

Part 4

RULES

OF

PROCEDURE

STANDING ORDERS FOR THE CONDUCT OF COUNCIL BUSINESS

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1.0 INTERPRETATION

Chairman - means the Chairman of a meeting.

Chief Officers - Comprise the Chief Executive, Borough Treasurer, Borough Solicitor, and Service Unit Managers.

Board - means one of the Council's Boards having powers to carry out any function delegated to it by the Council.

Committee –means the Council’s Standards and Governance Committee.

Confidential Information - means information which has either been supplied to the Council by a Government department on terms which prohibit its publication or information the disclosure of which to the public is prohibited by any enactment or by Order of the Court.

Council - means Gosport Borough Council.

Day(s) – means normal working days only

Exempt Item - means an item in respect of which a resolution has been passed under Section 100(A)(4) of the Local Government Act 1972 for the exclusion of the Press and members of the public while the item is being considered. References to "exempt business" and "exempt session" shall have the same meaning.

Leader - means the Leader of the Council who shall be Chairman of the Policy and Organisation Board.

Mayor - The Mayor is the Chairman of the Council and these Standing Orders shall be construed accordingly. If the Mayor is not present at the Council meeting the Deputy Mayor will (if present) act as the Chairman of the Council. If neither the Mayor or Deputy Mayor is present, the Council shall elect a mayor for the meeting. Throughout these Standing Orders reference to the person chairing the Council meeting shall be given as “Mayor”.

Member - means a Member of the Council who has signed a declaration of acceptance of office.

Time Period – means, unless the contrary intention is expressed, any period of time stated in these Standing Orders which shall be interpreted by reference to normal working days only and shall exclude the day of service of the notice or request; or meeting and the day on which the meeting or other event in respect of which the notice or request is made or meeting takes place.

Point of Order - means a point arising in relation to these Standing Orders.

Service Board - means Policy and Organisation Board, Community Board or Economic Development Board as the case may be

Sub-Board - means any Sub-Board exercising any of the powers delegated to it by one of the Council's Service Boards or by the Council.

Sub-Committee – means any Sub-Committee exercising any of the powers, delegated to it by one of the Committees or by the Council

2.0 THE COUNCIL AND ITS BOARDS - MEETINGS AND MEMBERSHIP	
2.1 Ordinary Meetings of the Council	
2.1.1 There shall be not less than six meetings of the Council in each year of which one shall be the Annual Meeting and one shall be the budget meeting.	Frequency, annual meeting, budget meeting.
2.1.2 The Annual Meeting shall be held in May in each year and the budget meeting shall be held in February in each year. Other meetings shall be held on such days as the Council has previously determined or on a day determined in accordance with Standing Order 2.1.3.	Timing of meetings.
2.1.3 The Mayor shall have the power to vary the date of any Ordinary Meeting of the Council after consultation with the Chief Executive, the Leader of the Council and the Leaders of any other Political Group represented on the Council.	Variation of timing.
2.1.4 Unless agreed otherwise by the Council an Ordinary Meeting shall commence at 6 pm in the Council Chamber at the Town Hall.	Commencement and venue.
2.2 Extraordinary Meetings of the Council	
2.2.1 An Extraordinary Meeting may be called at any time by the Mayor.	Calling of by the Mayor.
2.2.2 Any five Members of the Council shall have the right to submit a written request to the Mayor that an Extraordinary Meeting should be called to consider the item(s) of business stated in the request.	Members Requisition.
2.2.3 Within seven days after receipt of a request under Standing Order 2.2.2 the Mayor shall call an Extraordinary Meeting for a date not more than fourteen days after receipt of the request.	Timing of Meeting following requisition.

<p>2.2.4 If the Mayor refuses or neglects within seven days to call an Extraordinary Meeting of the Council in accordance with Standing Orders 2.2.2 and 2.2.3 any five Members of the Council may at the expiry of the said seven days submit a written request to the Chief Executive for an Extraordinary Meeting of the Council to be called forthwith and the Chief Executive shall comply with that request and issue a summons for the meeting to be held within 7 days.</p>	<p>Default power of Chief Executive to call meeting.</p>
<p>2.2.5 An Extraordinary Meeting of the Council shall not be convened under Standing Order 2.2.2 or 2.2.4. unless the request specifies the business to be considered at the meeting in the form of a Notice of Motion.</p>	<p>Members' Requisition to contain Notice of Motion.</p>
<p>2.3 Board and Committee Structure</p>	
<p>2.3.1 The Council shall at the Annual Meeting appoint such Boards and Sub-Boards, and Standards and Governance Committee and make such provision as to Terms of Reference, powers and Membership as it thinks fit subject to compliance with the proportional representation provisions of the Local Government and Housing Act 1989 or any amending legislation except insofar as members elect to waive their rights under such legislation.</p>	<p>Appointment of Boards and Committees of the Council</p>
<p>2.3.2 The Mayor and the Chairman of the Policy and Organisation Board shall be ex-officio Members of every Board and Sub-Board of the Council save that there shall be no entitlement to a vote where Membership of any Board or Sub-Board of the Council is by virtue only of this Standing Order. The Mayor and Chairman of the Policy and Organisation Board shall not be ex-officio members of the Standards and Governance Committee.</p>	<p>Ex-officio membership of Boards and Sub-Boards.</p>
<p>2.3.3 Any vacancy on a Board or Sub-Board, or the Standards and Governance Committee which occurs after the Annual Meeting shall be filled by the Council in accordance with paragraph 2.3.4.</p>	<p>Filling of casual vacancies.</p>

<p>2.3.4 Notwithstanding the requirements of Standing Orders 2.3.3 and 2.3.5, any vacancy on any Board, Sub-Board, Committee or other body which occurs after the Annual Meeting and which has been caused by the resignation or departure for whatever reason of a Member of a Political Group recognised by the Council may be filled by any other member nominated by the Leader of that Group providing the requirements of the Local Government and Housing Act 1989 (Political Balance on Boards Etc) or any amending legislation are complied with.</p>	<p>Filling of casual vacancies by Members nominated by Political Groups.</p>
<p>2.3.5 Any vacancy on an outside body (other than a body to which a Board has been authorised to make appointments) shall be filled by the Council on the recommendation of the Policy and Organisation Board or, if that Board fails to make such a recommendation, by the Council itself. Where it thinks fit, the Council may make such an appointment notwithstanding any Board authorisation previously given.</p>	<p>Vacancies on Outside Bodies.</p>
<p>2.3.6 Where any member of a Board, Sub-Board or Committee is absent from a single meeting and has submitted his/her apologies to the Borough Solicitor and Deputy Chief Executive, the Leader or Deputy Leader of the Member's Political Group may nominate another member of that Political Group to be a substitute for the absent member provided that:-</p> <ul style="list-style-type: none"> (a) the substitute member is not precluded from any other of these Standing Orders from being a full member of that Board, Sub-Board or Committee; (b) the Group Leader or Deputy Leader has before the commencement of the meeting given notice in writing, on the form provided for this purpose, to the Borough Solicitor and Deputy Chief Executive of the name of the absent member(s) and the names of the substitute member(s); (c) the substitute member has received all necessary training to enable him/her to undertake the role of substitute; (d) in the event of the full member presenting him/herself at the meeting the appointment of the nominated substitute shall be null and void; (e) all members recognising that the use of substitute members is intended to cover single absences from a particular meeting and in the event that a member is unable to attend three successive meetings of a Board, Sub-Board or Committee the appointment of substitutes shall not be permitted after the second absence; and (f) in the case of the Regulatory Board substitute members may only be drawn from the nominated Deputies appointed for each Group at the Annual Meeting under the provisions of the Council's Constitution. 	<p>Appointment of substitute members.</p>

2.4 Election of Mayor and Deputy Mayor	
2.4.1 During January or February in each year the Borough Solicitor and Deputy Chief Executive shall write to Group Leaders and to all Members of the Council inviting them to submit nominations of Members for selection as Mayor-Elect for the next succeeding Municipal Year.	Voting on nominees.
2.4.2 The Borough Solicitor and Deputy Chief Executive shall ascertain that each Member is prepared to accept nomination. A list of those Members prepared to accept nomination shall be included on the agenda for the January or February ordinary meeting of the Council. Voting on the list of nominees shall be by ballot and shall continue until one nominee secures an overall majority.	Voting on nominees.
2.4.3 The procedure set out in 2.4.2 shall be followed for the selection of a Deputy Mayor-Elect.	Procedure for Deputy Mayor-Elect.
2.5 Leader of the Council	
2.5.1 The Leader of the Council shall be elected by the whole Council as the Chairman of the Policy and Organisation Board.	Election of Chairman of POB. designated as "Leader".
3.0 MEETINGS OF THE COUNCIL AND ITS BOARDS AND SUB-BOARDS - BEFORE THE MEETING	
3.1 Summonses and Agendas	
3.1.1 A printed copy of the Summons and Agenda for any forthcoming meeting of the Council or any Board, Sub-Board, or Committee shall be available for collection from Democratic Services not less than 5 clear working days before such meeting.	Despatch of Summons and Agenda.

3.1.2 The Agenda shall list the business to be conducted at the meeting in the order in which it is required to be conducted by these Standing Orders. Notices of Motion shall be set out in full and any accompanying reports referred to in the Agenda.	Contents of Agenda.
3.1.3 The Summons and Agenda for any Ordinary Meeting of the Council or of any Board, Sub-Board or Committees shall be accompanied by the draft Minutes of any previous meeting(s) whether Ordinary or Extraordinary.	Draft Minutes to be included with Agenda for Ordinary Meetings.
3.2 Notice of Motion - Procedure for Giving (Council Meetings Only)	
3.2.1 Every Notice of Motion shall be in writing and signed by the Member(s) giving the Notice.	Notice of Motion to be in writing.
3.2.2 Every Notice of Motion shall be delivered to the Borough Solicitor and Deputy Chief Executive not less than eight days before the Ordinary Meeting of the Council at which it is to be considered (except a Motion to suspend Standing Orders given under Standing Order 3.2.5 and a Motion under Standing Order 4.15.1 which shall be delivered to the Borough Solicitor and Deputy Chief Executive not later than noon on the day preceding the meeting in question) or a motion under Standing Order 4.5.1.	Eight days' notice of Motion.
3.2.3 The Borough Solicitor and Deputy Chief Executive shall number in the order of receipt and record in a book, which shall be available for inspection by Members, every Notice of Motion received by him/her.	Notices to be recorded.
3.2.4 Every Notice of Motion received by the Borough Solicitor and Deputy Chief Executive in accordance with these Standing Orders shall be inserted in the Summons for the meeting at which it is to be considered unless it has previously been withdrawn by the Member(s) concerned.	Notices to be Inserted in Summons unless withdrawn.

<p>3.2.5 Notice of Motion to suspend a Standing Order or Standing Orders shall:-</p> <p>(a) Give the reasons for suspending a Standing Order or Standing Orders;</p> <p>(b) If not included on the Agenda, be handed to the Borough Solicitor and Deputy Chief Executive not less than two hours before the scheduled time for the commencement of the meeting.</p>	<p>Requirements of Notice of Motion to suspend Standing Orders.</p>
<p>3.3 Members' Questions - Procedure for Giving (Council Meetings Only)</p>	
<p>3.3.1 Notice of any question to which Standing Order 4.8.1 or Standing Order 4.8.2 applies shall be given to the Borough Solicitor and Deputy Chief Executive not later than noon on the working day preceding the relevant Council meeting.</p>	<p>One day's Notice for Members' Questions.</p>
<p>3.4 Notice of Deputations - Procedure for Giving</p>	
<p>3.4.1 Notice of any deputation to which Standing Order 4.9.1 and Standing Order 5.4.1 applies shall be given to the Borough Solicitor and Deputy Chief Executive not later than noon on the second working day preceding the relevant meeting.</p>	<p>Two days' Notice for Deputations.</p>
<p>3.4.2 The Notice given under Standing Order 3.4.1 must be counter-signed by ten electors of the Borough or signed by or on behalf of the person or persons having a private interest in the object or the deputation</p>	<p>Notice to be Counter-signed unless a private interest matter.</p>
<p>3.4.3 Any question as to whether or not an interest is sufficient to constitute a private interest for the purposes of Standing Order 3.4.2 shall, in respect of Council meetings, be determined by the Borough Solicitor and Deputy Chief Executive in consultation with the Mayor and Leader of the Council and in the case of Board and Sub-Board or Committee meetings, shall be determined by the Borough Solicitor and Deputy Chief Executive in consultation with the Chairman of that Board, Sub-Board or Committee.</p>	<p>Determination of private interest.</p>

3.5 Notice Of Public Questions – Procedure for Giving	
3.5.1 Notice of any public question to which Standing Order 4.10.1 applies shall be given to the Borough Solicitor and Deputy Chief Executive not later than noon on the second working day preceding the relevant meeting.	Two days' Notice for public questions.
3.6 Member's Right to Speak at Board and Sub-Board Meetings.	
3.6.1 Subject to Standing Order 3.6.4 any Member of the Council may attend a meeting of any Board, Sub-Board and Standards and Governance Committee notwithstanding that he is not a Member of that Board and may remain at the meeting for the discussion of any item of business on the Agenda including any exempt item of business.	Member's right to attend Board and Sub-Board meetings.
3.6.2 Any Member of the Council who is not a Member of the Board, Sub-Board or Standards and Governance Committee in question, may only take part in the discussion of any item of business on the agenda for the meeting in question if:- (a) He is permitted to do so in accordance with Standing Orders 3.7 or 4.6.5; or (b) The matter under discussion relates to the Member's Ward; or (c) The Chairman of the Board or Sub-Board or Standards and Governance Committee consents.	Member's right to speak at Board and Sub-Board meetings.
3.6.3 Any Member who wishes to exercise the right conferred in Standing Order 3.6.2 shall (with the exception of the right arising by virtue of (a)) give to the Borough Solicitor and Deputy Chief Executive not less than 24 hours' prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the Member wishes to speak.	Member's Notice to speak at Board and Sub-Board meetings.
3.6.4 Standing Order 6.1 (interests in contracts and other matters) and Standing Order 6.4 (proceedings to be confidential) shall apply to Members exercising the rights	Right to speak subject to Standing Orders.

conferred by this Standing Order.	
3.6.5 The decision of the Chairman of the Board, Sub-Board or Standards and Governance Committee on whether a matter relates to a Member's Ward and on whether a Member shall be permitted to take part in a discussion, shall be final.	Chairman's ruling to be final.
3.6.6 No Member who is not a Member of the Board, Sub-Board or Standards and Governance Committee in question shall in any circumstances be entitled to vote on any matter before the Board or Sub-Board or Standards and Governance Committee.	Prohibition on voting.
3.6.7 Any Member attending a Board, Sub-Board or Committee shall, unless taking part in the discussion by virtue of this Standing Order, sit apart from the Members of the Board, Sub-Board or Committee and shall refrain from conversing with or disturbing the Members of the Board, Sub-Board or Committee and shall, if required to do so by the Chairman, retire from the meeting.	Non-Members to take no part in Board, Sub-Board or Committee meetings.
3.7 Members' Reports - Procedure (Board and Sub-Board Meetings Only)	
3.7.1 Subject to Standing Orders 3.7.2 and 3.7.3 any Member of the Council may require any substantive matter falling within the terms of reference and delegated powers of a Board or Sub-Board or Standards and Governance Committee to be included on the agenda of that Board or Sub-Board or Standards and Governance Committee.	Members' rights to have matters raised at Board and Standard and Governance Committee meetings.
3.7.2 Any Member exercising the right conferred by Standing Order 3.7.1 shall, not less than 17 days before the meeting in question, provide the Borough Solicitor and Deputy Chief Executive with a written statement of the matter that the Member wishes to raise.	Written statement to be provided 17 days before meeting.
3.7.3 In respect of any statement received under Standing Order 3.7.2, the Borough Solicitor and Deputy Chief Executive, in consultation with the Chairman of the relevant Board or Sub-Board or Standards and Governance Committee shall determine whether or not it is appropriate to include the	Determination of Member's request for matter to be considered.

