cabinet will consider the impact of the revenue and capital budgets upon the financial resources of the Council and will submit them to the Council for approval with a recommendation of the Revenue budget, Council Tax, Housing Rent level and Capital Programme for the next financial year.

6.2 Authorisation Of Expenditure

- 6.2.1 Any report to a Committee or exercise of a delegated power subject to consultation which would involve expenditure will be accompanied by a report showing the financial implications and available funding.
- 6.2.2 Council approval of the revenue budget confers authority to incur such expenditure, unless the item is subject to prior

approval. No expenditure should be incurred until the restriction is lifted.

- 6.2.3 The inclusion of an item in the capital programme does not provide authority to incur expenditure until a detailed report relating to the scheme including capital and associated revenue costs has been approved by the relevant Service Manager.

6.3 Budgetary Control

- 6.3.1 The Chief Finance Officer will keep the Cabinet informed of the state of the Council's finances.

- 6.3.2 Except for services exposed to competition by CCT legislation and other services of a contracting unit (see paragraph 6.3.8) Service Managers must maintain each management unit and final service budget within the net approved figure in respect of all direct expenditure and direct income of that unit. The exclusions from the approved budget will be management charges and capital financing charges.

Service Manager will be authorised to vire between budgets up to a cumulative limit of £10,000 on any Management Unit and Final Service and subject to appropriate notification to the Chief Finance Officer.

Any further virement beyond this limit would be subject to approval by the Cabinet.

- 6.3.3. Each Service Manager will be responsible for monitoring the budget(s) and/or financial plan under his or her control.

The Service Manager will keep Members informed as to the budgetary position in accordance with the arrangements for notification approved by the Council from time to time, compared with the actual expenditure and income for those services for which he or she is responsible.

- 6.3.4 If during the year a net budget is likely to be overspent, or considerably underspent then a report will be made to the Cabinet, with the Service Manager's recommendations as to the appropriate course of action.

- 6.3.5 A Committee, or Service Manager, in conjunction with the Chief Finance Officer, may incur expenditure which is essential to meet any immediate need created by a sudden emergency, or which is referable to Section 138 of the Local Government Act 1972 and their action will be reported to the next appropriate meeting of the Council.

- 6.3.6 No unspent balances at the year end will be carried forward except with the approval of the Cabinet.
- 6.3.7 Variations to the approved Capital Programme will be referred to the Cabinet to agree the change and any funding implications.
- 6.3.8 All services exposed to competition by CCT legislation and other services of a contracting unit will produce a business strategy and financial plan.
- 6.3.9 Any annual surplus arising from the operations beyond those envisaged in the business strategy and financial plan will be the subject of a report to the Cabinet.
- 6.3.10 Within each financial year, it is important that reports on the financial activities of Contracting Services are taken to the Cabinet and approval sought to changes to the business strategy and financial plan during the year.

6.4 Management Units

- 6.4.1. Service Managers are responsible for the monitoring of the budgets under their control and will ensure that proper charging arrangements are in place to account for services provided to other unit and final service managers.
- 6.4.2. Users and providers of internal support services will agree a statement of the services to be provided.
- 6.4.3. No carry forward of over or under charging will be allowed at the year end.

6.5 Final Accounts

- 6.5.1 A summary of the final accounts and a draft financial statement will be reported to the Council no later than the 30th September each year.
- 6.5.2 The Chief Finance Officer and appropriate Service Manager(s) will report to the Cabinet on the final accounts for the year as soon as practicable after the year end.

7.0 Assets

7.1 Land and Property

The Property Services Manager will maintain a list of all land and property owned by or leased to the Council (except dwellings provided under Housing Acts), recording the holding Committee (if any), purpose

for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted. A list of all dwellings, garages and other property will be maintained by the Property Services Manager.

The Legal Services Manager will have custody of all title deeds under secure arrangements and be responsible for advising the Chief Finance Officer on the completion of any property transactions.

The Chief Finance Officer will be responsible for maintaining an asset register holding current cost values for each asset or group of assets, in accordance with the requirements of the Code of Practice on Local Authority Accounting in Great Britain.

7.2 Insurances

7.2.1 The Chief Finance Officer will arrange all insurance cover and negotiate all claims in consultation with other officers.

7.2.2 Service Managers will notify the Chief Finance Officer as soon as possible of all new risks, properties, plant or vehicles which need to be insured and of any alterations affecting existing insurances.

7.2.3 The Chief Finance Officer in conjunction with Service Managers will be responsible for risk assessments for insurance purposes. Service Managers will be responsible for subsequent implementation.

7.2.4 Service Managers will notify the Chief Finance Officer immediately and in writing of any loss, liability or damage or any event likely to lead to a claim.

7.2.5 All appropriate employees of the Council will be included in a suitable fidelity guarantee insurance.

7.2.6 The Chief Finance Officer will annually, review all insurances in consultation with other Service Manager, as appropriate.

