

STANDARDS AND ETHICS COMMITTEE

Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Thursday, 29 June 2017

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence.
2. Declarations of Interest.
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
4. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
5. Minutes of the previous meeting held on 9th March, 2017 (herewith) (Pages 1 - 5)
6. Proposed Amendments to the Constitution - Standing Orders (report herewith) (Pages 6 - 96)
7. Training Update and Standards Bulletin (Recent Updates in Standards and Ethics) (report herewith) (Pages 97 - 101)
8. Standards and Ethics Committee - Review of Code of Conduct and Associated Procedures (report herewith - appendix to follow) (Pages 102 - 114)
9. A Review of Concerns raised pursuant to the Whistleblowing Policy (report herewith - appendix to follow) (Pages 115 - 118)
10. Standards and Ethics Committee - Consideration of Complaints (report herewith) (Pages 119 - 124)
11. Date and Time of Next Meeting - Thursday, 28th September, 2017 at 2.00 p.m.



S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE**9th March, 2017**

Present:- Councillor McNeely (in the Chair); Councillors Allen, Ireland and Khan, Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Ms. A. Dowdall, Mr. P. Edler and Ms. J. Porter (Independent Co-optees).

Along with Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillor Simpson and Mr. D. Bates.

26. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

27. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH JANUARY, 2017

Consideration was given to the minutes of the previous meeting held on 12th January, 2017.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 12th January 2017 be approved as a true and correct record of the proceedings.

28. TRAINING FOR MEMBERS OF PARISH AND TOWN COUNCILLORS ON CODES OF CONDUCT AND STANDARDS AND ETHICS

Consideration was given to the report presented by Sumera Shabir, Solicitor, which provided an update on recent training provided to members of Parish and Town Councils which took place on the 8th February, 2017 on codes of conduct and standards and ethics generally.

The session comprised of a series of scenarios based on standards and ethics dilemmas; linked to the Nolan (Seven) Principles of Public Life and this was followed by a short presentation on standards and ethics arising in relation to codes of conduct.

Discussions covered the role of the Independent Persons, Borough Councillors and social media.

The training highlighted the need for good governance and general discussion was facilitated around transparency and use of websites.

Individual clerks (new and existing) were also invited to discuss their experiences and common strategies and it was agreed that it would be beneficial to arrange a further separate meeting could be convened with all the clerks; where the Monitoring Officer could offer support and facilitate new and existing clerks to form a network. This was currently being arranged at a suitable location.

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The training was very well received and it was suggested that future themes include:-

- Social media.
- Conflicts of interest.
- Planning.
- Local Government law generally.
- Chairing of meetings.
- Code of conduct.
- Running disciplinary and grievance panels.
- Advertising Parish and Town Council vacancies and the publishing of minutes and accounts.

Those members of the Committee that attended this training session were in full support of the format and suggested that further training sessions be arranged as it was clear some Parish Councils felt isolated, were not fully aware of the Code of Conduct or reporting procedures nor the role of the Independent Persons.

It was also suggested that the training format also be replicated in training sessions for Borough Councillors, with consideration as to whether an invitation could also be extended to Parish Councils. This may require further involvement at the Members' Training and Development Panel moving forward and lead to a further discussion between the Monitoring Officer and the Assistant Chief Executive.

The Committee were also advised that the Yorkshire Local Councils Association also conducted similar training packages for Parish Councils in York.

Resolved:- (1) That the report be received and the contents noted.

(2) That any further actions to be taken following the training session be identified and any future training initiatives to be undertaken with Parish and Town Councils be noted.

(3) That the Monitoring Officer discuss training and development opportunities with the Assistant Chief Executive.

29. STANDARDS AND ETHICS COMMITTEE WORKING GROUP RE CODE OF CONDUCT AND ASSOCIATED PROCEDURES

Consideration was given to the report presented by the Deputy Monitoring Officer, which updated the Committee on the progress of the Standards and Ethics Committee Working Group and its review of the Code of Conduct and associated procedures.

A meeting of the Working Group took place on 31st January, 2017 and following considerations of different versions of a simpler Code of Conduct which were used in other authorities, it was agreed that

consultation should take place with the Lead Commissioner, Sir Derek Myers, about his views of the Code of Conduct and any associated revision.

It was the view of the Lead Commissioner that he could not support the removal of the addendum, that the Code of Conduct had been recently approved, and suggested a few additions which could be incorporated, such as apologies for absence, training, declarations of interests, disclosures, whistleblowing etc. He further stated that any dilution of the Code would have to be reported to the Secretary of State. Any such discussions on the Code should be directed to Commissioner Ney from the 31st March, 2017 following Commissioner Sir Derek Myers' departure.

The Working Group also viewed procedures for dealing with complaints about breaches of the code and it was suggested Rotherham's procedures needed to be revised.

The Committee took account of Commissioner Sir Derek's suggestions and could see the value particularly around declarations of interests, whistleblowing and the duty to maintain and promote ethical standards.

Resolved:- That the minutes of the Standards and Ethics Working Group held on 31st January, 2017 be noted.

30. STANDARDS BULLETIN (RECENT UPDATES IN STANDARDS AND ETHICS)

Consideration was given to the report presented by Sumera Shabir, Solicitor, which provided details of a bulletin reporting on recent and key updates in standards and ethics distributed by North Yorkshire Fire and Rescue Authority and it was suggested, following some discussion with the Committee, that something similar in Rotherham be distributed widely to members of Parish and Town Councils in Rotherham.

The merit and value of the contents of the bulletin were discussed and the updates on national matters were particularly welcomed as was the anonymised outcomes of complaints.

However, the Committee were mindful of the resource and cost implications for the production of such a detailed bulletin and whether a briefer version would be better for Rotherham distributed on a quarterly or annual basis.

On this basis it was suggested that a simplified version be produced and following consultation with the Chair of the Committee a bulletin be distributed to all Parish and Town Councils in Rotherham.

Resolved:- (1) That the report and bulletin be received and the contents noted.

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(2) That a simplified version be produced, in consultation with the Chair of the Committee, and for this to be distributed to all Parish and Town Councils in Rotherham for information.

31. REVIEW OF THE TERMS OF REFERENCE FOR STANDARDS AND ETHICS COMMITTEE

Consideration was given to the report presented by the Assistant Director, Legal Services (and Monitoring Officer) which confirmed a review of the Council's Constitution was currently taking place and the Council had already approved previous amendments to the Constitution at the Annual Meeting of Council in May, 2016 and at the meetings of Council on 7th December, 2016 and 25th January, 2017.

As part of the work of the Constitution Working Group an external review of the Council's Constitution was to be carried out by the Association of Democratic Services Officers and a report would be taken to the Annual Meeting of Council. The external review was a recommendation of the Governance Review Working Group. This, therefore, provided the opportunity for the Standards and Ethics Committee to consider the elements of the Constitution which set out its own terms of reference and to consider whether or not to invite the external reviewers to report on any appropriate amendments to the Constitution as it related to the Committee.

