



# **STANDING ORDERS**

**REVISED JULY 2008**

*(In case of any conflict of interpretation between these Standing Orders and the Constitution, the Constitution will take precedence.)*

*(Please retain for future reference)*

## STANDING ORDERS – APPENDIX A

### REDDITCH BOROUGH COUNCIL

#### STANDING ORDERS

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# **REDDITCH BOROUGH COUNCIL**

## **PART I**

### **STANDING ORDERS**

#### **A. STANDING ORDERS DEALING WITH THE PROCEDURE AT MEETINGS OF THE FULL COUNCIL**

##### **1. MEETINGS OF THE COUNCIL**

The Annual Meeting of the Council and other meetings of the Council shall be held at the Town Hall on such dates and at such times as may be fixed by the Council. In exceptional circumstances the date of a meeting can be changed by the Borough Director, in consultation with the Mayor.

##### **2. ELECTION OF MAYOR AND LEADER / DEPUTY LEADER AND APPOINTMENT OF DEPUTY MAYOR OF COUNCIL**

- 1) The Mayor shall be elected and the Deputy Mayor shall be appointed at the Annual Meeting.
- 2)
  - (a) The Council shall elect, from the Members of the Council, a Leader of the Council and a Deputy Leader of the Council, such appointments to be made at the Annual Meeting. The Council may at any time replace the Leader and/or Deputy Leader and elect another Member in their place.
  - (b) In the event of a resignation or vacancy in the Office, the Council shall at its next meeting elect another Member to the vacated Office.
  - (c) Any political party represented on the Council may appoint a Leader and a Deputy Leader of that party from time to time and, on notification of the name of such persons in writing to the Borough Director, such persons shall be so recognised by the Council.

##### **3. PERSON PRESIDING AT MEETINGS OF THE COUNCIL**

- 1) Subject as mentioned below, the Mayor shall preside at any meeting of the Council.
- 2) In the absence of the Mayor, the Deputy Mayor shall preside.
- 3) Subject to paragraph 3(5), in the absence of the Mayor and Deputy Mayor, any of the Mayor's powers and duties shall be exercisable by any Member appointed by a meeting to preside at the meeting.

- 4) A Member shall be appointed to preside at a meeting if:
  - a) it is moved by another Member that he/she shall take the Chair, and
  - b) a motion to that effect and any amendments are put to the meeting, voted upon, and he/she is appointed to take the Chair in accordance with Standing Orders 16 and 17 (Voting / Voting on Appointments).
- 5) In the absence of the Mayor and Deputy Mayor, it shall be for the Proper Officer to call for nominations to take the Chair, exercise the powers of the person presiding to regulate any discussion that arises and maintain order at the meeting until a Member shall be appointed to take the Chair.
- 6) Hereafter, for the purposes of these Standing Orders, a reference to the Mayor shall be deemed to be a reference to the Mayor or, in his/her absence, the Deputy Mayor or, in both their absence, the person appointed to preside at the meeting in accordance with this Standing Order.

#### **4. QUORUM**

- 1) If, during any meeting of the Council, the Mayor, after counting the number of Members present, declares that there is not a quorum, the meeting shall be adjourned for fifteen minutes. (The quorum shall be at least one quarter of the whole number of Members of the Council unless more than one third of the Members become disqualified, when different rules apply (Local Government Act 1972, Schedule 12, Part VI, Paragraph 45).)
- 2) If after fifteen minutes the Mayor, after having caused the number of Members present to be counted again, declares that there is still no quorum, the meeting shall end.
- 3) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if a time is not fixed, to the next ordinary meeting of the Council.
- 4) If, at the time fixed for commencement of a meeting of a Committee or Sub-Committee, neither the Chair or Vice-Chair are present, the commencement of the meeting shall be put back for a period of up to 15 minutes after which time the meeting shall proceed to elect an interim Chair pending the arrival of the duly appointed Chair or Vice-Chair. On arrival of the Chair or Vice-Chair he/she shall assume the Chair for the remainder of the meeting.

#### **5. ORDER OF BUSINESS**

1. Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
  - A. Procedural / Statutory matters:
    - (a) To choose a person to preside if the Mayor and Deputy Mayor are absent.

- (b) To record Declarations of Interest. Members should clearly state the nature of their interest(s) and whether or not they are prejudicial.
- (c) To deal with any business required by statute to be done before any other business.
- (d) To approve as a correct record and sign the Minutes of the last meeting of the Council. (Where, in relation to a meeting of the Council, the next meeting called is an extraordinary meeting, the minutes of the Council may be confirmed at the next following ordinary meeting.)
- (e) To deal with any business expressly required by statute.

B. Items likely to be of significant Public Interest

- (f) To deal with items most likely to be of public interest including, if relevant, early consideration of Executive Recommendations which would otherwise be considered later on the agenda under C below.
- (g) Communications and Mayor's announcements.
- (h) To answer Questions asked by Council Members, and/or Members of the Public under Standing Order 8.
- (i) To consider Notices of Motion in the order in which they have been received.
- (j) To receive and consider Petitions and/or Deputations in accordance with Standing Orders 49, 50 and 51.

C. Matters likely to be of less significant interest to the public

- (k) Where a meeting has been called to consider a financial report from the Borough Director under Section 114 of the Local Government Finance Act 1988 or a report of the Monitoring Officer under Section 5 of the 1989 Act, to consider the business for which the meeting has been summoned.
- (l) To receive and consider recommendations of Committees, and other reports or minutes of Committees.
- (m) To deal with any Urgent Business arising under Section 100(B)(4)(b) of the Local Government Act 1972 and to pass any resolutions as may be deemed necessary.
- (n) To authorise the sealing of documents.
- (o) Other business, if any, specified in the summons.

## Variation of Order of Business.

- 2) Business falling under items 1 A (a), (b), (c), (d) or (e) above, shall not be displaced, but with this exception the above order of business may be varied:
  - (a) at the Mayor's discretion;
  - (b) by a resolution passed on a Motion (which need not be in writing) duly moved and seconded, which shall be voted on without discussion;
  - (c) if the Mayor decides that an item of business not included in the agenda may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraphs (a) and (b) above, be taken at the end of the other items of business.

## **6. NOTICES OF MOTION**

### Scope of motions.

- 1) Every Motion shall be relevant to the Council's Policy Framework Plans and/or the Budget Framework or some matter in relation to which the Council has powers or duties or which affect the Borough, or some or all of its residents.
- 2) Except as provided by Standing Order 7, every Notice of Motion shall be in writing, signed by the Members who move and second the Motion and delivered at least 9 clear working days before the next meeting of the Council to the Borough Director.

***For the purpose of avoiding potential conflict of interest, no Motions under Standing Order 6 are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering a Motion), or meetings which fall within a formal Election period.***

- 3) The Borough Director shall keep available for inspection for all Members a register or book of such Notices of Motions which shall record the date and order in which they were received. The Borough Director shall also provide the Mayor with copies of all such motions and shall have the power, after receiving appropriate advice from the Monitoring Officer, to:-
  - (a) seek appropriate amendments from the proposer of the Motion, so as to ensure that the same fully complies with and legal and/or constitutional aspects; and



- (b) in the event that the proposer of the Motion is unable to agree any appropriate amendments, to ensure full compliance with and legal and/or constitutional aspects, disallow the same and in such event, the proposed Motion will not appear on the summons for the Council meeting.

Motions to be set out in Summons.

- 2) The Borough Director shall set out in the Summons for every meeting of the Council all Motions of which notice has been given in the order in which they have been received stating the name of mover and seconder, unless the Member giving such a notice intimated in writing, when giving it, that it was proposed to move it at some later meeting, or has since withdrawn it in writing.

Motion not moved.

- 3) If a motion set out in the summons is not moved by or on behalf of a Member who proposed and seconded it, it shall, unless postponed by consent of the Council, be read as withdrawn, and not be moved without fresh notice.
- 4) If, at any time during the debate on any motion before the Council it appears to the Mayor that the motion (in its original, modified or amended form) would, if carried:-
- (a) have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council; or
  - (b) involve capital expenditure not provided for in the Council's approved capital budget; or
  - (c) involve aspects that have not been considered in any detail by the Executive,

the Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.

- 5) For the avoidance of doubt, no motion or amendment will be permitted by the Mayor to be moved or seconded if the effect of the same, if carried, would be to limit the statutory powers and responsibilities of the Executive, Overview and Scrutiny or Regulatory Committees.

## **7. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

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

- 1) To appoint a Chair of the meeting at which the Motion is made in the absence of the Mayor or Deputy Mayor.
- 2) Motions relating to the accuracy of the Minutes.
- 3) To vary the order of business in accordance with Standing Order 5(2).
- 4) To remit any item of business to the Executive or to a Committee
- 5) To appoint a Committee or its Members, arising out of an item mentioned in the Summons to the meeting.
- 6) To adopt reports and recommendations of Committees or Officers and any consequent resolutions.
- 7) That leave be given to withdraw a motion.
- 8) To extend the time limit for speeches.
- 9) To amend motions.
- 10) That the Council proceed to the next business.
- 11) That the question be now put.
- 12) That the debate be now adjourned.
- 13) That the Council now adjourn.
- 14) To authorise the sealing of documents.
- 15) To suspend Standing Orders in accordance with Standing Order XXX.
- 16) To exclude the public under Section 100(A)(4) of the Local Government Act 1972
- 17) That a Member named under Standing Order 13 be not further heard or do leave the meeting.
- 18) That a Member be invited to remain under Standing Order 19.
- 19) That the consent of the Council be given where the consent of the Council is required by these Standing Orders.

## 8. QUESTIONS

### A. Leader's Question Time

Every Council agenda shall include a standard item to permit the submission of questions to the Council Leader from members of the public, or Members of the Council, without further qualification.

***For the purpose of avoiding potential conflict of interest, no Leader's Questions under Standing Order 8 are permitted for any of the "exceptional" meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council, or meetings which fall within a formal Election period.***

- 1) Questioners may, if 9 clear working days' notice in writing has been given to the Borough Director, ask the Leader of the Council any question on any matter in relation to which the Council has powers or duties or which affects the Borough.
- 2) A list of all **qualifying** questions received by the deadline shall be published in the agenda for the meeting. The Leader will normally take the questions in the order received, but shall have the discretion, prompted by his judgement of the likely public interest, to vary the order of the questions.
- 3) The proposer of a question shall be requested to attend the Council meeting at which the question will be addressed.
- 4) The Leader may choose not to respond to repeated questions or to any he considers frivolous or, in his judgement, unacceptable for any reason (and he shall provide the reason).
- 5) Written responses shall be provided to any questions which remain unanswered at the meeting (in which case a copy of the response will be circulated to all Members of the Council for their information).
- 6) Every Question shall be put and answered without interruption.
- 7) An answer may take the form of:-
  - (a) a direct oral answer, or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication, or
  - (c) where the reply to the question cannot conveniently be given at the meeting, a written answer will be provided (and a copy circulated to all Members of the Council for their information).

### Time limits for questions

- 8) A maximum of 15 minutes will be permitted for the posing and response to questions.

**A maximum of 5 minutes will be allowed for each individual question and response. Any extension or variation of time limits will be entirely at the Mayor's discretion. *Supplementary Questions are not permitted.***

#### **B. Questions relating to Reports or Minutes of Committee:**

Separately from A. above, a Member of the Council may, without prior notice, ask the Leader of the Council, Portfolio Holder, or Chair of a Committee, any question upon a report or minutes of a Committee when that item is under consideration by the Council. ***However, Questions should be directly relevant to the business the subject of report, and not intended to raise new matters for discussion. They should be directed to the Member who presided at the meeting in question.***

#### **C. Questions relating to powers or duties:**

- 1) A member of the Council may:-
- (a) if 9 clear working days' notice in writing has been given to the Borough Director, ask the Mayor, a Portfolio Holder, or the Chair of any Committee any question on any matter in relation to which the Council has powers or duties or which affects the Borough, save that questions asked under A. above may not be repeated here;  
  
***The restrictions detailed at A above as to suspension of Questions at "extraordinary" Council meetings, etc. shall also apply in this case.***
  - (b) without notice, but with the permission of the person chairing the Council, or Executive Committee meeting, ask a Member any Question relating to any decision taken as Urgent Business under Standing Order 36; but a copy of any such Question shall, if possible, be delivered to the Borough Director at his/her office not later than 10 a.m. on the day of the meeting.
- 2) Every Question shall be put and answered without discussion.
- 3) An answer may take the form of:-
- (a) a direct oral answer, or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication, or

- (c) where the reply to the question cannot conveniently be given at the meeting, a written answer will be circulated to all Members of the Council.

