

WOKING BOROUGH COUNCIL

CONSTITUTION

Part 5

Codes and Protocols

- **Members' Code of Conduct**
- **Arrangements for Dealing with Standards Allegations under the Localism Act 2011**
- **Members' Allowances Scheme**
- **Officer Employment Procedure Rules**
- **Financial Regulations**
- **Contract Standing Orders**

Members' Code Of Conduct

1. Introduction and Interpretation

1.1 This Code applies to you as a Member of Woking Borough Council ("the Council") when you act in your role as a Member.

1.2 This Code is based on, and is consistent with, the principles of public life set out in Section 28 of the Localism Act 2011: -

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

1.3 These principles define the standards that Members should uphold, and serve as a reminder of the purpose of the Code of Conduct. The principles can be defined as follows:

- Selflessness: Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- Integrity: Members should not place themselves in situations where their integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
- Objectivity: Members should take decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Accountability: Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- Openness: Members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.
- Honesty: Members should not place themselves in situations where their honesty may be questioned.
- Leadership: Members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

1.4 It is your responsibility to comply with the provisions of this Code.

1.5 In this Code –

“meeting” means any meeting of

- (a) the Council;
- (b) the Executive;
- (c) any of the Council's or the Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a co-opted member.

2. General Obligations

- 2.1 **Do** treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 2.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members or the principles contained in Section 28 of the Localism Act 2011 (see paragraphs 1.2 and 1.3 above).
- 2.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (c) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.
- 2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 2.5 **Do not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- 2.6 **Do** comply with any Member Protocols that the Council has resolved should be the subject of this paragraph.

3 Gifts and Hospitality

- 3.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

3.2 **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

3.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

4 Registration of Interests

4.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of being elected or appointed to office.

4.2 **Do** notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.

4.3 **Do** notify the Monitoring Officer of any disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, not already registered within 28 days of your re-election or re-appointment to office.

4.4 **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

4.5 **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:

- (i) bodies to which you have been appointed or nominated by the Council;
- (ii) bodies exercising functions of a public nature;
- (iii) bodies directed to charitable purposes;
- (iv) bodies one of whose principal purposes includes the influence of public opinion or policy.

Note: "Disclosable pecuniary interests" means interests defined as such in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (copy attached).

5 Disclosure of Interests and Participation

5.1 **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or (save for membership of another local authority) other interest which the Council has decided is appropriate for registration.

5.2 **Do** notify the Monitoring Officer of any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for registration, not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.

5.3 **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.

- 5.4 Applications for a dispensation under Section 33 of the Localism Act 2011 (allowing a Member to participate in an item in which he/she has a disclosable pecuniary interest) shall be made to, and determined by, the Monitoring Officer.

Adopted by Woking Borough Council on 28 June 2012 with effect from 1 July 2012.

Amended by Woking Borough Council on 24 October 2013.

2012 No. 1464**LOCAL GOVERNMENT, ENGLAND****The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011⁽¹⁾, makes the following Regulations.

Citation, commencement and interpretation

1.— (1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000⁽²⁾ and other securities of any description, other than money deposited with a building society.

(1) 2011 c.20.

(2) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one

(3) 1992 c. 52.

- hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Arrangements for dealing with Standards Allegations under the Localism Act 2011

1 Context

- 1.1 Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have “arrangements” under which allegations that a Member, or co-opted Member, has failed to comply with the Council’s Code of Conduct can be investigated, and decisions made on such allegations.
- 1.2 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated. The Independent Person’s views can also be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members. This is available for inspection on the Council’s website (www.woking.gov.uk) and on request from the Council’s Monitoring Officer (see paragraph 3 below for contact details).

3 Making a complaint

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

The Monitoring Officer,
Woking Borough Council,
Civic Offices,
Gloucester Square,
Woking,
Surrey,
GU21 6YL
legal@woking.gov.uk

- 3.2 The Monitoring Officer is a statutory officer of the Council who has 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 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 say so and we will not disclose your name and address to the Member against whom you make the complaint without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.4 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.5 The Monitoring Officer will, within five working days of receipt, normally advise the Member against whom the complaint is made that a complaint has been received (together with brief details of the complaint). The Member shall not make any representations to the Monitoring Officer at this stage of the process. The Monitoring Officer will, within the same timescale, normally advise all Group Leaders of the receipt of the complaint (together with brief details of the complaint). Group Leaders shall not make any representations to the Monitoring

Officer at any stage of the process. The Monitoring Officer may decide not to advise the Member, or Group Leaders, of the receipt of the complaint if this might prejudice a subsequent investigation. The Monitoring Officer shall have the discretion to notify other persons of the receipt of the complaint as he/she considers appropriate.

4 Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. The Monitoring Officer may consult the Independent Person before making this decision. This decision will normally be taken within ten working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you, the Independent Person, the Chairman of the Standards and Audit Committee, all Group Leaders, the Chief Executive and the Member, of his/her decision and the reasons for that decision. The Monitoring Officer shall have the discretion to notify other persons of his/her decision (and the reasons for that decision) as he/she considers appropriate.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.3 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 his/her 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.
- 4.4 If your complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer may refer the complaint to the Police and/or other regulatory authorities. The Monitoring Officer should ensure that nothing is done under these arrangements which could prejudice possible action to be taken by the Police and/or other regulatory authorities.
- 4.5 Vexatious or frivolous complaints will not be formally investigated.

5 How is the investigation conducted?

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs 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.
- 5.2 The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity 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.
- 5.3 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to you and to the Member concerned, to give you both an opportunity to identify any matter in the draft report which you disagree with or which you

consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

- 5.4 Having received and taken account of any comments that may be made on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 6.1 The Monitoring Officer will review the Investigating Officer's report and, if satisfied (after consulting the Independent Person) that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned notifying you that he/she is satisfied that no further action is required. The Monitoring Officer will give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Hearings Sub-Committee or, after consulting the Independent Person, seek local resolution.

7.2 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you, as complainant, and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards and Audit Committee for information, but will otherwise take no further action.

7.3 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, the Monitoring Officer will report the Investigating Officer's report to the Standards Hearings Sub-Committee which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Hearings Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of

Conduct, and so dismiss the complaint. If the Standards Hearings Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Standards Hearings Sub-Committee will then consider what action, if any, it should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Standards Hearings Sub-Committee will give the Member an opportunity to make representations to it and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Standards Hearings Sub-Committee take where a Member has failed to comply with the Code of Conduct?

8.1 The Standards and Audit Committee has delegated to the Standards Hearings Sub-Committee power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly the Standards Hearings Sub-Committee may –

- (a) Publish its findings in respect of the Member's conduct. This might comprise issuing a press release and/or inserting a public notice in the local newspaper(s);
- (b) Report its findings to Council for information;
- (c) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council for such period as the Sub-Committee considers appropriate;
- (d) Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities for such period as the Sub-Committee considers appropriate;
- (e) Instruct the Monitoring Officer to arrange training for the Member;
- (f) Recommend to the Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council for such period as the Sub-Committee considers appropriate;
- (g) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access for such period as the Sub-Committee considers appropriate; or
- (h) Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as are necessary for attending Council, Committee and Sub-Committee meetings for such period as the Sub-Committee considers appropriate.

8.2 The Standards Hearings Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' allowances.

9 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which it resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Standards Hearings Sub-Committee, and send a copy to the complainant and to the Member. The decision notice shall include reasons for the decision. The Monitoring Officer will also make the decision

notice available for public inspection and report the decision to the next convenient meeting of the Standards and Audit Committee.

10 What is the Standards Hearings Sub-Committee?

- 10.1 The Standards Hearings Sub-Committee is a sub-committee of the Council's Standards and Audit Committee. The Independent Person is invited to attend all meetings of the Standards Hearings Sub-Committee and his/her views are sought and taken into consideration before it 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.

11 Who is the Independent Person?

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

12 Departure from these arrangements

- 12.1 The Chairman of the Standards Hearings Sub-Committee may depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or the Standards Hearings Sub-Committee.
- 13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

14 Annual Report

- 14.1 The Monitoring Officer shall submit an annual report to the Standards and Audit Committee. The report should include appropriate details of all complaints received (including those where no breach was found).

Adopted by Woking Borough Council on 28 June 2012.
Amended by Woking Borough Council on 24 October 2013.

Members' Allowances Scheme

Made pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003

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1. INTRODUCTION

- 1.1 This is a scheme for members' allowances made by the Council pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003 having regard to the recommendations of the Independent Remuneration Panel established for the purpose. The 2003 Regulations put in place a consolidated and simplified regime for allowances and all references in this scheme to regulations should be construed as references to the 2003 Regulations.
- 1.2 This scheme was initially approved by the Council on 17 July 2003, and is reviewed by Council from time to time.

2. BASIC ALLOWANCE

- 2.1 The Basic Allowance is an amount paid to all members of the Council in respect of the year to which it relates (defined in the Regulations as being a period ending on 31 March in each year). The amount of the allowance is the same for all members.
- 2.2 The amount of entitlement to Basic Allowance for each member in respect of the 2016/17 Municipal Year is **£7,200**.
- 2.3 Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during his/her term of office as member subsists bears to the number of days in that year.
- 2.4 Where a member is suspended or partially suspended from his/her responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of Basic Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Council.

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 This is an allowance that may be paid to such members as have special responsibilities in relation to their Council duties.
- 3.2 Special Responsibility Allowances for 2016/17 and future years be allocated as follows: Leader of the Council £5,000, Leader of the Opposition £1,000, Deputy Leader of the Council £1,500, other Executive Members £750, Planning Committee Chairman £750, Overview and Scrutiny Committee Chairman £500, Licensing Committee Chairman £500.

4. LOSS ALLOWANCE

- 4.1 A Member is eligible to apply for a Loss Allowance where he/she has been appointed by the Council or a Committee to attend a Conference or Seminar or any other approved duty necessitating absence from the Members normal employment. An allowance of £100 (one hundred pounds) per twenty four hour period will be payable provided, upon the submission of necessary documentary evidence, to take unpaid leave, or use paid leave entitlement. In cases where the Member's employer permits "public service days" the Member will need to provide evidence that the days allowed by his/her employer have been utilised before claiming Loss Allowance.