7.2.7 Service Manager will consult the Chief Finance Officer and Monitoring Officer regarding the terms of any indemnity which the Council is requested to give.

7.3 Inventories

7.3.1 Inventories will be maintained by all Service Managers and include a description of all furniture, fittings and equipment, plant and machinery. All inventories will be in a form following guidance by the Chief Finance Officer, and be available for examination by Internal Audit from time to time.

7.3.2 Each Service Manager will be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly. Non property assets having an estimated value of less than £5000 and which are certified by a Service Manager responsible for the particular service as surplus and redundant to the service, may be disposed of by the Chief Finance Officer by a method determined by him or her. Non property assets having an estimated value of above £5000 will be disposed of by tender through public advertisement or by public auction or such other means as the Financial Services Manager approves.

7.3.3 The Council's property will not be removed except in accordance with the ordinary course of the Council's business. Property will not be used for non-Council purposes except in accordance with specific directions issued by the Service Manager. All property owned, or acquired by the Council will, as far as practicable, be effectively marked as Council property.

7.4 Security

7.4.1 Each Service Manager is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc., under his or her control. Service Managers will consult the Chief Finance Officer where security is thought to be defective, or where it is considered that special security arrangements may be needed.

7.4.2 Maximum levels of cash holdings will be agreed with the Chief Finance Officer and will not be exceeded without his or her permission.

7.4.3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of such keys will be reported to the Chief Finance Officer immediately.

7.5 Security Of Data

The Legal Services Manager is responsible for the registration of all information required under the provisions of The Data Protection Act 1998 but each officer is responsible for maintaining the security, privacy and confidentiality of information held in any format in their possession.

7.6 Stocks And Stores

7.6.1 Each Service Manager is responsible for the care and custody of the stocks and stores in his or her Service, and will keep such records as may be necessary to maintain efficient control of the

receipt and issue of such stores. All records and accounts will be in the form approved by the Chief Finance Officer, who in consultation with the Service Manager, may agree that certain items may be excluded from records.

7.6.2 Stocks will not be in excess of normal requirements except in special circumstances.

7.6.3 Each Service Manager will arrange for a continuous stock check throughout the year and will ensure that all stocks are checked at least once a year. All surpluses and deficiencies will be reported to the Chief Finance Officer, together with any relevant information or explanation. Stocks and stores having an estimated value of less than £5000 and which are certified by the Service Manager responsible for the particular service as surplus and redundant to the service, may be disposed of by the Chief Finance Officer by a method determined by him or her. Non property assets having an estimated value of above £5000 will be disposed of by tender through public advertisement or by public auction or such other means as the Financial Services Manager approves.

7.6.3 The Chief Finance Officer is entitled to receive from each Service Manager such information as he or she requires in relation to stores for the accounting and financial records and a signed certificate of the stock in hand at the 31st March each year.

7.7 Disposal of Assets

All surplus assets will be disposed of by competitive tender, unless an officer in accordance with the Scheme of Delegation decides otherwise in a particular case.

8.0 Audit

8.1 Internal Audit

A continuous internal audit, under the independent control and direction of the Head of Paid Service, will be arranged to examine, review and appraise:-

- (i) The extent to which the Council's assets are accounted for and safeguarded from losses of all kinds;

(ii) The effect and extent of the compliance with the established financial policies, procedures and the Finance Code of Practice;

(iii) The relevance and effectiveness of financial and other controls.

8.2 Right Of Access

The Head of Paid Service, his or her authorised representative, or the Chief Finance Officer acting in his or her capacity as Section 151 Officer to the Council, will have authority to:-

8.2.1 enter at all reasonable times on any Council premises or land, which are owned or leased,

8.2.2 have access to all records, documents and correspondence relating to any financial and other transactions of the Council'

8.2.3 require and receive such explanations as are necessary concerning any financial matter under examination;

8.2.4 require any employee of the Council to produce cash, stores or any other Council property under their control.

8.3 Theft and Irregularities

Wherever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council, or any suspected irregularity in the exercise of the functions of the Authority, the Service Manager concerned will forthwith notify the Head of Paid Service and he or she will take steps as he or she considers necessary by way of investigation and report.

8.4 External Audit

The Internal Auditor in consultation with the Cabinet Member (Resources) will agree the external auditor's programme work for each year.

The External Auditor will periodically report progress of the audit programme and annually present a management letter to the Scrutiny Committee for approval.

9.0 Performance Indicators

9.1 Each Service Manager will be responsible for ensuring that arrangements are in place within their Service to comply with and

produce information to meet the requirements of the Performance Indicators as laid down by the Audit Commission.

- 9.2 The Head of Paid Service will be responsible for collecting the data and publishing the verified information in accordance with Audit Commission guidelines.