#### Time limits for questions

- 4) A maximum of 15 minutes will be permitted for the posing, response to, and subsequent further questions from Members.

A further maximum period of 15 Minutes will be extended to members of the Public who wish to ask questions, subject to the same further time limits as detailed above.

Any extension or variation of time limits will be entirely at the Mayor's discretion.

### **9. MINUTES**

- 1) The Mayor shall move the motion that the Minutes of the meeting of the Council held on the .....(day) of .....(month) be approved as a correct record.
- 2) **No discussion shall take place upon the minutes of meetings of the full Council, 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 dealt with, the Mayor shall sign the minutes.
- 3) The Mayor, or relevant Chair, shall move the motion that the minutes of the meeting of the ..... Committee be received and any recommendations contained within them be adopted.
- 4) Subject to any further matters being raised upon the minutes under consideration, the Council shall:
  - a) make such further resolutions as it sees fit on matters which fall within its powers;
  - b) make such further recommendations as it sees fit back to the Executive, or other, Committee on matters which fall within the powers of such Committee;
  - c) defer specified items of exempt business for later consideration after the Exclusion of the public.

## 10. **RULES OF DEBATE FOR COUNCIL AND COMMITTEE MEETINGS**

These rules shall also apply, subject to the Chair's discretion in their application, to Committee meetings.

### Motions and Amendments.

- 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 6, it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.
- 2) A Member shall raise his/her hand when wishing to speak and, when speaking, address the Mayor. If two or more Members wish to speak, the Mayor shall call on one to speak; the other or others shall then wait for their turn as indicated to them by the Mayor. While a Member is speaking, the other Members shall remain silent, unless raising their hand to indicate a point of order or offering a personal explanation.

### Content and length of speeches.

- 3) Members shall direct their speeches to the question under discussion or to a personal explanation or to a point of order.

No speech in relation to the mover of a motion shall exceed five minutes or, in relation to the prime speaker per political Group (such prime speaker to be designated by the Leader of the relevant Group), exceed four minutes, or in relation to any other Member, exceed two minutes unless the Mayor rules that it may continue.

### **When a Member may speak again.**

- 4) A Member who has spoken on any motion, or an amendment to a motion, shall not speak again whilst it is the subject of debate, except:-
  - (a) if the motion has been amended since the Member last spoke, to move and/or speak on a further amendment;
  - (b) in exercise of a right of reply given by paragraph (10) or (12) of this Standing Order;
  - (c) on a point of order;
  - (d) by way of personal explanation.

### Amendments to Motions.

- 5) Any amendment shall be relevant to the motion and shall be accepted (at the discretion of the Mayor) as long as it is not a direct negative to the motion.
- 6) 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 dealt with. The motion and any amendment are then before the meeting for debate at the same time.
- 7)
  - (a) At the conclusion of the debate the mover of the motion can reply to the debate. The mover in so doing shall not introduce any extra matter that has not been part of the debate.
  - (b) The amendment is then put to the vote.
  - (c) If an amendment is lost, the original motion is then put to the vote without further debate, unless notice has been given of further amendments, in which case the process recommences from 6) above.
  - (d) If an amendment is carried, the original motion is deemed to have been lost and the amendment becomes the substantive motion.
  - (e) The motion can only be challenged further at this point if a Member during the initial debate and before any vote is taken has given notice of moving a further amendment, in which case the further amendment is required to be moved and seconded.
  - (f) If the further amendment is moved and seconded the motion and further amendment are then before the meeting for debate at the same time and the process thereafter is as contained in paragraphs (a) to (e) above.

### Alteration to motion.

- 8) A Member may, with the consent of the Council and without discussion:-
  - (a) propose the alteration of a motion of which notice has been given, or
  - (b) with the further consent of the seconder, alter a motion which has been moved if (in either case) the alteration is one which could be made as an amendment.

### Withdrawal of motion.

- 9) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, 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 has been refused.

### Right of Reply.

- 10) The mover of a prime motion has a right of reply which shall not exceed 5 minutes (to sum up, but not introduce any extra matter not part of the debate) at the close of the debate on the motion immediately before it is put to vote. The mover of an amendment shall have no right of reply to the debate on the amendment.

### Procedural Motions which may be moved during debate.

- 11) When a motion is under debate no other motion shall be moved except the following procedural motions which the Chair will put to the meeting immediately without debate (if moved and seconded):-
- (a) to amend or postpone consideration of the motion;
  - (b) to adjourn the meeting to another date;
  - (c) to adjourn the debate for a period of time after which the debate and meeting shall resume;
  - (d) to proceed to the next business;
  - (e) that the question be now put;
  - (f) that a Member be not further heard (= not allowed to speak again) on the item under debate;
  - (g) by the Mayor under Standing Order 13(2) that a Member leave the meeting;
  - (h) a motion under Section 100 (A)(4) of the Local Government Act 1972 to exclude the public;
  - (i) to re-admit the public;
  - (j) to suspend Standing Orders;
  - (k) that the consent of the Council be given where the consent of the Council is required by these Standing Orders (e.g. to extend time limits, to withdraw motions, etc.)

(In relation to (h), (i) and (i) above, the purpose of such proposal must be clearly indicated, and advice given by the Borough Director and/or Monitoring Officer, before a vote is taken on such a motion).

### Closure motions.

- 12) A Member may move without comment at the conclusion of a speech of another Member "That the Council proceed to the next business", "that the question be now put", "that the debate be now adjourned" or "that the Council now adjourn", on the seconding of which the Mayor shall proceed as follows:-



- (a) on a motion to proceed to next business: unless it is considered by the Mayor that the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion to proceed to next business and, if it is passed, then give the mover of the original motion the right of reply under paragraph (10) of this Standing Order before putting the original motion to the vote;
- (b) on a motion that the question be now put: unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor 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 the right of reply under paragraph (10) of this Standing Order before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if, in the Mayor's opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of order / Personal Explanation.

- 13) A Member may raise his/her hand on a point of order or personal explanation and shall be entitled to be heard immediately at the Mayor's discretion.

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall give an indication of the Standing Order or statutory provision and the way in which he/she considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by that person which may appear to have been misunderstood in the present debate and shall last for no more than two minutes.

- 14) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair.

- 15) Whenever the Mayor speaks during a debate, a Member then speaking, and the other members of the Council, shall be silent.

**11. MOTIONS AFFECTING PERSONS WHERE FREEDOM OF INFORMATION CONSIDERATIONS OR EXEMPT INFORMATION APPLY**

If any question arises at a meeting of the Council (or of a Committee to which the Local Government Act 1972 applies by virtue of Section 100A and Schedule 12A "Exempt Information") such question shall not be the subject of discussion until the Council or Committee has decided whether or not the power of exclusion of the public, or Freedom of Information exemptions, shall be applied.

## **12. MOTION ON EXPENDITURE**

Any motion which would, if carried, have the effect of increasing expenditure on any service, reducing revenue or involving capital expenditure shall be subject to the provisions contained in Standing Order 41.

## **13. DISORDERLY CONDUCT**

- 1) If at a meeting any Member of the Council, in the opinion of the Mayor, is guilty of misconduct by disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor 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. This resolution shall, subject to any further misconduct by the Member in question, have effect for the duration of the item under debate.

Continuing misconduct by a named Member.

- 2) If the Member named continues this misconduct after a motion under the paragraph above has been carried, the Mayor may:-

EITHER move “that the Member named leave the meeting” (in which case the motion shall be put and voted upon without seconding or discussion);

OR adjourn the meeting of the Council for such period as the Mayor considers necessary to resolve the situation.

General Disturbance.

- 3) In the event of general disturbance which, in the opinion of the Mayor, renders the continued dealing with the Council Meeting’s business impossible, the Mayor, in addition to any other power vested in him/her, may, without the question being put, adjourn the meeting of the Council for such period as the Mayor considers appropriate.

## **14. DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting, the Mayor shall give a warning. If that person continues the interruption, the Mayor shall order the individual’s removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public, the Mayor shall order the Public to leave the room and shall adjourn the meeting until the general disturbance has ended, after which time the Mayor shall reconvene the meeting.

## **15. CHANGES TO PRECEDING RESOLUTION**

- (a) This Standing Order shall apply to any motion which has been expressly approved or any motion or amendment expressly, or by implication, rejected by a resolution passed within the preceding 6 months.

- (b) Subject to (c) and (d) below, no motion which has the effect of changing or altering any such resolution referred to in (a) above, and no motion or amendment which has the same effect as any motion or amendment which was expressly or by implication previously rejected by such resolution referred to in (a) above, shall be moved unless notice is given under Standing Order 6 which bears the names of at least 6 Members of the Council.
- (c) The provisions of (b) do not apply in relation to any motion or amendment having any of the effects referred to moved in relation to a report considered by a Committee or to the recommendation of a Committee.
- (d) The provisions of (b) do not apply to procedural motions.

## **16. VOTING**

Voting at meetings of the Council shall, unless otherwise required by law, be determined by a show of hands and/or by the use of vote recording apparatus. However, on the request of any Member of the Council made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each Member present and voting gave their vote. The name of any Member present but not voting shall also be recorded.

Immediately after a vote is taken at a meeting, if any Member requires, it shall be recorded in the Minutes of that meeting whether that Member cast his/her vote for or against the question or whether he/she abstained from voting.

## **17. VOTING ON APPOINTMENTS**

Where more than two persons are nominated for any appointment to be filled by a Member of the Council and, at the vote\*, no person has a majority of votes, the person having the least number of votes shall be eliminated. Then there shall be a further vote and, after such further vote, the person with the majority of votes shall be appointed. But if no person gains a majority of votes, the process shall be repeated until a majority is achieved.

## **18. RECORDS OF ATTENDANCE**

The name of every Member of the Council attending a meeting of the Council, or of any of its Committees, Sub-Committees, Panels, etc. shall be recorded and be available for inspection by the public.

## **STANDING ORDERS RELATING TO MEMBER AND OFFICER INTERESTS AND CONDUCT**

### **19. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

- (a) If any member of the Council has any personal and prejudicial interest within the meaning of Section 81 of the Local Government Act 2000 in any contract, proposed contract, or other matter, that Member must, ***subject to the terms of the new Code of Conduct (adopted with effect from 3rd May 2007)*** declare the fact and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council unless:-
- (i) dispensation to participate in consideration of the matter has been granted by the Council's Standards Committee; or
  - (ii) the contract, proposed contract, or other matter is under consideration by the Council as part of the submission of minutes of a Committee and is not itself the subject of debate.
- (b) Any Member who has a personal interest, as defined in the Members' Code of Conduct, in any matter shall, as soon as they acknowledge the fact, disclose that interest but may remain, speak and vote unless the interest is prejudicial in which case, subject to the terms of the new Code of Conduct (adopted with effect from 3rd May 2007), the Member must leave the room.

Involvement in the affairs of another public body or voluntary association etc., by a Member who has been appointed purely as a representative of the Council shall not (in the absence of any other relevant considerations) be construed as a prejudicial interest. In that situation the Councillor should disclose the interest but may remain and participate fully in the meeting.