5. TRAVELLING AND SUBSISTENCE

- 5.1 Allowances and amounts as set out below shall be paid to members in respect of travelling and subsistence, including an allowance in respect of travelling by bicycle, undertaken in

connection with such duties as may fall within the categories prescribed in Regulation 8(1). Receipts in respect of actual expenditure shall be produced where appropriate.

Travelling Expenses

Payable for approved duties inside or outside the Borough:-

1. Public Transport (reimbursement of cost)
2. Members' own private vehicles:-
 - Motor car (or tricar) - 35.0p per mile
 - These rates shall be increased:-
 - (a) for each passenger carried (not exceeding 4) who would otherwise have been paid a travelling allowance:-
 - 1.0p per mile where any other rate is payable;
 - (b) by the amount of any expenditure on tolls or parking fees.
3. Taxis - the rate of travel by taxi-cab or cab shall not exceed:-
 - (a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (b) in any other case, the amount of the fare for travel by appropriate public transport.
4. As a general rule, for journeys outside the Borough, where public transport is a reasonable alternative to the use of a car.
5. Expenses can be claimed for travelling to enable the undertaking of any approved duty from anywhere in the United Kingdom on the basis that the first 75 miles will be paid at the 35.0p per mile and all subsequent miles at the rate of 14.0p per mile.

Bicycle Allowance

- 5.2 There is available to members a monthly allowance of **£11.52** if, during the month in question, the member used a bicycle to carry out a duty approved by the Council or a duty otherwise falling within the categories prescribed in Regulation 8(1) **on at least three separate occasions.**

Subsistence Expenses

- 5.3 Payable on production of receipts and in respect of ACTUAL EXPENDITURE incurred for approved duties.

The rate of subsistence allowance shall not exceed:

- (a) in the case of an absence, not involving an absence overnight, from the usual place of residence;
 - (i) of more than 4 hours, before 11am, (breakfast allowance), £5.46;
 - (ii) of more than 4 hours, including the period between 12 noon and 2 pm, (lunch allowance), £7.46;

(iii) of more than 4 hours, including the period 3 pm to 6 pm, (tea allowance), £2.98; and

(iv) of more than 4 hours, ending after 7 pm, (evening meal allowance), £9.32.

(b) in the case of an absence overnight from the usual place of residence £75.11 and for such an absence overnight in London, or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or such other association or bodies as the Secretaries of State may for the time being approve of the purpose, £85.66.

5.5 For the purposes of paragraph 5.4 (b), London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

5.6 Any rate determined under paragraph 1 (b) above shall be deemed to cover a continuous period of absence of 24 hours.

5.7 The rates specified above shall be reduced by an appropriate amount in respect of any **meal provided free of charge** by an authority or body in respect of the meal or the period to which the allowance relates.

5.8 The attention of members is drawn to declaration (b) on the claim form, to the effect that entitlement to subsistence allowance can only arise to the extent that actual expenditure has been incurred, and that the sums shown on the previous page are maxima - i.e. only actual expenditure incurred can be reclaimed and any expenses in excess of those shown on the previous page CANNOT be reclaimed.

Members Surgeries

5.9 Members are entitled to claim reimbursement for surgery accommodation to enable them to perform approved duties as a Member of Woking Borough Council.

Meals on Trains

5.10 Where **main meals (i.e. breakfast, lunch or dinner) are taken on trains** during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full on production of the appropriate receipt, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

5.11 The limitations on reimbursement are:

(a) for breakfast, an absence of more than 4 hours, or where the authority permits, a lesser period, before 11am;

(b) for lunch, an absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2 pm;

(c) for dinner, an absence of more than 4 hours, or where the authority permits, a lesser period, ending after 7 pm.

6. DEPENDANTS' CARERS' ALLOWANCE

- 6.1 The scheme may provide for the payment to members of an allowance in respect of the expenses of arranging for the care of children or dependants as necessarily incurred in attending meetings or carrying out official duties, within the categories set out in Regulation 7(1).
- 6.2 Payment of the allowance will normally be made at a rate of up to £7.50 per hour. However, in special circumstances, e.g. where specialist nursing skills are required, consideration may be given to the payment of a higher rate, subject to presentation of proof of expense.
- 6.3 For members with sole responsibility for children or a dependant relative, payments will be made up to a level of £675 per annum (i.e. the equivalent of 30 x 3 hour meetings, allowing for travelling time). However, where responsibility is shared with a spouse or other adult member of the household, or where there are children in the household aged over 16 years, it would be expected that the need to pay for cover would be reduced. In these circumstances, members will be allowed to claim up to a total of £338 per annum.

7. ICT SERVICES

- 7.1 Members are provided with PC facilities for business use and a monthly allowance of **£28** which incorporates telephone line rental and Broadband connection costs.
- 7.2 Members will be issued with an annual supply of consumables by the Council. The annual supply from the Council will be:
- One Box (5 reams) White A4 Paper
 - Up to Three Black Printer Cartridges
 - Up to Two Colour Printer Cartridges
- 7.3 The Chief Executive is authorised to adjust the ICT allowance appropriately when the Council moves to "paperless" meetings.

8. CO-OPTEEES

- 8.1 The Council may pay co-optees' allowances in respect of their attendance at conferences and meetings. "Co-optees" for these purposes are persons who are not members of the authority but are members of a committee or sub-committee of the authority. The person who qualifies at the present time as a co-optee is the co-opted (independent) member who sits on the Standards and Audit Committee.
- 8.2 The amount of entitlement to co-optees' allowance for a co-optee in respect of the Municipal Year 2016-2017 is a sum equal to **5% of the Basic Allowance (£360 in 2016-2017)**.
- 8.3 Where the term of office of a co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during his/her term of office as co-optee subsists bears to the number of days in that year.
- 8.4 Where a co-optee is suspended or partially suspended from his/her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of co-optees' allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Council.

9. PENSIONS

- 9.1 With effect from 1 April 2014 a councillor's eligibility for membership of the Local Government Pension Scheme within the Surrey Pension Fund (administered by Surrey County Council) was ended (Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014). A councillor who was a member of the Pension Scheme on 31 March 2014 will continue to accrue rights until the end of the term of office which that councillor was serving on 1 April 2014.

10. INDEXING

- 10.1 Regulation 10(4) permits a scheme to make provision for an annual adjustment of allowances by reference to an index. The Council may not rely on that index for longer than four years before seeking a further recommendation from the Independent Remuneration Panel. Annual adjustments to allowances by reference to the index do not count as amendments to the scheme, although Regulation 16(2) requires advertisement in a local newspaper of the main features of the scheme every twelve months, whether amended or not.
- 10.2 The level of Basic Allowance shall be adjusted annually by reference to an index. The scheme shall identify that index as the annual cost of living salary increase for officers. The Basic Allowance shall be so indexed for a period of up to four years, after which it shall no longer be used without the further recommendation of the Independent Remuneration Panel.
- 10.3 On 11 February 2016, the Council resolved that the Basic Allowance and the Child Care and Dependant Carers' Allowances should be increased annually by the Chief Executive in line with the agreed pay award for the Council's staff.
- 10.4 On 11 February 2016, the Council resolved that the Chief Executive be authorised to determine Members' Allowances and Special Responsibility Allowances annually in consultation with the Independent Remuneration Panel and in accordance with an aggregate Member Allowances budget set annually by the Council. The Special Responsibility Allowances for future years should be increased in line with the balance of uplift in the total budget for Members' Allowances after deducting the uplift in Basic Allowance from the set basis in the 2016/17 Municipal Year.

11. GENERAL PROVISIONS

Elections to Forgo Allowances

- 11.1 A person may, by notice in writing to the Chief Executive of the Council, elect to forgo his/her entitlement to the whole or part of any allowance.

Time-limits

- 11.2 Claims for payment for dependants' carers' allowance, travelling and subsistence allowance, and co-optees' allowance must be made within six months from the date on which entitlement arises, although the Council may make payment where the allowance has not been claimed within the specified period.

Membership of other relevant authorities

- 11.3 A member of the Council who is also the member of another relevant authority (as defined in Regulation 3) shall not be paid an allowance from more than one authority in respect of the same duties.

Amendments to Scheme

- 11.4 Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the entitlement to the allowance as amended will apply with effect from the beginning of the year in which the amendment is made.

Repayments

- 11.5 Where a member is suspended or partially suspended from responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made thereunder, or ceases to be a member of the Council, or is any other way not entitled to receive an allowance, the Council may require that such part of an allowance paid in respect of a period of non-entitlement shall be repaid to the Council.

Taxation

- 11.6 Allowances other than travelling and subsistence are subject to income tax and national insurance contributions (where applicable). Deduction at the appropriate rate shall be made at source.

Claims

- 11.7 Allowances shall be paid automatically. Claims for expenses should be made on the Members' Expenses Application Form. Claims will be processed monthly and if received by the first working day of the month, will be paid on the 15th day of that month, or at longer intervals, if the member wishes.

12. RECORDS AND PUBLICITYRecords of Allowances

- 12.1 The Council shall keep a record of the payments made by it in accordance with this scheme. The record shall:-
- specify the name of the recipient of the payment and the amount and nature of each payment;
 - be available, at all reasonable times, for inspection and at no charge by any local government elector for the area of the Council; and
 - be supplied in copy to any person who requests such a copy and on payment of a reasonable fee.

Publication of total sums paid

- 12.2 As soon as reasonably practicable after the end of a year to which the scheme relates, the Council shall make arrangements for the publication of the total sum paid by it in the year to each recipient in respect of each of the following:-
- basic allowance
 - special responsibility allowance
 - dependants' carers' allowance
 - travelling and subsistence allowance; and
 - co-optees' allowance

Publicising the scheme

- 12.3 As soon as reasonably practicable after making or amending a scheme, the Council shall make arrangements for its publication by:-
- ensuring that copies of the scheme are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
 - publishing in a local newspaper a notice advertising the scheme and providing the information required by Regulation 16(1)(b).
- 12.4 The newspaper notice referred to above shall be published in a local newspaper as soon as possible after the expiration of twelve months after its previous publication, irrespective of whether the scheme has been amended during that twelve-month period.
- 12.5 The Council shall provide a copy of this scheme to any person who requests a copy and on payment of a reasonable fee.