The report submitted also set out the relevant elements of the Constitution and identified elements that might be improved, which included duplication of the membership and terms of reference, out-of-date quorum, parish council responsibility for the arrangements for the breach of the code and further review of the procedures for handling complaints.

Discussion ensued on the membership/quorum of the Committee and the anomalies this has created as a result of legislation changes to the standards regime following the introduction of the Localism Act which prevented any independent members being equipped with voting rights.

Clarification was also sought on the outcome of the external review, which included any proposed changes to this Committee's terms of reference, reporting mechanisms back to the Constitution Working Group and then onto the Annual Council for adoption rather than back to the Standards and Ethics Committee for endorsement.

Resolved:- (1) That the report be received and the contents noted.

(2) That the issues identified be raised by the Monitoring Officer with the external reviewers to the Constitution.

32. STANDARDS COMPLAINTS UPDATE

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Co-opted Members. The report listed fourteen current cases of complaint and the action being taken in respect of each one.

The Committee discussed the cases highlighted within the submitted report.

The Deputy Monitoring Officer reported to the Committee that as part of the investigation of complaints that a panel to consider one case was required and nominations were sought.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress in respect of each case be noted.

(3) That a Panel of five members be arranged and include Councillor Khan or Yasseen, Councillor Simpson, Mrs. J. Porter, Mr. P. Edler and Mr. R. Swann (Parish Council Representative) and with Mr. D. Rowley (Parish Council Representative) in reserve.

33. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 8th June, 2017 at 2.00 p.m.

Summary Sheet

Standards and Ethics Committee – 29 June 2017

Report Title

Proposed Amendments to the Constitution – Standing Orders

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

James McLaughlin, Democratic Services Manager
01709 822477 or james.mclaughlin@rotherham.gov.uk

Ward(s) Affected

All

Summary

Good governance is at the centre of Rotherham's improvement journey and so the Council has continually reviewed the effectiveness of its Constitution in the past two years to strengthen accountability and transparency in decision making. The latest stage of this review has been undertaken by the Association of Democratic Services Officers (ADSO) to provide external challenge and recommendations to strengthen various parts of the Constitution.

This report is specifically concerned with ADSO's recommendations to amend Standing Orders, which are found at Appendix 4 to the Constitution. It has been some time since Standing Orders have been reviewed in full and ADSO have compared the council's current procedures to the good practice in other local authorities. This report summarises the main proposed changes to be made, which include simplifying language and removing unnecessary provisions or procedures which do not add value to the Council's governance framework.

Recommendations

1. That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.
2. That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.

3. That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

List of Appendices Included

Appendix A – Proposed amendments to Standing Orders

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Constitution Working Group – 28 June 2017

Council – 12 July 2017

Council Approval Required

Yes

Exempt from the Press and Public

No

Proposed Amendments to the Constitution – Standing Orders

1. Recommendations

- 1.1 That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.
- 1.2 That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.
- 1.3 That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

2. Background

- 2.1 The Council has sought to strengthen its governance arrangements as part of Rotherham's improvement journey and has reviewed various aspects of its Constitution in the past two years. Commencing with the implementation of the recommendations of the Governance Review Working Party in May 2016, the Council has made the changes in respect of:
 - definitions of a Key Decision
 - delegated decision making by officers
 - financial regulations and contract standing orders
- 2.2 One of the recommendations from the Governance Review Working Group was that an external review of the Constitution should be undertaken. The Council commissioned the Association of Democratic Services Officers (ADSO), the national professional body for local authority governance and democratic services, to undertake a review of the following areas of the Constitution:
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Access to Information Rules
 - Standing Orders
 - Scheme of Delegation
- 2.3 This report is principally concerned with the recommendations from ADSO on Standing Orders. The Constitution currently requires any proposal to amend Standing Orders to be considered by the Standards and Ethics Committee, before any recommendation can be considered by the Council.
- 2.4 The proposals to amend Standing Orders have been prepared following a review of the current provisions and extracting good practice from other local authorities identified by ADSO.
- 2.6 A headline change proposed is to rename this part of the Constitution as 'Council Procedure Rules', rather than 'Standing Orders' to better reflect the purpose of this section of the document and good practice elsewhere.

2.7 The proposed Council Procedure Rules are detailed at Appendix 1, showing tracked changes to highlight what the current provisions are and what amendments are recommended.

3. Key Issues

3.1 Whilst the proposed changes are highlighted in Appendix A of this report, there are matters which are broader than improved wording of the provisions of this part of the Constitution. As referred to in paragraph 2.6 above, ADSO have proposed that this Appendix 4 of the Constitution, which is currently called Standing Orders, be renamed 'Council Procedure Rules. The effect of this is to consolidate all of the procedural rules for Council and committee meetings in one area of the Constitution and remove other provisions concerning contract and procurement procedures, which form a significant part of the existing Standing Orders.

3.2 The main changes are set out below with reference to the relevant Standing Orders:-

- Removal of the prescriptive requirement for the Council to meet every six weeks and asserting the authority of Council to determine the dates on which it will meet (Standing Order 1). ADSO have also drafted a provision for a guillotine procedure if Council were minded to include this within the new procedure rules
- Clarifying the business of the Annual Meeting of the Council in years where whole council elections are held and those of other years where elections are not held (Standing Orders 1 and 4).
- A succinct summary of quorum for Council meetings and the implication of a Council meeting becoming inquorate during proceedings (Standing Order 2)
- Remove the requirement for Cabinet and Committee minutes to be reported to Council for approval as only the Cabinet or the relevant committee itself can approve minutes of its meetings as a true and correct record (Standing Orders 4 and 6)
- Introduce a provision for the Leader of the Council to make a statement on matters relating to the Council or the Borough and remove the existing provision for Communications by the Mayor or Chief Executive (Standing Order 5)
- Remove the requirement for the 'Orange Book' to be printed (Standing Order 6)
- Consolidate provisions for questions to Cabinet Members, Committee Chairs and councillor representatives on certain outside bodies (Standing Order 7)
- Removal of recommendations being considered through Cabinet or committee minutes. Practice will be for Council to consider reports detailing the recommendations of Cabinet or committees so that Members can make decisions with all relevant information before them (Standing Order 9)
- Introduce a requirement for the Chair of Overview and Scrutiny Management Board to submit a written report with the opportunity to address Council for 5 minutes and answer questions on the activities of the scrutiny function (Standing Order 9A)

- Introduce a requirement for motions to relate to or affect the residents of the Borough of Rotherham (Standing Order 10)
- Introduction of provision for a Member seconding motion to have the right to speak for 5 minutes (Standing Order 13)
- Clarification of provisions in respect of Points of Order and Personal Explanations (Standing Order 13)
- Introduction of provisions for recorded votes (Standing Order 14)
- Deletion of detailed provisions in respect of the approval and adoption of draft plans and strategies, setting of council tax and precepts and voting upon budget and council tax setting decisions on the basis that they can be dealt with elsewhere under the Rules of Debate (Standing Order 19A, 19B and 19C)
- Removing staffing appointment provisions and including within a separate part of the Constitution to be called 'Employment Procedure Rules' (Standing Order 30)
- Removal of detailed legislative provisions which are attached as an appendix to Standing Orders

4. Options considered and recommended proposal

- 4.1 As Standing Orders have not been reviewed in full for a considerable period of time, it is necessary to ensure that procedures are modern, reflect good practice and are understood and applied by Members and officers. The option of not making any changes was not appropriate.
- 4.2 This report details the recommended proposals from ADSO to strengthen the Council's governance arrangements. The committee is asked to recommend the proposed changes to Council for adoption and recommend the naming of Standing Orders to Council Procedure Rules.