<p>item on the agenda for the meeting in question. If the Member's request is refused, the Member shall be notified accordingly with the reasons for refusal.</p>	
<p>3.7.4 If the Member's request is approved, the request shall be incorporated in a Member's report prepared by the Borough Solicitor and Deputy Chief Executive this report shall also incorporate the preliminary comments (if any) of any other relevant Officer of the Council.</p>	<p>Preparation of report detailing Member's request.</p>
<p>4.0 PROCEEDINGS AT COUNCIL MEETINGS</p>	
<p>4.1 Quorum</p>	
<p>4.1.1 A quorum for a meeting of the Council shall be 8 Members.</p>	<p>Quorum to be 8 Members.</p>
<p>4.1.2 If within 10 Minutes after the time appointed for the commencement of any meeting of the Council the quorum is not present, the meeting shall be adjourned and the names of the Members present at that time shall be recorded.</p>	<p>Dissolution if quorum not present.</p>
<p>4.1.3 If at any time during the meeting the quorum of Members present falls below 8 Members the Mayor shall immediately adjourn the meeting and the names of the Members present at that time shall be recorded in the Minutes. The completion of any outstanding business shall be adjourned to a date and time stipulated by the Mayor, or, if no such date and time is stipulated, to the next Ordinary Meeting of the Council.</p>	<p>Counting out and outstanding business.</p>
<p>4.2 Order of Business</p>	
<p>4.2.1. Subject to Standing Order 4.2.2 the order of business for every meeting of the Council shall be:-</p> <p>(a) To appoint a Member as Chairman if the Mayor and Deputy Mayor are both absent;</p> <p>(b) To record any apologies for non-attendance;</p>	<p>Order of business.</p>

<p>(c) To conduct any business required by statute to be done before any other business;</p> <p>(d) To approve (or not as the case may be) as a correct record the Minutes of the last meeting;</p> <p>(e) To receive, consider and pass such Motions as the Council shall deem expedient on the Mayor's Communications (if any);</p> <p>(f) To receive deputations in accordance with Standing Order 4.9.1 and to answer questions in accordance with Standing Order 4.10.1;</p> <p>(g) To dispose of any outstanding business from the last meeting;</p> <p>(h) To answer questions in accordance with Standing Orders 4.8.1 and 4.8.2;</p> <p>(i) To receive and consider the Part I minutes of proceedings of all Boards or Committees of the Council;</p> <p>(j) To consider Notices of Motion in the order in which they have been received;</p> <p>(k) To receive the Part II minutes of the proceedings of all Boards and Committees of the Council;</p> <p>(l) To fill vacancies in any office, Board, Committee or other body;</p> <p>(m) Such other business as may be specified in the Summons.</p>	
<p>4.2.2 A Motion to vary the order of business may be considered at any time after the completion of the business referred to in Standing Orders 4.2.1(a), (b) and (c).</p>	<p>Variation of order of business.</p>
<p>4.3 Part I Items- recommendations from Service Boards</p>	
<p>4.3.1 The Chairman or Vice-Chairman of each Service Board shall present the recommendation of that Service Board on Part I items to the Council individually</p>	<p>Consideration of recommendations from Service Boards.</p>
<p>4.3.2 Immediately after a recommendation on a Part I item from</p>	<p>Right to speak on</p>

<p>the Service Board is presented a Member wishing to speak thereon may indicate his/her wish to do by raising his/her hand but shall not start his/her speech until called upon by the Mayor.</p>	<p>Part I items.</p>
<p>4.3.3 At the end of discussion on the Part I item the Mayor shall put the recommendation as set out in the Part I item to the Council for a vote.</p>	<p>Vote on Part I item.</p>
<p>4.4 Board Minutes - Part II</p>	
<p>4.4.1 The Chairman or Vice-Chairman of each Service Board shall move page by page that Part II of the Board Minutes be received.</p>	<p>Receipt of Part II minutes.</p>
<p>4.4.2 Any Member wishing to speak on a Part II Minute may do so by calling the number of the page and/or by raising his/her hand but shall not start to speak until called upon by the Mayor save that no Member may speak for more than 3 minutes on any one Part II Minute.</p>	<p>Procedure for speaking on Part II Minutes.</p>
<p>4.5 Motions Moved Without Notice</p>	
<p>4.5.1 The following Motions may be moved without Notice:-</p> <ul style="list-style-type: none"> (a) A Motion to adopt a recommendation contained in any report or Part I Item before the Council; (b) An amendment to any Motion before the Council; (c) A Motion to refer an item of business to or back to a Board, Sub-Board or Standards and Governance Committee of the Council; (d) A Motion arising out of the consideration of Mayor's communications; (e) That the Council meeting or debate be adjourned; (f) That the question be now put; (g) That the Council proceed to the next business; (h) A Motion under Section 100(A)(4) of the Local 	<p>Motions moved without notice.</p>

<p>Government Act 1972 to exclude the Press and public;</p> <p>(i) A Motion that a Member be not further heard or that a Member be allowed to speak for a longer period;</p> <p>(j) A Motion that the order of business be varied;</p> <p>(k) That the subject of a Notice of Motion be debated as a matter of urgency under Standing Order 4.6.3;</p> <p>(l) A Motion that a Deputation is not received (Standing Order 4.9.7) or that a Deputation be received (Standing Order 4.9.8); and /or</p> <p>(m) A Motion that the business of the Council shall continue after 9.30 pm.</p>	
<p>4.6 Procedure for Motions Following Notice</p>	
<p>4.6.1 Any Motion of which Notice has been given in accordance with Standing Order 3.2.1 shall, upon being formally moved and seconded stand referred without discussion to such Board or Standards and Governance Committee within whose Terms of Reference the Motion falls.</p>	<p>Reference of Motions to Board.</p>
<p>4.6.2 If the subject matter of any Motion does not fall within the Terms of Reference of any Board or Standards and Governance Committee of the Council the Motion shall be referred to the Policy and Organisation Board for consideration as a Part I item.</p>	<p>Reference to Policy and Organisation Board.</p>
<p>4.6.3 Provided that if the Council on the Motion of the Chairman of the Policy and Organisation Board and without debate resolves that there is an urgent need in the interests of the Borough or of the Borough Council for the Motion to be debated immediately it shall be so debated.</p>	<p>Motions debated as a matter of urgency.</p>
<p>4.6.4 If a Motion of which Notice has been given in the Summons for the meeting is not moved by the Member or Members giving the Notice or by any other Member authorised in writing by that Member or those Members, it shall be treated as abandoned and shall not thereafter be moved without fresh Notice.</p>	<p>Motions not moved.</p>

<p>4.6.5 A Member of the Council who has proposed a Motion that has been referred to any Board or Standards and Governance Committee shall be entitled to attend the meeting of the Board or Standards and Governance Committee at which it is to be considered and to take part in any debate on it. Such Member shall not be entitled to a vote on the Motion unless he is a member of the Board or Standards and Governance Committee concerned.</p>	<p>Mover of Motion entitled to speak at Board.</p>
<p>4.7 Procedure for Amendments</p>	
<p>4.7.1 All amendments must be in writing, signed by the proposer and seconder and handed to the Mayor before any debate on the amendment begins.</p>	<p>Amendments to be in writing.</p>
<p>4.7.2 An amendment may add and/or delete words</p>	<p>Contents of amendment.</p>
<p>4.7.3 The effect of an amendment must not be to:-</p> <p>(a) Negative the Motion under debate,</p> <p>(b) Introduce a materially new issue,</p> <p>(c) Reverse or amend a decision made under delegated powers except where that decision has not been actioned and the purpose (or one of the purposes) of the debate is to review that decision.</p>	<p>Restriction on amendments.</p>
<p>4.7.4 No second or subsequent amendment shall be moved until the first or previous amendment has been disposed of.</p>	<p>Amendments to be disposed of one at a time.</p>
<p>4.7.5 Notice of any number of amendments may be given provided such Notice is given before the commencement of the reply to the debate on the previous amendment.</p>	<p>Timing of amendments.</p>
<p>4.7.6 The propose or seconder of any amendment may not move or second any further amendment to the Motion or any amendment which has replaced it.</p>	<p>Members not to move or second further amendments.</p>
<p>4.7.7 An amendment which has been carried becomes the</p>	<p>Amendment to become</p>

substantive Motion.	substantive motion.
4.7.8 If, after the disposal of an amendment, no further amendment is moved the question upon the substantive Motion shall be put without further debate subject only to any outstanding rights of the mover and seconder to speak or reply under Standing Orders 4.11.2 or 4.11.4.	Voting on substantive motion.
4.7.9 An amendment shall not be inconsistent with any alterations to the original Motion made by amendment(s) already carried.	Amendments not to be inconsistent with previous amendment(s).
4.7.10 The Mayor shall have the discretion to refuse to put to the meeting any amendment which, in his opinion, substantially contradicts, overrides or repeats a previous amendment.	Chairman's discretion to refuse amendments.
4.8 Procedure for Members' Questions	
4.8.1 At any meeting of the Council a Member may ask the Mayor or Chairman of the appropriate Board or Committee any question on any Minute or other matter properly before the Council providing notice of such question has been given in accordance with Standing Order 3.3.1.	Questions on matters before the Council.
4.8.2 At any meeting of the Council a Member may ask the Chairman or Vice-Chairman of the appropriate Board or Committee any question on any matter in relation to which the Council have powers or duties or which affect the Borough but which is not included on the agenda for the meeting or is not otherwise before the Council providing that notice of such question has been given in accordance with Standing Order 3.3.1.	Questions on matters not before the Council.
4.8.3 Where the Chairman or Vice-Chairman is unable to provide an answer at the meeting he/she shall provide a written answer in accordance with the provisions of Standing Order 4.8.5.	Chairman not obliged to answer questions.
4.8.4 Any Member who has received an answer to any question put by him/her under Standing Order 4.8.1 or 4.8.2 may ask	Supplementary questions.

one supplementary question arising from the answer given.	
4.8.5 Where the Chairman or Vice-Chairman of the appropriate Board or Committee considers that an oral reply cannot conveniently be given, he/she may provide a written answer to the Member concerned within seven days after the meeting. A copy of the written answer shall also be circulated to all other Members with the Minutes of the meeting at which the question was asked.	Procedure for giving written reply.
4.9 Procedure for Deputations	
4.9.1 Any meeting of the Council to which this Standing Order applies may receive a Deputation of which Notice has been given in accordance with Standing Order 3.4.1.	Receipt of Deputations subject to notice.
4.9.2 No Deputation may be received if that Deputation relates to an item of business which appears on the Agenda for the meeting in question as an exempt item or which the Council has resolved to consider in confidential session.	No Deputations on exempt business.
4.9.3 At any meeting at which the setting of the level of Council Tax or any statutory replacement thereof is being considered Deputations shall not relate to the Council Tax.	No Deputations at certain meetings.
4.9.4 A Deputation may only be received in relation to a matter which is before the meeting for a decision or which relates to one or more of the functions of the Council.	Deputations to relate to item of business or functions of the Council.
4.9.5 The following Rules shall apply to any Deputation permitted under this Standing Order:- (a) Each Deputation shall consist of a oral presentation made by one spokesperson only; (b) The spokesperson shall be entitled to speak for a maximum of five minutes; (c) Where there is more than one Deputation supporting or opposing the matter in question the total time for the Deputations in support and the Deputations in opposition	Rules for presentation of Deputations.

<p>shall not exceed ten minutes in each case;</p> <p>(d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor and Deputy Chief Executive if, in their opinion, they should be included or referred to in the Minutes of the meeting;</p> <p>(e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson;</p> <p>(f) Members of the meeting concerned may ask questions of the spokesperson to clarify any statement made;</p> <p>(g) The Chairman shall if he/she considers it appropriate, respond to any Deputation on behalf of the meeting.</p>	
<p>4.9.6 The total time permitted for all Deputations shall not exceed twenty minutes at any one meeting.</p>	<p>Deputations not to exceed 20 minutes in total.</p>
<p>4.9.7 If it considers it appropriate to do so the Council may resolve, on the Motion of the Mayor, that any Deputation of which notice has been given in accordance with Standing Order 3.4.1 shall not be received or that the matter shall be deferred to a future meeting.</p>	<p>Discretion not to receive Deputations.</p>
<p>4.9.8 If it considers it appropriate to do so the Council may resolve, on the Motion of the Mayor, either that a Deputation may be received notwithstanding that Notice has not been given in accordance with Standing Order 3.4.1, or, that any of the requirements of Standing Order 4.9 shall not apply in respect of that meeting.</p>	<p>Discretion to waive Standing Order 4.9.</p>
<p>4.10 Procedure for Public Questions</p>	
<p>4.10.1 Any member of the public may attend any meeting of the Council to ask a question of which Notice has been given under Standing Order 3.5.1.</p>	<p>Public's right to ask questions.</p>
<p>4.10.2 A question must relate to the functions of the Council and may not be asked if, in the opinion of the Borough Solicitor and Deputy Chief Executive in consultation with the Mayor,</p>	<p>Exclusion of certain questions.</p>

<p>it does not relate to the functions of the Council or is vexatious or frivolous or relates solely or mainly to the interests of an individual or to a matter which, on the advice of the Borough Solicitor and Deputy Chief Executive, should be considered as an exempt item.</p>	
<p>4.10.3 Questions shall be put orally to the Chairman and shall be answered orally by the Chairman or by his or her nominee.</p>	<p>Questions to be put and answered orally.</p>
<p>4.10.4 Questions shall be put in the order in which they are received by the Borough Solicitor and Deputy Chief Executive.</p>	<p>Questions to be put in order of receipt.</p>
<p>4.10.5 A total of fifteen minutes shall be allowed for public questions. If, at the end of that time, questions remain unanswered, the questioner shall receive a written response from the Borough Solicitor and Deputy Chief Executive as soon as practicable after the meeting.</p>	<p>Question time not to exceed 15 minutes.</p>
<p>4.10.6 No questioner shall be permitted to ask more than one question and may not ask supplementary questions.</p>	<p>One question only.</p>
<p>4.11 Rules of Debate</p>	
<p>4.11.1 A Member shall speak only once in a debate on any Motion or amendment except in the exercise of rights given by the following Standing Orders:-</p> <p>(a) Standing Order 4.11.2 - right of reply,</p> <p>(b) Standing Order 4.11.10 - point of order,</p> <p>(c) Standing Order 4.11.11 - personal explanation.</p>	<p>Member to speak once only.</p>
<p>4.11.2 The Chairman or other Member moving the recommendation of the Service Board on a Part I item or the mover of any motion or amendment being debated by the Council shall have a right to reply at the close of the debate immediately prior to any vote being taken.</p>	<p>Member's right to reply.</p>
<p>4.11.3A Member exercising the right to reply shall not introduce</p>	<p>Speech in reply</p>

any new matter.	not to raise new matter.
4.11.4 The seconder of any Motion being debated by the Council may reserve his right to speak to a later time in the debate but shall not speak after the mover has made his speech in reply	Secunder may reserve right to speak.
4.11.5 Subject to Standing Order 4.11.4 a Member wishing to speak shall so indicate by raising his hand but shall not begin his speech until called by the Mayor who shall decide the order in which Members are to speak.	Member to indicate a wish to speak.
4.11.6 Wherever possible Members shall stand when speaking and address the Chairman.	Member to address Chairman.
4.11.7 Subject to Standing Order 4.11.8 Speeches shall not exceed five minutes in length except speeches on amendments which shall not exceed three minutes in length.	Speeches not to exceed 5 minutes or 3 minutes.
4.11.8 The time limits contained in Standing Order 4.11.7 shall not apply to:- (a) The Member moving the budget proposals, (b) The spokesperson of any opposition party in reply to the budget proposal, provided that the speech of any opposition spokesperson shall not exceed ten minutes in length. (c) speeches where, before speeches on an item have begun, 5 members request that an extension of time pursuant to this standing order in which case the time limit for speeches shall be increased from 5 minutes to 7 minutes.	Exemption from time limits.
4.11.9 Speeches shall be relevant to the matter under debate and the Mayor may stop a Member speaking if he is of the opinion that the speech is not relevant or substantially repeats the speech of another Member.	Speeches to be relevant.
4.11.10 If it appears to a Member at any meeting that there has been a breach of any of the Council's Standing Orders and that the Mayor has not taken the necessary action, that Member may, although during the speech of another Member, draw the attention of the Mayor by rising to his feet but without speaking until authorised by the Mayor. On such authorisation he should raise the matter by speaking the words "point of order" and quoting the number of the relevant Standing Order followed by details of the alleged	Member's right to raise points of order.

<p>breach. He shall not make any speech in support of his opinion but may answer any question put to him by the Mayor. The Mayor shall forthwith rule upon the alleged breach following which there shall be no further discussion on the matter.</p>	
<p>4.11.11 If during any debate it appears to a Member who has already spoken that he has either, (a) made an error of fact which should be corrected, or, (b) he has been misrepresented or misquoted by a subsequent speaker, he may, by rising to his feet but without interrupting the speech of any other Member, ask the permission of the Mayor to make a personal explanation. On the granting of such permission he may either correct what he has previously said or draw attention to the misrepresentation or misquotation but shall not add any new matter or repeat any previous arguments.</p>	<p>Member's right to personal explanation.</p>
<p>4.11.12 The ruling of the Mayor on any point arising under these Standing Orders, or on the admissibility of a personal explanation, shall be final and not open to discussion or challenge.</p>	<p>Chairman's ruling on Standing Orders to be final.</p>
<p>4.11.13 When the Mayor rises, no other Member shall remain standing and until the Mayor resumes his seat no Member shall rise and the Council shall be silent so that the Mayor may be heard without interruption.</p>	<p>Members to respect the Chairman.</p>
<p>4.11.14 If the Mayor considers that a Member's conduct is disorderly and so states to the meeting, the Mayor or any other Member may move that the Member in question "be no longer heard". If seconded, the Motion shall be put to the vote without discussion and, if carried, the Member concerned shall discontinue his speech and resume his seat.</p>	<p>Member's misconduct - Motion that Member "be no longer heard".</p>
<p>4.11.15 For the purposes of Standing Order 4.11.14 it shall be regarded as misconduct for a Member to disregard the ruling of the Mayor, to obstruct the proceedings of the Council, to use offensive language or to behave improperly.</p>	<p>Member's misconduct - definition.</p>
<p>4.11.16 If, after a Motion under Standing Order 4.11.15 has been put to the meeting and carried, the Member in question continues to disregard the authority of the chairman, the</p>	<p>Member's misconduct - exclusion of</p>