Publicity for Independent Remuneration Panel Reports

- 12.6 As soon as reasonably practicable after receiving the report of its Independent Remuneration Panel, the Council shall:-
- ensure that copies of the report are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
 - publish in a local newspaper a notice advertising the report and providing the information required by Regulation 22(1)(b).
- 12.7 The Council shall provide a copy of the report of the Independent Remuneration Panel to any person who requests a copy and on payment of a reasonable fee.

Officer Employment Procedure Rules

1.0 RELATIVES OF MEMBERS OR OFFICERS

- 1.1 Every member, and every member of the Corporate Management Group (CMG), of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council. The Chief Executive shall make disclosures to the Monitoring Officer. The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Executive.
- 1.2 For the purpose of this Rule persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member of the CMG (or his or her spouse).
- 1.3 For the purposes of these Rules the CMG of the Council shall be the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer/Section 151 Officer and the Monitoring Officer or such other composition as the Council may from time to time determine.

2.0 APPOINTMENT OF STAFF

- 2.1 Canvassing of members of the Council or of any officer of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The existence of this Rule shall be included in every advertisement inviting applications for appointments or in the form of application.
- 2.2 Where there are more than two persons nominated and seconded for appointment as a member of the Council's staff (in cases to which Rule 2.4 applies) and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- 2.3 Where there are more than two persons nominated and seconded for any other position to be filled by the Council, the names of the nominees shall be put to the Council and a count taken of the votes in favour of each and the person (or in the case of several vacancies on the same body the equivalent number of persons) for whom the highest number of votes is given shall be declared to have been appointed.
- 2.4 The appointment of the Head of Paid Service or any member of the CMG shall be made by the Council and shall comply with Rules 2.10-2.11 below.
- 2.5 The appointment of Senior Officers shall be made by a member of the CMG acting as the nominee of the Head of Paid Service.
- 2.6 The appointment of officers to posts graded below Senior Officer shall be made by the Senior Officer (or his or her nominee) acting as the nominee of the Head of Paid Services.
- 2.7 It shall be a matter for Council or the person making a staff appointment whether the appointment is to be by promotion or transfer, or following public advertisement but regard shall be had to the need to secure the best possible appointment in the circumstances of the case.

- 2.8 All appointments shall be conditional on the disclosure in writing of any relationship known to the person to be appointed between himself/herself and any member of the CMG or member of the Council. For the purpose of this Rule 'relationship' has the same meaning as in Rule 1. All such disclosures shall be reported by the Chief Executive to the Executive.
- 2.9 No officer shall appoint a person as a member of the Council's staff where a relationship between them (as defined in Rule 1) exists. Where an officer intending to make an appointment first becomes aware that a candidate for appointment is a relative as defined, he/she shall report that fact to the Chief Executive.

Appointment of CMG

- 2.10 Where the Council proposes to appoint a member of the CMG and it is not proposed that the appointment be made exclusively from among its existing officers, the Chief Executive (or, in the case of the appointment of the Chief Executive, the Executive) shall:
- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 2.11 (1) Where a post has been advertised as provided in Rule 2.10 above, the Executive or an Appointments Panel established for the purpose shall:
- (a) interview all qualified applicants for the post; or
 - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (2) Where no qualified person has applied, the Chief Executive or the Executive shall make further arrangements for advertisement in accordance with Rule 2.10.

Appointments and Dismissals – Executive Consultation

- 2.12 The following provisions for Executive consultation apply to appointments and dismissals of the Head of Paid Service or a member of the CMG.
- 2.13 "Appointor" means, for the purposes of the following paragraph, in relation to the appointment of a person as an officer of the Council, the Council or, where a Committee or officer is discharging the function of appointment on behalf of the Council, that Committee or officer, as the case may be.
- 2.14 An offer of an appointment must not be made by the appointor until:
- (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the Proper Officer has notified every member of the Executive of:
 - (i) the name of the person to whom the appointor wishes to make the offer;

- (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
- (iii) the period of two working days within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and

(c) either:

- (i) the Leader of the Council has, within the specified period, notified the appointor that neither he/she nor any other member of the Executive has any objection to the making of the offer;
- (ii) the Proper Officer has notified the appointor that no objection was received by him/her within the specified period from the Leader of the Council; or
- (iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

2.15 “Dismissor” means, for the purposes of the following paragraph, in relation to the dismissal of a person as an officer of the Council, the Council or, where a committee or officer is discharging the function of dismissal on behalf of the Council, that committee or officer, as the case may be.

2.16 Notice of dismissal must not be given by the dismissor until:

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Proper Officer has notified every member of the Executive of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period of two working days within which any objection is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and
- (c) either:
 - (i) the Leader of the Council has within the specified period notified the dismissor that neither he/she nor any member of the Executive has any objection to the dismissal;
 - (ii) the Proper Officer has notified the dismissor that no objection was received by him/her within the specified period from the Leader of the Council; or
 - (iii) the dismissor is satisfied that any objection received from the Leader of the Council is not material or is not well-founded.

2.17 The dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer/Section 151 Officer and Monitoring Officer), or other member of the CMG, shall be made by the Council, and shall comply with Rule 4 below.

3.0 DISCIPLINARY ACTION

- 3.1 Except for action described in Rule 3.2 below, any disciplinary action (within the meaning of regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) against the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer or other member of CMG shall be approved by the Council.
- 3.2 The action mentioned in Rule 3.1 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.3 Any dismissal of the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer must comply with the requirements of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("Schedule 3 to the Regulations"), a copy of which is appended to these Rules.
- 3.4 Any member of the CMG who is not a Statutory Officer shall be deemed to be a "relevant officer" for the purposes of Schedule 3 to the Regulations, and subject to the provisions of Rule 4.3 above.

4.0 INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(Local Government Act 1972 - Section 117)

- 4.1 In addition to his/her duty under section 117 of the 1972 Act, if it comes to the knowledge of any officer of the Council that he/she has a disclosable personal interest in any contract which has been, or is proposed to be, entered into by the Council, or in some other matter which is to be considered by the Council or any Committee, and which (in either case) is not:
- (a) the contract of employment (if any) under which he/she serves the Council; or
 - (b) the tenancy of a dwelling provided by the Council.
- he/she shall as soon as practicable give notice in writing to the Head of Democratic and Legal Services of the fact that he/she is interested therein.
- 4.2 For the purposes of this Rule, a disclosable personal interest is
- (a) an interest that, if the officer were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she were present, he/she would have to disclose under section 94 of the 1972 Act, as a pecuniary interest, and
 - (b) an interest of a type that if the officer were a member of the Council, he/she would have to disclose under the Members' Code of Conduct, whether the contract or other matter is to be considered at a Council or Committee meeting or not.
- 4.3 The Head of Democratic and Legal Services shall record in a book or electronic record to be kept for the purpose particulars of any notice of a personal interest given by an officer of the Council under section 117 of the 1972 Act or Rule 4.1. The book or electronic record shall, during the ordinary office hours of the Council, be open for inspection by any member of the Council.

- 4.4 Where an officer submits a report to a meeting of a matter in which he/she has declared an interest under section 117 of the 1972 Act or Rule 4.1 he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- 4.5 Where any officer advises orally a meeting of the Council or a Committee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or Rule 4.1, he/she shall remind the meeting orally of that interest.

Appendix to Officer Employment Procedure Rules
Schedule 3 to the Regulations

- 1** In the following paragraphs--
- (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 authority's area in accordance with the Representation of the People Acts;
 - (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
- 2** A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- 3** The authority 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.
- 4** In paragraph 3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 5** Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order--
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 6** An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
- 7** The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 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.

9 Any remuneration, allowances or fees paid by the authority 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.

Financial Regulations

Note: Financial Regulations are to be reviewed by the Chief Finance Officer/Monitoring Officer during the 2016/17 Municipal Year. In the meantime, reference to “Business Managers” shall be construed as meaning the Senior Officers identified by the Corporate Management Group as being responsible for, and heading, the relevant service or services.

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1. FINANCIAL ADMINISTRATION

- 1.1 For the purposes of Section 151 of the Local Government Act 1972 the Council shall designate an officer who shall be responsible for the administration of the Council's financial affairs and for the purpose of these Financial Regulations this officer shall be referred to as the Chief Finance Officer or person authorised by him/her to act on his/her behalf.
- 1.2 The Chief Finance Officer shall be responsible for compliance with the requirements of the current Accounts and Audit Regulations.
- 1.3 The Corporate Management Group comprises the Chief Executive and four Executive or Strategic Directors or such other composition as the Council may from time to time determine. For the purpose of these Financial Regulations, the Chief Executive shall be regarded as an Executive or Strategic Director.
- 1.4 Each Business Manager shall, in consultation with the Chief Finance Officer, prepare instructions detailing the action to be taken within his/her business areas to ensure compliance with Standing Orders and Financial Regulations, and to implement procedures contained in Accounting Manuals.
- 1.5 It shall be the responsibility of each Business Manager to ensure that all staff within his/her service areas comply with the requirements of Financial Regulations.
- 1.6 Each Business Manager shall consult the Chief Finance Officer with respect to any change in circumstances within his/her responsibility which is likely to affect the finances of the Council before a commitment is made.
- 1.7 No report having financial or Value Added Tax implications shall be submitted to the Executive without prior consultation with the Chief Finance Officer on the financial or Value Added Tax implications.
- 1.8 The provision of these Regulations shall also apply to services carried out under agency arrangements for any other Authority or organisation, except where it is otherwise required by that Authority or the Chief Finance Officer.
- 1.9 These Financial Regulations shall be read in conjunction with Contract Standing Orders.