5. Consultation

- 5.1 Consultation has taken place with the Assistant Director of Legal Services and the Democratic Services Manager prior to the publication of this report. Further consultation will take place with the Constitution Working Group on 28 June 2017 and the comments of the working group will be verbally reported to this meeting.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If this committee were minded to agree to the proposal to recommend the amendments to the Constitution to Council, these would require consideration by Council on 12 July 2017. Subject to Council's approval, the changes would be implemented with immediate effect.
- 6.2 The Assistant Director of Legal Services is responsible for ensuring implementation of the changes once agreed.

7. Financial and Procurement Implications

- 7.1 The proposals from ADSO incorporate a recommendation to consolidate all financial and procurement matters within one single area of the Constitution. Presently, the rules concerning procurement and contracts form part of Standing Orders. If the committee were minded to recommend this change to Council, the effect of this would be to establish a new Financial Procedure Rules part of the Constitution.

8. Legal Implications

- 8.1 As a creature of statute, the Council requires the Constitution to be current and coherent as the key enabling document that enables the authority to exercise its decision making powers and procedures. The changes proposed within this report are compliant with the provisions of the Local Government Act 2000, which introduced the requirement for local authority constitutions, and subsequent legislation which has further strengthened local authority governance.

9. Human Resources Implications

- 9.1 The recommendations from ADSO include a suggestion to consider the establishment of Employment Procedure Rules to capture all staffing and human resources provisions in a single part of the Constitution, rather than spread out across various areas of the document. Beyond this recommendation, there are no other implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications arising from this report.

11 Equalities and Human Rights Implications

- 11.1 There are no equalities and human rights implications arising from this report.

12. Implications for Partners and Other Directorates

- 12.1 The proposals will give confidence to the Council's partners as a demonstration of the authority's commitment to improving its governance arrangements.
- 12.2 The proposals will have some implications for officers of the Council who will require briefing and training on the new provisions.

13. Risks and Mitigation

- 13.1 As Standing Orders have not been reviewed in full for some time, any update to change their provisions creates the potential for confusion and misunderstanding. Whilst the purpose of making changes to improve the Constitution is to remove confusion and misunderstanding, there are risks in making the changes:

Risk	Mitigation
Members may be unaware of the new procedure rules	Clear communication of the changes is needed Make them available online Consider a training programme to explain the effect of the changes
New rules may be unclear or have ambiguities	Monitor the application of the new rules The Monitoring Officer to provide advice and guidance where required Review and revise where required after one year of operation
New rules may have gaps	The Monitoring Officer to issue guidance on an interim basis until the next review addresses the gaps permanently
External changes (e.g. new legislation)	The Monitoring Officer will ensure that a report is brought forward to propose any necessary changes at the earliest opportunity.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services
James McLaughlin, Democratic Services Manager

Approvals Obtained from:-

	Named Officer	Date
On behalf of Strategic Director of Finance & Customer Services		
On behalf of Assistant Director of Legal Services		
On behalf of Head of Procurement (if appropriate)		
On behalf of Head of Human Resources (if appropriate)		

Report Author: James McLaughlin, Democratic Services Manager

This report is published on the Council's website or can be found at:-
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

ROTHERHAM BOROUGH COUNCIL
COUNCIL PROCEDURE RULES

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APPENDIX 1

PART I
COUNCIL MEETINGS

Annual meeting etc

1 Annual meeting and other council meetings

(1) Dates and times of Council meetings will be agreed by the Council at the Annual Meeting. Additional meetings will be agreed by the Council as required. They will start at 2.00pm, unless otherwise determined by the Mayor. ~~The Council shall hold an annual meeting and such other meetings and extraordinary meetings that may be required.~~

~~(2) The day of the annual council meeting shall be Friday and the day of other ordinary council meetings shall be Wednesday and the time of meeting (including the annual meeting) shall be 2.00 p.m.~~

~~(3) Except in the case of extraordinary meetings, which may be called by the Mayor at any time, council meetings shall be held at approximately six weekly intervals, in accordance with a programme agreed at the start of the municipal year.~~

(2) Duration of Council Meetings and Guillotine Procedure

- (i) All Council meetings will start at 2.00pm, unless the Mayor decides otherwise, and will finish no later than 6.00pm.
- (ii) Meetings can be extended for additional periods of no more than 30 minutes each, if agreed by Council, but this should only be in exceptional cases.
- (iii) If the business on the agenda has not been completed at the time the Council meeting is due the finish, the following procedure will apply:

Motions and Reports

- (a) Any motions or reports under debate (including any amendments) shall be voted upon without further discussion. Voting will be by a show of hands and no recorded vote will be taken;
- (b) Motions not yet considered will lapse unless referred by the Mayor to another council body. A lapsed motion does not imply consent or dissent by the Council meeting;

- (c) The Mayor shall put reports not yet considered to the Council all together, without debate, question or comments from the meeting. Points of accuracy or reference on to another body will be permitted, as will a statement by the Leader of the Opposition as to whether they would have voted for or against adoption of the report.
- (d) The Mayor will then put to the meeting, in sequence and without debate, each further remaining item of business on the agenda. No procedural or other motion, question comment or debate will be permitted. Answers to questions not yet asked will be taken as printed on the agenda papers.
- (e) The Council will be deemed to have agreed memberships of Council bodies (except Cabinet appointments) and nominations to outside bodies in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

2. Timing and Business of the Annual Council Meeting

- (1) In the year when there is an ordinary election of councillors, the annual meeting will take place within 21 days following the retirement of the outgoing councillors. At this meeting, the Council will:
 - (i) Elect a Leader to serve for a four-year term or until the next annual meeting after ordinary whole Council elections;
 - (ii) Note the appointment by the Leader of his/her Deputy to serve the four-year term;
 - (iii) Note the Leader's decision as to the number of executive members, their respective functions and any other executive changes the Leader may have made.
- (2) In any other year, the annual meeting will take place at a time of the Council's determination in April or May and will consider the following business:
 - (i) Elect a person to preside if the Mayor or Deputy Mayor of Council are not present;
 - (ii) Elect the Mayor of Rotherham as Chairman of the Council
 - (iii) Elect the Deputy Mayor of Rotherham as Vice-Chairman of the Council
 - (iv) Approve the minutes of the last meeting

- (v) Receive any announcement from the Mayor, as chair of the meeting
- (vi) Note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers;
- (vii) Appoint at least one Overview and Scrutiny Committee, and other such bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) Agree the scheme of delegation;
- (ix) Approve a programme of ordinary meetings of the Council for the year;
- (x) Consider any urgent business requiring consideration at the meeting; and
- (xi) Agree the calendar of Council and committee meetings for the municipal year.