<p>Mayor may either:-</p> <p>(a) Order the Member to leave the meeting and to take no further part in the proceedings of that meeting, or,</p> <p>(b) Adjourn the meeting for such period or to such alternative date and time as the Mayor shall decide.</p>	<p>Member or adjournment of meeting.</p>
<p>4.11.17 If at any time it appears to the Mayor that the meeting should be adjourned because of general misbehaviour of either Members or the general public, he may, on his own authority, adjourn the meeting for such period or to such alternative date and time as he shall decide.</p>	<p>Public misconduct - adjournment.</p>
<p>4.11.18 If the business of the Council is not concluded by 9.30 pm the meeting shall stand adjourned unless it is otherwise decided by the Council on the Motion of the Mayor to continue.</p>	<p>Continuation of meeting after 9.30 pm.</p>
<p>4.11.19 Where a meeting is not continued under Standing Order 4.11.18 any uncompleted business shall be adjourned to the next ordinary meeting of the Council unless, on the Motion of the Mayor, an alternative date and time is decided by the meeting.</p>	<p>Uncompleted business adjourned to next meeting.</p>
<p>4.11.20 Subject to Standing Orders 4.11.21 and 4.15.1 any Part I Item, report or other document before the Council shall be taken as read.</p>	<p>Documents taken as read.</p>
<p>4.11.21 Where any meeting of the Council may be adjourned in consequence of the provisions of Standing Order 4.11.18 the Mayor shall try to ensure that any business that has to be determined in order that the Council complies with any statutory provision shall be decided at the meeting but in the event that no decisions are reached the recommendations from the Service Boards on those Part 1 Items shall be deemed to have been approved.</p>	<p>Certain Part 1 minutes deemed to have been approved.</p>
<p>4.12 Formal Motion and Voting</p>	
<p>4.12.1 A Member who has not spoken on the recommendation, motion or amendment under debate may, at the conclusion of the speech of another Member, move "that the question be now put" or "that the Council proceed to the next business" or "that the Council now adjourn" but shall not be</p>	<p>Member's right to move next business etc.</p>

entitled to speak on such Motion.	
4.12.2 If a Motion moved under 4.12.1 is seconded the Mayor shall, if in his opinion the question before the meeting has been sufficiently debated and subject to the right of reply contained in Standing Order 4.11.2, put the Motion to the vote without amendment or discussion. If such Motion is carried the question before the meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that meeting or the meeting shall stand adjourned, as the case may be.	Voting on formal Motion and Mayor's discretion.
4.12.3 Subject to Standing Order 4.12.4 and 4.12.6 every question shall be determined by a show of hands unless Standing Order 4.12.4 shall apply.	Show of hands.
4.12.4 If a Member requests and if five other Members support him in that request, the voting on any question shall be recorded so as to show how each Member present gave his vote or abstained from voting.	Recorded votes.
4.12.5 Notwithstanding Standing Order 4.12.4, any Member may require, at the time the vote is taken, that the Minutes of the meeting show how he voted, or abstained from voting as the case may be, on the item of business in question.	Member's right to have his vote recorded.
4.12.6 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.	Budget decision meetings.
4.13 Minutes	
4.13.1 No protest or expression of dissent shall be entered in the Minutes of any Council meeting.	Protests not to be recorded.
4.13.2 At any ordinary meeting of the Council the draft Minutes of any previous meeting, whether ordinary or extraordinary, shall be signed by the Mayor as a true and correct record subject only to such corrections as the Members present	Minutes of previous meetings to be signed at ordinary meetings

shall require to be made.	only.
4.14 Rescission of Previous Decisions	
<p>4.14.1 No Motion which has the effect of:-</p> <p>(a) Rescinding or negating any previous decision of the Council, or,</p> <p>(b) Replacing or reinstating any decision previously rescinded or negated shall be considered by the Council within six months of that decision (or the decision to rescind or negate) except in the following circumstances:-</p> <p>(i) Where the decision was made in reliance on information which has subsequently been found to be incorrect; or</p> <p>(ii) Where there has been a change in the law in relation to that decision; or</p> <p>(iii) Where the Mayor, in consultation with the Leader of the Council and the Borough Solicitor and Deputy Chief Executive considers that there has been such a change in circumstances since the decision was made that it would be in the best interests of the Council for the matter to be reconsidered;</p>	No rescission of Council decisions within six months.
<p>4.14.2 The requirements of Sub-Clause(iii) of Standing Order 4.14.1 shall not apply to any matter which appears in the Part I Minutes of any Board to be considered at that meeting providing that the requirements of Standing Order 5.8.1 have been complied with in relation to the item concerned.</p>	Requirements for matters contained in the Part I Minutes of a Board.
4.15 The Council as a Committee	
<p>4.15.1 The Motion of any Member of which notice has been given, in accordance with Standing Order 3.2.2 that the Council "moves to Committee" in relation to any item of business identified in the Motion, shall be debated in accordance with the rules of debate contained in Standing Order 4.11 subject only to the following exceptions:-</p> <p>(a) Officers may present reports and answer questions thereon;</p> <p>(b) Any recommendation contained in any such report shall</p>	Committee of the whole Council.

<p>be the Motion for debate of which notice shall be deemed to have been duly given;</p> <p>(c) If the report referred to in (b) above makes no recommendation, the Leader of the Council or the appropriate Board Chairman may table the Motion for debate notwithstanding that notice of such Motion has not been given in accordance with the requirements of Standing Order 4.3.2</p>	
<p>5.0 PROCEEDINGS AT BOARD, SUB-BOARD AND STANDARDS AND GOVERNANCE COMMITTEE MEETINGS</p>	
<p>5.1 Definition</p> <p>For the purposes of Standing Order 5 reference to Board and/or Sub-Board shall, except where otherwise provided, be deemed to include the Standards and Governance Committee.</p>	
<p>5.2 Quorum</p>	
<p>5.2.1 A quorum for a meeting of a Board shall be four Members and for a meeting of a Sub-Board shall be two Members. The quorum for a meeting of the Standards and Governance Committee shall be three members of the Committee.</p>	<p>Quorum to be 4 Members for Boards, 2 Members for Sub-Boards, 3 Members for Standards & Governance Committee.</p>
<p>5.2.2 If within 10 Minutes after the time appointed for the commencement of any meeting the quorum is not present, the meeting shall be dissolved and the names of the Members present at that time shall be recorded.</p>	<p>Dissolution if quorum not present.</p>
<p>5.2.3 If at any time during the meeting the quorum of Members present falls below the limit contained in Standing Order 5.2.1 the Chairman shall immediately adjourn the meeting and the names of the Members present at that time shall be recorded in the Minutes. The completion of any outstanding business shall be adjourned to a date and time</p>	<p>Counting Out and outstanding business.</p>

<p>stipulated by the Chairman, or, if no such date and time is stipulated, to the next Ordinary Meeting of the Board or Sub-Board in question.</p>	
<p>5.3 Order of Business</p>	
<p>5.3.1 Subject to Standing Order 5.3.2 the Order of business for every meeting of a Board or Sub-Board shall be:-</p> <p>(a) To appoint a Chairman and Vice-Chairman for the Municipal Year (this applies only to the first meeting in the Municipal Year in question) or (at any other meeting) to appoint a Member to act as Chairman if the Chairman and Vice-Chairman are both absent;</p> <p>(b) To record any apologies for non-attendance;</p> <p>(c) To approve as a correct record the Minutes of any previous meetings;</p> <p>(d) To receive Deputations in accordance with Standing Order 5.4.1;</p> <p>(e) To respond to public questions in accordance with Standing Order 5.5.1;</p> <p>(f) To receive and determine any recommendations contained in the Minutes of any relevant Sub-Board or Working Group;</p> <p>(g) Such other business as may be specified in the agenda;</p> <p>(h) Any urgent business which the Chairman has accepted;</p> <p>(i) Any exempt business.</p>	<p>Order of business at Board and Sub-Board meetings.</p>
<p>5.3.2 The order of business specified in items (c)-(i) in Standing Order 5.3.1 may be varied at the Chairman's discretion or with the agreement of Members present at the meeting.</p>	<p>Variation of Order of Business.</p>
<p>5.4 Procedure for Deputations</p>	
<p>5.4.1 Any meeting of the Council's Boards may receive a Deputation of which Notice has been given in accordance with Standing Order 3.4.1.</p>	<p>Receipt of Deputations to Boards subject to</p>

	notice.
5.4.2 No Deputation may be received if that Deputation relates to an item of business which appears on the Agenda for the meeting in question as an exempt item or which the meeting has resolved to consider in confidential session.	No Deputations on exempt business.
5.4.3 A Deputation may only be received in relation to a matter which is before the meeting for a decision	Deputations to relate to item of business.
5.4.4 The following Rules shall apply to any Deputation to a Board or Sub-Board permitted under this Standing Order:- (a) Each Deputation shall consist of an oral presentation made by one spokesperson only; (b) The spokesperson shall be entitled to speak for a maximum of five minutes; (c) Where there is more than one Deputation supporting or opposing the matter in question the total time for the Deputations in support and the Deputations in opposition shall not exceed ten minutes in each case; (d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor and Deputy Chief Executive if, in their opinion, they should be included or referred to in the Minutes of the meeting; (e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson; (f) Members of the meeting concerned may ask questions of the spokesperson to clarify any statement made; (g) The Chairman shall if he/she considers it appropriate, respond to any Deputation on behalf of the meeting.	Rules for presentation of Deputations.
5.4.5 If it considers it appropriate to do so the meeting may resolve, on the Motion of the Chairman, that any Deputation of which notice has been given in accordance with Standing Order 3.4.1 shall not be received or that the matter shall be deferred to a future meeting.	Discretion not to receive Deputations.
5.4.6 If it considers it appropriate to do so the meeting may	Discretion to

<p>resolve, on the Motion of the Chairman, either that a Deputation may be received notwithstanding that Notice has not been given in accordance with Standing Order 3.4.1 or, that any of the requirements of Standing Order 5.4 shall not apply in respect of that meeting.</p>	<p>waive Standing Order 6.3.</p>
<p>5.4.7 Any meeting of the Regulatory Board may receive a Deputation from objectors to a planning application it is considering at that meeting or from an applicant for planning permission where notice has been given in accordance with Standing Order 3.4.1</p>	<p>Deputations to Regulatory Board.</p>
<p>5.4.8 The following Rules shall apply to any Deputation permitted under Standing Order 5.4.7:-</p> <p>(a) Each Deputation shall consist of an oral presentation ;</p> <p>(b) The person or persons making the Deputation shall be entitled to speak for a maximum of five minutes;</p> <p>(c) Where there is more than one Deputation objecting to an application the total time for all Deputations objecting to an application shall not exceed five minutes;</p> <p>(d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor and Deputy Chief Executive if, in their opinion, they should be included or referred to in the Minutes of the meeting;</p> <p>(e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson;</p> <p>(f) The person wishing to rely on visual aids documents or leaflets in a Deputation must provide sufficient copies for Members of the Regulatory Board, Officers and the Applicant before the start of the meeting;</p> <p>(g) Members of the Regulatory Board may ask questions of the spokesperson to clarify any statement made;</p> <p>(h) Where a deputation is made in respect of a planning application the Applicant will be invited to respond to the Deputation and they shall be entitled to speak for a maximum of five minutes. Sub-paragraphs (d) – (g) shall</p>	<p>Rules for presentations of Deputations to Regulatory Board.</p>

apply to such responses.	
5.4.9 Standing Orders 5.4.5 and 5.4.6 shall apply to deputations under 5.4.7	
5.4.10 Any meeting of the Regulatory Board may receive a Deputation on Licensing matters but given the nature of the work of the Regulatory Board on Licensing matters and Sub Boards dealing with Licensing matters there shall be no deputations in respect of applications under the Licensing Act 2003; the Gambling Act 2005; Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; or individual applications in respect of taxi drivers' licences.	Deputations to Regulatory Board and Sub Boards on Licensing matters.
5.4.11 Standing Orders 5.4.1 – 5.4.6 shall apply to Deputations under 5.4.10	
5.5 Procedure for Public Questions	
5.5.1 Any member of the public may attend any Board meeting to ask a question of which Notice has been given under Standing Order 3.5.1.	Public's right to ask questions at Boards.
5.5.2 A question must relate to a matter within the terms of reference of the Board in question and may not be asked if, in the opinion of the Borough Solicitor and Deputy Chief Executive in consultation with the Chairman, it does not so relate or is vexatious or frivolous or relates solely or mainly to the interests of an individual (e.g. a planning application, an application for Benefit or for housing accommodation) or relates to a matter which, on the advice of the Borough Solicitor and Deputy Chief Executive, should be considered in confidential session.	Exclusion of certain questions.
5.5.3 Questions shall be put orally to the Chairman and shall be answered orally by the Chairman or by his or her nominee.	Questions to be put and answered orally.
5.5.4 Questions shall be put in the order in which they are received by the Borough Solicitor and Deputy Chief Executive.	Questions to be put in order of receipt.

<p>5.5.5 A total of fifteen minutes shall be allowed for public questions. If, at the end of that time, questions remain unanswered, the questioner shall receive a written response from the Borough Solicitor and Deputy Chief Executive as soon as practicable after the meeting.</p>	<p>Question time not to exceed 15 minutes.</p>
<p>5.5.6 No questioner shall be permitted to ask more than one question and may not ask supplementary questions.</p>	<p>One question only.</p>
<p>5.6 Attendance by Tenants' Forum Representatives at Meetings of the Community Board</p>	
<p>5.6.1 The provisions of this Standing Order shall apply only to specified meetings of the Community Board. They shall not apply to any Sub-Board or Working Group established by the Community Board or any meeting of the Community Board jointly with any other Board.</p>	<p>Special Rules relating to the attendance of accredited representatives of the Tenants' Forum at meetings of the Community Board.</p>
<p>5.6.2 At any meeting of the Board to which this Standing Order applies the representative of the Tenants' Forum authorised by the Forum under arrangements made by the Board ("the Representative") may attend, may sit with the Members of the Board and may, at the Chairman's discretion, express the views of the Tenants' Forum on any item under consideration by the Board but shall not be allowed to propose or second an amendment or vote.</p>	<p>Rights of Tenants' Forum Representative to attend Community Board meetings and express views subject to Chairman's discretion.</p>
<p>5.6.3 Nothing in this Standing Order shall permit the Representative to remain with the Board when the Board has resolved to exclude the Press and public because it intends to consider reports which contain exempt or confidential information.</p>	<p>Representative not to be permitted to remain when the Board has resolved to exclude the Press and the public.</p>
<p>5.6.4 While attending meetings of the Board the Representative shall comply with the requirements of the Council's Standing Orders relating to the conduct of business before the Board.</p>	<p>Representative to comply with the Council's Standing Orders.</p>

5.6.5 The decision of the Chairman as to the items on which the Representative is to address the Board, the nature and length of that address and the extent to which the Representative may be allowed to ask questions and on all other matters relating to the participation of the Representative is final.	Chairman's decision to be final.
5.6.6 Nothing in this Standing Order affects the rights enjoyed by the public under Standing Order 5.4 (Deputations) or Standing Order 5.5 (Public Questions).	Saving for other Standing Orders.
5.7 Rules of Debate	
5.7.1 There shall be no time limit on speeches and Members may speak more than once on any matter under debate subject to the Chairman's right to terminate the debate if, in his/her opinion, the matter has been adequately debated.	Length of debate and Chairman's discretion.
5.7.2 A Member wishing to speak shall so indicate by raising his hand but shall not begin his/her speech until called by the Chairman who shall decide the order in which Members are to speak.	Member to indicate a wish to speak.
5.7.3 Speeches shall be relevant to the matter under debate and the Chairman may stop a Member speaking if he/she is of the opinion that the speech is not relevant or substantially repeats the speech of another Member.	
5.7.4 If it appears to a Member at any meeting that there has been a breach of any of the Council's Standing Orders and that the Chairman has not taken the necessary action, that Member may draw the attention of the Chairman to the alleged breach. The Chairman shall forthwith rule upon the alleged breach following which there shall be no further discussion on the matter.	Member's right to raise points of order.
5.7.5 If during any debate it appears to a Member who has already spoken that he/she has either, (a) made an error of fact which should be corrected, or, (b) he/she has been misrepresented or misquoted by a subsequent speaker, he may ask the permission of the Chairman to make a personal explanation. On the granting of such permission he may either correct what he/she has previously said or	Member's right to personal explanation.

draw attention to the misrepresentation or misquotation but shall not add any new matter or repeat any previous arguments.	
5.7.6 The ruling of the Chairman on any point arising under these Standing Orders, or on the admissibility of a personal explanation, shall be final and not open to discussion or challenge.	Chairman’s ruling on Standing Orders to be final.
5.7.7 If the Chairman considers that a Member’s conduct is disorderly and so states to the meeting, the Chairman or any other Member may move that the Member in question “be no longer heard”. If seconded, the Motion shall be put to the vote without discussion and, if carried, the Member concerned shall discontinue his speech.	Member’s misconduct – Motion that Member “be no longer heard”.
5.7.8 For the purposes of Standing Order 5.7.7 it shall be regarded as misconduct for a Member to disregard the ruling of the Chairman, to obstruct the proceedings of the Council, to use offensive language or to behave improperly.	Member’s misconduct – definition.
5.7.9 If, after a Motion under Standing Order 5.7.7 has been put to the meeting and carried, the Member in question continues to disregard the authority of the chair, the Chairman may either:- (a) Order the Member to leave the meeting and to take no further part in the proceedings of that meeting, or, (b) Adjourn the meeting for such period or to such alternative date and time as the Chairman shall decide.	Member’s misconduct – exclusion of Member or adjournment of meeting.
5.7.10 If at any time it appears to the Chairman that the meeting should be adjourned because of general misbehaviour of either Members or the general public, he/she may, on his/her own authority, adjourn the meeting for such period or to such alternative date and time as he/she shall decide.	Public misconduct – adjournment.
5.8 Motion for Debate, Amendments and Voting	
5.8.1 The recommendation contained in any oral or written report under debate shall, unless the meeting agrees otherwise, be the motion for debate and shall be taken to have been	Recommendation to be regarded as Motion.

moved and seconded accordingly.	
5.8.2 Any amendments must be proposed and seconded and the Chairman may, in the interest of clarity, require the Mover to put the amendment in writing.	Amendments to be proposed and seconded.
5.8.3 An amendment may add and/or delete words	Contents of Amendments.
5.8.4 The effect of an amendment must not be to:- (a) Negative the Motion under debate, (b) Introduce a materially new issue, (c) Reverse or amend a decision made under delegated powers except where that decision has not been actioned and the purpose (or one of the purposes) of the debate is to review that decision.	Restriction on amendments.
5.8.5 No second or subsequent amendment shall be moved until the first or previous amendment has been disposed of.	Amendments to be disposed of one at a time.
5.8.6 Notice of any number of amendments may be given provided such Notice is given before the commencement of the reply to the debate on the previous amendment.	Timing of amendments.
5.8.7 The mover and seconder of an amendment may not move or second any further amendment to the Motion or any amendment which has replaced it.	Members not to move or second further amendments.
5.8.8 An amendment which has been carried becomes the substantive Motion to which further amendments can be moved in accordance with these Standing Orders.	Amendment to become substantive motion.
5.8.9 If, after the disposal of an amendment, no further amendment is moved the question upon the substantive Motion shall be put without further debate.	Voting on substantive motion.
5.8.10 An amendment shall not be inconsistent with any alterations to the original Motion made by amendment(s) already carried.	Amendments not to be inconsistent with previous

	amendment(s).
5.8.11 The Chairman shall have the discretion to refuse to put to the meeting any amendment which, in his/her opinion, substantially contradicts, overrides or repeats a previous amendment.	Chairman's discretion to refuse amendments.
5.8.12 Every question shall be determined by a show of hands.	Show of hands.
5.8.13 Notwithstanding Standing Order 5.8.12, any Member may require, at the time the vote is taken, that the Minutes of the meeting show how he voted, or abstained from voting as the case may be, on the item of business in question.	Member's right to have his vote recorded.
5.9 Minutes	
5.9.1 No protest or expression of dissent shall be entered in the Minutes of any Board or Sub-Board or Committee meeting except where the Member is entitled under statute to have his/her vote recorded in the minutes.	Protests not to be recorded.
5.9.2 At any ordinary meeting of a Board, Sub-Board or Committee the draft Minutes of any previous meeting, whether ordinary or extraordinary, shall be signed by the Chairman as a true and correct record subject only to such corrections as the Members present shall require to be made.	Minutes of previous meetings to be signed at ordinary meetings only.
5.10 Rescission of Previous Decisions	
5.10.1 No Motion which has the effect of:- (a) Rescinding or negating any previous decision of the Board or Sub-Board, or, (b) Replacing or reinstating any decision previously rescinded or negated shall be considered by the Board/Sub-Board within six months of that decision (or the decision to rescind or negate) except in the following circumstances:- (i) Where the decision was made in reliance on information which has subsequently been found to be incorrect;	No rescission of Board and Sub-Board decisions within six months.