### **20. INTEREST OF OFFICERS IN CONTRACTS**

- 1) If any Council employee becomes aware that he/she has a disclosable interest in any contract which has been or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the Council or any Committee or Sub-Committee, and which (in either case) is not:
- (a) their contract of employment;
  - (b) their tenancy of a dwelling provided by the authority; or
  - (c) a contract of which he/she would have to give notice under Section 117 of the Local Government Act 1972, or successor statutory provision,

he/she shall, as soon as practicable, declare an interest in writing to the Proper Officer.

- 2) For the purposes of this Standing Order, a disclosable interest is an interest that, if the employee were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she were present, he/she would have to disclose, under the relevant statutory provisions.
- 3) The Borough Director shall keep a record of any notice given by an Officer of the Council of a personal and prejudicial interest in a contract, and the book shall be open during office hour for inspection by Members.
- 4) Where an Officer submits a report to a meeting on a matter in which he/she has declared any such interest or paragraph (1), he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- 5) Where any Officer orally advises a meeting of the Council, a Committee or a Sub-Committee on a contract, grant, proposed contract or other matter and has declared a personal and prejudicial interest in that matter, he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

## **21. REGISTER OF INTERESTS**

Following election to the Council, and within one month of accepting office, Members must give notice to the Proper Officer detailing any general interests; such notice will remain in force for as long as he/she continues to be a Member or until the Member revises the information and a record of Members' interests shall be kept in a book for that purpose by the Borough Director. Members must update the register within one month of any changes to their personal details.

## **22. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- 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. Details of this paragraph of the Standing Order must be included in every advertisement inviting applications for appointments or in any form of application.
- 2) A member of the Council shall not canvass for any persons on any appointment under the Council, but this shall not preclude a Member from giving a reference of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

## **23. RELATIVES OF MEMBERS OR OFFICERS**

- 1) A candidate for any appointment under the Council who knows that he/she is related to any Member or Officer of the Council must declare that relationship when applying. A candidate who fails to disclose such a relationship shall be disqualified from the appointment and, if appointed, shall be liable to dismissal without notice.

Every Member and Officer of the Council shall disclose any relationship known to exist between that person and any person known to be a candidate for an appointment under the Council.

- 2) Details of this Standing Order shall be included either in every advertisement inviting applications for appointments or in any form of application.
- 3) For the purpose of this Standing Order persons shall be considered to be related if they are husband and wife or common law partners, if either of them, or the spouse of either of them, is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

## **24. EMPLOYMENT MATTERS**

### Filling of Vacancies

- 1) All Council employment vacancies shall be advertised in accordance with the Council's recruitment and selection policy, except where allowed for in the Change Management Strategy current at the time.

However, where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, one of the former applicants may be appointed.

- 2) When a vacancy arises in the position of Borough Director, the Council shall decide whether the post is necessary and, if so, what the terms and conditions of the post shall be and no steps shall be taken to fill the post until these decisions have been taken.

In the cases of Directors on the Corporate Management Team, the Borough Director shall first consult with the Leader of the Council before proceeding to deal with any vacancy.

In all other instances the relevant Director shall decide whether a post is necessary.

- 3) Disciplinary Action

- (a) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1993) in respect of the Head of the Authority's paid service, except action described in paragraph (b) may be taken by an authority, or by a Committee, Sub-Committee, relevant Joint Committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 3 of those Regulations.

- (b) The action mentioned in paragraph (a) is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action: and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

## **STANDING ORDERS RELATING TO THE COUNCIL'S SEAL AND INSPECTION OF DOCUMENTS AND LAND / PREMISES**

### **25. SEALING OF DOCUMENTS**

- A) (i) The Council as a corporate body executes documents by sealing them with its seal. The seal is known as "the Common Seal of the Council" and is kept in accordance with Standing Order 26. To seal a document, Officers attach a red seal to the appropriate part of the document and an impression of the Council's coat of arms is made on it with the sealing instrument. This action is then witnessed (or attested) by one of the individuals named in B who has to sign his/her name and indicate his/her capacity under the seal
- (ii) Save as mentioned in (iii), no document shall be sealed on the Council's behalf unless it is authorised by a resolution of the Council or of a Committee to which the Council has delegated power to do so.
- (iii) A resolution of the Council (or a Committee which has delegated power) which authorises 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, contract or other legal document, or the doing of any other thing, and it is necessary to seal one or more documents to give effect to the resolution, will be deemed to include authorisation by resolution to seal the document or documents.
- B) The seal shall be witnessed by at least one of the following persons present at the sealing, namely, the Mayor or Deputy Mayor of the Council, the Borough Director or the Head of Legal Services, 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 witnessed the seal.

### **26. CUSTODY OF SEAL**

The Common Seal of the Council (the Council's sealing instrument) shall be kept by the Head of Legal Services under lock and key.

### **27. SIGNATURE OF DOCUMENTS**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by or on behalf of the Borough Director, or Head of Legal Services, unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings. Either the Borough Director or the Head of Legal Services shall sign contracts on behalf of the Council.

### **28. RIGHTS OF MEMBERS TO INSPECT DOCUMENTS**

*(To be updated in respect of new Freedom of Information requirements.)*

- A. Members of the Council may, in connection with their duties, inspect documents in the circumstances set out (but subject to the qualifications described) below:



1. Under Section 100F of the Local Government Act 1972 (Access to Information – except where it appears to the Proper Officer that certain categories of exempt information will be disclosed).
2. Under the Common Law, subject to qualification, a right to inspect documents addressed to the Council relating to Council business which they need to know, and a committee member has, subject to qualifications, a right to inspect documents relating to the business of that Committee.
3. Reports made or minutes kept by Council and Committee shall, as soon as Council or Committee have concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Council during office hours.

Copies of documents, if available, may be obtained through application to the Borough Director.

B. However,

1. Members shall not knowingly inspect or call for a copy of any document relating to a matter in which they are professionally interested or in which they have directly or indirectly any personal and prejudicial interest.
2. The Borough Director or the Head of Legal Services may decline to allow inspection of any document which is or may be the subject of legal proceedings and which would be protected by privilege arising from the relationship of Solicitor and client.

## **29. INSPECTION OF LANDS, PREMISES, ETC.**

No Member of the Council and no other Member (whether voting or non-voting) of a Committee or Sub-Committee shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which Members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or which might be, purchased by the authority.

## STANDING ORDERS RELATING TO THE COUNCIL'S COMMITTEES

### 30. APPOINTMENT OF COMMITTEES AND SUBSTITUTE MEMBERS AT MEETINGS

The Council shall, at its Annual Meeting, appoint such Committees, etc. as it is required to appoint by or under any statute or under Standing Order 32 (Standing Committees), and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory or Constitutional provision on that behalf:-

- (a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
- (b) may at any time dissolve a Committee or alter its membership;
- (c) shall, with the exception of quasi-judicial meetings such as Appeals Committees, Regulatory Committee, Planning Committee, etc., and subject to the discretion of the Chair, permit Members to attend and speak at committees, sub-committees and other meetings of which they are not members but without the right to vote;
- (d) shall, except in respect of those Committees where specific named substitutes have been appointed, and subject to Constitutional requirements in terms of the Executive Committee and the Overview & Scrutiny Committee, permit any member of a Committee or Sub-Committee to nominate any other Councillor to attend any particular meeting as a substitute.

Such Councillor shall be deemed to be a member of the Committee in place of the nominating Member for the duration of that meeting provided the names of both the Member and the Substitute are communicated to the Borough Director in writing by either the Member or the Substitute prior to the meeting in question. In the cases where named substitutes have been appointed, those substitutes may attend and speak at such meetings but may vote only when acting as a substitute for a principal Member.

However, it should be noted in the cases of quasi judicial meetings that, if a meeting is adjourned to a later date, no other persons than those present at the original meeting may be present at the subsequent one and Members not present for the whole of any meeting may not in any event take part in the decision making process.

The above substitution rights shall not automatically apply in respect of less formal meetings: Working Parties, Advisory Panels, **O&S Task and Finish Groups**, etc.

- (v) will, subject to statutory and Constitutional requirements in respect of the Executive Committee, allocate seats to be occupied by members of the Council proportional to the memberships of political groups into which the Council is divided in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990.

**31. PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES**

In accordance with Standing Order 10, the Chair shall regulate and control the proceedings of a meeting.

In accordance with the Local Government Act 1972 as amended, all agendas, reports and other documents relating to meetings which are open to the public shall be treated as public unless they would disclose confidential or exempt information. Where the whole or part of a report for a meeting is not open for inspection by the public, each copy of the report or of the part shall be marked "Not for Publication" and shall state the description, in terms of Schedule 12A to the Act, of the exempt information by virtue of which the Council will exclude the public from the meeting.

The proceedings of such meetings shall remain open to the public until the public are excluded from the meeting by formal resolution.

Other than in accordance with the requirements of the Code of Conduct, a Member shall never make any public disclosure of a matter dealt with by a Committee which that Committee has expressly resolved to treat as "exempt" / confidential.

**32. CONSTITUTION OF, AND MEETINGS OF, COMMITTEES**

Having due regard to the relevant statutory and Constitutional requirements,

- 1) The Council shall, appoint, at its Annual Meeting such Committees, etc. and their memberships, as it considers necessary for the proper conduct of its business;
- 2) Such matters as the Council shall from time to time specify, shall be delegated to the Executive Committee and the Council's Regulatory Committees for consideration, as appropriate.
- 3) Officers must, so far as is practical, submit reports to Members at least five clear working days before each meeting and must seek the Chair's approval of any circulation of reports at shorter notice. Officers must not forward reports to the press and public earlier than to Members.
- 4) A timetable of meetings shall be determined annually by the Council. Additional meetings of Committees or Sub-Committees may be approved by the Committee or Sub-Committee concerned as required.

In exceptional circumstances the date of any meeting can be changed, or the meeting cancelled, by the Borough Director, or his nominee(s), in consultation with the appropriate Chair, and, where practicable, the Opposition Spokesperson(s).

- ~~5) Two tenants (with named substitutes) representing the Borough Tenants' Panel shall be co-opted onto the Council's Overview and Scrutiny Committee.~~

~~The co-optees shall be allowed to speak (but not vote) on matters affecting social housing, as deemed appropriate by the Committee. For the purposes of Standing Order 31, the co-optees shall be deemed to be members of the public and shall leave a meeting as and when the Committee resolves to exclude the public from a meeting, unless the Committee determines otherwise.~~

- 5) Public speaking shall be permitted at meetings of the Council, Executive Committee and O&S Committees, Planning Committee on applications and in quasi judicial meetings, such as those of the Licensing Sub-Committee or Appeals Panels, in accordance with the various procedures currently approved by the Council, as appropriate to each meeting.

### **33. REPORTS OF PROCEEDINGS OF COMMITTEES (MINUTES)**

- 1) Reports of proceedings of Committees shall be reproduced and a copy issued to each Member with the Summons for the meeting of the Council at which they are to be submitted, However, in the case of urgency, they may be reported upon orally at the meeting of the Council provided that due notice of the business is included in the Summons.
- 2)
  - (a) Minutes comprising matters not the subject of powers delegated to the Committee and which require approval by the Council, shall be known as "Recommended items".
  - (b) Minutes comprising matters which are the subject of powers delegated to the Committee and which do not require any approval by the Council, shall be known as "Resolved items".
- 3) Matters which are not within the delegated powers of the Committee shall be included as "Recommended items" .

### **34. SUBMISSION OF REPORTS / MINUTES**

- 1) Subject to the terms of Standing Order 5 reports of proceedings of Committees shall be submitted in the order in which they appear on the Council Summons.
- 2) The motion for adoption of the Minutes shall be moved by the Chair, Vice-Chair or other Member having charge of that Committee (or, in the absence of all of these, another Committee member).

- 3) Members shall be entitled to discuss or to address questions to the Chair (or other Member having charge of a Committee) or comment upon matters appearing as “Resolved items” , but no motion or amendment may be moved in regard thereto.