(3) The Council will:

- (i) decide which member level bodies to establish for the municipal year;
- (ii) decide the size and terms of reference for those bodies;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on committees and joint committees; and
- (v) appoint to those committees and joint committees, except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

3. Ordinary Council meetings

(1) Ordinary meetings of the Council will take place in accordance with the calendar decided at the Council's annual meeting.

(2) The order of business at ordinary meetings will be as follows:-

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) Mayor's announcements;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from councillors;
- (v) to deal with any business required by statute to be done before any other business;

- (vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
- (vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
- (viii) to answer questions asked under **Procedure Rule ??**
- (ix) to consider motions; and
- (x) other business, if any, specified in the summons

4. Budget Council Meetings

- (1) A meeting of the Council will take place before 10 March each year in order to calculate the budget requirement and set the Council tax.
- (2) The items set out in Procedure Rule 3(2)(vi) to (x) will not be considered at this meeting.

5. Extraordinary Council Meetings

- (1) Those listed below may request the Chief Executive to call extraordinary Council meetings:-
 - (i) the Council by resolution
 - (ii) the Mayor, on advice from the Chief Executive and/or Monitoring Officer
 - (iii) the Monitoring Officer
 - (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of the requisition.
- (2) The business to be carried out at an extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting unless the Mayor decides otherwise.

6. Quorum for council meetings

- (1) The quorum for any meeting of the Council is at least one quarter of the total number of members of the Council.
- (2) No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares the meeting to be inquorate, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if

he/she does not fix a time, to the next ordinary meeting of the Council.

~~(1) Except where more than one-third of the members of the Council become disqualified at one time (in which case the quorum shall be determined by reference to the number of remaining qualified members), members of the Council shall not transact council business unless at least one-quarter of their number is present at the meeting.~~

~~(2) If it appears to the Mayor that there is less than one-quarter of the members of the Council present at or during a council meeting, he/she shall call for the names of the members present.~~

~~(3) Where there is less than one-quarter of the members of the Council present at or during a council meeting, the Mayor shall declare the council meeting at an end, and the names of those who are present and those who are absent shall be recorded in the minutes of the meeting.~~

7 Appointment of Mayor and Deputy Mayor of the Council

(1) The members of the Council shall elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at council meetings.

(2) In the absence of the Mayor and Deputy Mayor, another member of the Council, who is chosen by the members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these [Procedure Rules](#). ~~Standing Orders.~~

~~4 Order of business at council meetings~~

~~(1) The first business transacted at the annual council meeting shall be the election of the Mayor and Deputy Mayor, followed by any business required to be dealt with by statute and any urgent business brought before the meeting in accordance with these Standing Orders.~~

~~(2) Except for urgent business, council business shall not be transacted at a council meeting unless it has been specified in the summons for the meeting.~~

~~(3) Subject to sub-paragraph (4), the prior order of business at every council meeting shall be as follows —~~

- ~~• To choose a person to preside if the Mayor and Deputy Mayor are absent.~~
- ~~• To deal with any business required by statute to be done before any~~

~~other business.~~

- ~~● To approve the minutes of the last council meeting and to certify and sign them as a correct record.~~
- ~~● To deal with any business expressly required to be dealt with by statute.~~
- ~~● To consider any communications received by the Mayor or Chief Executive and to pass a resolution or resolutions upon them.~~
- ~~● To dispose of any business remaining from the last meeting.~~
- ~~● To deal with any questions put by members of the public in accordance with standing order 8 (general questions by members of the public at council meetings).~~
- ~~● To have presented any qualifying petitions under the Council's scheme for handling petitions.~~
- ~~● To debate any qualifying petitions under the Council's scheme.~~
- ~~● To receive and consider the reports, minutes and recommendations of the Cabinet (the minute numbers of recommendations made by the Cabinet to the Council shall be highlighted in bold type), members of the Cabinet and committees.~~
- ~~● To deal with any general questions submitted—
 - ~~○ to members of the Cabinet (or their representatives) and committee chairpersons (or their representatives) under standing order 7(1) and (3), and~~
 - ~~○ to members who represent the Council on the bodies specified in standing order 7(5) and who have been nominated by the body on which they sit to answer questions on the functions and workings of that body.~~~~
- ~~● To consider at alternate meetings of the Council the work of the Overview and Scrutiny Management Board and the select commissions.~~
- ~~● To consider motions in the order in which notice of them has been received.~~
- ~~● To consider any other business specified in the summons.~~
- ~~● To consider any other business which is not specified in the summons for the meeting but which is placed before the meeting as a matter of~~

~~urgency by the Mayor.~~

~~(4) Except for the first three items of the order of business, specified in sub-paragraph (3) (presiding member, statutory business and approval of minutes of last meeting), the order of business may be varied—~~

~~—(a) by the Mayor at his discretion; or~~

~~—(b) by a resolution passed following a motion (which need not be in writing) which is put without discussion and which is duly moved and seconded.~~

8. Communications Leader's Statement

(1) The Leader of the Council may make a report or statement to the meeting providing on update on any matters relating to the Borough or the Council.

(2) There will be an opportunity for questions to be put to the Leader of the Council by the leader of the major opposition group on the Council for a period of up to 10 minutes.

~~—(1) Any communication received by the Mayor or Chief Executive which—~~

~~—(a) relates to a recommendation of the Cabinet or a committee that is to be considered by the members present at a council meeting, and~~

~~—(b) which was received after the relevant meeting, as the case may be, of the Cabinet or appropriate committee,~~

~~—shall be brought to the attention of the members at the meeting.~~

~~(2) The Chief Executive shall bring to the attention of the members present at a Council meeting any petitions received from the public (which shall be formally received by the members present at the meeting without debate) and state the directorate(s) to which they have been referred for actioning.~~

9 The minutes of council meetings

(1) The minutes of the proceedings of council meetings shall be drawn up and entered in a book or books kept for that purpose and a copy sent to members with the summons for the next following council meeting.