2. INTERNAL AUDIT

- 2.1 A continuous internal audit shall be maintained under the independent control and direction of the Chief Finance Officer, for the examination of accounting, financial and other operations of the Council to include examination of internal control and checks and the achievement of economy, efficiency and effectiveness.
- 2.2 The Chief Finance Officer shall have authority:
 - (a) To enter all establishments of the Council;
 - (b) To have access to all records, documents and correspondence relating to any financial and other transactions of the Council;
 - (c) To require and receive such explanations as he/she considers necessary for any matter under consideration; and
 - (d) To require any employee of the Council to produce cash, stores or any other Council property under his/her control.

- 2.3 Immediately an Executive Director or a Business Manager becomes aware of any possible irregularity affecting income, expenditure, cash, stores, or any of the resources of the Council, the Chief Finance Officer shall be informed in order that an independent investigation of the alleged irregularity may be undertaken. Such independent investigation will be undertaken by the Chief Finance Officer, who will have the authority to issue instructions in order to bring the investigation to a conclusion.
- 2.4 Where a fraud, theft or major irregularity is suspected the Chief Finance Officer:
- (a) may remove and provide safe custody of books, records, vouchers or any other material where they may be used as evidence in an investigation; and
 - (b) shall be entitled to require the exclusion of staff from their normal place of work for a limited period.
- 2.5 Where, upon investigation, the Chief Finance Officer believes that reasonable grounds exist for suspecting that a loss may have occurred as a result of misappropriation, irregular expenditure or fraud, the Chief Finance Officer shall in consultation with the Monitoring Officer consider whether the circumstances require further investigation by the Police.
- 2.6 Where, upon investigation, the Chief Finance Officer believes that a loss may have occurred as a result of waste, extravagance or maladministration, the Chief Finance Officer shall report the matter to the Corporate Management Group.
- 2.7 In all cases, following a report on an investigation, the Chief Finance Officer, together with the Corporate Management Group shall consider the matter so that any possible breach of internal discipline may be dealt with according to the agreed procedure.
- 2.8 The Chief Finance Officer shall report twice a year to the Standards and Audit Committee on the work undertaken by Internal Audit.

3. ACCOUNTING

- 3.1 The Chief Finance Officer shall prepare the Council's annual financial statements and accounts for publication in accordance with statutory requirements.
- 3.2 The Chief Finance Officer shall be responsible for the timely submission of all grant claims for sums due to the Council.
- 3.3 All accounting procedures and records of the Council and its officers shall be subject to the approval and control of the Chief Finance Officer and shall be periodically reviewed. The Chief Finance Officer shall, in consultation with the Corporate Management Group, prepare Accounting Manuals to document all accounting procedures.
- 3.4 No change shall be made in existing accounting procedures without the approval of the Chief Finance Officer.
- 3.5 As soon as practicable after the end of each financial year the Chief Finance Officer shall report to the Executive on the annual accounts.
- 3.6 The following principles shall be observed in the allocation of accounting duties:
- (a) The duty of providing information regarding sums due to or from the Council, and of calculating, checking and recording these sums shall be separated as completely as possible from the duty of collecting or disbursing them;

- (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

4. INVESTMENT PROGRAMME

- 4.1 The Corporate Management Group, in liaison with the relevant Business Managers, shall prepare and annually review a five-year Investment Programme, to include all projects or service development proposals irrespective of the method of finance, and report thereon to the Executive.
- 4.2 Any scheme proposed to be included in an Investment Programme which was not contained in the preceding approved Investment Programme, shall be the subject of a business case which should be submitted to the Executive for approval. Approval of the business case will enable a full appraisal to be carried out prior to the release of funding.
- 4.3 Before tenders or quotes are invited for any work, the relevant Business Manager shall prepare an estimate of the cost of the work, and submit it to the Chief Finance Officer advising whether or not it is within the approved budgetary provision for the works, or if not, from where the additional cost is to be financed. The Chief Finance Officer shall assess whether the new estimate and proposed financing is within the available budgetary provisions to enable the project to proceed to the invitation of quotations or tenders or whether it needs to be referred to Corporate Management Group and where appropriate to the Executive for approval.
- 4.4 The Chief Finance Officer shall report on the proposed financing of the Investment Programme to the Executive.

5. REVENUE ESTIMATES

- 5.1 The Chief Finance Officer shall prepare the annual Revenue Estimates in consultation with Budget Managers, Business Managers and the Corporate Management Group to be submitted to the Executive in accordance with any guidelines set by the Council.
- 5.2 Scales of charges for goods and services shall be kept under review by the appropriate Business Manager and agreed with the Corporate Management Group before submission to the Executive for consideration and approval. Such charges shall be reviewed not less frequently than once a year.
- 5.3 Virement up to £10,000 of a budgeted item of expenditure shall be delegated to the relevant Budget Manager in consultation with his/her Business Manager, with notification to the Chief Finance Officer, provided that:
- (a) The proposed reduction to the appropriate estimate expenditure head has not been caused by abandonment or reduction in the level of a service/item following a change in Council or national policy;
 - (b) No net increase in total expenditure will arise in the initial or any subsequent years directly from the virement;
 - (c) The nature of any transfer shall be consistent with current accounting practice;
 - (d) Virement from budget heads for staffing costs may only be made with the prior agreement of the Corporate Management Group;
 - (e) The total fund (i.e. General Fund or Housing Revenue Account) budget, within which the transfer will be made, is and will remain, within the total budgetary provision for that fund.

- 5.4 Virement other than in accordance with the above shall be subject to the approval of the Executive following a report by the relevant Business Manager.
- 5.5 Expenditure shall not be incurred nor a reduction of income authorised unless it is covered by special financial provisions or by the annual estimates.

6. BUDGETARY CONTROL

- 6.1 Each Business Manager subject to the approval of the Chief Finance Officer and the Corporate Management Group shall nominate Budget Managers and one or more Support Officers to deputise or provide management support on the Budget Manager's behalf for all services/functions under his/her control which incur expenditure and/or receive income.
- 6.2 Budget Managers shall monitor and control those budgets for which they have been given responsibility.
- 6.3 Approval by the Council of a Revised Estimate shall have the effect of substituting that Revised Estimate for the Original Estimate.
- 6.4 The Chief Finance Officer shall make available to each Budget Manager information relating to expenditure and income within the relevant cost centres to enable comparison with the provisions included in the annual estimates.
- 6.5 Where it appears that the amount of any head of estimate of approved expenditure may be exceeded or the amount of any head of approved income may not be reached, by the greater of £10,000 or 5% of the budget provision it shall be the responsibility of the Business Manager concerned, after consultation with the Chief Finance Officer, to report the matter to the Corporate Management Group and the Executive giving explanation for and the means of financing of the variation.

7. ORDERS FOR WORK, GOODS AND SERVICES

- 7.1 Official Orders shall be in a form approved by the Chief Finance Officer and are to be authorised only by the nominated officers. The names of officers nominated to authorise such records shall be notified to the Chief Finance Officer by each Business Manager and shall be amended on the occasion of any change. Official Orders generated via a computerised system shall be subject to procedures approved in advance by the Chief Finance Officer.
- 7.2 Official Orders shall be promptly issued or written contracts made, for all work, goods or services to be supplied to the Council except for supplies for public utility services, for periodical payments such as rent or rates, ad-hoc purchases using the Council's Procurement Card, for petty cash purchases or such other exceptions as the Chief Finance Officer may approve.
- 7.3 Each Order shall comply with the Standing Orders of the Council, and in particular those relating to contracts.
- 7.4 Official Orders shall not be issued for works, goods or services unless the cost is covered by an approved annual estimate or by special financial provisions.
- 7.5 Official Orders, shall indicate clearly the nature and quantity of the work or services required, a contractual, quoted or estimated price, and, where material, the time for completion of the Order.
- 7.6 Telephoned or verbal Orders shall be confirmed on the same day by official Orders, such Orders indicating that they are to confirm instructions previously issued.

- 7.7 Where a general authority, which must be in writing or in an electronic form approved in advance by the Chief Finance Officer, has been given by the Council to perform specified works or services of an emergency nature in the absence of an official Order from the Council, an official Order shall be issued, within one working day of receipt of notification that action has been required under that authority, confirming the action.
- 7.8 Official Orders or the Council's Procurement Card may not be used for the procurement of goods, materials or services for the personal use of an employee. An Order once authorised should be despatched direct to the supplier and not returned or made available to the officer originating the Order.
- 7.9 On receipt of the goods, the authorising officer shall ensure that, without delay, appropriate entries are made against the relevant order and in inventories, stores records or stock books as required and that the Chief Finance Officer is informed, where relevant, for insurance purposes.
- 8. PAYMENT OF ACCOUNTS**
- 8.1 The Chief Finance Officer shall make proper arrangements for the payment of accounts as duly authorised.
- 8.2 The methods of payment of money due from the Council shall only be as agreed by the Chief Finance Officer.
- 8.3 An invoice received electronically in accordance with the procedures approved by the Chief Finance Officer shall be paid without further reference back to the budget manager responsible for issuing the relevant order provided the receipt of the goods or services has been recorded electronically against the order, and the invoice matches the order.
- 8.4 Paper invoices, electronic invoices that do not match the relevant order, and electronic invoices not subject to an official order, shall be examined, verified and certified for payment by the officer who authorised the order. Any other payments, vouchers or accounts arising within the officer's responsibility shall be similarly examined, verified and certified before payment is made.
- 8.5 Before certifying an account (where manual certification is required) the certifying officer shall, save to the extent that the Chief Finance Officer may otherwise determine, have satisfied himself that:
- (a) It conforms with the order;
 - (b) The work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (c) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - (d) The relevant expenditure has been properly incurred, is within the relevant estimate provision, and is in accordance with the Council's Standing Orders and Financial Regulations; and
 - (e) The account has not been previously passed for payment and is a proper liability of the Council.
- 8.6 Where manual certification of accounts for payment is required, certification shall be carried out as soon as possible after receipt and processed under arrangements specified by the Chief Finance Officer.