However, any Member may ask the Chair whether he/she would be prepared to take back for reconsideration by the Committee the matter and the decision of the Chair of the Committee will be final unless the Council by a simple majority determines otherwise.

- 4) Taking Back for Reconsideration

The only exception to (3) above shall be that any Member may ask the Chair whether he/she would be prepared to take back a resolved item for reconsideration by the Committee.

The decision of the Chair of the Committee shall be final, unless the Council by a simple majority determines otherwise.

- 5) Third-Party Rights

Where the Council or a Committee Chair agrees to take a resolved matter back for reconsideration, due consideration must be given to any third-party rights, or other limitations specific to the decision in question, which may have accrued as a result of action already having been taken upon the resolution concerned.

## **35. ELECTION OF CHAIRS OF COMMITTEES**

- 1) Unless dealt with earlier at the Council’s Annual Meeting, every Committee and Sub-Committee etc. shall, at its first meeting, before proceeding to any other business, elect a Chair for the municipal year, and may at any time elect a Vice-Chair. In the absence from a meeting of the Chair (and Vice-Chair, if elected) a Chair for the meeting shall be appointed from among the voting Members present.
- 2) If it is necessary for the Committee or Sub-Committee to appoint a person to preside, the Proper Officer or representative shall call for nominations.
- 3) The Proper Officer, or his/her representative, will take the Chair at any meeting to chair any discussion that arises and maintain order at the meeting until a Member is appointed to take the Chair.
- 4) The motion, and any amendment, shall be put to the meeting in accordance with Standing Orders 16 and 17 (Voting / Voting on Appointments).

### **36. SPECIAL MEETINGS OF COMMITTEES AND URGENT BUSINESS**

- 1) The Chair of a Committee or the Mayor may call a special meeting of the Committee at any time. A special meeting shall also be called by a formal written request signed by a quarter of the whole number of the Committee delivered to the Borough Director, but in no case shall less than three Members request a special meeting.

The Chair of a Sub-Committee may, in consultation with the Chair of the parent Committee, call a special meeting of a Sub-Committee at any time. The Agenda of the special meeting shall set out the business to be considered and no business other than that set out in the Agenda shall be considered at that meeting.

- 2) During the course of the Annual Meeting, the Council may if it wishes, resolve itself into a Committee of the whole Council for the purpose of appointing Sub-Committees.
- 3)
  - (a) Where urgent matters arise and there is insufficient time to convene a meeting of the Council, or it would be disproportionate to do so in relation to the scale of decision required, executive power is vested in the Borough Director, in consultation with the Mayor (or, in the Mayor's absence, the Deputy Mayor) to deal with them and to give instructions provided that no decisions shall be made or instructions issued under this Order which are contrary to another resolution of the Council or to established practice. Such decisions are to be recorded in a register to be kept by the Democratic Services Manager.
  - (b) Where urgent matters arise and there is insufficient time to convene a meeting of a Committee or Sub-Committee, its executive power is vested in the appropriate Directors, in consultation with the Chair, Vice-Chair (or in their absence their nominees who should, if possible, be members of the appropriate Committee) and, where practicable, the Opposition Spokesperson(s) to deal with them and to give instructions.

No decisions shall be made or instructions issued under this Order which are contrary to any resolutions of the Council, Committee or Sub-Committee or to established practice. In the case of Sub-Committees the Chair of the parent Committee shall also be consulted. Such decisions are to be recorded in a register to be kept by the Head of Democratic Services.

- 4) Where action is taken under any such arrangement, a report of that action, including a note of the circumstances which made it necessary, shall be put before the next meeting of the Council / Committee.

### **37. SUB-COMMITTEES**

Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

**38. QUORUM OF COMMITTEES AND SUB-COMMITTEES**

- 1) Except where authorised by statute or ordered separately by the Council, business shall not be transacted at a meeting of any Committee or Sub-Committee unless at least one quarter of the whole number of the Committee are present: provided that in no case shall any business be transacted unless at least two voting Members are present.
- 2) The provisions of Standing Order 4 shall apply to a meeting of a Committee or Sub-Committee at which a quorum is not present, as they would apply if it were a meeting of the Council.

**39. VOTING IN COMMITTEES AND SUB-COMMITTEES**

Voting at a meeting of a Committee or Sub-Committee shall be by show of hands (or, in due course and subject to further decision, by electronic device). (See earlier section on Council voting.)

**40. STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES**

The Standing Order of the Council headed "Rules of Debate" (SO.10) and the Standing Order headed "Interest of Members in Contracts and Other Matters" (SO.19) shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

**STANDING ORDERS RELATING TO THE COUNCIL'S FINANCIAL  
ADMINSTRATION AND VARIATION / SUSPENSION OF STANDING ORDERS**

**41. FINANCIAL ADMINISTRATION AND BUDGETARY CONTROL**

1) Financial Administration

- (a) The full Council is responsible for regulating and controlling the finances of the Council.
- (b) The Head of Financial Services shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs.

(The Council's Treasury Management Policy Statement appears as Annex A to these Standing Orders.)

- (c) As the Council's financial and economic adviser, the Head of Financial Services shall report to the Council, via the Executive Committee, with respect to the level of resources proposed to be used in each financial year.

That Officer shall also keep that Committee informed with respect to the Council's finances and financial performance and other Committees informed with respect to the financial implications of their activities.

- (d) The Leader of the Council is entitled to attend all meetings of the Council's Committees and Sub-Committees and to speak, but not to vote (unless a member), on matters relating to annual or supplementary estimates or on any proposal involving expenditure.
- (e) The Council is responsible for making and amending from time to time such Financial Regulations as it considers necessary and desirable for the supervision and control of the finances, accounts, income, expenditure and assets of the Council, in conformity with this Standing Order.
- (f) Each Committee shall be responsible for the observance of the Council's Standing Orders, Financial Regulations, and Constitutional requirements in relation to role, function and powers vested in it for the time being by the Council.
- (g) Each Director is responsible for the accountability and control of staff and the security, custody and control of all other resources including plant, land or property, materials, cash and stores relating to or being used in the provision of the Council's services.

2) Budgetary Control

- (a) Inclusion of projects in the Capital Programme does not confer the right to incur expenditure. Approval to expend monies will be given by the Executive Committee following submission of a project appraisal, prepared jointly by the Sponsoring Officer and the Borough.



- (b) Nothing in these Standing Orders shall prevent the incurring of expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to the action being carried out in accordance with Standing Order 3, and the expenditure being reported to the next meeting of the full Council.
- (c) The inclusion of items in approved revenue estimates shall constitute authority to incur such expenditure save to the extent to which the Council shall have placed a reservation on any such item or items. Expenditure on any such reserved items may be incurred only when, and to the extent that, such reservation has been removed.

#### **42. VARIATION AND REVOCATION OF STANDING ORDERS**

Except where it is in accordance with a recommendation of a Committee, 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.

#### **43. SUSPENSION OF STANDING ORDERS**

***(Note: Under the Council's current Constitution, it should rarely be necessary to need to consider suspension of Standing Orders.)***

- 1) Subject to paragraph (2) of this Standing Order, in exceptional circumstances and subject to the Council being apprised of the nature of any proposed amendment, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 2) A motion to suspend Standing Orders shall not be moved without notice (under Standing Order No.7) unless there are present at least half of the whole number of the members of the Council.
- 3) Under the current constitutional arrangements there should generally be little reason to suspend Standing Orders and the Mayor should therefore seek the advice of the Borough Director and/or Monitoring Officer and/or Democratic Services Manager, prior to consideration of any such proposal.

#### **44. STANDING ORDERS TO BE GIVEN TO MEMBERS**

The Borough Director shall give a printed copy of these Standing Orders (and any relevant statutory provision which regulate the proceedings and business of the Council) to each Member when first elected to the Council upon delivery to him/her of the Member's Declaration of Acceptance of Office.

#### **45. INTERPRETATION OF STANDING ORDERS**

The ruling of the Mayor / Chair, as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

## **STANDING ORDERS RELATING TO PROCUREMENT AND CONTRACTS**

*(This Standing Order is subject to current Review – further reports will follow in due course.)*

### **46. CONTRACTS**

These Contract Procedure Rules set out how the Council will invite tenders and let contracts for the supply of goods, material, works or services. The purpose of these Contract Procedure Rules is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with Council policies.

These Contract Procedure Rules shall apply to any quotations and tenders sought by any person employed or engaged by the Council on any Council business to whom the power of making contracts has been delegated, including quotations and tenders sought as a result of a decision by the Council or the Executive Committee. These Contract Procedure Rules apply equally where payment is expected to be received by the Council as to where payment is to be made.

No quotation or tender sought on behalf of the Council shall be otherwise than in accordance with these Contract Procedure Rules.

**N.B. Some of the rules have the abbreviation ‘GN’ next to them. This means that there is a guidance note available for that part of the rule.**

#### **A. GENERAL**

- A.1** In these Contract Procedure Rules the expression “the Council” shall be deemed to include reference to a Committee or Officer acting on behalf of the Council only where the Council has delegated authority to the Committee or Officer to act on behalf of the Council.
- A.2** These Contract Procedure Rules are made pursuant to the Local Government Act 1972 Section 135 and shall come into force on 1 January 2003
- A.3** Subject to Contract Procedure Rule A(6) every contract made on behalf of the Council shall comply with:
- (a) these Contract Procedure Rules ;
  - (b) the Council’s Constitution;
  - (c) the Council’s Financial Regulations ( Standing Order 41 );
  - (d) the Council’s Procurement Strategy (adopted 20 March 2002);
  - (e) all relevant statutory provisions, as amended from time to time, including, in particular, the Local Government Act 1999 and any relevant EU Directives;
  - (f) any direction by the Council or Executive Committee as appropriate;

- (g) the Council's Good Purchasing and Tendering Practice Guide issued by the relevant Director and approved by the Corporate Management Team;
- (h) the Scheme of Delegation to Officers.

**A.4** No contract of a fixed duration may be extended for any period unless the original contract was for a period of between one and four years. This will not apply to contracts which are extended to allow completion of the contract.

**A.5** No contract shall be entered into unless budgetary provision is available to cover the estimated cost of the proposed expenditure.

**A.6** These Contract Procedure Rules shall not apply or may be varied where or to the extent that:

- (a) the Council so resolves; or
- (b) statute or subordinate legislation prescribes otherwise.

In an emergency, the Executive Committee may make exception to these provisions. The Executive Committee shall report to the Council the emergency by which the exception has been justified.

**A.7** All contracts where a specification issued by the British Standards Institution is current at the date of the invitation to quote or tender and is relevant, shall require as a minimum that goods and materials used in their execution shall be in accordance with that specification except where an appropriate European Standard is acceptable under ISO, or there is an equivalent standard used in the Country of origin of that firm.

**A.8** These Procedure Rules, including financial limits, shall be reviewed annually by the Council.

**B. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS UNDER £1,500 (EXCLUSIVE OF VAT)**

In all cases where an Officer is obtaining goods, materials, works or services on behalf of the Council, the Officer must take steps to ensure that any contract of this value offers value for money and is of the right standard and quality.

**C. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS:**

**BETWEEN £1,501 (EXCLUSIVE OF VAT) AND £5,000 (EXCL. VAT) (GN)**

**N.B. These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and NOT to the annual cost of the contract**

- C.1**
- (a) At least 3 quotations must be obtained from potential contractors (for example, from trade brochures, catalogues or web sites) where the estimated value of the proposed contract is between £1,501 and £5,000, except where the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
    - (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
    - (ii) best value is likely to be obtained by making purchases or sales by auction;
    - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
    - (iv) quotations have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body.
  - (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Quotations, or the seeking of Quotations would be uneconomic, the relevant Director or Head of Service may, in accordance with the Scheme of Delegations, certify that Quotations should not be sought and shall record such certification in the relevant working papers.
  - (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the appropriate Director or Head of Service on :
    - (i) the reasons why such an extension is considered to be appropriate; and
    - (ii) any additional expenditure which may be incurred by such an extension;

and shall seek approval of the relevant Director or Head of Service to an extension of the existing contract and to any revised expenditure. Any such approval shall be recorded in the relevant working papers.