~~(2) The minute books for each council meeting shall comprise the Council Minute Book and the Orange Book. Minutes within the Council Minute Book shall be submitted to the council meeting for consideration. Minutes within the Orange Book shall be circulated to members for information, but not considered at the council meeting.~~

~~(3) The Council Minute Book shall contain—~~

- ~~• the minutes of meetings of the full Council;~~
- ~~• the minutes of meetings of the Cabinet;~~
- ~~• the minutes of delegated powers meetings of members of the Cabinet;~~
- ~~• the minutes of meetings of the Audit Committee;~~
- ~~• the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;~~
- ~~• the minutes of meetings of the Planning Board;~~
- ~~• the minutes of meetings of the Standards Committee.~~

~~(4) The Orange Book shall contain the minutes of seminars, appeals panels, staffing matters, etc. and select commissions.~~

(3) The Mayor shall put the question that the minutes of the preceding council meeting be approved as a correct record.

(4) Except upon the question of their accuracy, the minutes of a council meeting shall not be debated.

(5) A question on the accuracy of a minute or minutes shall be raised by motion.

(6) If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the council meeting on the specified date.

(7) Where an extraordinary meeting of the Council is called between programmed council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the minutes of the extraordinary meeting.

10 General questions by members at council meetings

General questions to members of the Cabinet and committee chairpersons

(1) A member may, subject to sub-paragraphs (7) and (11), ask a general question of a member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the borough.

(2) A general question asked under sub-paragraph (1) must not exceed 50 words in length and –

~~(a) must not relate to a matter contained in the Council Minute Book which is~~

~~before the Council for consideration;~~

(a) must not relate to an individual case; and

(b) must not without the Mayor's consent repeat or substantially repeat any question that has been asked and answered in the preceding three council meetings.

(3) Following the reply to a question put under sub-paragraph (1), the member who asked the question may ask a supplementary question of the member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.

(4) A supplementary question under sub-paragraph (3)–

(a) must relate to the subject matter of the original question and answer; and

(b) must be fair and reasonable.

Questions to be put to representatives nominated to joint authorities and other bodies

(5) On the conclusion of questions asked under sub-paragraphs (1) and (3), a member may, subject to sub-paragraph (7), ask a question of a member (or his/her representative) who –

(a) sits as a member of one or more of the joint authorities or other bodies specified in sub-paragraph (6); and

(b) who has been nominated by the authority concerned to answer questions on the discharge of the functions of the authority,

and following the reply to a question put under this sub-paragraph the member who asked the question may ask the member who responded to the question a supplementary question in accordance with sub-paragraph (4).

(6) The authorities and bodies referred to in sub-paragraph (5) are –

(a) the South Yorkshire Police and Crime Panel;

(b) the South Yorkshire Fire and Rescue Authority;

(c) the South Yorkshire Passenger Transport Authority;

(d) the South Yorkshire Pensions Authority; and

(e) the Sheffield City Region Combined Authority

Notice of questions

(7) A member must submit a question to be put at the Council meeting, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),

(a) to a member of the Cabinet or the chairperson of a committee; or

(b) to a member who is both a representative of the Council and the nominee of a joint authority specified in sub-paragraph (6).

(8) (a) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a member substantially duplicates a question of which another member has already given notice, the Assistant Director of Legal Services may exclude the latter question after consulting the member who submitted it.

(b) If a question is determined to substantially duplicate a question from another member and is excluded from the agenda, the original questioner is allowed to ask a supplementary question that relates to the subject of his or her original question.

Manner of answering questions

(9) In accordance with this **procedure rule** ~~standing order~~, a question and reply shall be put and answered without debate, but the member to whom a question has been addressed may decline to answer.

(10) Questions may be answered by –

(a) responding directly to the question put;

(b) referring the member to a publication of the Council; or

(c) undertaking to provide a written answer for circulation to the members of the Council.

(11) A question which is not answered as a result of the guillotine shall be answered in writing.

Absence of member

(12) In the absence of a member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.

(13) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent member.

(14) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm the day of the Council meeting, a member may approach the Chief Executive to ask that a question relating to the event can be asked to a member of the Cabinet, the chair of a committee or to a member who is both a representative of the Council and the nominee of a joint authority or other body specified in sub-paragraph (6).

11 General questions by members of the public at council meetings

General questions to the Mayor, members of the Cabinet and committee chairpersons

(1) ~~Subject to sub-paragraph (9),~~ A member of the public may ask one general question of the Mayor, a member of the Cabinet or the chair of a committee.

Notice of questions

(2) A member of the public must submit a question to be put to the Mayor, a member of the Cabinet or the chairperson of a committee, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)

(3) The notice, ~~given under sub-paragraph (2),~~ must contain the text of the question and the question must not exceed 50 words in length.

Acknowledgement of receipt of notices etc

(4) The Chief Executive shall date and number the notice on receipt and enter it in a book kept for that purpose in his/her office.

(5) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may –

(a) exclude a question from the order of business for the meeting on the ground that the question concerns a matter which is outside the Council's area of responsibility or influence or is offensive or unlawful; or

(b) make clerical amendments to a question in order to render it fit for adding to the order of business for the meeting.

Manner of answering questions

(6) The Mayor shall invite the member of the public to read aloud any question submitted in accordance with this standing order and invite the appropriate member of the Cabinet or chairperson of the appropriate committee to reply.

(7) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the member to whom a question has been addressed may decline to answer.

(8) A question may be answered by –

(a) responding directly to the question put;

(b) referring the questioner to a publication of the Council; or

(c) undertaking to provide a written answer to the questioner and to circulate the answer to the members of the Council.

Supplementary questions

(9) If a question put in accordance with this procedure rule is answered, the questioner may ask with the Mayor's permission one supplementary question.

(10) The member to whom a supplementary question has been put may decline to answer, may reply in one of the ways specified in sub-paragraph (8), or may nominate another member of the Council to reply on his/her behalf.

Questions by members of the public at the annual Council meeting

(11) A member of the public may submit a written question prior to the annual meeting in accordance with this procedure rule. Any such questions will not be considered at the annual meeting or listed upon the agenda. However a written response will be provided in accordance with paragraph 8(c) of this procedure rule.

12 Petitions

(1) A member of the public may present a qualifying petition and speak for a

maximum of five minutes.

- (2) A member of the public may ask a member to present a qualifying petition on his/her behalf, and the member may speak for a maximum of five minutes in presenting the petition.
- (3) ~~A qualifying petition is a petition within the meaning of paragraphs 5, 6, 7, 9 and 12 of the Council's Scheme for Handling Petitions, notice of which has been given at least ten days before the day of the council meeting.~~ A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.