<p>(ii) Where there has been a change in the law in relation to that decision;</p> <p>(iii) The Chairman, in consultation with the Borough Solicitor and Deputy Chief Executive considers that there has been such a change in circumstances since the decision was made that it would be in the best interests of the Council for the matter to be reconsidered;</p>	
<p>5.10.2 Any Motion which has the effect described in Standing Order 5.10.1 shall be considered at Board meetings only notwithstanding that the previous decision in question was made by a Sub-Board.</p>	<p>Rescission of previous decisions to be considered at Board meetings only.</p>
<p>5.11 Reference to Council (Service Boards only)</p>	<p>Minority Order</p>
<p>5.11.1 Immediately following a vote on a decision taken by a Service Board under delegated powers (and before the next agenda item is called) 2 members of the Service Board present and voting at the meeting may require that the decision be submitted to the Council as a recommendation.</p>	
<p>5.11.2 Where a reference has been made pursuant to Standing Order 5.11.1 the decision of the Service Board shall not be implemented before consideration of that recommendation by the Council</p> <p>5.11.3</p>	
<p>6.0 MISCELLANEOUS MATTERS</p>	
<p>6.1 Members' Interests</p>	
<p>6.1.1 If any Member (which includes a co-opted member) of the Council or any Board or Committee has any disclosable pecuniary interest within the meaning of the Code of Conduct in any contract, proposed contract or other matter, that Member shall, while the contract, proposed contract or any other matter is being considered by the Council or any Board or any Committee, declare that interest and withdraw from the meeting.</p>	<p>Members to declare disclosable pecuniary interests in contracts etc and withdraw from meeting.</p>
<p>6.1.2 Any Member shall not be required to withdraw from the meeting pursuant to Standing Order 6.1.1 if the Standards and Governance Committee has granted a dispensation to the Member</p>	<p>Exemptions to requirement to withdraw from meeting.</p>

6.1.3 Any Member who has a personal interest (which is not a disclosable pecuniary interest within the meaning of the Code of Conduct) in any matter being discussed by the Council, a Board, Sub-Board or Committee must disclose that interest to the meeting but may remain, speak and vote in accordance with the terms of the Council's Code of Conduct.	Members to disclose personal interest.
6.1.4 Members shall have regard to the provisions of the Code of Conduct so far as such Code is relevant to their involvement in any Council business.	Members to have regard to Code of Conduct.
6.2 Interest of Officers in Contracts	
6.2.1 The Borough Solicitor and Deputy Chief Executive shall record particulars of any Notice of any personal and pecuniary interest in a contract or other matter given by an Officer and such record shall be open to inspection by Members.	Officers to give notice of personal and pecuniary interests in contracts etc.
6.2.2 Any Officer who has any personal and pecuniary interest in any contract or other matter and whether or not notice has been given in accordance with Standing Order 6.2.1 shall not be present at any meeting of the Council or any Board, Sub-Board or Committee while the contract or other matter is being discussed.	Officers not to be present at relevant meetings.
6.3 Persons Employed by the Council	
6.3.1 If any question arises at any meeting of the Council or a Board or Sub-Board, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall only be discussed as an exempt matter subject to the statutory provisions relating to exempt information.	Matters concerning persons employed by the Council to be confidential.
6.4 Exempt Reports – Confidentiality	

<p>6.4.1 No Member shall disclose to any other party a matter or the contents of any report which appears on the agenda for the meeting of the Council, Board, Sub-Board or Committee in question as an “exempt” or “confidential” item and this prohibition shall continue after the meeting if and for so long only as such matters remains “exempt” under the provisions of the Local Government Act 1972.</p>	<p>Members not to disclose “exempt” reports etc.</p>
<p>6.5 Urgent Action on Part I Matters</p>	
<p>6.5.1 Unless acting under a power delegated to them by the Council the recommendations of a Board or Sub-Board (except decisions relating to the appointment of Chairman or Vice-Chairman, or internal procedures for meetings of the Board or Sub-Board) shall not be operative until adopted by the Council.</p>	<p>Board recommendations not to be actioned until adopted by the Council.</p>
<p>6.5.2 Action on any matter which requires the approval of the Council in accordance with Standing Order 6.5.1. may be taken where the following conditions are satisfied:-</p> <p>(a) The Chief Executive, or in his absence, the Borough Solicitor and Deputy Chief Executive is of the opinion that action is necessary as a matter of urgency, and,</p> <p>(b) That opinion and the intention to take urgent action is reported to the Board at the time the matter is being discussed and,</p> <p>(c) The fact that the matter in question has been actioned as a matter of urgency shall be reported to the Council in the Minutes of the Board.</p>	<p>Board recommendations actioned as matter of urgency.</p>
<p>6.6 Members’ Access to Documents</p>	
<p>6.6.1 Any Member may, for the purposes of his/her membership but not otherwise, on application to the Borough Solicitor and Deputy Chief Executive or, in their absence, the Head of Legal Services, inspect any documents in the possession of the Council which relate to the functions of the Council or to any Board, Sub-Board or Committee on which the Member serves and in any other case if the Member can show that they have a need to inspect the document(s) in question in order to carry out their duties as a Member of the Council.</p>	<p>Members rights of access to certain documents.</p>
<p>6.6.2 Any Member may inspect any document which is in the</p>	<p>Members access</p>

possession of, or under the control of the Council, and which contains information relating to any business to be transacted at a meeting of a Board or Sub-Board to which paragraphs 3, 4 and 6 of Part I of Schedule 12A to the Local Government Act 1972 applies.	to certain exempt information.
6.6.3 The Borough Solicitor and Deputy Chief Executive or, in their absence, the Head of Legal Services may decline to allow the inspection of any document of whatever description if, in their opinion, such document is, or would be, a privileged document in legal proceedings and there are good reasons for refusing to allow its inspection.	Refusal of application to inspect privileged documents.
6.6.4 Any Member who has been refused access to any document for whatever reason shall have the right of appeal to the Council.	Appeals to Council.
6.7 Standing Orders – Availability of Copies	
6.7.1 A printed copy of these Standing Orders shall be supplied to each Member of the Council upon delivery of that Member's Declaration of Acceptance of Office	Members to be supplied with a copy of Standing Orders.
6.7.2 The Council's Standing Orders shall be available for public inspection and copies shall be supplied to members of the Public upon request and upon payment of a reasonable copying charge determined from time to time by the Borough Solicitor and Deputy Chief Executive.	Public's right to a copy of Standing Orders.

GOSPORT BOROUGH COUNCIL ACCESS TO INFORMATION RULES

(RIGHTS OF THE PUBLIC RELATING TO ACCESS TO INFORMATION)

These rules apply to all meetings of the Council, Boards, Sub-Boards and Committees (together called meetings).

1 ADDITIONAL RIGHTS TO INFORMATION

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

2 RIGHTS TO ATTEND MEETINGS

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

3 NOTICES OF MEETING

The Council will give five clear days notice of any meeting by posting details of the meeting at the Town Hall, High Street, Gosport, Hants.

4 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

5 SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection excluding those which in the opinion of the Proper Officer relate only to items during which in their opinion the meeting is not likely to be open to the public;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

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

6 ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

7 BACKGROUND PAPERS

List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information.

Public inspection of background papers

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

8 SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's offices.

9 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential information – requirement to exclude public

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

Exempt information – discretion to exclude public

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

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

Meaning of confidential information

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

Meaning of exempt information

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

Category	Qualification
1. Information relating to any individual.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965-1978, the Building Societies Act 1986 or the Charities Act 1993. If the information is not prevented from being

Category	Qualification
	exempt as set out above then it is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.

Information falling within any of paragraphs 1-7 is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492).

10 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

CONTRACT PROCEDURE RULES

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A Brief Guide To Contract Procedure Rules

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Internal Audit

A Brief Guide to Contract Procedure Rules

These contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these contract procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally, it may not always be appropriate to make use of an exemption under Rule 3 even if one might apply or be granted.)

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and fax transmissions as well as hard copy.

- Follow the rules if you purchase goods or services or order building work.
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest in a contract. Corruption is a criminal offence.
- Conduct a value for money review and appraise the purchasing need.
- Check whether there is an existing Corporate Contract or Hampshire/National Framework agreement you can make use of before undergoing a competitive process.
- Place all bids (quotations and tenders) and supporting information on the South East Business Portal
- Normally allow at least four weeks for submission of bids (except in cases of emergency).
- Keep bids confidential.
- Complete a written contract or Council order before the supply or works begin.

- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.

In accordance with the Constitution, Full Council have the power to make amendments from time to time to these Contract Procedure Rules following amendments agreed by Chief Officers and the Head of Internal Audit & Risk Assurance.

DEFINITIONS

Agent	A person or organisation acting on behalf of the Council or on behalf of another organisation.
Approved List	A list drawn up in accordance with Rule 7.2.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2e).
Award Procedure	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. This terminology has now in many instances been superseded by Value for Money.
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Board	Each Board shall comprise of 10 members. All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council.
Candidate	Any person who asks or is invited to submit a Quotation or Tender.
Chief	As identified in the Constitution.

Executive	
Chief Officer	The officers defined as such in the Constitution
Code of Conduct	The code regulating conduct of Officers issued by the Head of Paid Service.
Constitution	The document approved by the Council which: <ul style="list-style-type: none"> • allocates powers and responsibility within the Council and between it and others • delegates authority to act to the Board, Committees and Officers • regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work.
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • Composition of Approved Lists • Withdrawal of Invitation to tender • Whom to invite to submit a Quotation or Tender • Shortlisting • Award of contract • Any decision to terminate a contract
Corporate Contract	A contract let by the Council to support the Council's aim of achieving Value for Money.
Borough Treasurer	As defined by the Constitution.
European Union Procedure	The procedure required by the EU where the Total Value exceeds the EU Threshold.
EU Threshold	The contract value at which the EU public procurement directives apply.
European Economic Area	The 15 members of the European Union, and Norway, Iceland and Liechtenstein
Financial Regulations	The financial regulations outlining Officer responsibilities for financial matters issued by the Section 151 Officer in accordance with the Constitution.
Framework agreements	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded

	during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Borough Solicitor and Deputy Chief Executive (Monitoring Officer)	As identified in the Constitution.
High Profile	A high-profile purchase is one that could have an impact on functions integral to Council service delivery should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the EU Threshold values.
Invitation to tender	Invitation to tender documents in the form required by these contract procedure rules.
Key Decision	Those decisions or recommendations (i.e. outcomes) made by individual Boards can be defined as key decisions.
Section Head	The Officer's immediate superior or the Officer designated by the Service Unit Manager to exercise the role reserved to the Section Head by these contract procedure rules.
Nominated Suppliers and Sub-Contractors	Those persons specified in a main contract for the discharge of any part of the contract.
Non-commercial Considerations	As defined in Section 17 of the Local Government Act 1988.
Officer	The officer designated by the Service Unit Manager to deal with the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.
Priority Services	Those services required to be tendered as defined in the EU public procurement directives.
Procurement Strategy	The document setting out the Council's approach to procurement and key priorities.
Purchasing Guide	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these contract procedure rules. The guide is available on the Council's intranet.

Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these contract procedure rules apply (see rule 4).
Shortlisting	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
Supervising Officer	The Section Heads immediate superior.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.
Tender record log	The log kept by Legal & Democratic Services to record details of Tenders (see Rule 13.5).
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <p>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</p> <p>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</p> <p>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</p> <p>(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result</p> <p>(e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.</p>
TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No 246)	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (eg private contractor, local authority in-house team) to another (eg following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
Value for money	Value for money is not the lowest possible price; it combines goods or services that fully meet the needs, with the level of quality required, delivery in time, and at an appropriate price.

SECTION 1

SCOPE OF CONTRACT PROCEDURE RULES

1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

- achieve value for money for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that non-commercial considerations do not influence any contracting decision
- support the Council's corporate and departmental aims, objectives and policies
- comply with the Council's Corporate Procurement Strategy and Financial Regulations

2. OFFICER RESPONSIBILITIES

2.1 Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements. Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers must:

- have regard to the guidance in the Purchasing Guide.

- check whether a suitable Corporate Contract or Hampshire/National Framework agreement exists before seeking to let another contract; where a suitable Corporate Contract or Hampshire/National Framework agreement exists, this must be used unless there is a justifiable reason not to
- keep the records required by Rule 6
- take all necessary legal, financial and professional advice.

2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

2.2 Chief Officers

2.2.1 Chief Officers must:

- ensure that their staff comply with Rule 2.1
- keep registers of:
 - contracts completed by signature, rather than by the Council's seal (see Rule 16.3) and arrange their safekeeping on Council premises
 - exemptions recorded under Rule 3.2.

3. EXEMPTIONS and COLLABORATIVE ARRANGEMENTS

3.1 The Council and its Boards have power to waive any requirements within these contract procedure rules for specific projects, and any such decision may be a Key Decision.

3.2 Where a proposed contract is likely to exceed the EU Threshold, a Chief Officer has no delegated powers and no exemption from these requirements can be used if the EU Procedure applies.

3.3 Where an exemption is necessary because of an unforeseeable emergency (below the EU Threshold) involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer, Borough Treasurer and the Borough Solicitor and Deputy Chief Executive may approve the exemption but they must prepare a report for the next appropriate Board to support the action taken.

- 3.4 All exemptions, and the reasons for them, must be recorded using the form in the Purchasing Guide. Exemptions shall be signed by the Chief Officer and countersigned by the Borough Treasurer and Borough Solicitor and Deputy Chief Executive.
- 3.5 In order to secure Value for Money, the authority may enter into collaborative procurement arrangements. The Officer must consult with the Borough Treasurer where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 3.8.1 All purchases made via a local authority purchasing and distribution consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of this authority and other consortium members.
- 3.8.2 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required.

4. RELEVANT CONTRACTS

- 4.1 All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the authority for the carrying out of works, supplies and services. These include arrangements for:
- the supply or disposal of goods
 - the hire, rental or lease of goods or equipment
 - the delivery of services, including (but not limited to) those related to:
 - the recruitment of staff;
 - land and property transactions;
 - financial and consultancy services.
- 4.2 Relevant Contracts do not include:

- contracts of employment which make an individual a direct employee of the authority, or
- agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations shall apply).
- provision of legal services by external solicitors or barrister.

SECTION 2

COMMON REQUIREMENTS

5. STEPS PRIOR TO PURCHASE

5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guide, by:

- taking into account the requirements from any relevant value for money review
- appraising the need for the expenditure and its priority defining the objectives of the purchase
- assessing the risks associated with the purchase and how to manage them
- considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
- consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring
- drafting the terms and conditions that are to apply to the proposed contract
- setting out these matters in writing if the Total Value of the purchase exceeds £20,000.

5.2 and by confirming that:

- there is member or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution

6. RECORDS

6.1 Where the Total Value is less than £20,000, the following records must be kept:

- invitations to quote and all Quotations
- a record:
 - of any exemptions and the reasons for them
 - of the reason if the lowest price is not accepted
- written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.2 Where the Total Value exceeds £20,000 the Officer must record:

- the method for obtaining bids (see Rule 8.1)
- any Contracting Decision and the reasons for it
- any exemption under Rule 3 together with the reasons for it
- the Award Criteria in descending order of importance
- Tender documents sent to and received from Candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with and with the successful contractor throughout the period of the contract.

6.3 Records required by this rule must be kept for six years after the end of the contract (i.e. hard copies). However, written documents which relate to unsuccessful Candidates may be electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.

7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

7.1 Identifying and Assessing Potential Candidates

7.1.1 Officers shall ensure that, where proposed contracts (in excess of £50k), might be of interest to potential Candidates located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the Council's website
- portal websites specifically created for contract advertisements (IESE Business Portal)
- national official journals, or
- the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).

7.1.2 Officers are responsible for ensuring that all Candidates for a Relevant Contract are fully assessed. The assessment process shall establish that the potential Candidates have:

- Sound economic and financial standing (contact Internal Audit);-
- Sound technical ability and capacity;- and
- Are able to fulfil the requirements of the authority.

7.1.3 This shall be achieved in respect of proposed contracts that are expected to exceed £50,000 by selecting firms from:

- Approved Lists of providers, maintained by the authority or on its behalf, and compiled following responses to a public advertisement, or
- shortlists assessed from expressions of interest in a particular contract submitted in response to a public advertisement.

7.1.4 Public advertisements issued in respect of Rule 7.1.3 above shall reflect the potential degree of interest from Candidates located within other member states of the EU.

7.2 Approved Lists

- 7.2.1 Approved Lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.
- 7.2.2 Chief Officers may draw up in consultation with the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance
- Approved Lists of persons ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract terms
 - criteria for Shortlisting from the lists.
- 7.2.3 No person may be entered on an Approved List until there has been an adequate investigation into both their financial and their technical ability to perform the contract.
- 7.2.4 Approved Lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure the widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Rule 7.2.3 are met.
- 7.2.5 The list and Shortlisting criteria must be reviewed at least annually and re-advertised at least every three years. On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply. Review means:
- the reassessment of the financial and technical ability and performance of those persons on the list.
 - the deletion of those persons no longer qualified, with a written record kept justifying the deletion (In cases of significant failure, the Council will delete companies at the appropriate time rather than wait until the next review date).
- 7.2.6 All Approved Lists shall be maintained in an open, fair and transparent manner and be open to public inspection (on the procurement web page).