- C.2** A record of where quotations were obtained from and written evidence (e.g. print of relevant page) of the offer being made must be placed with the relevant working papers.
- C.3** Where three quotations are not obtained, then the Officer concerned shall, in consultation with the relevant Director or Head of Service certify the reason for not obtaining three quotations in the relevant working papers and proceed to consider those quotations that have been obtained.
- C.4** The obtaining Officer shall accept the lowest Quotation where the evaluation is on price only or the most economically advantageous if evaluation is on price and other factors such as quality, and no other quotation shall be accepted except in consultation with the relevant Director or Head of Service nominated by the relevant Director. Where a quotation other than the lowest or the most economically advantageous is accepted, the relevant Director or Head of Service shall record the reason for accepting that Quotation in the relevant working papers.
- C.5** The relevant Officer must also consider whether an Official Order is adequate to cover all the terms and conditions of the proposed contract and if not, ensure that contract documentation specific to that contract is prepared. Whether the contract is let by Official Order or a specific contract is drafted, the Order or Contract must specify, inter alia:
  - (a) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));**
  - (b) the price to be paid including any terms for deductions, discounts or penalties;
  - (c) where applicable, the time or times within which the contract is to be performed;
  - (d) such other conditions and terms as may be agreed between the parties.

**D. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS:**

**BETWEEN £5,001 (EXCLUSIVE OF VAT) AND £40,000 (EXCLUSIVE OF VAT)**

**N.B. These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and NOT to the annual cost of the contract.**

**D.1 Estimate (GN)**

- (a) Before any prospective contractors can be invited to submit a quotation for the supply of goods services or materials or for the execution of any work, the relevant Officer shall identify the purpose, scope and type of the proposed contract and shall estimate, on the basis of all relevant information which is available to them, the likely value of the proposed contract.
- (b) The relevant Officer must record their estimate and demonstrate how they arrived at the estimated value of the proposed contract within their working papers.

**D.2 Authority to Proceed**

No Officer shall have the authority to proceed further with the contract process set out in these Contract Procedure Rules unless:

- (a) the estimated value of the proposed contract shall have been approved for expenditure by Council or the Executive Committee, as appropriate; or
- (b) the relevant Officer shall have power delegated to them to incur expenditure in connection with the proposed contract.

[Please refer to Standing Order 41 and/or the Scheme of Delegation to Officers]

**D.3 The Specification (GN)**

- (a) All Quotations for the supply of goods, services or materials or for the execution of works shall relate to an appropriately detailed specification. The relevant Officer must ensure that the detailed specification falls within the approved estimate.
- (b) The relevant Officer must also consider whether an Official Order is adequate to cover all the terms and conditions of the proposed contract and if not, ensure that contract documentation specific to that contract is prepared. Whether the contract is let by Official Order or specific contract is drafted, the Order or Contract must specify, inter alia,:

- (i) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));
- (ii) the price to be paid including any terms for deductions, discounts or penalties;
- (iii) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

#### **D.4 Exceptions to the requirement to seek Quotations**

- (a) At least three written Quotations shall be invited where the estimated value of the proposed contract is between £5,001(exclusive of VAT) and £40,000 (exclusive of VAT) except where, the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
  - (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
  - (ii) best value is likely to be obtained by making purchases or sales by auction;
  - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
  - (iv) quotations have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body **(GN)**
- (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Quotations, or the seeking of Quotations would be uneconomic, the relevant Director or Head of Service may, in accordance with the Scheme of Delegation, certify that Quotations should not be sought and shall record such certification in the Quotations Register.
- (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the appropriate Director or Head of Service on :
  - (i) the reasons why such an extension is considered to be appropriate; and

- (ii) any additional expenditure which may be incurred by such an extension; and shall seek approval of the relevant Director or Head of Service to an extension of the existing contract and to any revised expenditure. Any such approval shall be recorded in the Quotations Register against the original Quotation.
- (d) Single Quotations may be invited where the relevant Director or Head of Service considers it desirable in the Council's best interest that a Quotation for the execution of work or the provision of services should be negotiated with a contractor already engaged by the Council. Any such decision shall be recorded in the Quotations Register.

#### **D.5 Inviting Quotations (GN)**

All Quotations must be obtained from Contractors by one of the following methods:

- (a) open competitive quotation;
- (b) selection from an Ad Hoc List;
- (c) selection from the Council's Standing Approved List;

unless the relevant Director certifies that it would be uneconomic to do so and records that certification in the Quotations Register.

#### **D.6 Form of Quotation and Submission of Quotations**

- (a) The criteria for evaluating Quotations, including any weighting, must be in writing and prepared in advance of Quotations being invited.
- (b) All Quotations shall be invited on the basis that "the Council will not be bound to accept any Quotation".
- (c) The Invitation to submit Quotations shall state that no Quotation will be considered unless contained in a plain sealed envelope bearing the word "Quotation" followed by the subject to which it relates. Every such envelope shall bear no name or mark indicating the person, company or firm submitting the Quotation. The envelope or package in which the Quotation is submitted should not be capable of being sealed more than once.
- (d) Every Quotation shall be addressed to the relevant Director and shall remain in that Officer's custody until the appointed time for their opening.
- (e) **Confidentiality /Collusion**

The persons, company or firm submitting a Quotation must not communicate to any person other than the Council the amount of their Quotation and must not adjust the amount of their Quotation in accordance with any agreement or arrangement between them or any other person other than the Council.



- (f) If any amendments or clarifications to the Quotation documents have been made by Officers during the Quotation period, or are required as a result of a request in writing from a prospective contractor for an amendment to or clarification of the Invitation to Quote, then this fact must be communicated in writing to all other persons, firms or companies who have been invited to submit quotations.

#### **D.7 Opening of Quotations (GN)**

- (a) All Quotations for a contract shall be opened in the presence of at least two Officers at a predetermined time in an area clear of other distractions and must be endorsed with the date and time of opening by both Officers present and listed in a register of Quotations received maintained in the relevant Service Team.
- (b) The register must record the following particulars:
  - (i) a description of the goods, materials, works or services concerned;
  - (ii) the Officer's estimate of the value of the goods, materials, works or services;
  - (iii) the date and time when the Quotations were opened;
  - (iv) the name of the person, company or firm submitting the Quotation and the amount of the Quotation;
  - (v) the names and signatures of all persons present at the opening of the Quotations;
- (c) **Confidentiality /Collusion**

No Officer present at the opening of a Quotation shall discuss a Quotation or communicate the amount of a Quotation to any person other than relevant Officers, Members, the Executive Committee or the Council
- (d) Where three Quotations are not received owing to a lack of suitable persons, companies or firms, or for any other reason, then the relevant Officer shall, in consultation with the relevant Director, certify the reason for not obtaining three Quotations in the Quotations Register and proceed to consider those Quotations which have been received.

#### **D.8 Late Quotations**

Any Quotation submitted in competition, received after the specified time, shall be returned promptly to the person, company or firm submitting the Quotation by the relevant Director. The Quotation may be opened to ascertain the name and address of the person, company or firm submitting it but no details of the Quotation shall be disclosed.

## **D.9 Alterations to Quotations**

- (a) Where examination of Quotations reveals errors or discrepancies which would affect the Quotation figure(s) in an otherwise successful Quotation, the person, company or firm submitting the Quotation shall be given details of such errors and discrepancies and afforded an opportunity to confirm their offer, amend it to correct genuine errors or withdraw the offer. Where it appears to the Council that all those who submitted Quotations may have misunderstood what was required to be included in the Quotation they shall all be given an opportunity to assess whether they have misunderstood what was required. No further action should be taken until the Officer concerned has consulted the relevant Director and Internal Audit.
- (b) Any exception to this procedure may be authorised only by the Council after consideration of a report by the Officer concerned.

## **D.10 Evaluation of Quotations**

- (a) All Quotations shall be evaluated in accordance with the Evaluation Criteria by at least two Officers.
- (b) The Officers evaluating any Quotation shall record their evaluation results, showing how the successful Tenderer was selected and shall sign the record which shall then be retained with the Tender documentation.

## **D.11 Acceptance of Quotations**

The relevant Officer shall accept the lowest Quotation where the evaluation is on price only, if it is within the approved estimate, or the highest Quotation if payment is to be made to the Council, where the evaluation of the Quotation is on price only. For Quotations which are to be evaluated on the basis of price and other factors, such as quality, the person, company or firm who scores the highest in accordance with the evaluation criteria may be accepted by the relevant Director if the Quotation is within the approved estimate and shall record the details of the successful person, company or firm in the Quotations Register. No other Quotation shall be accepted except by resolution of the Executive Committee.

## **D.12 Retention of Quotation Documents**

All Quotation documentation should be retained by the relevant Service Team for the duration of the contract, including any maintenance period and a further period of six years if made under hand or twelve years if made under seal.

**E. CONTRACTS WHERE THE ESTIMATED VALUE EXCEEDS £40,000  
(EXCLUSIVE OF VAT)**

**N.B.** These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and **NOT** to the annual cost of the contract.

**E.1 Draft Specification (GN)**

*The relevant Officer shall identify the purpose, scope and type of the proposed contract and shall draw up a draft specification.*

**E.2 Estimate (GN)**

- (a) Before any prospective contractors can be invited to submit a tender for the supply of goods services or materials or for the execution of any work, the relevant Officer shall estimate, on the basis of all relevant information which is available to them, the likely value of the proposed contract.
- (b) The relevant Officer must record their estimate and demonstrate how they arrived at the estimated value of the proposed contract within their working papers.

**E.3 Authority to Proceed**

No officer shall have the authority to proceed further with the contract process set out in these Contract Procedure Rules unless:

- (a) the estimated value of the proposed contract shall have been approved for expenditure by the Council or Executive Committee, as appropriate; or
- (b) the relevant Officer shall have power delegated to them to incur expenditure in connection with the proposed contract.

[Please refer to Standing Order 41 and/or the Scheme of Delegation to Officers ]

**E.4 The Specification and Tender Documentation**

- (a) All Tenders for the supply of goods, services or materials or for the execution of works shall relate to a detailed specification drawn up from the draft specification referred to at E.1 above. The relevant Officer must ensure that the detailed specification falls within the approved estimate.
- (b) The relevant Officer shall also include within the Tender documentation an appropriate draft Contract which must specify, inter alia :
  - (i) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));

- (ii) the price to be paid including any terms for deductions, discounts or penalties ;
- (iv) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

## **E.5 Exceptions to the requirement to seek Tenders**

- (a) Tenders shall be invited where the estimated value of the proposed contract exceeds £40,000 (exclusive of VAT) except where, the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
  - (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
  - (ii) best value is likely to be obtained by making purchases or sales by auction;
  - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
  - (iv) tenders have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body **(GN)**
- (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Tenders, the relevant Director may, in accordance with the Scheme of Delegations, certify that Tenders should not be sought. Any such Director certification shall be reported to the next meeting of the Executive Committee.
- (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the Executive Committee on :
  - (i) the reasons why such an extension is considered to be appropriate; and

- (ii) any additional expenditure which may be incurred by such an extension; and shall seek approval of the Council or the Executive Committee, as appropriate, to an extension of the existing contract and to any revised expenditure **(GN)**.
- (d) Single Tenders may be invited where the Council or the Executive Committee considers it desirable in the Council's own best interest that a Tender for the execution of work or the provision of services should be negotiated with a contractor already engaged by the Council.

## **E.6 Inviting Tenders (GN)**

- (a) Where none of the exceptions set out at E.5 apply, the relevant Officer shall determine, in consultation with the Best Value Manager which of the following 4 methods shall be used to invite Tenders :

- (i) **Open Competitive Tender**

Tenders shall be invited after giving not less than a minimum of 14 days' public notice in at least one local newspaper and in such trade journals as the relevant Officer consider suitable, stating the nature and purpose of the contract, and inviting applications from persons, companies or firms wishing to tender for its execution and stating the time and date by which Tenders should be submitted. All notices must comply with Contract Procedure Rule A.3(e) and all Tenderers must be approved by Council before any Tender submitted may be considered.