~~8B Debate on petition~~

- (4) A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's *Guidance on Petitions Scheme for Handling Petitions* will automatically trigger a debate of the Council, except where the petition is asking for a senior council officer ~~and or members of the Cabinet~~ to give evidence at a public meeting.
- (5) A petition meeting the criteria set out in sub-paragraph (4) may be debated at the meeting at which it is presented, or at a later meeting.
- (6) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his/her discretion extends the debate.
- (7) The Council shall decide how to respond to the petition and shall decide either –
 - (a) to take the action the petition requests;
 - (b) not to take the action the petition requests for reasons stated in the debate;
 - (c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or
 - (d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to the Cabinet.

~~**Moving the minutes of the Cabinet, members of the Cabinet and committees and the Council's Standards Committee**~~

-
- ~~—The minutes of the Cabinet, members of the Cabinet and committees will be considered in the following manner—~~

~~*Moving the minutes*~~

-
- ~~•—Prior to the moving of the minutes, the Leader may make a brief report to the Council about the work undertaken by the Cabinet since the previous council meeting and the progress of particular matters or policy developments. He/she may refer to notable events and achievements within the borough, or which affect the borough. Questions upon the Leader's report may be asked by any member of the Council and answered by the Leader or the member of the Cabinet nominated by him/her to answer the question.~~
 - ~~•—The Leader and Deputy Leader (or the mover and seconder of the minutes) will move and second the minutes of the Cabinet, and of the meetings of members of the Cabinet under delegated powers, and the Leader or the mover of the minutes may invite members of the Cabinet to speak to the minutes that relate to their portfolios.~~
 - ~~•—The chairperson (or his/her representative) and vice chairperson (or his/her representative) of a committee will move and second the minutes of the committee, and the chairperson will speak to the minutes of the committee.~~

~~*Duty to call attention to unusual or special minutes*~~

- ~~•—The Cabinet and the committees of the Council have a duty (acting, as the case may be, through the appropriate member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) to bring to the attention of members of the Council any minute or matter of an unusual or special character.~~

~~*Questions of members of the Cabinet and chairpersons on minutes*~~

- ~~•—The Mayor will invite questions on the recommendations and resolutions contained in the Cabinet and committee minutes.~~
- ~~•—A member may ask a question of—~~
 - ~~○—the member of the Cabinet (or his/her representative or the mover~~

- ~~of the minutes) who spoke to the minutes relating to his/her portfolio; or~~
- ~~○ the chairperson (or his/her representative) of the committee who spoke to the minutes of the committee.~~

Supplementary questions

- ~~● Following the reply to the question, the member who asked the question may ask one supplementary question of the member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) who replied to the question.~~

Manner of answering questions

- ~~● Questions may be answered by—~~
 - ~~○ responding directly to the question put;~~
 - ~~○ referring the member to a publication of the Council; or~~
 - ~~○ undertaking to provide a written answer for circulation to members of the Council.~~

Members' speeches on minutes

- ~~● The Mayor will invite members to call out the numbers of the minutes on which they wish to speak.~~

Right of reply of members of the Cabinet

- ~~● The Mayor will invite members of the Cabinet (or their representatives) to reply to the speeches of members relating to their portfolios.~~

Moving the amendment of a minute

- ~~● The Mayor will ask whether any member wishes to move a motion calling for the amendment of the recommended minutes being discussed and, if so, the number of the minute or minutes to which the amendment relates.~~

Prohibition on proposing amendments to minutes by certain members

- ~~● Except for the correction of a clerical error, the member of the Cabinet (or his/her representative) who speaks to the minutes of the Cabinet relating to his/her portfolio, or the chairperson (or his/her representative) who moves that the minutes of a committee should be adopted by the Council, may not propose the amendment of those minutes.~~

Amendment of a minute by a member of the Cabinet or the mover of a minute

- ~~Where a member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee wishes to move an amendment, as the case may be, to the minutes of—~~

- ~~the Cabinet relating to his/her portfolio, or~~
- ~~the committee;~~

~~he/she shall be excused from speaking to those minutes or moving the adoption of them.~~

- ~~Where, in accordance with the preceding sub-paragraph, a member of the Cabinet (or his/her representative) or the chairperson of a committee (or his/her representative) wishes to move an amendment to the minutes, the Mayor or some other member of the Council shall move for form's sake that the particular minutes of the Cabinet or the committee be adopted.~~

Adoption of non-contentious minutes

- ~~After ascertaining the minute or minutes to which a motion to amend them has been moved, the Mayor will put the question that the remainder of the particular recommended minutes of the Cabinet or the particular committee minutes be adopted by the Council.~~
- ~~After the adoption, in accordance with the preceding sub-paragraph, of the remainder of the recommended minutes of the Cabinet or the committee, an amendment to those minutes may not be moved.~~

Debating amendments to minutes

- ~~Proposed amendments to recommended minutes shall be debated and put to a vote in accordance with standing order 13 (rules of debate for council meetings) and 14 (voting).~~
- ~~The minutes of the Council's Standards Committee will be considered as follows—~~

Moving the minutes

- ~~The minutes of the Council's statutory Standards Committee will be dealt with in the same manner as the minutes of the Cabinet and committees, except that the minutes of the Committee will be moved and seconded by the members of the Council who are among the elected members of the Committee and the member moving the minutes will speak to them.~~

- ~~○ The minutes of the Council's voluntary Standards Committee, which replaces the Council's statutory Standards Committee, will be dealt with in the same manner as the minutes of the Cabinet and committees.~~

13 Report of the chairperson of the Overview and Scrutiny Management Board

(1) At alternate meetings of the Council, the chairperson of the Overview and Scrutiny Management Board ("OSMB") (or his/her representative) shall make a **written brief** report to the Council on the work currently being undertaken by the OSMB and the select commissions since the previous meeting at which he/she last addressed the council meeting. **The Chairperson of OSMB shall have five minutes to introduce his/her report.**

(2) Questions upon the chairperson's report may be asked by any member of the Council and shall be answered by him/her.

14 Notices of motions, order of motions, consideration of motions and unconnected business

Notice of motion

(1) A notice of motion must be signed by the proposer and seconder and given in writing to the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, who shall date and number the motion on receipt and enter it in a book kept for that purpose in his office.

(2) The book shall be open for inspection by every member during office hours.

(3) **Every motion shall relate to the Council's powers or duties or an issue that affects the Borough.**

(4)The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may –

(a) exclude a motion from the order of business for the meeting on the ground that the proposal is offensive or unlawful; or

(b) make clerical corrections to the motion, in order to render it fit for adding to the order of business for the meeting.

Order of motions

(5) In each summons for a council meeting, the Assistant Chief Executive, or

the officer delegated by him/her to carry out this task, shall add to the order of business –

(a) in the case of a council meeting on Wednesday, motions for which notices of motion have been received before 12 noon on the Monday of the preceding week; and

(b) in other cases, motions for which notices of motion have been received before 12 noon on the day preceding the day for summoning the meeting.

(6) Motions for which the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, has duly received notices of motion shall be considered by the Council in the order in which they were received.