- 8.7 Statements shall not be paid.
- 8.8 Business Managers shall ensure that proper arrangements are in place in their service areas for the certification of invoices. The Chief Finance Officer is responsible for making safe and efficient arrangements for payment.
- 8.9 Accounts for payment in respect of purchases of land or property must be supported by particulars of the land or property, the location, the name of the Vendor and the amount of the purchase money and expenses.
- 8.10 The Chief Finance Officer shall be supplied by Business Managers with all documents for noting particulars of all monies payable by the Council under contracts, leases or other agreements and shall register such particulars in the Council's financial records.
- 8.11 Each Budget Manager shall, as required and as soon as possible after 31 March in each year, give to the Chief Finance Officer schedules of all accounts within his/her responsibility that require manual certification and are outstanding for the previous financial year. When such accounts are subsequently certified for payment, budget managers shall identify them accordingly as directed. Outstanding electronic invoices shall be accrued into the previous financial year by the Chief Finance Officer provided goods received notes have been recorded electronically against the relevant orders.

9. ADVANCE ACCOUNTS AND PETTY CASH PAYMENTS

- 9.1 The Chief Finance Officer shall provide such advance accounts, as he/she considers appropriate, for such officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained on the imprest system.
- 9.2 No income received on behalf of the Council may be paid into an advance account but must be banked or paid into the Council as provided elsewhere in these regulations.
- 9.3 Payments from Petty Cash Accounts shall be limited to minor items of expenditure and, except with the prior approval of the Chief Finance Officer no single item shall exceed £30 in amount. Payments shall not include sums due to any tradesman, for goods etc supplied, with whom the Council has a current account or contract and must be supported where possible by a receipt and certified by the appropriate Budget Manager.
- 9.4 All items of expenditure from petty cash shall be entered on the appropriate claim form when reimbursement is required and at least at the end of each month the imprest account shall be reconciled and the actual cash in hand agreed with the balance shown on the account. The total petty cash expenditure for reimbursement shall be certified by the designated responsible officer as properly due and receipted and passed to the Chief Finance Officer for reimbursement.
- 9.5 The Chief Finance Officer shall ensure that safe and efficient arrangements are operated in respect of all petty cash, postage, floats or other cash in hand and the advance accounts shall be open to inspection and verification by Internal Audit.
- 9.6 An officer responsible for an advance account shall, when so requested, give the Chief Finance Officer a certificate as to the state of his/her imprest advance. On leaving the employment of the Council or otherwise ceasing to hold an imprest advance, an officer shall account to the Chief Finance Officer for the amount advanced to him.

10. MANAGEMENT OF CONTRACTS UNDER SEAL

- 10.1 For the purpose of this section of Financial Regulations, the term 'contract' shall refer to 'any arrangement for the provision of services, execution of works of maintenance, repair or

construction or for the engagement of the services of any architect, engineer, surveyor, or other consultant in connection with any contract as defined above for which the sum exceeds the higher amount quoted in Contract Standing Order C.5.1.'

- 10.2 All contracts on behalf of the Council shall be subject to the Council's Standing Orders.
- 10.3 No contract shall be entered into unless the relevant Business Manager has satisfied himself, in consultation with other Service Heads as appropriate, as to the tenderer's ability to satisfactorily fulfil the contract. Enquiries as to the financial status of tenderers shall be made by the Chief Finance Officer as requested to do so. Financial and Technical Appraisals and the take-up of previous client references to be undertaken for all contractors.
- 10.4 The Chief Finance Officer shall be informed as soon as possible of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Council.
- 10.5 Where contracts provide for payments to be made by instalments the relevant Business Manager shall arrange for the keeping of a contract register to show the state of account on each contract between the Council and the Contractor, together with any other payments and related professional fees. The form of contract registers shall be determined by the Chief Finance Officer.
- 10.6 Payment to contractors on account of contracts shall be authorised only on a certificate signed by the Business Manager or other duly authorised officer of the appropriate department, showing in addition to the normal certification, the Committee reference authorising the project, the total amount of the contract, the value of work executed to date, Value Added Tax and other taxes, fluctuations, retention money, amount paid to date and the amount now certified. Documents in support of each payment shall be forwarded to the Payments Section with the payment request, as soon as they can be obtained. The payment of electronic invoices and the use of electronic contract certificates shall be in accordance with procedures approved in advance by the Chief Finance Officer.
- 10.7 Every variation on a contract for building, engineering, or other constructional works shall be authorised in writing, or electronically in accordance with arrangements approved by the Chief Finance Officer, before works commence, unless in an emergency.
- 10.8 Any variation or addition to the original specification, the estimated cost of which exceeds the greater of either £10,000 or 5% of the total budget provision, will require a report to the Corporate Management Group and the Executive on reasons, and proposals, for financing the variations and seeking approval for additional expenditure and the financing thereof.
- 10.9 Quotations shall be obtained, in the same manner as is laid down in the Council's Standing Orders with respect to contracts, in respect of prime cost items and provisional sums.
- 10.10 The Chief Finance Officer shall be consulted as to the extent of insurance cover required to be provided by Contractors to the Council.
- 10.11 The final certificate on a contract or accepted estimate shall not be issued by the appropriate Business Manager, or other duly authorised officer of the appropriate service area, until he/she has produced a detailed statement of account together with such vouchers and documents as the Chief Finance Officer may require relating to prime cost items and particulars of additions and omissions, and the Chief Finance Officer shall have approved the amount to be certified or sought the instructions of the Executive.
- 10.12 In the case of contracts for works entered into by the Council and supervised and managed by Architects or persons other than the Council's own officers, the agreement with those

persons must provide that they shall furnish to the Council for inspection by the Officers all vouchers and documents, including those relating to prime cost and provisional sums, and that the final Certificate shall not be issued nor the balance under such contract paid until:

- (a) the Chief Finance Officer (with the assistance of any other Officer necessary) has examined the accounts, vouchers and documents; and
 - (b) if any question of propriety of payment arises, the Council has directed payment.
- 10.13 Provision shall be made, if possible, in such agreements as are mentioned in the foregoing regulations, that the Council shall be entitled to retain all accounts, vouchers and documents relating to the contract until after the accounts of the Council have been audited by the Council's Auditors.
- 10.14 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Chief Finance Officer and the Monitoring Officer for consideration of the Council's legal and financial liabilities before a settlement is reached.
- 10.15 Where completion of a contract is delayed such as to give rise to a claim for liquidated damages on behalf of the Council, it shall be the duty of the technical officer concerned to take the appropriate action in respect of such a claim and to report thereon to the Corporate Management Group
- 10.16 After the final account has been agreed by the Chief Finance Officer the relevant Business Manager, or other duly authorised officer of the appropriate business area, shall report completion of the contract:
- (a) as a matter for information in those circumstances where the final cost is within the contract sum plus any approved variations;
 - (b) to the Corporate Management Group in those circumstances where the final cost exceeds the original sum plus approved variations detailing in full the final cost and the reason for variations from those approved.

11. SALARIES AND WAGES

- 11.1 Business Managers shall notify the Chief Finance Officer and the Chief Executive as early as possible of all appointments, dismissals, resignations, absences from duty other than annual leave, transfers and changes in remuneration of officers.
- 11.2 The Chief Finance Officer shall be provided by the Business Manager concerned with all information necessary to maintain records of service, superannuation, income tax and national insurance liability, and, in the case of officers leaving the Council's employment, total leave granted during the year.
- 11.3 Timesheets shall be certified by a Business Manager or other duly authorised officer of the appropriate business area and passed to the Chief Finance Officer for preparation of the payroll. Timesheets generated by computer systems shall be subject to procedures approved in advance by the Chief Finance Officer. The names of officers authorised to certify salaries and wages shall be supplied to the Chief Finance Officer and amended on the occasion of any change. Certifying officers must not sign their own claims; subordinate officers must not sign claims of senior officers except that any Executive Director may sign claims submitted by the Chief Executive.
- 11.4 The payment of all salaries, wages, pensions, compensation or other emoluments to employees or former employees shall be made under the control of the Chief Finance

Officer. Unclaimed wages shall be retained by the Chief Finance Officer for seven days and then paid into the Council's account at the bank.

11.5 The maintenance and control of National Insurance records shall be the responsibility of the Chief Finance Officer.

11.6 Any variation from national, provincial, or local agreements, awards and rates of pay shall be submitted to the Executive for approval.

12. INCOME - COLLECTION AND BANKING

12.1 The collection of, and issue of receipts for, all accounts and monies due to or received by the Council shall be under the direction of the Chief Finance Officer.

12.2 The records of each department with regard to items of income shall be in the form approved by the Chief Finance Officer.

12.3 Each Business Manager shall promptly furnish the Chief Finance Officer with such particulars in connection with work done, goods supplied or services rendered and all other amounts due to the Council to ensure prompt rendering of accounts for the recovery of income due.

12.4 The Chief Finance Officer shall, as early as possible, be supplied by each Business Manager with particulars of all monies due to the Council under contracts, leases, tenancy agreements, conveyances, transfers of property and any other agreements entered into which involve the receipt of money by the Council and shall register such particulars in the records of his/her department.

12.5 All monies received on behalf of the Council shall, without delay, either be paid to the Chief Finance Officer or, subject to his/her instructions, be banked in the Council's name. No deduction may be made from such money except by specific authorisation of the Chief Finance Officer.

12.6 Each officer of the Council who receives money on behalf of the Council shall be accountable for that money and shall keep such records in connection therewith as are approved by the Chief Finance Officer including an accurate and chronological account of all receipts and deposits either with the Chief Finance Officer or the Council's Bankers.

12.7 Each officer who banks money shall ensure that the paying-in slip contains in respect of each transaction a reference to the related debt or source of money or otherwise indicates the origins of any cheques.