- N.B. The minimum notice period will vary depending on the nature and value of the contract for which Tenders are sought. The relevant Officer should ensure that they consult the Best Value Manager to establish the correct minimum notice period and take this into account in the relevant timetable.

- (ii) **Ad Hoc Approved List**

Tenders shall be invited after due public notice has been given as set out for Open Competitive Tenders above seeking applications to be placed on a list to be approved by the Council from which selected contractors will be invited to submit Tenders for that specific contract only.

- (iii) **Standing Approved List**

- (A) Tenders shall be invited from persons, companies or firms included in a list approved by the Council for the supply of goods or materials of specified categories, values or amounts or for the carrying out of specified categories of works or for the provision of services.

The list shall be compiled and maintained by the Director of Strategy & Review and shall indicate whether a person, company or firm whose name is included is approved for contracts for all or only some of the specified values, amounts or categories.

(B) The list shall be compiled in the following manner:

- (1) Notices inviting applications for inclusion in the list shall be published not less than 37 days before the list is compiled in at least one local newspaper and one trade journal;
- (2) The approved list may be amended from time to time by the Council and shall be reviewed at intervals not exceeding 3 years;
- (3) At least four weeks before each review each person, company or firm whose name appears in the list shall be asked whether they wish to remain therein and notices inviting applications for inclusion in the list shall be published in the manner provided at B(1) above.

(iv) **Negotiated procedure**

For certain supply, service, utility and works contracts, the negotiated procedure may be appropriate [See Contract Procedure Rule F]

(b) All Tender notices shall be placed by the Best Value Manager in accordance with the Council's Good Purchasing and Tendering Practice Guide. **(GN)**

#### **E.7 Pre-Contract Approval of Contractors (GN)**

- (a) The Best Value Manager and the Financial Services Manager shall make such enquiries as they deem necessary to verify the Contractor's financial suitability, technical competence, past performance and references, Health & Safety policies and practices (in so far as the Council is so permitted under the relevant legislation) before any contractor can be :
  - (i) appointed on a contract ; or
  - (ii) included on any Council Standing Approved, Ad Hoc Approved, or Select List of contractors.
- (b) Details of all contractors who have been vetted against the above criteria will be submitted to the Council for approval for inclusion in the relevant List.

## **E.8 Number of Tenderers or Invitees (GN)**

- (a) Invitations to Tender from an Ad hoc List or a Standing List approved by the Council shall be sent to at least three persons, companies or firms selected from amongst those included in the Approved List as appropriate for a contract of that amount, value or category, provided that , if the appropriate Approved List contains the names of fewer than three persons, companies or firms invitations shall be sent to all such persons, companies or firms.

Where the Tender is to be awarded under European Legislation then at least 5 persons, companies or firms shall be selected.

- (b) The selection of persons, companies or firms from an Ad Hoc or Standing List from whom Tenders shall be invited shall be delegated to the relevant Officer.
- (c) Each person, company or firm to be invited to submit a Tender shall be asked to confirm in writing their interest in tendering for the contract and where no such interest is expressed another person, company or firm from the same list shall be invited to express their interest until the required number of persons, companies or firms have expressed such interest.
- (d) Subject to (c) above, the persons, companies or firms invited to submit Tenders shall include the persons, companies or firms that submitted the two lowest Tenders (or the two highest Tenders in a case where payment is being made to the Council) for the previous contract of a similar nature. Where such Tenders are not from the list being used for the Tender in question, the appropriate Director shall maintain a written record of the reason why these two Tenderers were chosen and why the two lowest Tenderers (or the two highest Tenderers in a case where payment is being made to the Council) from the said List were omitted.
- (e) Such other persons, companies, or firms included on the List from which Tenders are to be selected, where the number on the List exceeds the number required to Tender shall be invited in the following manner:
- (i) at least two in strict rotation;
  - (ii) the remainder at the discretion of the appropriate Director who should record in the appropriate register the reason for such decision.
- (f) After selection of the persons, companies or firms to be invited to tender, arrangements shall be made for all tender documents to be sent to such persons, companies or firms by registered post, unless the person, company or firm involved has indicated that they wish to collect the tender documents personally, in which case a signature confirming safe receipt must be obtained from the person collecting the documentation. Where tender documentation is sent to a person, company or firm by registered post, the person, company or firm shall be asked to confirm, in writing, safe receipt of the tender documentation and whether or not they intend to submit a tender.

## **E.9 Sub-Contractors and Nominated Suppliers**

- (a) Where a sub-contractor or supplier is to be nominated to a main contractor, in the absence of statutory requirements setting out different procedures, all Quotations or Tenders must be invited by the Council in accordance with the relevant tendering procedure laid down in these Contract Procedure Rules. The correct procedure to be followed will be determined by the estimated value of the sub-contract.
- (b) The terms of an invitation for nomination in accordance with (a) above shall require an undertaking by the person submitting a Tender that if they are selected they will be willing to enter into a contract with the main contractor on terms which will indemnify the main contractor against their own obligations under the main contract in relation to the work, goods or services included in the sub-contract.
- (c) So far as practicable, the Council shall ensure that the nominated sub-contractor complies with the main clauses of the contract and that evidence is provided to the Council upon request that the sub-contractor is complying with the Good Tendering Practice Guide.

## **E.10 Form of Invitation to Tender and Submission of Tenders**

### **(a) Evaluation Criteria for Tenders (GN)**

- The criteria for evaluating Tenders, including any weighting, must be in writing and 2 copies lodged in a sealed envelope with the Head of Democratic Services in advance of Tenders being invited. The Officer receiving the Evaluation Criteria shall indicate on the envelope the date and time of its receipt by him/her. The opening of the sealed envelope should follow the same procedure as for the opening of Tenders. One copy of the evaluation criteria shall be retained by the Head of Democratic Services and the second copy released along with the Tender documents.
- (b) All Tenders must be submitted on a Form of Tender prepared by the Council which shall include a statement that “the Council will not be bound to accept any Tender”.
  - (c) The Invitation to Tender documentation must contain the Evaluation Criteria for the award of the contract.
  - (d) The Invitations to Tender shall state that no Tender will be considered unless contained in a plain sealed envelope bearing the word “Tender” followed by the subject to which it relates. Every such envelope shall bear no name or mark indicating the Tenderer. The envelope or package in which the Tender is submitted should not be capable of being sealed more than once.
  - (e) Every Tender shall be addressed to the Borough Director and shall remain in that Officer’s custody until the appointed time for their opening.



(f) **Confidentiality /Collusion**

The Tenderer must not communicate to any person other than the Council the amount of their Tender and must not adjust the amount of their Tender in accordance with any agreement or arrangement between them or any other person other than the Council.

- (g) The Officer receiving the Tenders shall indicate on the envelope the date and time of its receipt by him/her.
- (h) If any amendments or clarifications to the Tender documents have been made by Officers during the Tender period, or are required as a result of a request in writing from a prospective Tenderer for an amendment to or clarification of the Invitation to Tender, then this fact must be communicated in writing to all other persons, firms or companies who have been invited to tender.

**E.11 Opening of Tenders (GN)**

- (a) ***All Tenders for a contract shall be opened at a predetermined time in an area clear of other distractions. The opening shall be in the presence of the Chair or Vice-Chair of a relevant Overview & Scrutiny Committee and the Democratic Services Manager or an appropriate Officer of the Council designated by him/her.***
- (b) The Democratic Services Manager shall prepare and maintain a register of Tenders received and shall record in the register the following particulars:
- (i) the last date and time for the receipt of Tenders;
  - (ii) the date and time when the Tender was actually received;
  - (iii) the name of the Tenderer and the amount of the Tender;
  - (iv) the date and time when upon the Tenders were opened;
  - (v) the signature of the Officer to whom the Tenders were handed after opening;
  - (vi) the names of all persons present at the opening of the Tenders;
  - (vii) any nil responses by a Tenderer;
  - (viii) in respect of 'Schedule of Rates' contracts, any rates left blank in the Tender Schedule should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response; and

- (ix) in respect of any Tender, any figure left blank in the Tender documents should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response.
- (c) All persons required by (a) above to be present at the opening of Tenders shall immediately sign against the relevant particulars in the register as evidence of such Tenders having been opened by them or in their presence. Tender documents should be initialled and dated by the Members / Officers immediately after they are opened.

(d) **Confidentiality /Collusion**

No Member or Officer present at the opening of a Tender shall discuss a Tender or communicate the amount of a Tender to any person other than relevant Officers, Members, the Executive Committee or the Council

## **E.12 Late Tenders**

Any Tender submitted in competition, received after the specified time, shall be returned promptly to the Tenderer by the Head of Democratic Services, or an appropriate Officer of the Council designated by him/her. The Tender may be opened to ascertain the name and address of the Tenderer but no details of the Tender shall be disclosed.

## **E.13 Alterations to Tenders**

- (a) Where examination of Tenders reveals errors or discrepancies which would affect the Tender figure(s) in an otherwise successful Tender, the Tenderer shall be given details of such errors and discrepancies and afforded an opportunity to confirm their offer, amend it to correct genuine errors or withdraw the offer, such confirmation, amendment or withdrawal to be submitted to the Council in writing by the Tenderer. Where it appears to the Council that all Tenderers may have misunderstood what was required to be included in the Tender they shall all be given an opportunity to assess whether they have misunderstood what was required. No further action should be taken until the Officer concerned has consulted the relevant Director and Internal Audit.
- (b) Any exception to this procedure may be authorised only by the Council after consideration of a report by the Officer concerned.

## **E.14 Evaluation of Tenders**

- (a) All Tenders shall be evaluated in accordance with the Evaluation Criteria by at least two Officers and/or a Member Panel, as appropriate **(GN)**.
- (b) The Officers/Member Panel evaluating any Tender shall record their evaluation results, showing how the successful Tenderer was selected and shall sign the record which shall then be retained with the Tender documentation.

## **E.15 Acceptance of Tenders (GN)**

- (a) The relevant Director shall accept the lowest Tender where the evaluation is on price only, if it is within the approved estimate, or the highest Tender if payment is to be made to the Council, where the evaluation of the Tender is on price only.

For Tenders which are to be evaluated on the basis of price and other factors, such as quality, the person, company or firm who scores the highest in accordance with the evaluation criteria may be accepted by the relevant Director if the Tender is within the approved estimate and the relevant Director shall record the details of the successful person, company or firm in the Tender Register.

- (b) No Tender shall be accepted otherwise than in accordance with these Contract Procedure Rules, unless the Executive Committee has considered a written report on such Tender from the appropriate Officer and resolved to accept that Tender.

## **E.16 Retention of Tender Documents**

All Tender documentation should be retained by the relevant Service Team for the duration of the contract, including any maintenance period and a further period of six years if made under hand or twelve years if made under seal.

## **F. NEGOTIATED PROCEDURE**

**F.1** This Procedure Rule applies when the Executive Committee agrees that a Director should consult and negotiate with one or more potential service providers of the Council's choice.

**F.2** Use of the EU negotiated procedure (with publication of a contract notice) is only justifiable in the following situations:

- (a) when irregular or unacceptable tenders have been received on a restricted or open tendering exercise; or
- (b) contract conditions cannot be specified with precision because contract specifications cannot be established with sufficient precision to enable fixed pricing of tenders in accordance with open or restricted procedures.

**F.3** Where the negotiated procedure is considered to be appropriate, the relevant Officer will ensure that an Officer Group comprising as a minimum representatives from the procuring Service Team, Finance, Contract Compliance and Legal Services is formed. Where appropriate, or requested, a Member Group will also be formed.