7.2.7 A register of pre-qualified contractors and Consultants (under the EU Threshold) maintained by or on behalf of central government (eg Constructionline) will be deemed to be an Approved List for the purpose of these contract procedure rules and shall not be subject to the requirements of Rules 7.2.2 to 7.2.6 inclusive.

7.3 Framework Agreements

7.3.1 The term of a Framework Agreement must not **exceed four years** and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.

7.3.2 Contracts based on Framework Agreements may be awarded by either:

- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call off, by holding a mini competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders;
 - fixing a time limit which is sufficiently long to allow Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
 - awarding each contract to the tenderer who has submitted the best Tender on the basis of the Award Criteria set out in the specifications of the Framework Agreement.

SECTION 3

CONDUCTING PURCHASE AND DISPOSAL

8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value (i.e. full life cycle cost).

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance.

8.1 Purchasing – Competition Requirements

8.1.1 Where the Total Value for a purchase is within the values in the first column below, the Award Procedure in the second column must be followed. Shortlisting shall be done by the persons specified in the third column.

Total Value (excl vat)	Award Procedure¹	SHORTLISTING
Less than £20,000	Written quotation	Section Head
£20,000 less than £50,000	Three written quotations.	Chief Officer
£50,000 less than £100,000	Three tenders	Chief Officer
£100,000 & less than EC threshold	Advertise project and invite expressions of interest in the execution of the works.	Chief Officer will consult the Chairman of the Board
Greater than EC threshold	Requirements of the Directive	Chief Officer in consultation with the Borough Treasurer and the Borough Solicitor and Deputy Chief Executive and the Chairman of the Board.

¹ Note awards above £50,000 must be posted on the IESE Business Portal and the Council's website.

8.1.2 Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.

8.1.3 An Officer **must not** enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

8.2 Assets for Disposal

8.2.1 Assets for disposal may be sent to public auction except where better Value for Money is likely to be obtained by inviting Quotations and Tenders. (These may be invited by advertising on the Council's internet site.) In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Borough Treasurer.

8.3 Providing Services to External Purchasers

8.3.1 The Borough Solicitor and Deputy Chief Executive and Borough Treasurer must be consulted where contracts to provide services or supply goods for organisations other than the authority are contemplated.

8.4 Collaborative and Partnership Arrangements

8.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance.

9. PRE-TENDER MARKET RESEARCH AND CONSULTATION (includes quotations)

9.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition, and

- should seek advice from the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance

10. STANDARDS AND AWARD CRITERIA

10.1 The Officer must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary properly to describe the required quality. The Borough Solicitor and Deputy Chief Executive must be consulted if it is proposed to use standards other than European standards.

10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money (using whole life costing) for the authority. The basic criteria shall be:

- 'lowest price' where payment is to be made by the authority
- 'highest price' if payment is to be received, or
- 'most economically advantageous tender', where considerations other than price also apply (i.e. carbon footprint).

If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations.

These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

10.3 Award Criteria must not include:

- Non-commercial Considerations
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

11. INVITATIONS TO TENDER (above £50,000)/QUOTATIONS (below £50,000)

- 11.1 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this clause shall be considered.
- 11.2 All Invitations to Tender shall include the following:
- (a) A specification that describes the authority's requirements in sufficient detail to enable the submission of competitive offers.
 - (b) A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
 - (c) A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
 - (d) Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
 - (e) A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.
 - (f) Notification that no Tender will be considered unless it is enclosed in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates, but no other name or mark indicating the sender or Tenderer.
 - (g) A stipulation that any Tenders submitted by fax or other electronic means shall be considered in exceptional circumstances (i.e. postal strike) with prior approval with the Borough Solicitor.
 - (h) The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.

- 11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 16).
- 11.4 The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.
- 11.5 All Candidates invited to Tender or quote must be issued with the same information (as listed in 11.2) at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

12. SHORTLISTING

- 12.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the EU Procedure.
- 12.2 The officers responsible for Shortlisting are specified in Rule 8.1.1.
- 12.3 Where Approved Lists are used, Shortlisting may be done by the Officer in accordance with the Shortlisting criteria drawn up when The Approved List was compiled (see Rule 7.2.2). However, where the EU Procedure applies, Approved Lists may not be used.

13. SUBMISSION, RECEIPT AND OPENING OF TENDERS (above £50,000)/QUOTATIONS (below £50,000)

- 13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guide).
- 13.2 All Tenders must be returned to Democratic Services. Quotations are to be returned to the appropriate Chief Officer.
- 13.3 Tenders received by fax or other electronic means (eg email) may be accepted with prior approval of the Borough Solicitor and Deputy Chief Executive.
- 13.4 The Officer must not disclose the names of Candidates to any staff involved in the receipt, custody or opening of Tenders.
- 13.5 The Borough Solicitor and Deputy Chief Executive shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be:

- suitably recorded so as to subsequently verify the date and precise time it was received
- adequately protected immediately on receipt to guard against loss or amendment of its contents
- recorded immediately on receipt in the Tender Record Log.

13.6 The Borough Solicitor and Deputy Chief Executive's representative must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his or her representative must be present. Tenders must be opened in the presence of at least two independent officers representing the Council, one being from Internal Audit.

Where the Total Value is more than the EU Threshold, one must be the Chairman of the Board.

13.7 Upon opening, a summary of the main terms of each Tender (i.e. significant issues that are unique to each Tender submission and were not stated in the Tender invitation documents such as Tender sum, construction period, etc) must be recorded in the Tender Record Log. The summary must be initialled by all those present.

14. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price (the process of Competitive Dialogue might be required with a short list of tenderers).

14.2 If post-tender negotiations are necessary after a single-stage Tender or after the second stage of a two-stage Tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

- 14.3 Post-tender negotiation must only be conducted in accordance with the guidance issued by the Borough Solicitor and Deputy Chief Executive who must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two Officers, one of whom must be from a Service independent to that leading the negotiations.
- 14.4 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES

- 15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.
- 15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Tender invitation as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.
- 15.4 Officers may accept Quotations and Tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts that are expected to exceed £50,000, the approval of the relevant Budget Holder has been secured. The awarding of contracts that are expected to exceed the EU Threshold **may only be awarded** by the Policy & Organisation Board.
- 15.5 Where the Total Value is over the EU Threshold, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract to the successful Candidate. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract. If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract and shall immediately seek the advice of the Borough Solicitor and Deputy Chief Executive.

15.6 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. No information, other than the following, should be given without taking the advice of the Borough Solicitor and Deputy Chief Executive:

- how the Award Criteria were applied
- the prices or range of prices submitted, in either case not correlated to Candidates' names
- the names of Candidates where there were three or more Candidates.

15.7 If a Candidate requests in writing the reasons for a Contracting Decision, the Officer must give the reasons in writing within 15 days of the request. If requested, the Officer may also give the debriefing information at Rule 15.6 above to Candidates who were deselected in a pre-tender Shortlisting process.

SECTION 4

CONTRACT AND OTHER FORMALITIES

16. CONTRACT DOCUMENTS

16.1 Relevant Contracts

16.1.1 All Relevant Contracts shall be in writing.

16.1.2 All Relevant Contracts, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Council to terminate the contract.

16.1.3 The Council's order form or standard terms and conditions issued by a relevant professional body must be used wherever possible.

16.1.4 In addition, every Relevant Contract or purchase must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- the contractor meets the Council's equality requirements and operates in accordance with the current Equality Legislation.
- Freedom of Information Act requirements
- where Agents are used to let contracts, that Agents must comply with the Council's contract procedure rules
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, if relevant.

- data protection requirements, if relevant
- that charter standards are to be met, if relevant

16.1.5 The **formal advice** of the Borough Solicitor and Deputy Chief Executive must be sought for the following contracts:

- where the Total Value exceeds £20,000;
- those involving leasing arrangements;
- where it is proposed to use a supplier's own terms.

16.2 Contract Formalities

16.2.1 Agreements shall be completed as follows:

Total Value	Method of completion	By
Up to £50,000	Signature	See Council Constitution Part 3 Schedule 10 (Appendix 1) ²
Above £50,000 (also see 16.3.3 below)	Sealing	(As above)

16.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Borough Treasurer. An award letter is insufficient.

16.2.3 The Officer responsible for securing signature of the contract (in accordance with these rules) must ensure that the person signing for the other contracting party has authority to bind it.

² Official orders can be signed by Chief Officers

16.3 Sealing

16.3.1 Where contracts are sealed the Council's seal, must be witnessed in accordance with the Constitution.

16.3.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal in line with Part 3 Schedule 10 (Appendix 1) of the Council's Constitution.

16.3.3 A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or
- the Total Value exceeds £50,000.

17. BONDS AND PARENT COMPANY GUARANTEES

17.1 The Officer must consult the Borough Treasurer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £100,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

17.2 The Officer must consult the Borough Treasurer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

18. PREVENTION OF CORRUPTION

18.1 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 18.2 below.

18.2 The following clause must be put in every written Council contract:

“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do or collude in any of the following things:

(a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or

(b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or

(c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor’s liability shall not apply to this clause.”

19. DECLARATION OF INTERESTS

19.1 If it comes to the knowledge of a member or an employee of the authority that a contract in which he or she has a personal and/or disclosable pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Borough Solicitor and Deputy Chief Executive who shall report such declarations to the appropriate Board.

19.2 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not required to be declared for the purposes of this standing order.

19.3 The Borough Solicitor and Deputy Chief Executive shall maintain a record of all declarations of interests notified by members and Officers.

SECTION 5

CONTRACT MANAGEMENT

20. MANAGING CONTRACTS

- 20.1 Chief Officers in the sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.
- 20.2 Contract managers must follow the procedures set out in the Council's Purchasing Guide and all contracts must be logged onto a contract register administered by the Financial Services Unit.

21. RISK ASSESSMENT AND CONTINGENCY PLANNING

- 21.1 A business case must be prepared for all procurements with a potential value over £50,000. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 21.2 For all contracts with a value of over £50,000, contract managers must:
- maintain a risk register during the contract period
 - undertake appropriate risk assessments and for identified risks
 - ensure contingency measures are in place.

22. CONTRACT MONITORING, EVALUATION AND REVIEW

- 22.1 All contracts which have a value higher than the £50,000, or which are High Risk, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the Chairman of the Corporate Risk Management Group.
- 22.2 For all contracts with a value higher than the EU Threshold limits, or which are High Risk, an annual report must be submitted to the Council's Management Team.
- 22.3 A Council-developed Gateway review process must be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.4 During the life of the contract, the Officer must monitor in respect of:
- performance
 - compliance with specification and contract cost
 - any Value for Money requirements
 - user satisfaction and risk management.
 - Compliance with the Council's equality monitoring arrangements (as stated in the contract) and with current equality legislation

annually.

- 22.5 Where the Total Value of the contract exceeds £100,000, the Officer must make a written report to the relevant Budget Holder evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Rule 5.2) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to reletting of the subsequent contract.

OFFICER EMPLOYMENT PROCEDURE STANDING ORDERS

1.0 Appointment of Chief Officers - Advertising, Shortlist and Interview

1.1. Where the Council proposes to appoint a Chief Officer¹ within the meaning of the Local Authorities (Standing Orders) Regulations 1993, and it is not proposed that the appointment shall be made exclusively from among the existing officers of the Council, it shall:-

(a) Draw up a statement specifying:-

(i) The duties of the post concerned, and

(ii) Any qualifications or qualities to be sought in the person to be appointed.

(b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

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

For the purposes of this Standing Order the Policy and Organisation Board shall take action where the Chief Executive is to be appointed. The Chief Executive shall take the action where any other Chief Officer is to be appointed.

1.2 Subject to the provisions of Standing Order 1.4, where a post has been advertised as provided for in Standing Order 1.1(b) the Policy and Organisation Board shall either: -

(a) Interview all qualified applicants for the post; or

(b) Select a short list of qualified applicants and interview those included on the short list.

1.3 Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with Standing Order 1.1 (b).

1.4 For the purposes of Standing Orders 1.2 and 1.3 and subject to Standing Order 3 relating to the appointment of the Head of the Paid Service;

¹ In accordance with S.I.1993/202 (as amended) the Council has decided that Standing Order 1.0 does not apply to non-statutory Chief Officers other than Service Unit Managers

which may not be varied; and except where the Council determines otherwise; the Policy and Organisation Board may appoint a Chief Officer or an Appointment Sub-Board with power to act on its behalf on appointments.

2.0 Procedure for Disciplinary action against Head of Paid Service, Monitoring Officer and Chief Finance Officer.

2.1. In this Standing Order:-

- a. “the 2011 Act” means the Localism Act 2011
- b. “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
- c. “independent person” means a person appointed under Section 28(7) of the 2011 Act
- d. “local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Acts
- e. “the Panel” means a committee appointed by the Council under Section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of an Council
- f. “relevant meeting” means a meeting of the Council to consider whether or not to approve the proposal to dismiss a relevant officer
- g. “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be

2.2 A relevant officer may not be dismissed by the Council unless the procedure set out in this standing order is complied with

2.3 The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel

2.4 In Standing Order 2.3 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

2.5 Subject to Standing Order 2.6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with Standing Order 2.3 in accordance with the following priority order-

- a. a relevant independent person who has been appointed by the Council and who is a local government elector;

- b. any other relevant independent person who has been appointed by the Council;
 - c. a relevant independent person who has been appointed by another authority or authorities.
- 2.6 The Council is not required to appoint more than two relevant independent persons in accordance with Standing Order 2.5 but may do so.
- 2.7 The Council must appoint the Panel at least 20 working days before the relevant meeting.
- 2.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-
 - a. any advice, views or recommendations of the Panel;
 - b. the conclusions of any investigation into the proposed dismissal; and
 - c. any representations from the relevant officer.
- 2.9 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.
- 3.0 Head of Paid Service, Chief Finance Officer and Monitoring Officer**
- 3.1 Where a Board, Sub-Board, Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the head of the authority's paid service, the Council must approve that appointment before an offer of appointment is made to that person.
- 3.2 Where a Board, Sub-Board, Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the Council must approve that dismissal before notice of dismissal is given to that person.

4.0 Staff other than Statutory and Non-Statutory Chief Officers

- 4.1 Subject to Standing Orders 5 and 6 and the Scheme of Delegation to Officers (Part 4-Schedule10), the functions of appointment, dismissal and taking disciplinary action for all employees below the level of Chief Officer must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
- 4.2 For the purposes of Standing Order 4.1 the functions of appointment, dismissal and taking disciplinary action for all employees below Chief Officer level shall be dealt with by the Chief Executive and Chief Officers (or such other employees as they may authorise from time to time).
- 4.3 In undertaking the functions delegated Chief Officers and officers authorised by them shall comply with any policies and procedures approved by the head of the authority's paid service.

5.0 Chief Officers and Deputy Chief Officers

- 5.1 Standing Order 4 shall not apply to the appointment or dismissal of, or disciplinary action against –
- (a) the officer designated as the head of the authority's paid service;
 - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 5.2 In relation to the posts identified in Standing Order 5.1 above the following shall apply

Post	Function	
Head of Paid Service	Appointment, Dismissal, Disciplinary	Standing Order 3.0
Chief Finance Officer and Monitoring Officer	Appointment	Standing Order 1.0
	Dismissal, disciplinary	Standing Order 3.0
Service Unit Manager	Appointment	Standing Order 1.0

	Dismissal, disciplinary	Policy and Organisation Board
Others	Appointment, dismissal, disciplinary	Chief Officer ² or officers authorised by them

- 5.3 In undertaking the functions delegated Chief Officers and Officers authorised by them shall comply with any policies and procedures approved by the head of the authority's paid service.
- 5.4 Nothing in Standing Order 4 shall prevent a person from serving as a member of any Committee or Sub-Committee or other Body established by the authority to consider an appeal by –
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or
 - (b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

7.0 Interpretation

In these Standing Orders –

“the 1989 Act” means the Local Government and Housing Act 1989;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

“member of staff” means a person appointed to or holding a paid office or employment under the authority.

² Chief Officer as defined in Section 1.0 of Part 4- Schedule 11

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1 THE FRAMEWORK FOR DECISION MAKING

The Council will be responsible for the adoption of its budget and policy framework as set out in Chapter 4 in Part 2 of this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Service Boards to implement it.

NB: Service Board means Policy and Organisation; Community: and Economic Development Boards.

2 PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:-

- (a) In **February** each year the Council may publish a programme for establishing the budget and policy framework for the following year.
- (b) The policy and budget framework presented to Council (if any) will be available to public consultation for a period of 4 weeks.
- (c) In approving the policy and budgetary framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Service Boards, in accordance with paragraphs 3 and 4 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3 VIREMENTS AND SUPPLEMENTARY ESTIMATES

Virements and Supplementary Estimates shall be considered in accordance with the procedures prescribed in the Council's Financial Regulations.

4 IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by Service Boards, Committees or Officers with delegated authority must be in line with it. No changes to any policy

and strategy which make up the policy framework may be made by a Service Board, Committee or Officer with delegated authority except changes:-

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

FINANCIAL PROCEDURE RULES FOR GOSPORT BOROUGH COUNCIL

- 1. Introduction**
- 2. A: Financial Management**
 - B: Financial Planning**
 - C: Risk Management And Control Of Resources**
 - D: Systems And Procedures**
 - E: External Arrangements**

1 INTRODUCTION

- 1.1 Financial Procedure Rules (previously known as Financial Regulations) provide the framework for good governance in the management of the Council's financial affairs. They apply to every Board, Committee, member and officer of the Council and anyone acting on its behalf.
- 1.2 It is the responsibility of all Members and officers to comply with the Council's Financial Procedure Rules.
- 1.3 The provisions of these Procedure Rules shall not prevent the Chief Executive or Service Unit Manager from incurring expenditure which is essential to meet immediate needs created by a sudden emergency or which is referred to in Section 138 of the Local Government Act 1972. However, prior to any financial commitment being made the appropriate Service Unit Manager shall consult, wherever possible, the Chief Executive and the Borough Treasurer. In addition, the matter shall also be reported, as soon as practicable, to the appropriate Board.
- 1.4 Section 151 of the Local Government Act 1972 requires every local authority "to make arrangement for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs" The Council has appointed the Borough Treasurer as the Section 151 Officer and the Head of Accountancy as the designated deputy.