12.8 Arrangements for the control, issue and custody of all official receipt forms, books, tickets and other documents representing money or monetary value shall be subject to approval by the Chief Finance Officer. A register shall be kept of all receipts and issues of such documents and each issue shall be acknowledged by the signature of the officer to whom the issue is made, the quantity issued to be governed by ascertained needs.

12.9 All cheques and payable orders shall be crossed to the account of the Council immediately on receipt in the department receiving them.

12.10 Cheques shall not be cashed out of money held on behalf of the Council.

12.11 If any discrepancy is revealed between the amount deposited and the amount shown as received by a collector it shall be recorded and investigated. If in excess of £10, Internal Audit shall be immediately notified. If not corrected any deficiency shall be made good at a subsequent deposit subject to the discretion of the Chief Finance Officer who shall report to

the Corporate Management Group on any deficiency of £1,000 or greater which has not been corrected.

- 12.12 Every transfer of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving officer.
- 12.13 Any proposal involving new sources of income or amendments to existing sources of income (unless part of a series of transactions comprised within a previous report to the Executive) shall be considered by the Executive, the Executive having received a report from the appropriate officer on the financial aspects of the proposal.
- 12.14 Any debt due to the Council may only be written-off with the authorisation of the Executive except, insofar as an individual debt does not exceed £10,000, the initial authority may be given by the Chief Finance Officer who shall be required to publish periodically reports of the debts that have been written off in accordance with the delegated authority.

13. BANKING ARRANGEMENTS AND CHEQUES

- 13.1 All arrangements with the Council's bankers concerning the Council's banking accounts and the issue of cheques shall be made through the Chief Finance Officer. All bank accounts shall be in the name of the Council.
- 13.2 The Chief Finance Officer shall be authorised to operate such subsidiary banking accounts, including National Giro, as he/she considers necessary, except that applications made to banks to open new accounts shall be countersigned by the Chief Executive.
- 13.3 All cheques, including National Giro payment forms, shall be ordered only on the authority of the Chief Finance Officer, who shall make proper arrangements for their safe custody.
- 13.4 All cheques drawn on behalf of the Council shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other authorised signatory. Cheques for values over £10,000 shall be countersigned by an authorised signatory.
- 13.5 Payments made from the Council's bank account other than by cheque shall be subject to arrangements approved in advance by the Chief Finance Officer. Payments other than by cheque for values over £50,000 shall require authorisation by an authorised signatory.
- 13.6 The Chief Finance Officer shall maintain a list of authorised signatories, which may differentiate between different types of financial instruments and payment values, and shall report all changes in the monthly Business Briefing.

14. BORROWING, INVESTMENTS, LEASING AND PROPERTY

- 14.1 All borrowings and leasings shall be effected in the name of the Council.
- 14.2 The Chief Finance Officer shall arrange all borrowing and leasing to meet the Council's requirements within statutory controls, shall maintain records of all borrowing, leasing and lending of money by the Council, and shall publish details thereof monthly.
- 14.3 All investment of monies under the control of the Council shall be made by the Chief Finance Officer who shall publish details thereof monthly.
- 14.4 The Asset Manager shall maintain a terrier of all properties owned by the Council, recording the statutory or other purpose for which they are held, their location and extent, and particulars and nature of any interest or tenancies granted.

- 14.5 The decision and authority to opt to tax on Council property, for the purposes of VAT, shall be made by any one of the following officers:

Chief Finance Officer
 Financial Services Manager
 Asset Manager

- 14.6 All securities the property of or in the name of the Council or its nominees, and the title deeds of all property in its ownership shall be held in the custody of the Corporate Services Manager .

(See Appendix to Part 4 for extract from the CIPFA Code of Practice for Treasury Management in Local Authorities which has been adopted by the Council (58/ResMan/3.2.97/614).)

15. STOCKS AND STORES

- 15.1 Each Business Manager shall be responsible for the care and custody of stocks and stores in his/her business area.
- 15.2 Stocks shall not be held in excess of agreed maximum requirements.
- 15.3 Stocks and stores records shall be kept in a form to be approved by the Chief Finance Officer.
- 15.4 Business Managers shall arrange for periodical test examination of stocks by persons other than those directly controlling the stocks, and shall ensure that all stocks are checked at least once in every year.
- 15.5 The Chief Finance Officer shall be entitled to check stocks and stores and be supplied with such information relating thereto as may be required for the accounting, costing and financial records of the Council and shall be entitled to attend stocktakes. This is in addition to, and not substitution for, the Business Managers' responsibilities in 15.4.
- 15.6 Adjustments to write-off deficiencies, or to bring surpluses into charge, shall be authorised by the Chief Finance Officer, except that in the case of adjustments exceeding £10,000, the relevant Business Manager shall report to the Corporate Management Group who shall seek the approval of the Executive.
- 15.7 Business Managers shall be responsible for maintaining records of all vehicles and mobile equipment which are under their control and the Chief Finance Officer shall be entitled to examine such records.
- 15.8 Surplus materials, stores or equipment shall be subject to disposal by competitive tender, public auction or in such other reasonable manner at the discretion of the Chief Finance Officer.

16. INSURANCES

- 16.1 Each Business Manager shall give prompt notification to the Chief Finance Officer of all new risks or properties which require to be insured and of any alterations affecting existing risks or insurances.
- 16.2 The Chief Finance Officer shall ensure that adequate insurance cover is effected in respect of all mortgaged properties, including those where the mortgagor has exercised the option to provide such cover with a company other than the Council's own insurers.

- 16.3 The Chief Finance Officer shall notify appropriate officers of the requirements of the insurer as to security precautions and other relevant conditions of policies. These officers shall be responsible for ensuring compliance with all such requirements. Before any contract is made, the Chief Finance Officer shall examine the insurance cover to be furnished by the contractor in respect of any act or default and be satisfied as to the insurance company and extent and nature of coverage before approving it.
- 16.4 Where any Council-owned land/property is let for use by private parties for any function whatsoever, the Business Manager shall inform the hirer that they are responsible for insuring such functions in respect of third party claims. Evidence of such insurance must be produced for inspection by the Chief Finance Officer. The sum insured to be such sum as may from time to time be approved by the Chief Finance Officer.
- 16.5 Each Business Manager shall keep records of all plant, vehicles, furniture and equipment under his/her control and such records shall be available for inspection by the Chief Finance Officer.
- 16.6 The Chief Finance Officer shall effect all insurance cover and negotiate all claims in consultation with appropriate officers.
- 16.7 The Chief Finance Officer shall keep appropriate records containing particulars of all insurances effected by the Council and shall give Business Managers all necessary information thereon.
- 16.8 The Business Manager concerned shall give prompt notification in writing to the Chief Finance Officer, who shall inform the police where appropriate, of any liability, loss or other damage in respect of Council property or of any other known circumstances likely to lead to a claim under any of the Council's insurances.
- 16.9 All officials charged with or authorised to participate in the receipt, custody and/or disbursement of monies and property of the Council shall be included in a Fidelity Guarantee Insurance Policy of the Council.
- 16.10 The Chief Finance Officer shall annually or at such other time as he/she may consider necessary, review insurances in consultation with the Corporate Management Group and other officers as appropriate.
- 16.11 Business Managers shall consult the Chief Finance Officer in respect of the terms of any indemnity which the Council requests or is requested to give.

17. SECURITY

- 17.1 Each Business Manager is responsible for maintaining proper security at all times for all buildings, stocks, stores, equipment, cash, documents and other assets under his/her control. He/she shall consult the Chief Finance Officer in any case where security is thought to be inadequate or where he/she considers that special security arrangements may be needed.
- 17.2 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer and shall not be exceeded without his/her express permission.
- 17.3 Keys to safes and similar receptacles used for security of cash or cheques are to be carried on the person of those responsible at all times whilst on Council business. The loss of any such keys must be reported to the Chief Finance Officer forthwith. No new keys in respect of the above are to be cut without the agreement of the Chief Finance Officer.

- 17.4 All officers shall be responsible for maintaining proper security and privacy with respect to any information held and for ensuring compliance with the Data Protection legislation.

18. PROTECTION OF PRIVATE PROPERTY

- 18.1 Each Business Manager shall notify the Chief Finance Officer in writing of any case known to him where steps are necessary to prevent or mitigate loss or damage to moveable private property and shall forward to the Chief Finance Officer an itemised inventory in each case prepared in the presence of two officers.

19. INVENTORIES

- 19.1 Inventories shall be maintained by all departments recording an adequate description of furniture, fittings and equipment, plant and machinery in such form as may be agreed between the appropriate Business Manager and the Chief Finance Officer. A current copy of each inventory shall be supplied to the Chief Finance Officer.
- 19.2 Each Business Manager shall be responsible for the care and custody of all equipment held within his/her department (including computer equipment).
- 19.3 Each Business Manager shall be responsible for maintaining an annual check on the inventory. The Chief Finance Officer should be notified and deficiencies treated as irregularities.
- 19.4 Council property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes, except in accordance with specific directions issued by a Business Manager and subject to the approval of the Corporate Management Group.
- 19.5 The disposal of any items considered being obsolete or surplus to requirements shall be in consultation with the Chief Finance Officer.

20. TRAVELLING, SUBSISTENCE AND OTHER SUCH PAYMENTS

- 20.1 All claims for payment of car allowance, subsistence allowances, travelling and incidental expenses shall be submitted to the Chief Finance Officer duly certified by a Business Manager or other duly authorised officer of the appropriate business area. The names of officers authorised to certify such records shall be notified to the Chief Finance Officer and amended on the occasion of any change. Certifying Officers must not sign their own claims, subordinate officers must not sign claims of senior officers except that any Executive Director may sign claims submitted by the Chief Executive.
- 20.2 The certification shall be taken to mean that the certifying officer is satisfied that the journeys were justified and authorised, the expenses properly and necessarily incurred and that the allowances are properly payable. Claims generated by computer systems shall be subject to procedures approved in advance by the Chief Finance Officer.
- 20.3 Officers' claims submitted more than six months after the expenses were incurred will be paid only with the express approval of the Chief Finance Officer.
- 20.4 The allowances payable to Members of the Council shall be paid by the Chief Finance Officer or under arrangements approved by the Chief Finance Officer.
- 20.5 Claims for the payment of allowances shall be submitted in a form approved by the Chief Finance Officer and shall comply with statutory requirements. All claims for a financial year should be submitted within one month of 31 March.