**F.4** The relevant Officer Group and, where appropriate, Member Group, shall then prepare a report to the Executive Committee, setting out the procedure to be followed for that specific negotiated contract.

## G. CONTRACTS

### G.1 Contracts to be in writing

**N.B. A contract is a legally binding agreement with another party for:**

- **the supply of goods or materials;**
- **the performance of services; or**
- **the undertaking of works**

**under which the Council incurs a liability for payment or will receive payment or value in kind. It excludes a contract of employment. An Official Order constitutes a contract.**

Every contract, other than a contract which is intended to be let by way of Official Order, shall be in writing in a form approved by the Legal Services Manager.

Every contract shall specify, inter alia:

- (i) **the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));**
- (ii) the price to be paid including any terms for deductions, discounts or penalties;
- (v) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

### G.2 Signature of Contracts

- (a) Every contract exceeding £40,000 which is not let by way of Official Order, shall be sealed on behalf of the Council by the Borough Director or the Head of Legal Services.
- (b) Every contract under £40,000 which is not let by way of Official Order may be signed by the relevant Director, in consultation with the Borough Director or the Head of Legal Services or, in the absence of the relevant Director, by the Borough Director or the Head of Legal Services.
- (c) ***Minor contracts, those under £ (figure / other criteria yet to be set) may be signed by the relevant Service / Budget holding Officer) without further reference.***

*(further decision required to activate this last authority.)*

### **G.3 Clauses to be considered for inclusion in every non-Official Order Contract**

The relevant Officer shall consider, in consultation with the Head of Legal Services, in the case of all contracts which are not suitable for letting by way of an Official Order, whether the following clauses, or clauses to the like effect, should be included in the contract or agreement entered into by or on behalf of the Council. The Borough Director shall be entitled, in consultation with the Head of Legal Services, to exempt certain contracts from some or all of the following clauses:

#### **(a) Liquidated Damages and Performance Bonds**

- (i) Every contract which exceeds £40,000 in value (exclusive of VAT) shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed save that in contracts for the supply of goods or materials the appropriate Director in consultation with the Head of Legal Services and the Borough Director shall have a discretion as to whether provision for liquidated damages should be made and the amount of such liquidated damages, which shall normally be 10% of the total value of the contract.
- (ii) Where a contract is estimated to exceed £40,000 in value (exclusive of VAT) and is for the execution of works or the supply of goods or materials by a particular date or series of dates the appropriate Officer must consult with the Head of Legal Services and the Borough Director to consider whether security is required for the due performance of the contract and, if so, the amount of such security, which shall normally be 10% of the total value of the contract. If security is required, the conditions of tender shall specify that the Council requires the successful Tenderer to provide a bond or other sufficient security for the due performance of the contract. Any security required **must** be received by the Council before the approved start date of the contract. If in exceptional circumstances (and only in the Council's interest) when work is allowed to commence under a contract before the contract documents have been completed, a letter will be sent to the contractor informing them that if the contract documentation has not been completed by the time of the first valuation no monies will be paid
- (iii) So far as practicable, a bond in a format approved by the Borough Director and the Head of Legal Services shall be included in every appropriate contract.

#### **(b) Insurances and Indemnity**

The Contractor shall provide a minimum of Two Million Five Hundred Thousand pounds (£2,500,000) Public Liability Insurance Indemnity and a minimum of Five Million pounds (£5,000,000) Employer's Liability Insurance or such other level of cover, including Professional Indemnity Insurance, as

the Borough Director shall advise, and shall provide a copy of the relevant insurance certificates as part of the contract documentation.

(c) **Assignment**

The contractor shall be prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever, any portion of the contract without the written permission of the Council.

Subletting of any part(s) of the contract, except to the extent permitted in writing, shall be prohibited. However, the principal contractor shall remain responsible for all work undertaken by any subcontractor and for it being carried out under the same conditions as if executed by himself.

(d) **Prevention of Corruption**

The Council shall be entitled to cancel this 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 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 the execution of the contract or any other contract with the Council or for the 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 like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward the receipt of which is an offence under Section 117 of the Local Government Act 1972.

(e) **Collusion Tendering**

The contractor / supplier must not communicate to any person other than the Council the amount of a Quotation or Tender and must not adjust the amount of the Quotation or Tender in accordance with any agreement or arrangement between him/her or any person other than the Council.

(f) **Emergencies**

This contract may be used to meet the Council's emergency responsibilities and therefore any assets, facilities or services must be made available immediately to the Council, or at their discretion in connection with any civil or war emergency. Payment for providing such assets, facilities or services in these circumstances will be based on the day work rates for the contract.

(g) **Health and Safety at Work**

The contractor shall ensure that the contractor's employees, sub-contractors and any other person engaged in carrying out the contract take all due precautions to protect the health and safety of all persons who may be involved in, or affected by, the carrying out of the contract.

(h) **Equal Opportunities and Race Relations**

- (i) The Contractor shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Contractor shall not unlawfully discriminate within the meaning and scope of the Sex Discrimination Act 1975, the Equal Pay Acts 1970 and 1983, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Age) Regulations 2006, the Human Rights Act 1998 or other relevant legislation, or any statutory modification or re-enactment thereof.
- (ii) The Contractor shall take all reasonable steps to secure the observance of clause (h)(i) by all servants, employees or agents of the Contractor and all suppliers and sub-contractors employed in the execution of the Contract.
- (iii) The Contractor shall be able to demonstrate to the satisfaction of the Council that it complies with the above requirement and accordingly shall not treat one group of people less favourably than others because of their race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age in decisions to recruit, train, promote or dismiss employees.
- iv) The Council shall be empowered to suspend the contract or part thereof in the event of non-compliance by the Contractor with this condition, or with its legal duties under the Sex Discrimination Act 1975, the Equal Pay Acts 1970 and 1983, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Age) Regulations 2006, the Human Rights Act 1998 or other relevant legislation. The Contractor shall not resume provision of the contract or such part until the Council is satisfied that the non-compliance has been rectified.
- (v) The Contractor shall take all reasonable steps to secure that all servants, employees or agents of the Contractor and all sub-contractors employed in the performance of the Contract do not unlawfully discriminate as set out in (h)(i).
- (vi) The Contractor shall adopt a policy to comply with its statutory obligations under the Race Relations Act 1976 (as amended) and accordingly, will not treat one group of people less favourably than others because of their colour, race, nationality or ethnic origin in relation to decisions to recruit, train or promote employees.

- (vii) In the event of any finding of unlawful racial discrimination being made against the Contractor in the last three years by any court or industrial tribunal, or of an adverse finding in any formal investigation by the Commission for Racial Equality over the same period, the Contractor shall take appropriate steps to prevent repetition of the unlawful discrimination.
- (viii) The Contractor shall, on request, provide the Council with details of any steps taken under (h) (vii).
- (ix) The Contractor shall set out its policy on race relations:
  - a) in instructions to those concerned with recruitment, training and promotion;
  - b) in documents available to employees, recognised trade unions or other representative groups of employees;
  - c) in recruitment advertisements or other literature.
- (x) The Contractor shall, on request, provide the Council with examples of the instructions and other documents, recruitment advertisements or other literature.
- (xi) The Contractor shall observe as far as possible the Commission for Racial Equality's Code of Practice in employment as approved by Parliament in 1983, or any variation or amendment thereof, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities.
- (xii) The Contractor shall provide such information as the Council may reasonably request for the purpose of assessing the Contractor's compliance with (h) (xi).

(i) **Environmental, Customer Service and Other Policies**

Contractors will be asked to provide details of their environmental, customer service and other policies where deemed appropriate by Directors or by Council policy.

(j) **Data Protection**

- (i) The contractor shall not disclose to any third party any personal data held by the Council within the meaning and scope of the legislation for the time being in force and shall take all reasonable steps to secure the observance of this requirement by all employees, sub-contractors and agents employed in the execution of the contract.



- (ii) The contractor shall not process any personal data held by the Council for any purpose except as is necessary for the performance of the contract and shall ensure that appropriate technical and organisational measures are in place to safeguard the data against unauthorized or unlawful processing and against accidental loss or destruction of, or damage to, the data.

#### **G.4 Contracts with Consultants**

Every engagement of a consultant shall be subject to the conditions that:

- (a) such architect, engineer, surveyor or other consultant shall at all times be fully covered by professional indemnity insurance and that in relation to any contract referred to in 1. above he/she shall conform to the requirements of these Contract Procedure Rules, the Council's Financial Regulations and any direction from the Council, the Executive Committee or duly authorised Officer; and
- (b) shall at any time during the carrying out of the contract, produce to the appropriate Officer or their representative on request, all the records maintained by him/her in relation to the contract and on completion of the contract, transmit all such records to the appropriate Director.

#### **G.5 Amendment, addition and variation of clauses to be considered for inclusion in non-Official Order Contracts**

The Council may from time to time amend, add to or vary the clauses to be considered for inclusion in every non- Official Order contract.

## **STANDING ORDERS RELATING TO THE COUNCIL'S LAND AND PROPERTY**

### **47. PURCHASE OF PROPERTY**

Prior to a recommendation being made to the **Executive Committee** Council to purchase any property, the Head of Property Management, or his/her nominee, shall arrange for a building survey to be carried out with particular reference to the proposed use of the premises.

### **48. DISPOSAL OF COUNCIL-OWNED LAND**

This Standing Order applies to all disposals of Council interests in land or property, including but not limited to, conveyances and leases and shall take effect on 1 January 1999.

- 1) Prior to any decisions being made to dispose of any Council interest in land or property, and subject to any subsequent Council Policy change, such as in respect to Minor Land Disposals or the Scheme of Delegation to Officers, the Executive Committee and/or Council shall consider joint comments of the Borough Director and such other Director as is concerned, upon the financial and other consequences of the proposed disposal.

- 2) Definitions

In this Standing Order:

"auction" means a sale in which land or property is sold to the highest bidder provided that the amount offered exceeds any reserve price (the lowest acceptable price fixed by the Vendor);

"private" means the negotiation for the disposal of an interest in land or property without any limit on the time within which they must be completed before contracts are exchanged;

"informal" means the invitation of offers without a firm closing date for tender" receipt of offers being specified.

- 3) Estimate

Before entering into discussions with potential purchasers of Council-owned land, the relevant Estates Officer shall estimate the value of the interest in the land and record the valuation in the file / register kept for the purpose and shall consider, in conjunction with the Borough Director, the proposed VAT treatment relative to the disposal.

4) Method of Disposal

When the relevant Estates Officer has estimated the value of the interest in the land, they shall consider how the interest should be disposed of, either by auction, private treaty or informal tender. A register shall be maintained in the relevant Directorate recording the following particulars :

- (a) a description of the land interest;
- (b) the Officer's estimate of the value of the interest;
- (c) which method of disposal the Officer has selected; and
- (d) the reason(s) for selecting that method.

The three methods of disposal are:

(i) Auction

Where land or property is of an individual or specialist nature, or where particular land or property is grouped together to be sold for investment purposes, the auction process may apply.

(ii) Private Treaty

Where there is limited interest in particular land or property (e.g. only one person, company or firm expresses an interest) the private treaty process may apply.

(iii) Informal Tenders

Where there are likely to be a number of parties interested in bidding for land or property the informal tender process may apply.

5) Procedure

(a) Auction

*(Subject to any updates to Officers' delegated authority,)*

- (i) Where the relevant Estates Officer considers that an interest should be disposed of by auction, a report shall be submitted to the Council, via the Executive-Committee requesting approval to dispose of the interest by auction.
- (ii) The relevant Estates Officer shall then make arrangements with an auctioneer for the disposal of the interest by auction.
- (iii) The auctioneer shall have authority to accept the highest offer above the reserve price on behalf of the Council.