SECTION A: FINANCIAL MANAGEMENT**INTRODUCTION**

A.1 Financial management covers all financial matters in relation to the running of the Council.

THE FULL COUNCIL

A.2 The Full Council is responsible for approving procedures and for recording and reporting decisions taken. The Terms of Reference and the delegations to Boards, Overview and Scrutiny Committee, Standards & Governance Committee and delegation to officers are set out in the Constitution ([GBC Constitution](#)).

A.3 Within these procedure rules, the Policy & Organisation Board shall be construed to be the Proper Board to which matters shall be referred, unless otherwise stated.

COUNCIL MANAGEMENT TEAM**Section 151 Officer**

A.4 The Council has appointed the Section 151 Officer statutory duties in relation to the financial administration and stewardship of the Council (in the absence of the Section 151 Officer, the Head of Accountancy shall exercise these functions as deputy). This statutory responsibility cannot be overridden.

A.5 The Section 151 Officer is responsible for:

- the proper administration of the Council's financial affairs
- setting and monitoring compliance with accounting and financial management procedures and standards including International Financial Reporting Standards (IFRS)
- maintaining an effective and adequate internal audit and all audit arrangements
- advising on the Council's finances
- providing financial information
- preparing and controlling forward financial plans, budget strategies, the revenue budget, the capital strategy and capital programme
- treasury management and banking arrangements
- All financial staff as Head of Profession
- schemes of financial delegation
- financial and related IT systems
- procedures and controls for ordering services, supplies and works
- payment of accounts and collection of income.

A.6 Section 114 of the Local Government Finance Act 1988 (the Act) requires the Section 151 Officer to report to the Council and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to Gosport Borough Council
- is about to make an unlawful entry in Gosport Borough Council's accounts.

A.7 Section 114 of the Act also requires:

- the Section 151 Officer to nominate a properly qualified member of staff to deputise should he be unable to perform the duties under section 114.
- that the Council provides the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.

Other Chief Officers

A.8 These officers are responsible for:

- ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer or his deputy.
- operating financial processes within their Units. To do this they must ensure that adequate operational controls are in place.
- controlling expenditure and income, monitoring performance and taking the necessary action to remain within budgets and cash limits.

A.9 It is the responsibility of Service Unit Managers to consult with the Section 151 Officer and seek approval regarding any matters that are liable to significantly affect the Council's finances, before any commitments are incurred.

Virement ¹

Revenue

A.10 The Full Council is responsible for agreeing procedures for virement of expenditure between budget headings.

¹ A Virement is an approved transfer of a budgetary sum of money between budget headings (a budget heading being a budget line in the budget book).

- A.11 The virement regulations below are aimed at providing the flexibility for Service Unit Managers to ensure that approved budgets are not exceeded while at the same time allowing for the delivery of services in line with the Council's policies and plans.
- A.12 Virements less than £20,000 can be approved by the Service Unit Manager after agreement with the Section 151 Officer and the Chief Executive. Over £20,000 requires the further approval of the appropriate Board(s).
- A.13 Virements between Boards of more than £50,000 require approval from the Section 151 Officer, Chief Executive and the appropriate Board(s). They must also be approved by the Policy & Organisation Board.

Capital

- A.14 Virements of less than £20,000 between approved schemes can be approved by the Service Unit Manager after agreement with the Section 151 Officer and Chief Executive. Applications for virements of more than £20,000 between approved schemes must be made to the appropriate Board by the Service Unit Manager for approval.
- A.15 Virements between Boards of more than £50,000 require approval from the Section 151 Officer, Chief Executive and the appropriate Board(s). They must also be approved by the Policy & Organisation Board.

Supplementary Estimates²

- A.16 Supplementary estimates are a last resort and will only exceptionally be approved by both the Section 151 Officer and Chief Executive. They must also be approved by the Policy & Organisation Board.

Revenue

- A.17 Where expenditure budget provisions are estimated to be exceeded or an income budget provision not achieved by more than £20,000, and a virement is not possible, then the Service Unit Manager responsible for the budget, following consultation with the Section 151 Officer, should apply to the appropriate Board for a supplementary estimate for the estimated overspend or shortfall of income. Board recommendations shall be referred to the next available meeting of the Policy & Organisation Board.

² A supplementary estimate is an additional budgetary sum of money – generally from the Council's reserves.

Capital

A.18 If the estimated cost of a scheme or project included in the Capital Estimates is likely to exceed the approved expenditure by more than 10% or £100,000 whichever is the lesser (subject to a minimum of £20,000), and a virement is not possible, the Service Unit Manager responsible for controlling the expenditure on that scheme or project, following consultation with the Section 151 Officer, shall apply to the appropriate Board for a supplementary estimate for the amount of the estimated overspending. Board recommendations for any excess expenditure arising from other variations or changes to a scheme shall require the approval of the next available meeting of the Policy & Organisation Board.

Treatment of year-end balances

A.19 The treatment of year-end balances resulting from under and overspendings on budget headings shall be approved by the Policy and Organisation Board as part of the final accounts process.

A.20 Revenue budget carry forwards will generally not be permitted.

A.21 Capital programme slippage will be reported to Policy & Organisation Board as part of the final accounts process.

Accounting policies

A.22 The Section 151 Officer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently.

Accounting records and returns

A.23 The Section 151 Officer is responsible for determining the accounting procedures and records for the Borough Council.

Journals

A.24 All individual journals over £50,000 are subject to monthly review by senior accounts staff and a further check of the monthly files are subject to review by the Section 151 Officer or his deputy.

The annual statement of accounts

A.25 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with statutory timescales and the applicable Codes and reporting financial standards. . Policy & Organisation Board is responsible for approving the Council's Statement of Accounts and Annual Governance Statement.

SECTION B: FINANCIAL PLANNING

BUDGETING

Budget format

- B.1 The general format of the budget will be approved by the Council on the advice of the Section 151 Officer. The draft budget should include allocations to different services and projects, potential taxation levels and will be prepared with due regard to the Medium Term Financial Strategy and annual Budget Strategy.

Budget preparation

- B.2 The Section 151 Officer shall prepare and present the annual estimates of revenue income and expenditure to the Council's Boards with due regard to the relevant codes of practice.

Policy and Organisation Board

- B.3 The Policy and Organisation Board shall oversee the budget policy and strategy, Medium Term Financial Strategy and Budget and shall recommend to Council detailed estimates for approval. The Council shall determine the level of Council Tax for each property Band to be levied in the next financial year, by no later than 11th March in each year.

Budget monitoring

- B.4 Service Unit Managers are responsible for ensuring that expenditure and income budgets assigned to their staff are monitored and controlled against the Council's approved budget.
- B.5 The Financial Services Unit is responsible for providing other Service Unit Managers with financial information in order to enable them to monitor the performance of the operations and services under their control.
- B.6 Accountants are to attend Section meetings to provide input on the budget situation and resolve any budgetary queries.
- B.7 The Section 151 Officer shall submit regular budget monitoring reports to the Council Management Team and Council Members identifying changes in trends and resource requirements.
- B.8 All Service Unit Managers should ensure that arrangements are in place for their staff to record time spent on appropriate projects and services.

Preparation of the capital programme

- B.9 Capital Programmes shall initially be prepared by the Section 151 Officer in conjunction with Service Unit Managers to reflect either approved or intended Council projects and the likely availability of resources.
- B.10 On an annual basis Boards will consider and report their forward capital programmes to the Policy and Organisation Board. Any changes to these programmes will be considered by Boards and referred to the Policy and Organisation Board for approval. The Policy and Organisation Board shall recommend to the Council the total programme for approval for the ensuing financial year, after taking into account both capital and revenue resource implications.

SECTION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

INTRODUCTION

- C.1 Robust, integrated systems should be developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

- C.2 The Standards & Governance Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. In addition, the Council is responsible for ensuring that appropriate reserves and insurances are maintained.
- C.3 The Head of Internal Audit & Risk Assurance is responsible for co-ordinating the Council's risk management policy statement and for promoting it throughout the Council.

INSURANCE

- C.4 The Section 151 Officer shall ensure that, after discussion with the relevant Service Unit Manager, the Council has appropriate insurance cover at all times.

Insurable Items and Interests

- C.5 Service Unit Managers shall notify the Financial Services Unit promptly of all liabilities, risks, properties, assets and rights that could be insured and of any alterations that should be made to existing cover.
- C.6 Service Unit Manager shall promptly notify the Financial Services Unit of every loss, liability or damage sustained, or event likely to lead to a claim, which is or may be covered by insurance. Where appropriate, e.g. suspected arson, the Service Unit Manager shall also inform the Police.

INTERNAL CONTROL

- C.7 Internal control refers to the systems of control put in place to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- C.8 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations and other relevant statements of best practice. They should ensure that all funds are properly

safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.

- C.9 It is the responsibility of Service Unit Managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

- C.10 The Accounts and Audit Regulations 1996 require every Council to maintain an adequate and effective internal audit.
- C.11 The Audit Commission is responsible for appointing external auditors to each Council. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982.
- C.12 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs, who have statutory rights of access.

INTERNAL AUDIT

- C.13 The Section 151 Officer shall be responsible for maintaining a continuous and independent internal audit appraisal of the Council's internal control systems, as a service to the organisation. The Internal Audit Section shall objectively examine, evaluate and report on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

REPORTING LINES

- C.14 The Head of Internal Audit & Risk Assurance shall report at least quarterly to the Standards and Governance Committee on the activities of Internal Audit.

AUDIT AUTHORITY

- C.15 The Section 151 Officer and Head of Internal Audit & Risk Assurance or authorised representative has authority to:
- (a) enter, at all reasonable times, any premises or land owned, leased or controlled by the Council
 - (b) inspect and examine all records, accounts, leases, agreements, contracts, vouchers, correspondence and other documents of the Council

- (c) require and receive explanations on any matter under examination, either verbally or in writing
- (d) require any employee to produce and account for cash, stores, or other Council property under their control.

EXTERNAL AUDIT

C.16 The basic duties of the External Audit are defined in the Local Audit and Accountability Act 2014.

C.17 Their duties are to review and report upon:

- All financial aspects of the Council's corporate governance arrangements.
- the Council's financial statements and incorporating results within the "Annual Governance Report".
- the External Auditors are to be given access, at all reasonable times, to premises, personnel, documents and assets as required
- VFM Conclusion (The External auditor's conclusion on whether the audited body has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of money, people and time.).
- to present to the Council their "Annual Audit Letter".

PREVENTING FRAUD AND CORRUPTION

C.18 The Section 151 Officer is responsible for the development and compliance of an anti-fraud and corruption policy.

Potential fraud and corruption³

C.19 Where there is a suspicion of irregularity in the administration of the financial affairs of the Council, it is the duty of all individuals to report the matter to the Head of Internal Audit & Risk Assurance.

C.20 Where, upon investigation, reasonable grounds appear to exist for suspecting that a loss may have occurred as a result of misappropriation, irregular expenditure or fraud, the Head of Internal Audit & Risk Assurance shall decide, in consultation with the Chief Executive and Section 151 Officer, whether the circumstances require further investigation by the Police and take appropriate action. The Chief Executive, Section 151 Officer and Monitoring Officer shall be consulted prior to referring any matter to the Police.

C.21 Where, upon investigation, the Head of Internal Audit & Risk Assurance believes that a loss may have occurred as the result of waste,

³ 24 hour Fraud Hotline 02392 545308.

- C.22 extravagance or maladministration, a report on the matter shall be submitted to the relevant Service Unit Manager, Section 151 Officer, Chief Executive and Monitoring Officer.

ASSETS

- C.23 Service Unit Managers should ensure that records and assets are properly maintained (inventory) and securely held. They should also ensure that contingency plans are in place for the continuity of service and the security of assets in the event of disaster or system failure.

LAND (inc. leases etc.)

Terrier

- C.24 A terrier of all land owned by the Council shall be maintained by the Head of Property Services.

Sale and Purchase of Land

- C.25 Unless covered under the Scheme of Delegation to Officers or falling within the terms of reference of a Board, land shall not be sold, purchased or leased except as authorised by the Economic Development Board. The Board must be presented with a report prepared by the relevant Service Unit Manager in consultation with the Borough Solicitor, Financial Services Manager and the Head of Property Services containing a detailed evaluation (including a reason for the proposal, the overall implications of the proposal, a valuation and risk assessment) of the consequences and implications of such sale or purchase.

TREASURY MANAGEMENT

- C.26 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.27 The Council is responsible for approving the Treasury Management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the Full Council. The Section 151 Officer has responsibility for implementing and monitoring this statement.
- C.28 The Section 151 Officer is responsible for ensuring an appropriate Treasury Management Strategy is adopted by Council at or before the start of each financial year.

Borrowing

C.29 The Section 151 Officer has authority to arrange the borrowings necessary to finance the Council's Capital Programme, to defray payments to be met from revenue funds pending the receipt of sums due in respect of the same period, or to replace debts repaid as prescribed in the Council's Scheme of Delegation to Officers.

Lending

C.30 The Section 151 Officer has authority to invest or deposit any temporary surplus funds on the Wholesale Money Market. Such funds will only be placed with those institutions that meet the criteria approved by the Council.

C.31 The Section 151 Officer is responsible for reporting annually to Full Council on the activities of the Treasury Management operation.

BANKING

C.32 The opening of any Council bank account must be authorised by the Section 151 Officer or his deputy.

C.33 Direct debit instructions (DDI's) for payment of invoice(s) must be signed by an authorised Officer under the agreed Council's Bank Mandate. Further information regarding the signatories may be obtained from the Head of Accountancy.

C.34 Arrangements and terms for banking shall be in accordance with a contract that shall from time to time be subject to competitive tender.

C.35 All forms of cheque and cheque stationery shall be ordered, issued and controlled by the Financial Services Manager.

C.36 Cheques for less than £20,000 shall bear the lithographic signature of the Section 151 Officer. Cheques equal to or greater than £20,000 should be signed by an authorised signatory under the Council's Bank Mandate. In exceptional circumstances manual cheques can be produced which are signed manually by an authorised signatory.

C.37 All payments sent electronically must be authorised by a designated Officer. Those greater than £20,000 (individual payment) should also be counter authorised by an authorised signatory.

STAFFING

- C.38 Service Unit Managers shall exercise control over their staffing establishments within the approved annual staffing budgets.
- C.39 Where a Service Unit Manager wishes to make changes the cost should be absorbed in the current year and future years' budgets.
- C.40 Vacancies shall only be filled where they are essential to the services the Council provides and are subject to the approval of the Chief Executive, in consultation with the appropriate Board Chairman.

SECTION D: SYSTEMS AND PROCEDURES

INTRODUCTION

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

GENERAL

- D.2 The Financial Services Unit is to advise on and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- D.3 The Financial Services Unit shall be responsible for advising on the financial administration and accounting procedures and for the maintenance of all accounting records. Where records are maintained by service units the appropriate Manager shall have a duty to maintain a clear audit/management trail to support their management control responsibilities.
- D.4 Service Unit Managers shall obtain the Head of Accountancy's approval before introducing any books, forms or procedures or other records that relate to or may affect the Council's finances.
- D.5 Service Unit Managers, in consultation with the Section 151 Officer, shall submit to the Head of Accountancy such information as the latter deems necessary for accounting and costing purposes and shall afford access at all reasonable times to all accounting records and documents which relate to or may affect the Council's finances.
- D.6 Service Unit Managers shall ensure that as far as is practicable, the duties of staff concerned with financial systems and transactions are trained and they maintain an up to date procedural manual of fundamental financial systems.

COUNCIL TAX AND NATIONAL NON-DOMESTIC RATES

Register

- D.7 The Financial Services Manager shall compile and maintain up-to-date records of all relevant properties and businesses.

Billing

- D.8 The Financial Services Manager shall send appropriate bills promptly to those liable for Council Tax or National Non-Domestic Rates.

Collection and Recovery

- D.9 The Financial Services Manager shall take all action necessary, in accordance with Council policy, to secure the prompt collection and recovery of amounts due.

INCOME

Collection

- D.10 The collection of all money due to the Council shall be under the control of the Section 151 Officer and each Manager shall provide such information as may be required to record correctly and recover promptly all sums due. The use of electronic collection (direct debit) must be encouraged to all customers, where available.
- D.11 There is a statutory requirement for the Council to be aware of its cash income and to protect against the risk of becoming involved in money laundering. In order to assist with this requirement a limit on single cash transactions has been set at £5,000. All single cash transactions of this amount or greater must be reported to the Head of Internal Audit & Risk Assurance immediately.

Stationery

- D.12 All receipt forms, books, tickets and other documents of a financial nature by which income is demanded or receipted, shall be ordered, controlled and supplied to Service Units by the Pay and Central Services Section, except where otherwise specifically approved by the Section 151 Officer. Service Unit Managers shall be responsible for the safe custody of such documents within their service units and for maintaining control over their use in accordance with arrangements approved by the Head of Internal Audit & Risk Assurance.

Receipting

- D.13 Every Service Unit Manager whose unit receives money on behalf of the Council shall comply with arrangements approved by the Head of Internal Audit & Risk Assurance and Head of Accountancy concerning its acknowledgement and recording. This includes the issue of formal instructions to staff. Service Unit Managers shall also be responsible for the safe custody of the money and shall, promptly deposit it with the Cash Office. Payment counterfoils shall be stamped, dated and signed by the Cashier, save where an approved machine receipting system is in use. No Officer shall give a receipt for money received on behalf of the Council on any form other than an official receipt form. All monies received should be banked or paid into the cashiers promptly and within 1 working day.

- D.14 All cheques, money orders, postal orders and payment warrants received shall be immediately crossed with the name of "Gosport Borough Council".
- D.15 All cheque (due to the abolition of the cheque guarantee service) payments require clearance approval from Accountancy prior to a Council service being commissioned.
- D.16 Money received shall not be used to cash personal or other cheques but shall be deposited intact.

Paying-in

- D.17 Every Officer who pays money into the cash office or any other authorised cash collection point shall enter on the paying-in slip and on the counterfoil or duplicate particulars of such payment, including the receipt number(s) to which the payment(s) relates. In addition, for each cheque, the amount and the receipt number to which it relates shall be entered separately. If a cheque is received in full or partial discharge of a debt, the counterfoil should be marked as such.
- D.18 The Section 151 Officer shall be notified of all money due to the Council under contracts, leases, tenancies and other agreements that have been entered into on the Council's behalf as soon as possible and shall have access to the original documents and relevant particulars and information.