(7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of sub-paragraph (1) above.

Consideration of motions

(8) If a motion set out in the summons is not moved and seconded, either by a councillor who gave notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice. ~~A motion shall not be considered in the absence of the proposer and seconder unless –~~

~~(a) they have consented in writing to the motion being considered in their absence; or~~

~~(b) it concerns an item of business which the Council must deal with as a matter of law; or~~

~~(c) it concerns an item of business referred by a committee and the proposer was the chairperson of the committee (in which case, in the chairperson's absence and without written authority, the motion may be moved by the vice-chairperson of the committee which considered the motion or, in the vice-chairperson's absence, by the Mayor or some other member of that committee).~~

Limit on number of motions

(9) A member shall not give more ~~than one notice of motion relating to business unconnected with the local affairs of the borough, and not more than two notices of motion in all, at any one meeting of the Council.~~

15 Motions that may be moved without notice

The following motions may be moved without notice –

- A motion to appoint a chairperson at the meeting at which the motion is made.
- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.
- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.
- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the council meeting be adjourned.
- A motion that a standing order be suspended, in accordance with standing order No. 55 (suspension of standing orders).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a member named under standing order No. 15 (misconduct

by a member at a council meeting) be not further heard or do leave the meeting.

- A motion that the consent of the Council be given, where the consent of the Council is required.

16 ~~Recession of a resolution or resurrection of a motion~~ Previous Decisions and Motions

(1) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members.

(2) A motion of amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

~~(1) Subject to sub-paragraph (2), for not less than six months after a meeting at which the Council—~~

~~—(a) passed a resolution on a particular matter, or~~

~~—(b) considered a motion which was not carried at the meeting,~~

~~—a member shall not move a motion to rescind that resolution or move a similar motion.~~

~~—(2) A member may only move a motion—~~

~~—(a) to rescind a resolution of the Council which was passed within the preceding six months, or~~

~~—(b) to resurrect a motion, by the use of words to the same effect or import as the earlier motion,~~

~~—if notice of the motion has been given in accordance with standing order 10 (1) (notices of motions, etc), and the notice bears the names of at least five members of the Council, including the proposer and seconder of the motion.~~

~~(3) Sub-paragraphs (1) and (2) shall not apply to a recommendation of the Cabinet or a standing committee of the Council.~~

17 Rules of debate for council meetings

Respect for the chairperson

(1) If the Mayor rises during the meeting, any member then standing will resume his seat and the members of the Council shall be silent.

Only one member may rise at one time

(2) A member must rise and address the Mayor when speaking.

(3) If two or more members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.

(4) Except where a member rises to a point of order or to give a personal explanation, members must remain seated when one of their number rises to speak.

(5) Members must address each other by their formal titles when transacting council business.

Motions and amendments

(6) ~~A motion or an amendment to a motion shall not be debated unless it has been proposed and seconded.~~ Motions and amendments must be formally moved and seconded as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.

(7) The mover of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a member cannot speak on it.

(8) Usually only one motion may be discussed at a time but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.

(9) An amendment to a motion must be in writing and contain the names of the mover and seconder. It must be delivered to the Assistant Director of Legal Services at least four hours before the start of the meeting. Amendments will be listed for each agenda item in the order in which they were received by the Assistant Chief Executive. Copies of every amendment received will be made available to every member at the meeting.

(10) An amendment must directly relate to the subject matter of the motion and may:

- (i) Refer the motion to a committee or sub-committee for consideration.
- (ii) Leave out words.

- (iii) Add words.
- (iv) Leave out words and add words.

(11) Omissions or additions must not have the effect of nullifying the motion before the meeting.

(12) An amendment may be moved and seconded either by the members who submitted it or other members on their behalf.

(13) The mover of an amendment may withdraw it with the permission of the meeting. If the mover asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

(14) The mover of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the mover of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.

(15) Amendments will be discussed together unless the meeting decides to discuss each one separately.

(16) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.

- (17) The order of speeches on a motion and any amendment shall be:
- (i) Mover of the motion.
 - (ii) Mover of the first amendment.
 - (iii) Mover of the second amendment and so on until all movers of amendments have spoken.
 - (iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
 - (v) Right of reply of movers of amendments in reverse order until right of reply of mover of second amendment. 18.13.6 Right of reply of mover of first amendment.
 - (vi) Right of reply of mover of motion.

- (18) A member may only speak once on a motion except:
- (i) In reply at the conclusion of the debate.
 - (ii) On a point of order.
 - (iii) On a point of personal explanation.
 - (iv) If the first speech was formally to move or second a recommendation or amendment.

(19) A member may nominate another member to exercise any of the above rights to speak.

(20) When a motion is being debated, the only motions that may be moved are to:

- (i) Put the question to the vote immediately.
- (ii) Move immediately to the reply of the chair of the committee or subcommittee about whose work the motion is concerned, then the reply of the mover of the motion, then to the vote.
- (iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
- (iv) Move to the next business.
- (v) Adjourn the debate or the meeting.
- (vi) Exclude the public.

Secunder's speech

(21) In seconding a motion or an amendment to a motion, a member may declare his/her intention to reserve his/her speech on the motion or amendment until a later part of the debate.

Length and contents of speeches

(22) A member must restrict his/her comments to the matter being discussed.

(23) The following time limits shall apply to speeches –

- a proposer of a motion or an amendment to a motion must restrict his/her speech proposing the motion or amendment to a maximum of five minutes;
- a seconder of a motion or an amendment to a motion must restrict his/her speech seconding the motion or amendment to a maximum of ~~three~~ five minutes;
- a member who speaks to a motion or an amendment to a motion must restrict his/her speech to a maximum of five minutes.

When a member may speak again

(24) Having spoken to a motion, a member must not speak again to the motion while it is being debated, except –

(a) to speak once on an amendment to the motion moved by another member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) to speak to the motion if his/her first speech was on an amendment moved by another member (regardless of whether the amendment to which he/she first spoke was carried);

(d) to exercise a right of reply in accordance with sub-paragraph (22) or (23);

(e) to speak once on a point of order; or

(f) to give a personal explanation to the meeting.

Amendments to a motion

~~(25) Subject to sub-paragraph (26), an amendment must be relevant to the motion and propose—~~

~~—(a) that the topic of the motion be referred to the Cabinet or a specified committee for consideration or reconsideration;~~

~~—(b) that certain words in the motion be deleted;~~

~~—(c) that certain words be deleted and others be added; or~~

~~—(d) that certain words be added.~~

~~(13) An amendment proposed under sub-paragraphs (12) shall not have the effect of negating the motion to which the amendment relates.~~

~~(14) Amendments to a motion shall be discussed in the order in which notice of them has been given.~~

~~—(15) Amendments to a motion shall be moved and debated one at a time.~~

~~(16) Before a proposed amendment being debated has been decided, a member may give notice (in writing at the Mayor's request) of his/her intention to move a further amendment to the motion on the conclusion of the debate on the earlier amendment.~~

~~(17) A proposal to further amend a motion being debated shall not be moved until the amendment being discussed has been decided.~~

~~(18) If a motion of amendment is not carried, other amendments may, subject to sub-paragraph (15), be moved on the original motion.~~

Alteration of a motion

(25) With the consent (given without discussion) of the members of the Council, a member may –

(a) alter a motion of which he/she has given notice, or

(b) alter with the consent of his/her seconder a motion which he/she has moved,

providing that the alteration is one which could be made as an amendment to the motion.