- (b) Private Treaty
  - (i) The relevant Estates Officer shall negotiate on behalf of the Council with prospective purchasers or their agents with no time limit within which to complete negotiations.
  - (ii) Should there be a sufficient number of interested parties, the relevant Estates Officer may decide that the interest should be disposed of by Informal Tender. The Informal Tender procedure set out below should then be followed.
  - (iii) When negotiations for sale by private treaty have been completed, the relevant Estate Officer shall submit a report to the Council, via the Executive Committee, requesting approval to dispose of the interest to the purchaser concerned on the terms agreed.

- (c) "Informal Tender"

- (i) Invitations for Informal Tenders

Where informal tenders are to be invited, one of the following methods shall be used:

Open Competitive Tender

Land or property to be marketed by Informal Tender shall be advertised in at least one local newspaper and in such trade journals as the relevant Estates Officer considers suitable, stating the nature of the interest in land and inviting expressions of interest from persons, companies or firms wishing to tender for its acquisition.

Ad hoc List

Informal Tenders shall be invited after due notice has been given by way of advertisement as set out for Open Competitive Tenders above seeking expressions of interest to be placed on a list from which selected parties will be invited to submit bids.

- (ii) Submission of Informal Tenders

The Invitations to Tender shall state that Tenders should be submitted in a plain sealed envelope bearing the word "Informal Tender" followed by the description of the land or property on offer.

The Invitations to Tender shall state that "the Council shall not be bound to accept any Informal Tender" and, where appropriate, shall give information about any criteria to be used in evaluating the bids.

The Invitations to Tender may request that Informal Tenders be submitted by a certain date. However, any Bid submitted after this date and before exchange of contracts must be considered.

Every Informal Tender shall be addressed to the Borough Director.

(iii) Opening of Informal Tenders

An Informal Tender shall be opened as and when it is received.

The opening shall be in the presence of an Officer from the Estates Services and an Officer from the Borough Directorate.

The Democratic Services Manager shall maintain a register of Informal Tenders and record in the register the following particulars:

- (a) The date and time when the Informal Tender was received;
- (b) The name of the Tenderer and the amount of the Informal Tender;
- (c) The date and time when the Informal Tenders were opened;
- (d) The signature of the Officer to whom the Informal Tenders were handed after opening; and
- (e) The names of all persons present at the opening of the Informal Tenders.

All persons required to be present at the opening of Informal Tenders shall immediately sign against the relevant particulars in the register as evidence of such informal tender having been opened by them or in their presence. Tender documents should be initialled and dated by the Officers immediately after they are opened.

(iv) “Best and Final Offers” / Referral to Committee

The relevant Estates Officer shall consider the Informal Tenders submitted and decide whether or not to refer some or all of the bids to the Council, via the Executive Committee, for it to consider whether approval should be given to dispose of the interest in the land or property.

If the relevant Estates Officer decides at this stage not to refer the highest bids to the Executive Committee, but to engage in a period of negotiation, they shall record the reason for that decision in a register maintained by them for that purpose.

Where “Best and Final Offers” in writing are sought from all those persons, companies or firms who submitted Informal Tenders, such “Best and Final Offers” shall be requested by a specific date.

Although any higher offers submitted before the Council has exchanged contracts for the disposal of the interest will be considered. The invitation to submit “Best and Final Offers” shall state that “the Council is not bound to accept any offer”.

“Best and Final Offers” should be opened by an Officer from the Estates Services Team. Any “Best and Final Offers” received after the date specified for submission of such offers shall be opened by the relevant Estates Officer in the presence of the Borough Director or his/her nominated representative.

Where a higher offer is received before the Council has exchanged contracts for the disposal of the interest, and where the relevant Estates Officer considers it to be appropriate, the offer shall be reported to the Executive Committee.

If the person, company or firm submitting the highest bid subsequently seeks to substitute a lower bid without adequate reason being given to the relevant Estates Officer, all those persons, companies or firms who submitted offers should be given the opportunity to make a further offer by a specified date. The relevant Estates Officer should record the reason for seeking revised bids in a register.

When the relevant Estates Officer is of the opinion that they have received the best offer possible at that time for a particular interest in the relevant land or property and that the disposal should proceed, they shall report the offers received to the Executive Committee with their recommendation.

6) Contract

No purchaser or lessee will be allowed to enter into occupation of land or property owned by the Council

- a) until completion of the formal document (e.g. Conveyance Transfer or Lease) and payment of any sum due; or
- b) except under a Licence to Occupy (contained in an Agreement for Sale or an Agreement for Lease) or a Tenancy at Will in a form previously approved by the Council pending completion of the Conveyance Transfer or Lease.

## **STANDING ORDERS RELATING TO PETITIONS AND DEPUTATIONS**

### **49. PETITIONS, AND DEPUTATIONS**

- 1) This Standing Order shall apply to Standing Orders 50 and 51.
- 2) Petitions, and Deputations may only be presented to the Council if they are relevant to some matter in relation to which the Council has functions, or which affects the area of the Council or part of it or the inhabitants of that area or some of them and are regarded as urgent or of significant interest by the Borough Director in consultation with the Mayor. Alternatively, they may be presented to Committee and, if so, this Standing Order and Standing Orders 50 and 51 shall apply to them as if references to the Council were references to the relevant Committee and references to the Mayor were references to the relevant Chair.

***For the purpose of avoiding potential conflict of interest, no Petitions and/or Deputations are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.***

- 3) Unless the Mayor decides otherwise, not more than 15 minutes (each) will be allowed to deal with Petitions and Deputations presented to the Council.
- 4) Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.
- 5) Petitions received as part of the planning applications or licence applications procedures shall be dealt with in accordance with those procedures, and exempted from the general provisions of Standing Order 50 (5) below.

### **50. PRESENTATION OF PETITIONS BY MEMBERS**

- 1)
  - (a) At a meeting of the Council any member of the Council may present a petition, signed by persons other than Members of the Council, notice of which has been given to the Borough Director at least 9 clear days before the date of the meeting. The Member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
  - (b) With the consent of the Mayor, the Member referred to in (a) wishing to present the petition may nominate a signatory (normally the first named) to speak to the petition. It shall continue to be the responsibility of the nominating Member to be satisfied that the petition is proper to be received.
- 2) A Member wishing to present a petition shall give notice of his/her intention to do so to the Borough Director before the beginning of the meeting at which he/she wishes to present it.

- 3) The presentation of a petition shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- 4) The Petition shall then stand referred to the relevant Officer, other relevant authority or body, or Council Committee for response.
- 5) Ward, and other interested, Members shall be notified of any responses made other than via a Council Committee or the full Council itself.
- 6) Other Petitions

*(Petitions in respect of Community Calls for Action to be incorporated at a later date)*

Other petitions received by the Council shall be referred direct to the relevant Director and/or Manager, for response or action as appropriate to each case.

The petition shall be formally acknowledged by the receiving Officer, who will provide an indication of the action to be taken and likely timescales, and copy the petition (or prayer of the petition, with an indication of the numbers of signatories, as appropriate) for the information of relevant Ward Members / other interested Members.

Such subsequent action might include report to Committee or the Council, as appropriate.

## **51. HEARING OF DEPUTATIONS**

- 1) Any person may ask that a deputation be received by a meeting of the Council. Such a request shall be made to the Borough Director at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 2) On being called by the Mayor, the person or persons speaking for the deputation may make such remarks as he/she or they think fit, (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 3) Members of the Council may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.



**52. CODE OF CONDUCT**

Upon election to the Council, Members' attention shall be drawn to the Code, a copy of which is attached at Appendix D (under Part 5A of the Constitution). Full adherence to the standards of behaviour in the Code, and in other related protocols, attached to the Constitution, is expected of all Members of the Council.

Separate Codes and/or Protocols exist in respect of Council Employees, Member & Officer relations; and Members and Officers engaged in the determination of Planning Applications; and/or involved in the administration or determination of Licensing Act 2003 Applications.

**53. ANNUAL REVIEW OF STANDING ORDERS**

- 1) The Borough Director shall ensure that these Standing Orders are reviewed annually, to ensure they are kept relevant to the business of the Council, and presented annually to the Council, normally to its Annual Meeting, for approval.
- 2) Any suggested amendments, additions or deletions to the Standing Orders will be notified to Members at such Council Meetings.

Annexes

A – Treasury Management Policy Statement

## Annex A

### TREASURY MANAGEMENT STRATEGY 2008/09

#### 1. Objectives

The main objectives of Treasury Management are:-

##### a) Borrowing

- To effect funding in any one year at the cheapest rate commensurate with future risk.
- To forecast average future interest rates and borrowing accordingly.
- To monitor and review the level of variable interest rate loans in order to take greater advantage of interest rate movements.

##### b) Investment

- To maximise the return on investments while maintaining capital security.

##### c) Cash Flow

- To either borrow on a temporary basis to cover shortfalls in funds or make temporary investments in order to manage the Council's cash flow in the most cost effective way.
- To maintain minimum balances with the Council's bankers.

#### 2.0 Sources of Financing

The following list specifies which borrowing instruments can be adopted:-

- Market – Long Term - Loans available through the London Money Market.
- Market – Temporary (up to 364 days) – Loans available through the London Money Markets.
- Public Works Loans Board – the low risk source of longer term borrowing for the Council.
- Overdraft - Redditch Borough Council has an overdraft limit of £1million with Lloyds TSB Bank plc.
- Internal (Capital receipts and revenue balances) - including “set aside” capital receipts earmarked to repay debt used as a substitute for new borrowing.
- Leasing.

### 3.0 Borrowing Limits

The prudential indicator for the Authorised Limit for external debt for the current year is the statutory limit determined under section 3(1) of the Local Government Act 2003: "A local authority shall determine and keep under review how much money it can afford to borrow."

### 4.0 Interest Rate Exposure

The Council will set for the forthcoming financial year and following two financial years upper limits to its exposures to the effects of changes in interest rates. These indicators will relate to both fixed interest rates and variable interest rates.

## **Annual Investment Strategy - 2008/09**

### Introduction

5.0 Guidance issued under section 15 (1) (a) of the Local Government Act 2003 requires the Council to approve an Annual Investment Strategy before the start of the financial year.

### 6.0 Objective

6.1. The objective of the Council's Investment Strategy is to prudently invest all surplus funds held on behalf of the authority. Priority will be given to security and liquidity but at the same time maximising yield.

6.2 The Council will not borrow funds to invest.

### 7.0 Types of Investments

7.1 The investments which the Council are able to use are categorised as 'Specified Investments' and 'Non-Specified' Investments. Specified Investments offer high security and high liquidity. They must be in sterling and have a maturity of less than a year. The Strategy is for the Council to restrict its investment activity to specified investments.

### 7.2 Specified Investments

All short-term investments arising from the management of the Council's cash flow shall be invested with:

- the major British clearing banks, National Westminster, Lloyds TSB, HSBC and Barclays, also Coutts and Company, the wholly owned subsidiary of National Westminster,
- building societies and building society conversions that are F1 or F1+ credit rated for short-term lending'
- all other local authorities (non-capped)
- 'AAA' rated Money Market Funds.

## 8.0 Credit ratings.

The Council's requirements in terms of credit ratings of lending parties are notified to the broker's. The Council principally relies on the credit ratings published by Fitch Ratings, to establish the credit quality of counterparties. Where a counterparty does not have a Fitch rating, the equivalent Moody's rating will be used.

## 9.0 External Fund Management

The Council has withdrawn from the use of external fund managers. Investments made or committed by the Council's fund managers have been returned to the Council and are now invested in-house. No new investments will be placed by external fund managers.

## 10.0 Reporting Arrangements

- 10.1 The Head of Financial, Revenues and Benefits Services will report on the prudential indicators as set out in CIPFA's Prudential Code for the coming year to the Council, at or before the start of the financial year and on the Treasury Management Strategy (including the Annual Investment Strategy) it is proposed to adopt for the forthcoming year.
- 10.2 The Head of Financial, Revenues and Benefits Services will produce an annual report for the Council by the 30th of September of the succeeding financial year.

*(Considered by the Executive Committee on 12<sup>th</sup> March 2008)*