Sundry Debtors

- D.19 Sundry debtors invoices will only be raised in response to a documented request in a format approved by the Head of Accountancy.
- D.20 A sundry debtor invoice request form must be completed within 14 days of the date of supply or from when the debt was incurred.
- D.21 Care must be taken to ensure that the debtors' details, including full name, address and postcode, are entered correctly, and that the correct accounting and VAT codes are used.
- D.22 Wherever possible, a formal legal agreement for the debt should be established which must be provided in the event of recovery action being necessary.
- D.23 Wherever possible, efforts should be made to avoid raising small value invoices by encouraging the customer to pay in advance.

Bad Debts

- D.24 Service Unit Managers shall refer to the Borough Solicitor and Deputy Chief Executive all debts (other than Housing Rents and Local Taxation) which they are unable to recover following the recognised arrears process.
- D.25 Service Unit Managers shall also inform the Financial Services Unit of any sums that have been referred to the Borough Solicitor.
- D.26 The Borough Solicitor and Deputy Chief Executive shall take all reasonable steps to recover such debts that are not considered as irrecoverable.
- D.27 No sum of money due to the Council, after it has been correctly determined, shall be discharged otherwise than by payment in full or by writing off the debt or the unpaid portion of it on the authority of:
- a) both the appropriate Service Unit Manager and the Section 151 Officer, up to £20,000
 - b) by the Policy and Organisation Board in excess of £20,000, following a report by the Section 151 Officer confirming that the debt is not recoverable at reasonable effort and expense.
- D.28 An annual summary of all debt write-offs shall be notified to members of the Policy and Organisation Board by the Section 151 Officer.

Scales of Fees and Charges

- D.29 Fees and Charges shall be reviewed as part of the Council's annual budget process and amendments reported to the Policy & Organisation Board.
- D.30 The recommendation of the Board on the amendment of the Scales of Fees and Charges shall be reported to the next available Full Council.

PURCHASE ORDERS

- D.31 Paragraphs D33, D34 and D36 in this section do not apply to Housing (tenants requested repairs).

Ordering goods and services

- D.32 A requisition shall be raised for all purchases.
- D.33 All requisitions shall be approved by the appropriate Senior Officer.
- D.34 Request for a quote form shall be used for all non catalogue goods and will be sourced by Central Purchasing.

- D.35 Official orders for all purchases, other than petty cash, shall only be placed in accordance with systems approved by the Head of Pay & Central Services, Head of Accountancy and the Head of Internal Audit and Risk Assurance.
- D.36 Orders for goods, works or services, other than recurring services eg.- public utility supplies etc. shall be on an official order form.
- D.37 Each order shall specify and describe adequately the nature and quantity of the goods, works, services etc., required and any agreed prices. In addition, all incentives or inducements on ordering goods must be registered and reported prior to authorisation and recorded on the order.
- D.38 Any changes to the terms of the order as issued originally shall be approved by the relevant Service Unit Manager.
- D.39 No order shall be placed which will commit the Council to expenditure unless authority exists to incur such expenditure.
- D.40 Official orders may not be used for the procurement of goods, materials or services for the personal use of an employee, except for the purchase of personal protective equipment.

EXPENDITURE

- D.41 In order to comply with the Late Payment of Commercial Debts (Interest) Act 1998 the Section 151 Officer shall ensure that payment of all sums due from the Council is made promptly. Service Unit Managers shall be responsible for ensuring that all invoices and other accounts are sent for payment without delay, particularly where a discount is available. All procurement cards held within the Council must follow the same principles as set out in this section. In addition, these cards must be kept secure at all times.
- D.42 Prior to an invoice being authorised for payment, Service Unit Managers shall ensure that responsible officers under their control are satisfied that:
- (a) invoices are date stamped on receipt
 - (b) the terms of the order have been complied with
 - (c) prices are in accordance with any quotation given or are otherwise reasonable
 - (d) the amount of the invoice is arithmetically correct
 - (e) all discounts have been taken
 - (f) appropriate entries have been made in stores records/inventories/copy orders etc

- (g) the amount of the expenditure is provided for in the approved budgets and that the grid stamp is fully completed including the expenditure code and certification. As a minimum the checked by, certified for payment, creditor number and expenditure code boxes must be completed on the grid stamp.
- (h) the invoice has not been authorised previously for payment
- (i) the account is not a photocopy or statement or Facsimile (unless approved by the Head of Accountancy)
- (j) a pro-forma voucher is not being used as a substitute for an invoice
- (k) Value Added Tax has been correctly identified, checked and coded on official tax invoices
- (l) if an invoice is disputed, delayed or paid on a copy the details of this must be noted on the invoice.

D.43 Invoices must be authorised for payment without delay to comply with both payment terms and the Council's Local Performance Indicator which requires payment of all invoices within 30 days. In the case of small or medium sized enterprises the Council will endeavour to make payment within 10 days of receipt of a correct invoice.

Invoice Certification

D.44 Invoices for payment shall be independently initialled as checked. The form and content of the certification for payment shall be that required by the Financial Services Unit. Nominated certifying officers shall be required to provide the Head of Accountancy with specimen signatures and initials, together with an expenditure limit annually (as agreed by Council Management Team). Officers shall not certify any voucher payable to themselves, family relatives or organisation/club in which they have an interest. Separate officers shall carry out responsibilities for verifying receipt of goods, checking invoices and certification for payment.

Urgent Payments

D.45 Urgent payments are costly to process, so Units should keep requests for such payments to a minimum and only in cases where there is a genuine need. The use of electronic payment must be encouraged to all suppliers, where available, at all times (direct credit).

Payment of Salaries, Wages and Allowances

D.46 The payment of all salaries, wages and other allowances shall be under the control of the Section 151 Officer.

Changes

- D.47 Service Unit Managers shall immediately notify the Head of Pay & Central Services, the Head of Personnel and the Chief Executive of all matters affecting staffing establishments and the payment of employees' remuneration and allowances, in particular:
- (a) appointments, resignations, dismissals, suspensions, secondment and transfer
 - (b) absences from duty for sickness or other reasons, apart from approved leave
 - (c) changes in remuneration, other than normal increments, pay awards and agreements of general or national application
 - (d) information necessary to maintain records of service for superannuation, income tax, national insurance and items of a similar nature
 - (e) significant changes in duties and responsibilities.
- D.48 All notifications must be signed or approved by the appropriate Service Unit Manager.

Time Sheets

- D.49 Service Unit Managers shall ensure that any required time sheets for staff under their control are properly completed and are examined and independently certified by a responsible officer.

Payroll Information

- D.50 Service Unit Managers shall make available to the Head of Pay & Central Services all information necessary for the prompt and accurate preparation of payrolls. The arrangements shall include an approved form of time and pay records and such records may only be authorised by approved certifying officers as agreed with the Head of Pay & Central Services.

Allowances

- D.51 All claims by Members and Officers for payment of car allowances, subsistence allowances, travelling and other expenses shall be submitted, duly certified, in accordance with the procedure approved by the Section 151 Officer. Such claims may be authorised only by an approved certifying officer. Certifying officers may not certify their own claims. Claims submitted more than three months after the expenses were incurred will only be paid with the express approval of the Section 151 Officer, after consultation with the appropriate Service Unit Manager.

- D.52 A certification by or on behalf of a Service Unit Manager shall be taken to mean that the certifying officer is satisfied that the journeys were for official business and that the most cost effective option was used, the expenses were properly and necessarily incurred and that the allowances are properly payable by the Council.
- D.53 Officers in receipt of car allowances shall maintain a log of all mileage in respect of official business.

TAXATION

- D.54 The Council is responsible for ensuring its tax affairs are in order. Service Unit Managers are to be provided with relevant information and kept up to date with tax issues and required record keeping. This will ensure that all taxable transactions are identified, properly carried out and accounted for within stipulated timescales.

SECURITY

- D.55 Each Service Unit Manager is responsible for maintaining proper security of all information, buildings, stocks, stores, furniture, equipment, documents, financial records, cash etc., under their control (including such information held on computer which shall be in accordance with the principles of the Data Protection Act 1998 and the Council's policies). The Head of Internal Audit & Risk Assurance shall be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed (e.g. intruder alarms).

Cash holding limits

- D.56 Every effort should be made to bank monies within one working day. In those units that have access to a safe a maximum limit for cash holdings must be agreed with both the Financial Services Unit (for insurance purposes) and the Head of Internal Audit & Risk Assurance.

Safe keys

- D.57 Keys to safes, key safe boxes (where used) and similar receptacles shall be issued to named individuals who shall be held responsible for their safe custody; the loss of any such keys must be immediately reported to the Head of Internal Audit & Risk Assurance.

Town Hall

- D.58 Service Unit Managers shall refer any relevant matters to the Chief Executive or to the Manager who has responsibility for the overall security of the Town Hall.

ASSET REGISTERS

Preparation and maintenance

D.59 The Section 151 Officer shall be responsible for preparing and maintaining an asset register which shall record all Council owned land, buildings and assets initially costing (or currently valued at) greater than £10,000. This will include maintaining inventories and recording an adequate description of furniture, fittings, equipment, plant and machinery. Inventions, writing and software (including in-house developed spreadsheets) will give rise to Intellectual Property and various Acts of Parliament will cover different types of intellectual property. Service Unit Managers shall provide, on a regular basis, such information as is required by the Head of Accountancy for the maintenance of the asset register.

Verification

D.60 At least once a year the Section 151 Officer will require other Service Unit Managers to arrange for their portion of the register to be checked against the physical assets. The Head of Accountancy shall be advised of surpluses or deficiencies requiring amendment of the asset register.

Disposal

D.61 The disposal of any items considered to be obsolete or surplus to requirements shall be in accordance with the Council's Scheme of Delegation to Officers.

STOCKS AND STORES

Custody

D.62 Service Unit Managers shall be responsible for the custody and control of the stocks and stores in their units.

Accounts

D.63 The stores accounting records maintained by Service Unit Managers shall be approved by the Head of Accountancy and Service Unit Managers shall supply such information as is required for the Council's accounting and financial records.

Levels

D.64 Stocks shall not be in excess of reasonable requirements.

Valuation

- D.65 The Head of Accountancy, in conjunction with Service Unit Managers, shall determine the method to be followed in the valuation of stores.

Stocktaking

- D.66 Not less frequently than annually, Service Unit Managers shall ensure that a stock take of all stocks and stores in their units is carried out independently of the officers responsible for their custody. Where items are obsolete or surplus to requirements, the Manager shall dispose of them in accordance with the Council's Scheme of Delegation to Officers.
- D.67 The Head of Internal Audit & Risk Assurance may be represented at any stocktaking for the purpose of making test checks and shall be allowed to make test checks at any time.

Adjustment of stores records

- D.68 Adjustments of stores records in consequence of discrepancies revealed by stocktaking shall be authorised by the appropriate Service Unit Manager and, if significant, shall be reported to the Head of Accountancy and Head of Internal Audit & Risk Assurance.

Report to Head of Accountancy

- D.69 The total value of stores written off in each financial year shall be reported to the Head of Accountancy.

Stores records

- D.70 Details of stores received, returned or issued shall be entered promptly in the stores records.

Stores issues/returns

- D.71 Stores issue/returns shall be made only against a properly completed official stores issues/returns note.

Other

- D.72 A Service Unit Manager may, in consultation with the Head of Accountancy, instruct that the maintenance of records of particular items of stocks and stores are not necessary on economic grounds.

INFORMATION COMMUNICATION TECHNOLOGY

- D.73 The acquisition and disposal of ICT equipment (hardware & software) shall be in accordance with the Council's approved IT strategy, which requires, inter alia, a detailed financial appraisal of any significant proposed investment.
- D.74 The development or acquisition of software or systems shall comply with the principles of a recognised project management methodology e.g. PRINCE2. Any deviation from the agreed methodology must be reported to Council Management Team.
- D.75 All system selections must be signed off by the sponsoring Manager and the Head of Information Technology.
- D.76 The use of all ICT systems and equipment shall be in accordance with the standards and policies laid down for security, privacy and acceptable use.
- D.77 The use of ICT systems and equipment shall comply with the Data Protection Act 1998 and other ICT related Law.
- D.78 Only official, licensed versions of authorised software from a known, reliable source shall be used on Council equipment.

SECTION E: EXTERNAL ARRANGEMENTS

PARTNERSHIPS

- E.1 The Section 151 Officer shall ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. Service Unit Managers must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.2 Service Unit Managers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

EXTERNAL FUNDING

- E.3 The Section 151 Officer, in conjunction with the relevant Service Unit Manager, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

WORK FOR THIRD PARTIES

- E.4 The Section 151 Officer and Borough Solicitor and Deputy Chief Executive are responsible for approving the contractual framework for any work for third parties or external bodies.

GOSPORT BOROUGH COUNCIL STANDARDS AND GOVERNANCE COMMITTEE

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT FOR MEMBERS

1 CONTEXT

- 1.1 These arrangements set out how you may make a complaint that an elected or co-opted Member of Gosport Borough Council (“the Council”) has failed to comply with the Council’s Code of Conduct, and set out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct as required by Sections 29(6) and (7) of the Localism Act 2011.
- 1.2 Such arrangements must provide for the Council to appoint at least one Independent Person (‘IP’), whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or Co-opted Member against whom an allegation has been made.

2 CODE OF CONDUCT

- 2.1 The Council has adopted a Code of Conduct for Members, which is attached as Appendix 1 to these arrangements and which is available for inspection on the Council’s website and at the Town Hall.

3. MAKING A COMPLAINT

- 3.1 If you wish to make a complaint, please write or email to –

The Monitoring Officer
Gosport Borough Council
Town Hall
High Street
Gosport
Hampshire
PO12 1EB

- 3.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members’ interests and who is responsible for administering the system in respect of complaints of Member misconduct.

- 3.3 In order to ensure that we have all the information which we need to be able to process a complaint, please complete and send us the model complaint form, which can be downloaded from the Council's website, www.gosport.gov.uk, and is available on request from Reception at the Town Hall.
- 3.4 Please provide us with your name and a contact address or email address so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Council does not investigate anonymous complaints.
- 3.5 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4. WILL YOUR COMPLAINT BE INVESTIGATED?

- 4.1 The Monitoring Officer will review every complaint received and may dismiss it without further action if:
- (a) The person complained about is no longer a Member of Gosport Borough Council; or
 - (b) The Monitoring Officer considers the complaint does not relate to behaviour in the Member's official capacity as a Councillor, or
 - (c) The matter being complained about happened more than 12 months before the complaint was received; or
 - (d) The matter being complained about came to the complainant's notice more than 6 months before the complaint was received; or
 - (e) The complaint was made anonymously.

The Monitoring Officer will inform the complainant and the Member of their decision and the reason for it.

This decision will normally be made within 20 working days of receipt of your complaint.

- 4.2 If the Monitoring Officer does not dismiss the complaint on one of the above grounds, they will acknowledge it and inform the complainant of the procedure to be followed.
- 4.3 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such

information, and may also request information from the Member against whom your complaint is directed.

- 4.4 The Monitoring Officer will (except in exceptional circumstances where they consider that it is in the public interest not to do so) send the Member complained about a copy of the complaint, and invite the Member to submit initial written comments within 10 working days.
- 4.5 The Monitoring Officer may also ask the Member any specific questions the Monitoring Officer considers will assist the initial assessment of the complaint.
- 4.6 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member or the Council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 4.7 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer or any other Officer will refer the complaint to the Police or other regulatory agencies. If you consider there has been criminal conduct then you may go directly to the Police or other regulatory agency.

5. INITIAL ASSESSMENT OF THE COMPLAINT

- 5.1 Initial assessment of the complaint will, if practicable, take place within 20 working days of receipt of the Member's written comments under section 4.4 above.
- 5.2 The decision on the initial assessment will be made by the Assessment Sub-Committee or the Monitoring Team. The Assessment Sub-Committee comprises 3 members of the Council's Standards and Governance Committee who are appointed to consider the specific complaint.
- 5.3 Complaints from Councillors, Council employees, contractors appointed by the Council, complaints about Chairmen of the Council's Boards, the Mayor or Group Leaders will, subject to the provisions of 4.1, be referred to the Assessment Sub-Committee for initial assessment.
- 5.4 The Monitoring Team comprises the Monitoring Officer, the Chief Executive, and, if the Member requests their involvement or if the Monitoring Officer considers it appropriate, the Independent Person. The Monitoring Team will deal with all complaints other than those

referred to in Paragraph 5.3 above, save where they consider that such a complaint should be referred to the Assessment Sub-Committee for initial assessment.

- 5.5 If the Monitoring Officer considers that it is not appropriate for them to act, the Deputy Monitoring Officer will take their place. If the Chief Executive considers that it is not appropriate for them to act, the Council's Section 151 Officer will take their place.
- 5.6 Before the Assessment Sub-Committee or Monitoring Team considers the complaint, the Monitoring Officer will send members of the Assessment Sub-Committee or Monitoring Team
- (a) A copy of the complaint.
 - (b) A copy of the Member's comments in response to the complaint.
 - (c) Any other information in the Monitoring Officer's possession that they consider relevant.
- 5.7 The Assessment Sub-Committee or Monitoring Team's decision on the initial assessment, with reasons and the views of the IP (if involved), will be given in writing to the Member and the complainant within 5 working days.
- 5.8 There will be no right of appeal.
- 5.9 The decision will be available for public inspection.

6. DECISION OPTION AT INITIAL ASSESSMENT

- 6.1 The Assessment Sub-Committee or Monitoring Team may decide:
- (a) To take no action (see 6.2 below); or
 - (b) To attempt to resolve the matter informally between the complainant and Member, either in writing, by face-to-face meeting, or by any other method they consider appropriate. In this case there will be no formal decision as to whether or not there was a breach of the Code of Conduct. If an attempt to resolve the matter in this way is not achieved to the satisfaction of the Member and the complainant, options (a) and (c) will remain open; or
 - (c) To arrange for a formal investigation to be undertaken, including interview of appropriate witnesses, and to seek the view of the investigator (see Paragraph 7.1) as to whether there has been a breach of the Code of Conduct. If the investigator considers there has been a breach of the Code, a hearing will be arranged. If the investigator considers that

there has not been a breach of the Code, the Monitoring Officer will issue a formal finding to that effect.