- 20.6 The Chief Finance Officer shall maintain the statutory records required in respect of Members' allowances and make such records available for inspection, and provide such information about them as may be required by law.

APPENDIX (Mentioned in Financial Regulations 14)**CIPFA Code of Practice for Treasury Management in Local Authorities**

1. This Council adopts CIPFA's Code of Practice for Treasury Management in Local Authorities.
2. A treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities shall be adopted by the Council and thereafter its implementation and monitoring be delegated to the Executive.
3. All money in the hands of the Council shall be under the control of the Chief Finance Officer.
4. At or before the start of each financial year the Chief Finance Officer shall report to the Executive on the strategy for treasury management it is proposed to adopt for the coming financial year.
5. All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
6. The Chief Finance Officer shall report to each meeting of the Executive on the activities of the treasury management operation and on the delegated exercise of treasury management powers. One such report shall comprise an annual report on treasury management presented as soon as practicable after the end of the financial year.
7. Should the Chief Finance Officer wish to depart in any material respect from the main principles of the Code, the reasons should be disclosed in a report to the Executive.

Contract Standing Orders

C.1.0 General Rules and Interpretation

- C.1.1 Every contract made by the Council shall, subject to the exceptions in C.12 below, comply with:
- (a) Contract Standing Orders and Financial Regulations;
 - (b) The EU Treaty;
 - (c) Any relevant operative EU directive and regulations enacting the same;
 - (d) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) ; and
 - (e) The Council's Procurement Strategy.
- C.1.2 Every officer of the Council engaged in contract work shall, where relevant, consider:
- (a) the scope for innovation or added value, whether in sub-dividing or aggregating work or services, or in the adoption of alternative vehicles of service provision, including collaborating with others and the use of Framework Agreements;
 - (b) the need to secure continuous improvement in the economy, efficiency and effectiveness of the Council's functions and adherence to the principles of Best Value contained in the Local Government Act 1999;
 - (c) the adoption of good practice recommended in the CIPFA Code of Practice "Commissioning Local Authority Work and Services" as may be updated from time to time ("the CIPFA Code"), or in any other applicable guidance; and
 - (d) the scope for furthering the Council's objectives regarding sustainability.
- C.1.3 Any reference in Contract Standing Orders to the Corporate Management Group (CMG) of the Council means the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer and the Monitoring Officer, or such other composition as the Council may from time to time determine.
- C.1.4 Any reference in Contract Standing Orders to Senior Officer means the officer (which may be a member of CMG) identified by CMG from time to time as being responsible for, and heading, the relevant service or services.
- C.1.5 Any reference in Contract Standing Orders to a contract value means an amount exclusive of VAT.
- C.1.6 These Standing Orders are made under section 135 Local Government Act 1972 and apply to the making of contracts in the course of the discharge of the Council's functions, including those functions which are the responsibility of the Executive.

C.2.0 Pre-Contract Considerations

- C.2.1 Every officer shall, before commencing a contractual process, consider:

- (a) the matters specified in C.1.2 above;
- (b) whether the type and value of the works, supplies or services are such that the European procurement regime and/or other provisions of the Public Contracts Regulations apply to them; and
- (c) whether, having regard to estimated value and all other considerations, the works, supplies or services should be procured by official order, by competitive quotation or by competitive tender or by using an appropriate Framework Agreement complying with Section 4 to Part 2 of the Public Contract Regulations 2015.

C.2.2 If the works, supplies or services are subject to the European procurement regime, the rules set out in C.3 below shall apply.

C.2.3 If the works, supplies or services are of a value enabling procurement by official order, the rules set out in C.4 below shall apply.

C.2.4 If the works, supplies or services are of a value enabling procurement by competitive quotation, the rules set out in C.5 below shall apply.

C.2.5 If the works, supplies or services are of a value requiring procurement by competitive tender, the rules set out in C.6-C.8 below shall apply.

C.2.6 Works, supplies or services may be procured/called-off utilising an appropriate Framework Agreement or other Technique or Instrument, in accordance with Section 4 to Part 2 of the Public Contract Regulations 2015.

C.2.7 Save for a contract which has not otherwise been the subject of an advertisement inviting expressions of interest, quotation or tender, every contract, the estimated value of which exceeds £25,000, shall be advertised on Contracts Finder.

C.3.0 European Procurement

C.3.1 Contracts for the carrying out of works, the provision of supplies and of services shall be tendered in accordance with relevant regulations and any relevant procedural guidance PROVIDED THAT such tendering procedures shall only apply in respect of contracts, the estimated values of which exceed the thresholds in force at the relevant time (as advised to Senior Officers by the Head of Democratic and Legal Services from time to time). In particular:

- (a) Works contracts (currently applying to those exceeding £4,104,394) shall comply with the Public Contracts Regulations 2015 (“the Regulations”);
- (b) Supply contracts (currently over £164,176) shall comply with the Regulations; and
- (c) Services contracts (currently over £164,176) shall comply with the Regulations.

C3.2 EU Statistical Returns: All Senior Officers shall, in respect of each calendar year, record details of contracts advertised and/or awarded pursuant to the above procurement regime. The following details shall be recorded:

- (a) the value (estimated if necessary) of the consideration given or payable under the contract;
- (b) whether the open, restricted or negotiated procedure was used;

- (c) if the negotiated procedure was used, pursuant to which provision of the relevant regulation that procedure was invoked;
- (d) the type of goods purchased or hired, services provided, or works carried out; and
- (e) the nationality of the person to whom the contract was awarded.

C.4.0 Lower Value Contracts

C.4.1 Where the estimated amount or value of the contract does not exceed £5,000, the works, supplies or services may be procured by official order provided that:

- (a) the expenditure is within approved estimates;
- (b) an officer duly authorised by a member of the CMG or by a Senior Officer shall have authorised the order; and
- (c) the appropriate member of the CMG or Senior Officer is satisfied that the contract represents value for money.

C.5.0 Inviting Quotations

C.5.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), where the estimated amount or value of the contract exceeds £5,000 but is under £50,000 including nominated sub-contracts, the works, supplies or services may be procured by competitive quotation provided that:

- (a) at least three written quotations are sought;
- (b) quotations are opened at one time in the presence of two officers, both duly authorised by the appropriate member of the CMG or Senior Officer, one of whom shall record in writing details of the quotations, provided that for the purposes of this rule the authorisation of officers by the member of the CMG or Senior Officer shall be recorded in writing and notified to the Head of Democratic and Legal Services for entering in a register;
- (c) no quotation other than the lowest or most economically advantageous of at least two received is accepted (subject in the case of the acceptance of the most economically advantageous quotation to the application of any relevant criteria recommended in the CIPFA Code);
- (d) the contract is evidenced in writing (which may consist of a true copy of an official order authorised (by an officer duly authorised by the appropriate member of the CMG or Senior Officer) and the order is retained for six years in paper or electronic form;
- (e) the expenditure is within approved estimates; and
- (f) the appropriate member of the CMG or Senior Officer is satisfied that the quotation represents value for money.

C.5.2 Invitations to quote should require quotations to be returned in a plain sealed envelope identifying the subject to which they relate but not the sender.

C.5.3 Owing to the statutory prohibition on Pre-Qualification Questionnaires being used for contracts below the EU threshold, the pre-qualification questionnaire process is only for use where estimated contract values would exceed that threshold.

C.6.0 Inviting Tenders

C.6.1 All contracts including nominated sub-contracts that are required to be the subject of competitive tender shall be invited in accordance with one of the three procedures set out below.

Ad Hoc List

C.6.2 This Procedure shall apply in circumstances where the use of the Standing List is considered inappropriate and where the Council or a Committee or an authorised officer have decided that invitations to tender are to be made to persons who have replied to a public notice which shall be given as follows:

- (a) on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
- (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or
- (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts – where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.

C.6.3 The public notice shall:

- (a) specify details of the proposed contract;
- (b) invite applications for permission to tender; and
- (c) specify a time limit of at least 14 days, to submit applications.

C.6.4 After the expiration of the period specified in the public notice, the Senior Officer, seeking such assistance as may be necessary, will undertake a financial and technical appraisal of the persons who applied for permission to tender, applying such guidance as to evaluation contained in the CIPFA Code as may be relevant.

C.6.5 Invitations to tender for the contract shall then be sent to not less than four persons who applied for permission to tender or, if fewer than four persons have applied and are considered suitable, to all such persons.

Standing List

C.6.6 A Standing List shall be used where a member of the CMG or a Senior Officer decides that invitations to tender for a contract are to be limited to those persons or bodies who replied to a public notice, and whose names shall be included in a list compiled and maintained for that purpose by the Senior Officer. The Senior Officer shall apply such guidance as to evaluation contained in the CIPFA Code as may be relevant.

C.6.7 At least four weeks before a list is compiled, notices inviting applications for inclusion in it shall be published as follows:

- (a) on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
- (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or

- (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts – where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.

C.6.8 The list shall be amended as required and reviewed at regular intervals not exceeding three years by the Senior Officer.

C.6.9 At the time of a review each person whose name appears on the list shall be asked whether they wish to remain so, in which case retention on the list or otherwise shall follow the consideration by the Senior Officer of a performance report on tenders submitted and work performed by the applicant in the preceding twelve months.

C.6.10 Tenders shall be invited from:

- (a) at least four persons selected from the list by the Senior Officer in rotation; or
- (b) where fewer than four persons are approved as mentioned above, all those persons.

Open Tendering

C.6.11 This procedure shall apply where the Council or a Committee or an authorised officer have decided that tenders for a contract are to be obtained by open competition.

- (a) At least 14 days public notice, describing and inviting submission of tenders by a stated date and time, as follows; on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
- (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or
- (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts – where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.