Contract Procedure Rules

1.0 General Provisions

- 1.1 Every contract made by the Council or by a Committee, Working Party or officer acting on their behalf shall comply with the EEC Treaty and with any relevant Directives of the EEC for the time being in force in the United Kingdom and, except as hereinafter provided, this standing order.
- 1.2 It shall be a condition of any contract between the Council and any person (not being an officer of the Council) who is required to supervise a contract on their behalf that, in relation to such contract, he shall comply with the requirements of this standing order as if he were a Service Manager of the Council.
- 1.3 Exemption from any of the following provisions of this standing order may be made by direction of the Council, a Committee or Working Party duly authorised in that behalf, an officer of the Council duly authorised in that behalf, where they or he, are or is satisfied that the exemption is justified in special circumstances.
- 1.4 Members shall be informed in accordance with the arrangements for notification approved by the Council from time to time of the circumstances of every exemption made by a Committee or by an officer.
- 1.5 A record of any exemption made in accordance with 1.3 above shall, if not made in the minutes of the Council, be made in the minutes of the relevant meeting.

2.0 Invitation of Tenders

- 2.1 Where the estimated value or amount of a proposed contract costs more than £50,000, and in any other case where the Council or appropriate Committee determine, tenders shall be invited in accordance with either paragraph 2.2, 2.3 or 2.4

2.2.0 SELECT TENDERING - AD HOC LIST

- 2.2.1 This paragraph shall apply where the Council, Committee, Working Party or officer duly authorised in that behalf, have decided that invitations to tender for a contract are to be made to some or all of those persons or bodies who have replied to a public notice.

2.2.2 For the purposes of this paragraph, public notices shall be given:

2.2.2.1 in at least one local newspaper, and

2.2.2.2 where the estimated amount or value of the contract exceeds £50,000 in at least one newspaper or journal circulating among such persons or bodies who undertake such contracts, and

2.2.2.3 at the discretion of the Council, Committee Working Party or Officer, to all or a selected number of persons or bodies named in the list maintained under paragraph 2.3

2.2.3 The public notice shall:-

2.2.3.1 specify details of the contract into which the Council wish to enter,

2.2.3.2 invite persons or bodies interested, to apply for permission to tender, and

2.2.3.3 specify a time limit, being not less than 14 days, within which such applications are to be submitted to the Council.

2.2.4 After the expiry of the period specified in the public notice invitation to tender for the contract shall be sent to:-

2.2.4.1 not less than 4 of the persons or bodies who applied for permission to tender, selected by the Council, Committee or Working Party or officer of the Council duly authorised in that behalf or –

2.2.4.2 where fewer than 4 persons or bodies have applied or are considered suitable, those persons or bodies which the Council, Committee or Working Party or officer of the Council duly authorised in that behalf consider(s) suitable.

2.3.0 SELECT TENDERING – STANDING LIST

2.3.1 This paragraph shall apply where the Council, Committee or Working Party or officer of the Council duly authorised in that behalf, have decided that invitations to tender for a contract are to be limited to those persons or bodies whose names shall be included in a list compiled and maintained for that purpose.

2.3.2 The list shall:

- 2.3.2.1 be compiled and maintained by the Council, Committee or Working Party or officer of the Council duly authorised in that behalf.
 - 2.3.2.2 contain the names of all persons or bodies who wish to be included and who are approved by the Council, Committee or Working Party or officer of the Council duly authorised in that behalf; and
 - 2.3.2.3 indicate in respect of a person or body whose name is so included, the categories of contract and the values or amounts in respect of those categories for which approval has been given.
- 2.3.3 At least 4 weeks before a list is first compiled, notices inviting applications for inclusion in it shall be published:
- 2.3.3.1 in at least one local newspaper; and
 - 2.3.3.2 in at least one newspaper or journal circulating among such persons or bodies as undertake such contracts.
- 2.3.4 The list shall be reviewed at least every three years.
- 2.3.5 Invitations to tender for a contract shall be sent to:
- 2.3.5.1 not less than 4 of those persons or bodies selected by the Council, Committee or Working Party or officer of the Council duly authorised in that behalf, from among those approved for a contract of the relevant category and amount or value, or
 - 2.3.5.2 where fewer than 4 persons or bodies are approved for a contract of the relevant category and amount or value, all those persons or bodies.
- 2.4.0 SELECT TENDERING – OPEN TENDERING
- 2.4.1 This paragraph shall apply where the Council, Committee or Working Party or officer of the Council duly authorised in that behalf, have decided that tenders for a contract are to be obtained by open competition.
- 2.4.2 At least 14 days public notice shall be given in one or more local newspapers and also, wherever the values of the contract exceeds £50,000 in one or more newspapers or journals circulating among such persons or bodies as undertake such contracts. The notice shall express the nature and purpose of the contract, state where further details may be obtained, invite

tenders for its execution and state the last date and time when tenders will be received.