6.2 No action will be taken where any of the following apply:

- (a) The Monitoring Team or Assessment Sub-Committee considers that there is no prima facie evidence that the Code has been breached;
- (b) Taking into account the nature of the allegation, the Monitoring Team or Assessment Sub-Committee considers that using public funds to examine the matter further would be disproportionate;
- (c) The Monitoring Team or Assessment Sub-committee considers that the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant;
- (d) The conduct complained about has already been the subject of investigation or enquiry by another public body;
- (e) The same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and the Monitoring Team or Assessment Sub-Committee considers that there is nothing further to be gained;
- (f) The Monitoring Team or Assessment Sub-Committee considers that there is not enough information to take the matter further;
- (g) The complainant has requested that their identity as complainant be withheld from the Member, and the Monitoring Team or Assessment Sub-committee considers that the matter cannot reasonably be taken further in these circumstances;
- (h) The Member has already apologised for the action that was the subject of the complaint, and the Monitoring Team or Assessment Sub-Committee considers that this is sufficient to dispose of the complaint; or
- (i) The Monitoring Team or Assessment Sub-committee considers that the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual Member or Members(s).

7. HOW IS THE INVESTIGATION CONDUCTED?

- 7.1 if the Monitoring Team or Assessment Sub-Committee decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.
- 7.2 The Investigating Officer would normally write to the Member against whom you have complained and ask the Member to provide their explanation of events, and to identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identify confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently
- 7.3 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.
- 7.4 Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.
- 7.5 if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct the Monitoring Officer will write to the complainant and Member and advise that no further action will be taken and a copy of the Investigating Officer's final report will be sent to you and the Member.
- 7.6 If the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the matter will be sent to the Standards and Governance Committee for a hearing.

8. PROCEDURE FOR HEARINGS

- 8.1 Hearings will where possible be held within two months of receipt by the Monitoring Officer of the Investigating Officer's final report.
- 8.2 The hearing will be before the Standards and Governance Committee.
- 8.3 The Independent Person (IP) appointed under Section 28 of the Localism Act 2011 will also be present. Their views will be

requested and taken into account by the Standards and Governance Committee, but by law they cannot vote.

- 8.4 The Monitoring Officer or Deputy Monitoring Officer will be present as legal advisor to the Standards and Governance Committee.
- 8.5 The Investigating Officer's report should normally provide the Standards and Governance Committee with all the available information, but they may call such witnesses as they consider necessary. Both the Member and complainant will be invited to attend.
- 8.6 The Member may present their own case or be represented.
- 8.7 Written statements from all witnesses called by the Investigating Officer or the Member must be lodged with the Monitoring Officer no later than 10 working days before the hearing. Character witnesses who cannot provide evidence on the matter complained about will not be permitted.
- 8.8 The cost of any attendance or representation must be borne by the party concerned.
- 8.9 All written evidence will be circulated to the Members of the Standards and Governance Committee, the IP, the Member and the complainant at least five working days before the hearing.
- 8.10 Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.
- 8.11 The legal advisor can speak at any time to advise the Standards and Governance Committee on technical matters, or ask questions of any party.
- 8.12 Order of proceedings:
 - (a) The Investigating Officer presents their case and calls witnesses (if any)
 - (b) The Member can ask the Investigating Officer and any witnesses' questions.
 - (c) The Committee and IP can ask questions of the Investigating Officer and any witnesses'.
 - (d) The Member can address the Committee and call witnesses (if any).
 - (e) The Investigating Officer can ask questions of the Member and witnesses.

- (f) The Committee and IP can ask the Member and witnesses questions.
- (g) The Investigating Officer can make a closing statement.
- (h) The IP will be invited to give their advice on the matter.
- (i) The Member can make a closing statement.
- (j) All those present except the Standards and Governance Committee and the Clerk will leave the room while the Standards and Governance Committee makes its decision. The Committee may ask the legal advisor to attend to give advice.
- (k) The Standards and Governance Committee will announce its decision as to whether there has been a breach of the Code of Conduct taking in open session.
- (l) The Member will be invited to make representation on what action should be taken.
- (m) The Standards and Governance Committee may retire to consider what action should be taken and will announce its decision in open session.

8.13 A written report of the hearing and decision, with reasons, will be prepared, usually within 7 working days. A copy will be sent to the Member and Complainant.

8.14 The written report will be available for public inspection.

9. WHAT IS THE STANDARDS AND GOVERNANCE COMMITTEE?

9.1 The Standards and Governance Committee is a politically balanced Committee of the Council. It is comprised of 12 members of the Council. It is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. The Leader of the Council may not be appointed to the Standards and Governance Committee.

9.2 The decision of the Committee shall be by a simple majority of those present able to vote.

9.3 The Independent Persons are invited to attend all meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to

comply with the Code of Conduct. The Independent Persons do not, however, have voting rights on the Committee. Their role is an advisory one and they are appointed in accordance with the provisions of the Localism Act 2011.

- 9.4 The Committee will be subject to the same rules regarding public access to meetings as other Committees of the Council. Public notice of the meeting will be given. Copies of the Agenda and any report will be open to inspection by members of the public and the press, except in the case of reports that disclose confidential or exempt information.
- 9.5 Meetings of the Committee will be open to the press and the public except where the Committee resolves to exclude the press and public on the grounds of potential disclosure of exempt or confidential information.
- 9.6 There is no general protection against defamation arising against any party involved in any complaint brought before the Standards and Governance Committee.
- 9.7 The Standards and Governance Committee on the advice of the legal advisor may depart from these arrangements in relation to hearings where it is necessary to do so in order to secure the effective and fair consideration of any matter.

10. WHAT ACTION CAN THE STANDARDS AND GOVERNANCE COMMITTEE TAKE WHERE A MEMBER HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?

10.1 The Council has delegated to the Standards and Governance Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

10.02 Accordingly the Standards and Governance Committee may decide

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- (a) No action needs to be taken;
- (b) To censure or reprimand the Member;
- (c) To report its findings to Council for information;
- (d) To recommend to the Member's Group Leader that the Member be removed from any or all Boards and Committees of the Council;
- (e) To recommend to Council that the Member be removed from any offices held on behalf of the Council, for example appointments to outside bodies;

- (f) If the Member agrees to instruct the Monitoring Officer to arrange training for the Member; and/or
- (g) To restrict or remove the use of Council resources or facilities for a specified period by the Member provided this does not prevent the Member from carrying out their duties as an elected Councillor.

11. APPEALS

There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer, Monitoring Team or the Standards and Governance Committee.

If you feel the Council has failed to deal with your complaint properly you may make a complaint to the Local Government Ombudsman.

CRIME AND DISORDER COMMITTEE PROCEDURE RULES

1. Introduction

- 1.1 The Council has a statutory responsibility, under the Police and Justice Act 2006, to establish a Crime and Disorder Committee. This role will be carried out by the Standards and Governance Committee.
- 1.2 The Committee shall operate generally in accordance with the requirements of the law and the procedures and principles set out below. The Council, either of its own accord or on the recommendation of the Crime and Disorder Committee may at any time amend these provisions and/or issue supplementary guidance provided that it still meets the legislative requirements.

2. Role of the Crime and Disorder Committee

- 2.1 The role of the Committee is to:-

- (i) review or scrutinise decisions made or other action taken in connection with the discharge, by any of the Responsible Authorities, of their crime and disorder functions and make reports or recommendations to the local authority with regard to the discharge of those functions.

The 'Responsible Authorities' means the Council, Hampshire County Council, Hampshire Fire and Rescue Authority, Hampshire Police and the Clinical Commissioning Group.

The 'crime and disorder functions' are the formulation and implementation of the following:

- (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (c) a strategy for the reduction of re-offending in the area.
- (ii) make reports and recommendations to the local authority on any local crime and disorder matter which has been referred to it by a Member of the Council, as a Councillor Call for Action (see 9 below).

3. Involvement of External Interests

- 3.1 Effective crime and disorder scrutiny will be rooted in good relationships and joint working with external bodies, in particular with the other Responsible Authorities. As such, it will often be appropriate to involve representatives from other Responsible Authorities by for example gathering evidence from other bodies, either by their attendance at meetings or the provision of other information.
- 3.2 The Crime and Disorder Committee and/or its task-and-finish working groups may (on reasonable notice) require the attendance before it of an officer or employee of a Responsible Authority in order to answer questions.
- 3.3 Whilst the Crime and Disorder Committee should be considered a 'critical friend' of the Community Safety Partnership, the emphasis of the Committee's work should, however, be on collaborative and partnership working. It should not be used as a forum for criticising partners. Effective scrutiny comes from taking a constructive approach with partners towards crime and disorder policies and issues in order to enhance performance and find solutions.
- 3.4 The Crime and Disorder Committee has the power to request information relating to the discharge of its responsibilities. Where the Committee makes a request for this information to the Responsible Authorities, such information must be provided as soon as reasonably possible. Such information will be supplied in a depersonalised form and will not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities.
- 3.5 It is for the Committee to decide how best involvement by partners and other third parties may be achieved and such decision will depend on the nature of the matter under scrutiny.

4. Conflicts of Interest.

- 4.1 In order to avoid a conflict of interest, any Councillors who currently sit on the Community Safety Partnership in any capacity shall not also sit on the Crime and Disorder Committee.

5. Whipping

- 5.1 When considering any matter in respect of which a member of the Crime and Disorder Committee is subject to a party whip, or advice from a Group Leader on the decision to be reached, the member must declare the party whip or advice received, and the nature of it before the commencement of the Committee's deliberation on the matter. The declaration and its details shall be recorded in the minutes of the meeting.

6. Choosing a Topic for Scrutiny (excluding Councillor Calls for Action)

- 6.1 In order for scrutiny to be effective, the work programme of the Crime and Disorder Committee should be determined in consultation with the Community Safety Partnership partners and reflect community need.
- 6.2 Key areas for scrutiny are:
- Policy development, including in-depth reviews;
 - Contribution to the development of strategies;
 - Holding to account at formal hearings (although this should form only a small part of the Committee's work); and
 - Performance management.
- 6.3 The Committee's work programme will be reviewed at every meeting. The Crime and Disorder Committee shall in particular ensure that the number of scrutinies undertaken does not exceed the capacity of the Committee, Councillor and Officer resources available to support their work. Any member of the Crime and Disorder Committee may request that a matter that is relevant to the functions of the Committee is included in the Agenda and is discussed at the Committee meeting.
- 6.4 When deciding to undertake a scrutiny the Crime and Disorder Committee shall determine if the scrutiny is to be undertaken by the whole Committee, a working group of members of the Committee taking account of the expertise and experience of available members and Officers. The Crime and Disorder Committee shall set a date by which the scrutiny should be concluded.
- 6.5 Working groups will not have sub-committee status and the political balance rules in Section 15 of the Local Government and Housing Act 1989 will not apply but they will, subject to the availability of Councillors, be established on a cross-party basis.
- 6.6 There is no provision for substitute members to attend working group meetings but if a member is no longer able to participate in the working group the Crime and Disorder Committee shall determine if another member should be appointed to the working group.

7. Meetings

- 7.1 The Crime and Disorder Committee shall meet at least once each municipal year although additional meetings may be called by the Chairman or the Chief Executive at any time if they consider it necessary or desirable.
- 7.2 Working groups shall meet as many times as necessary to carry out their scrutiny but shall be time-limited in nature.

- 7.3 When undertaking a scrutiny the Committee or working group may go on site visits, conduct public surveys, commission and undertake research, hold public meetings and do other things that they consider reasonably necessary to inform their deliberations subject to resources.
- 7.4 Officers and Members of the Council may be required to attend to answer questions and shall comply with any requirement made. However such Officers and Members are not obliged to answer any question that that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales. Members or employees of other responsible authorities may also be required to attend as described at 3.2 above.

8. Outcome of Scrutiny

- 8.1 A report of provisional findings shall be prepared by those undertaking the scrutiny and, where carried out by a working group, submitted to the full Crime and Disorder Committee.
- 8.2 The Crime and Disorder Committee shall consider the report on provisional findings and decide whether or not additional work should be undertaken on the scrutiny and if so by whom, whether to end the scrutiny with no further action, whether or not to accept the recommendations in the provisional findings and whether or not to publish a report of the scrutiny or its recommendations.
- 8.3 The decision of the Crime and Disorder Committee will be recorded in the minutes of the meeting which are published on the Council's website.
- 8.4 Where the Crime and Disorder Committee decides to publish a report or recommendations the Head of Legal and Democratic Services shall:
- (a) Ensure that a copy is provided as required by law to each of the Responsible Authorities and to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (the Co-operating Persons and Bodies);
 - (b) When providing the copy of the report under (a) notify the authority, body or person that they must consider the report or recommendations, respond to the committee in writing as soon as reasonably possible indicating what (if any) action it proposes to take and have regard to the report or recommendations in exercising its functions; and
 - (c) deal with the serving of the requisite notice and arranging for the report to be included on the agenda of the appropriate Board or full Council.

9. Local Crime and Disorder Matters

- 9.1 The Crime and Disorder Committee may make a report or recommendations to the Council with respect to any matter which is a local crime and disorder matter in relation to a Councillor.
- 9.2 The Councillor Call for Action ('CCA') enables any Member of the Council who is not a member of the Crime and Disorder Committee to refer a local crime and disorder matter to the Committee.
- 9.3 A 'local crime and disorder matter' is any matter concerning:
- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) the misuse of drugs, alcohol and other substances,
- which affects all or part of their ward or any person who lives or works in that area.
- 9.4 A referral will ensure it is included on the agenda for and discussed at a meeting of the Crime and Disorder Committee but it is for the members of the Committee to decide whether or not to take the matter further. It is important to recognise that CCA is not guaranteed to solve a given problem, it simply provides a method for discussing such problems and through discussion trying to overcome them.
- 9.5 When considering whether or not to make a report or recommendations to the Council in relation to the matter, the Crime and Disorder Committee shall take into account the following matters:
- Any powers which the Ward Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England);
 - Any representations made by the Ward Councillor as to why it would be appropriate for the Committee to exercise any power which it has in relation to the matter;
 - Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the Ward Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
 - Has the Committee considered a similar issue recently and if yes have the circumstances or evidence changed?
 - Is there a similar or related issue which is the subject of a scrutiny/review on the current work programme? It may be more appropriate to link the new issue to an existing scrutiny/review rather than hold a CCA hearing.
 - Relevant time pressure on resolving the CCA

- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
 - Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor's ward?
- 9.6 A CCA should only be raised where other means of resolving the matter have been exhausted and the Councillor should complete the Notice . The Councillor should ensure that the Notice states why they consider the issue should be looked at by the Crime and Disorder Committee, give brief details of the main areas of concern, supply evidence in support of the CCA, indicate areas or groups affected by the CCA, summarise mediation and attempts at resolution which have been undertaken and indicate any deadlines associated with the CCA of which the Crime and Disorder Committee needs to be aware.
- 9.7 The Councillor making the CCA referral will be invited to attend the meeting where the Committee considers the referral. The Committee may also invite other relevant parties, Councillors and Officers to discuss the issue and answer any questions, if the Committee considers this appropriate.
- 9.8 If the Crime and Disorder Committee decides not to make a report or recommendations to the local authority in relation to the matter, it must inform the Councillor of its decision and provide reasons.
- 9.9 If the Committee decides to accept the CCA referral it must decide how it intends to take the matter forward and include it in its work programme.
- 9.10 The Committee when considering a CCA referral may undertake any of the activities it is able to do when undertaking a scrutiny.
- 9.11 At the end of the work on the referral a copy of any report or recommendations of the Crime and Disorder Committee on the referral will be sent to the Councillor making the CCA referral and to such of the Responsible Authorities and the Co-operating Persons and Bodies as the Committee sees fit, together with the notification described in paragraph 8.4(b) above.

PROCEDURE FOR TASK AND FINISH GROUPS

1. Introduction

- 1.1 Each of the Service Boards has delegated power to set up no more than two, at any one time, Task and Finish Groups.
- 1.2 All Service Boards and Task and Finish Groups shall operate in accordance with this Protocol.

2. Purpose of Task and Finish Groups

- 2.1 A Task and Finish Group should only be appointed by the Service Board to carry out a short sharply-focused piece of work on the development and review of policies and initiatives of matters falling within the terms of reference of the Service Board.
- 2.2 Task and Finish Groups should not be set up to consider individual complaints, matters which affect an individual or a small number of parties, or cases for which a separate process already exists.
- 2.3 Task and Finish Groups should not be set up to consider planning applications or licensing applications, however Task and Finish Groups may be set up to assist in the formulation of planning policies and licensing policies.

3. Composition and Status

- 3.1 Task and Finish Groups will not have sub-board status and the political balance rules in Section 15 of the Local Government and Housing Act 1989 will not apply but they will, subject to the availability of Members, be established on a cross-party basis.
- 3.2 Task and Finish Groups shall comprise of up to 5 Members of the Service Board. There is no provision for substitute Members to attend a Task and Finish Group but if a Member is no longer able to participate in the Task and Finish Group the Service Board shall determine if another Member should be appointed to the Task and Finish Group.
- 3.3 Members should not take part in a Task and Finish Group if they have any Disclosable Pecuniary Interest or Personal Interest in the matter being considered by the Task and Finish Group.

4. Process

- 4.1 The terms of reference for the Task and Finish Group and the timescale for the completion of its work shall be agreed by the Service Board at the meeting at which the Service Board decides to set up the Task and Finish Group.
- 4.2 The Task and Finish Group may meet on as many occasions as it feels necessary to complete its work within the timescale set by the Service Board.
- 4.3 Task and Finish Groups may go on site visits, conduct public surveys, commission and undertake research, hold public meetings and do other things that they consider reasonably necessary to inform their deliberations but this is subject to resources being available and completion of their work within the timescale set by the Service Board.
- 4.4 Task and Finish Groups may require Officers to attend Task and Finish Group meetings to assist them with their work.
- 4.5 Task and Finish Groups may invite external interested parties to attend their meeting to assist them with their work.

5. Outcome

- 5.1 At the conclusion of their work the Task and Finish Group shall prepare a written report including recommendations which shall be considered by the Service Board