C.7.0 Submission of Tenders

C.7.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), every invitation to tender shall state:

- (a) that all tenders shall be enclosed in a plain sealed envelope bearing the word "Tender" followed by the subject to which it relates (but no other names or mark identifying the sender); and
- (b) that it must be received in accordance with arrangements made by the Head of Democratic and Legal Services by a stated date and time.

C.7.2 An officer receiving tenders shall write on the envelope the date and time of its receipt.

C.7.3 No tender shall be accepted unless it complies with the requirements of C7.1 above. Any tender received after the date and time indicated for receipt shall not be considered but shall be retained unopened by the Head of Democratic and Legal Services Manager until after the list of tenders received has been made available and then be returned to the sender.

- C.7.4 Tenders shall be kept in the custody of the Head of Democratic and Legal Services or in accordance with arrangements made by him until the time and date specified for their opening.
- C.7.5 Each tenderer shall be required to give an undertaking which shall become a condition of the contract that the amount of the tender has not been calculated by agreement or arrangement with any other person other than the Council; that the amount of the tender has not been communicated to any other person other than the Council and that they have not entered into any agreement or arrangement with any person which would result in that other person refraining from tendering.
- C.7.6 Where tenderers are required to submit priced bills of quantities with their tenders, failure to do so will result in the tender being disqualified.

C.8.0 Opening and Acceptance of Tenders

- C.8.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), tenders shall be opened at one time and in the presence of:
- (a) the Head of Democratic and Legal Services or his/her duly authorised representative; and
 - (b) a duly authorised representative of the appropriate Senior Officer.
- C.8.2 The following details shall be recorded in writing:
- (a) the nature of the goods or materials to be supplied or the work to be executed;
 - (b) the name of each person by or on whose behalf a tender was submitted;
 - (c) the amount of each tender;
 - (d) the date and time of opening of the tenders; and
 - (e) the names of all the persons present at the time of opening the tenders.
- C.8.3 A Senior Officer may accept the lowest tender (if payment is to be made by the Council) or the highest tender (if payment is to be made to the Council) or the most economically advantageous tender (subject in this case to the application of criteria prescribed in the relevant regulations or recommended in the CIPFA Code) provided in all cases that at least two tenders are received. In the event of only one tender being received the Senior Officer may seek a direction from the CMG or invite fresh tenders.
- (Note: C.8.3 does not obviate the need to accord with Financial Regulation 10.9 as it may relate to proposed contracts).
- C.8.4 In all cases where the Senior Officer is of the opinion that the lowest tender (or the highest with respect to income) or the most economically advantageous tender should not be accepted then approval of the CMG shall be obtained before acceptance of another tender.
- C.8.5 No alternative to the tender sum shall be permitted except where:
- (a) there is an obvious arithmetical error in the priced bill of quantities or schedule of rates, in which case the tender sum shall be corrected accordingly and the contractor notified in order to facilitate withdrawal of the submitted tender if the contractor so determines; or

- (b) any change to the tender sum is the result of post-tender negotiation carried out strictly in accordance with the CIPFA Code.

As an alternative to amending the contract sum in (a) above, the tenderer may be given details of such error or errors and afforded an opportunity of confirming or withdrawing his/her offer.

- C.8.6 Prior to accepting a tender and entering into a contract the Senior Officer must be satisfied that the cost of the tender and the overall cost of the project are within approved estimates. This must be evidenced in a formal 'tender acceptance report' which clearly sets out the delegation allowing the officer in question to enter into the contract. If the tender or project is not within approved estimates the Senior Officer must seek a direction from the CMG.
- C.8.7 The Head of Democratic and Legal Services shall ensure that a register (which may be in an electronic format) is kept of all contracts over £50,000 in value specifying the name of the contractor, the works to be executed or the goods to be supplied and the contract value. The register shall be open to inspection by any member of the Council.

C.9.0 Nominated Sub-Contractors and Suppliers

- C.9.1 Where a sub-contractor or supplier is to be nominated to a main contractor and the estimated amount or value of the sub-contract exceeds £50,000, tenders shall be invited in accordance with C.6 above unless the Council or a Committee or an authorised officer decide in a particular case that competitive tenders cannot reasonably be obtained or are unnecessary.
- C.9.2 C.6, C.7 and C.8 above shall apply to submitted tenders.

C.10.0 Contract Conditions

- C.10.1 Every contract exceeding £5,000 in value shall:
- (a) specify the goods, materials or services to be supplied and work to be executed; the price to be paid together with a statement as to the amount of any discount or other deduction and the time for performance of the contract;
 - (b) where appropriate provide for the contractor to pay liquidated damages upon failure to complete the contract by the specified completion date; and
 - (c) contain such other conditions and terms as may be agreed between the parties, including where necessary provision as to adequate insurance.
- C.10.2 Every contract exceeding £50,000 in value shall be in writing and under seal, except contracts to supply motor vehicles, plant, equipment and furnishing goods and materials, which shall be in writing and signed by the appropriate Senior Officer.
- C.10.3 Every contract the estimated value of which exceeds £500,000 shall require the contractor to give sufficient security for the due performance of the contract. Where the estimated value of the contract is less than £500,000 such security shall not be required unless considered necessary.
- C.10.4 Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution or International Equivalent Acceptable Standard, current at the date of the tender, every contract shall require that all goods and material used or supplied, and all the workmanship shall be of at least such a standard or European equivalent.

- C.10.5 Assignment or underletting of contracts shall not be permitted except at the discretion of the appropriate Senior Officer and only where a satisfactory vetting procedure has been carried out.
- C.10.6 Every contract shall contain a clause empowering the Council to cancel the contract and to recover any loss resulting from such cancellation, in circumstances where any party to the contract or any person acting on their behalf or in their employ shall have offered, given or agreed to give any officer of the Council any gift or consideration of any kind as an inducement or reward with respect to the contract, or shall have committed any offence under the Bribery Act 2010 or Section 117(2) and (3) of the Local Government Act 1972.
- C.10.7 Every contract shall require compliance with current legislation with respect to health and safety at work and sexual and racial equality.
- C.10.8 Where a member or officer of the Council has an interest pecuniary or otherwise in a company, firm or partnership and is also involved in the process of contract acceptance this shall be reported to the Chief Executive in the case of an officer and to the Standards and Audit Committee in the case of a member.
- C.10.9 Except with the prior approval of the Chief Executive, no contract shall be commenced until a contractual relationship with the contractor exists, the appropriate Senior Officer has indicated readiness to proceed and all other procedures have been completed to the satisfaction of the appropriate member of the CMG and the Head of Democratic and Legal Services.
- C.10.10 Those contracts of the value and description specified in C.10.2 above shall have the Seal attested by the Mayor or Deputy Mayor of the Council or other appointed member of the Council **and** by the Head of Democratic and Legal Services or an officer designated by him.

C.11.0 Persons Engaged to Supervise Contracts

- C.11.1 Persons engaged to supervise or arrange contracts shall be required:
- (a) to comply with Contract Standing Orders provided that the procedure to be followed in inviting and opening quotations or tenders shall be approved in advance by the appropriate Senior Officer; and
 - (b) at any time during the performance of the contract, to produce, on request, all records maintained by him or her in relation to the contract and on completion of the contract, to transmit all such records to the appropriate Senior Officer.

C.12.0 Exceptions

- C.12.1 The following are the only permitted exceptions from all or part of Contract Standing Orders:
- (a) where a member of the CMG is required to act in an emergency or other case of urgency, with the reason for the exception being fully documented and reported to the Head of Democratic and Legal Services;
 - (b) where the Executive so directs;
 - (c) where the Council is acting solely as an agent for another body in compliance with the contract standing orders of that other body OR where the Council participates in a joint procurement led by another body in compliance with the contract standing orders of that body. The Council may enter into a contract with a person approved for the purpose of such contract by the principal authority. In such cases, contracts shall be

sealed either at the request of the principal authority or if the Senior Officer so requires (and C.10.1(a) above shall be varied accordingly). In all other respects Contract Standing Orders shall apply;

- (d) where a Committee or a member of the CMG or a Senior Officer is satisfied that the number of tenders or quotations required by Contract Standing Orders cannot be obtained due to insufficient sources of supply or expertise, or where the need for standardisation or compatibility makes it necessary to obtain supplies or services from a particular source or to employ a particular contractor to carry out the work. Tenders or quotations shall be obtained from the sole or all available suppliers/persons who possess sufficient expertise or suitability;
- (e) where the contract is one of employment;
- (f) where the contract is for works carried out by statutory undertakers in circumstances where they have monopoly status, or where no genuine competition would exist, for example, because of fixed prices or prices controlled by trade organisations;
- (g) the extension of an existing contract (or the execution of work or materials necessary for maintenance repairs to existing machinery or plant) provided that the price for each item supplied or unit of work carried out is no higher than in the original contract and the value of the original contract is not increased by more than one third by the aggregate of extensions made under this exception; and one and two unit ad hoc refurbishment contracts may be extended by additional units up to a maximum of two, provided that the new works are at the same rates as for the original tender;
- (h) where the contract is to appoint legal advisers, provided that the Head of Democratic and Legal Services shall be satisfied that the contract represents value for money;
- (i) where the contract is for the disposal or acquisition of land or property;
- (j) where the contract relates to a financing transaction, and
- (k) the paper processes and requirements relating to the invitation, submission and opening of tenders and quotations (Standing Orders C.5.0, C.7.0 and C.8.0), shall not apply to the operation of electronic processes, provided that those processes are undertaken within a system whose use has been authorised by the Chief Finance Officer and which includes secure e-mail and document management environment to nationally approved standards and in compliance with recognised protocols.

Note: The use of Delta Esourcing has been authorised, by the Chief Finance Officer, for all tenders with an estimated value of £50,000 or more.

C.12.2 Exceptions shall be recorded as follows:

- (a) a direction of the Executive shall be reported to Council; and
- (b) exceptions made under C.12.1 (a), (d) and (g) shall be reported to the Head of Democratic and Legal Services who shall maintain a record of all such exceptions.