3.0 Dealing with Tenders

- 3.1 The receipt, custody and opening of tenders shall be dealt with in the manner prescribed by the Monitoring Officer in consultation with the Group Leaders.
- 3.2 A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall only be accepted by the Cabinet, having considered a report by the appropriate officer or other authorised person (save where otherwise permitted by the Council's Scheme of Delegation).

4.0 Post Tender Matters

- 4.1 A register of all contracts placed by the Council shall be kept and maintained by such officer or officers as the Council may determine. Such register shall for each contract, specify the name of the contractor, the works to be executed or the goods to be supplied and the contract value. The register shall be open to inspection by any Member of the Council.

Nominated Sub-Contractors and Suppliers

- 4.2 Where a sub-contractor or supplier is to be nominated to main contractor, the following provisions shall have effect:
 - 4.2.1 Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier does not exceed £10,000 then, unless the appropriate Chief Officer is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, tenders shall be invited for the nomination.
 - 4.2.2 Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by a nominated supplier is £10,000 or more then, unless the Council, Committee, Working Party or Officer duly authorised in that behalf determine in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, tenders shall be invited in accordance with Section 2 of this Code.
 - 4.2.3 The provisions of Sections 3 and 4.1 shall apply to tenders received under this paragraph.

Contract Conditions

- 4.3 Every contract which exceeds £10,000 in value or amount shall:
- 4.3.1 be in writing and signed by an officer of the Council duly authorised in that behalf;
 - 4.3.2 specify the goods materials or services to be supplied and the work to be executed; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties, and
 - 4.3.3 In appropriate cases, where a contract exceeds £50,000 in amount or value, provide for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified.
 - 4.3.4 The Council may also require a contractor to give sufficient security for the due performance of any contract.
- 4.4 Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standards Specification or Code of Practice.
- 4.5 There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have failed to comply with the provisions of or committed any offence under the Public Interest Disclosure Act 1998 or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act, 1972.
- 4.6 There shall be inserted into every written contract a clause requiring contractors to comply with and have regard to the Council's policies in

respect of whistleblowing, health and safety, anti fraud, diversity and equality.

5.0 Contracts for Building, Constructional or Engineering Works

- 5.1 The Head of Paid Service shall arrange for the keeping of a contract register or registers to enable the Head of Paid Service or Monitoring Officer to monitor the state of account on each contract between the Council and contractors, including monitoring of payment of professional fees and all payments made on each contract.
- 5.2 Payments to contractors on account of contracts shall be made only on a certificate issued by the architect or engineer (or private architect, engineer or consultant where engaged by the Council) as appropriate, or other officer nominated by the Head of Paid Service in writing for the purpose.
- 5.3 Subject to the provisions of the contract in each case, every extra or variation, shall, unless otherwise evidenced to his satisfaction, be authorised in writing by the architect or engineer (or private architect, engineer or consultant) as may be appropriate or other officer nominated by the Head of Paid Service in writing for the purpose.
- 5.4 Any such extra or variation, the estimated additional cost of which exceeds £10,000 and which cannot be met from within the Contract sum, shall be reported to the Chief Finance Officer who will advise Members as part of budget monitoring.
- 5.5 Subject to the requirements of the Contract, the final payment certificate of any Contract shall not be issued until the appropriate officer or consultant has produced to the Head of Paid Service a detailed statement of account, and all relevant documents if required.
- 5.6 The Head of Paid Service, shall, to the extent he considers necessary, examine final accounts for contracts and he shall be entitled to make all such enquiries and receive such information and explanations as he may require in order to satisfy himself as to the accuracy of the accounts.
- 5.7 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Legal Services Manager Services for consideration of the Authority's legal liability and to the Chief Finance Officer for financial consideration before a settlement is reached.
- 5.8 Where completion of a contract is delayed beyond the end of the approved contract period, it shall be the duty of the Head of Paid Service, or other appropriate Service Manager to take appropriate action in respect of any claim for liquidated damages and to report his

action in accordance with the arrangements for notification approved by the Council from time to time.

- 5.9 In any case, where the total cost of any work carried out under a contract, exceeds by more than 5% the approved contract sum, (after allowing for pay and price increases), a report of such cost shall, after agreement of the final account, be made in accordance with the arrangements for notification approved by the Council from time to time.

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

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

(b) Seeking support for appointment.

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service and chief officers

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

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

- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of head of paid service**

- (a) The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one Member of the Cabinet.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any Member of the Cabinet.

4. **Appointment of chief officers and deputy chief officers**

- (a) A Committee, Sub-Committee of the Council or head of paid service if authorised to do so will appoint chief officers and deputy chief officers. That Committee or Sub-Committee must include at least one Member of the Cabinet.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any Member of the Cabinet has been received.

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such

involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.