Withdrawal of a motion

(26) With the consent of his/her seconder and the members (given without discussion), a member may withdraw a motion or an amendment to a motion.

(27) Where the members have consented to the withdrawal of a motion, a member may not speak to the motion or propose its amendment.

Right of reply of the mover of a motion

(28) Immediately before a motion is put to a vote, the mover of the motion has the right of reply at the close of the debate. [The right of reply will be permitted for three minutes.](#)

(29) Where an amendment to a motion is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but must not otherwise speak to the amendment.

(30) Following the debate on an amendment to a motion, the mover of the amendment to the motion does not have the right of reply.

~~*Motions which may be moved during the debate*~~

~~(31) When a motion is being debated, no other motion must be moved except a motion –~~

- ~~• to amend the motion;~~
- ~~• to adjourn the meeting;~~
- ~~• to adjourn the debate;~~
- ~~• to proceed to the next item of business;~~

- ~~• to move that the question be now put;~~
- ~~• to move that a member be not further heard;~~
- ~~• to move that the Mayor do apply standing order 15 (misconduct by a member at a council meeting) requiring a member to leave the meeting;~~
- ~~• to move a motion to exclude the public from the meeting; or~~
- ~~• to move a motion that the electronic voting system be used.~~

Closure of motions

(31) At the conclusion of a member's speech, another member may move without comment –

- that the question be put;
- that the meeting proceed to the next item of business;
- that the debate be adjourned; or
- that the meeting be adjourned.

(32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under sub-paragraph (31) the Mayor shall –

(a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business then, if the motion is passed, give the mover of the original motion the right of reply under sub-paragraph (28) before putting the motion to a vote; or

(b) put to a vote a motion to adjourn the debate or the meeting without giving the mover of the original motion the right of reply.

Points of order

(33) A Member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken. The Members' speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final. ~~A member who rises on a point of order or in personal~~

~~explanation must be heard immediately.~~

~~(29) A point of order may be made only in relation to the alleged breach of a standing order or a statutory provision.~~

~~(30) The Mayor may require a member who raises a point of order to specify the ground on which he/she considers the standing order or the statutory provision has been broken.~~

Personal explanation

(34) A Member may only make a point of personal explanation at the end of a speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the councillor, which may appear to have been misunderstood in the present debate. The Member's speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

~~(31) A member's personal explanation must be confined to the material part of his/her speech, where that part of his/her speech appears to have been misunderstood by some or all of the members present at the meeting.~~

~~(32) The Mayor's ruling on a point of order or on the admissibility of a personal explanation shall be final.~~

18 Voting

(1) The method of voting at council meetings shall be by a show of hands or, where requested or required by law, a recorded vote. ~~or by use of the electronic voting system.~~

(2) Before a vote is taken, a Member may request a recorded vote. That Member must be supported by six other Members who show their support by standing in their places. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.

~~(2) The use of the electronic voting system for the whole of the meeting, or for an item of business on the agenda for the meeting, must be preceded by a motion that the electronic voting system be used.~~

(3) In the case of an equality of votes, the Mayor shall have a second or

casting vote.

(4) Subject to sub-paragraph (5), where a member present at a council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the clerk to the meeting shall record in the minutes of the meeting whether that member cast his/her vote for the question or against the question or whether he/she abstained from voting.

(5) For the purpose of sub-paragraph (4), the leader of the majority Opposition may indicate to the clerk to the meeting how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.

(6) Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with sub-paragraph (2) above.

(7) For the avoidance of doubt, the rule detailed in sub-paragraph (2) above applies to proposed amendments, as well as to a substantive motion.

19 Misconduct by a member at a council meeting

Misconduct

(1) No Member shall impute unworthy motives to, or use offensive or unbecoming words about another Member or be guilty of tedious repetition.

Member not to be heard further

(2) If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion be voted on without discussion.

Member to leave the meeting

(3) If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

(4) If there is a general disturbance making orderly business impossible, the

Mayor may adjourn the meeting for as long as he/she thinks necessary.

~~(1) If the Mayor considers that a member present at a meeting of the Council is misconducting himself/herself by—~~

~~—(a) persistently disregarding his/her ruling or behaving irregularly, improperly or offensively, or~~

~~—(b) wilfully obstructing the carrying out of the business of the Council,~~

~~—either he/she or a member of the Council may move the motion that the member named be not further heard.~~

~~(2) A motion moved and seconded under sub paragraph (1) shall be put to a vote without discussion.~~

Continuing misconduct by a named member

~~(3) If the member named continues his/her misconduct after a motion under sub paragraphs (1) and (2) has been moved and carried, the Mayor shall—~~

~~—(a) move that the member named do leave the meeting (in which case the motion shall be put and determined without seconding or discussion); or~~

~~(b) adjourn the meeting for the period that he/she considers expedient.~~

General disturbance by members

~~(4) If there is a general disturbance by members, which the Mayor considers is making or is likely to make the proper and orderly carrying out of the Council's business impossible, the Mayor may (in addition to any other power vested in him/her) at his/her absolute discretion adjourn the meeting of the Council for the period that he/she considers expedient.~~

~~—(5) The Mayor's ruling under sub paragraph (4) shall be final.~~

1620 Disruption of a council meeting by a member of the public

(1) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.

(2) In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not

possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue.

Disruption by a member of the public

~~(1) The Mayor will warn a member of the public who is disrupting a meeting of the Council.~~

~~(2) If a person warned by the Mayor, under sub-paragraph (1), continues to disrupt the proceedings, the Mayor may order his/her removal from the meeting.~~

General disturbance by members of the public

~~(3) Where there is a general disturbance by some of the public present at a meeting of the Council, the Mayor may order the exclusion of those members of the public from the part of the meeting place open to the public for the meeting.~~

~~(4) The power to exclude the public by resolution, in accordance with standing orders 11 (motions that may be moved without notice) and 13 (rules of debate for council meetings), from the whole or part of a Council meeting is without prejudice to any power of exclusion available to the Mayor to suppress or prevent disorderly conduct or other misbehaviour at a public meeting.~~

1721 The Council in committee

(1) The Council may by vote resolve itself into a committee of the whole Council.

(2) While sitting as a committee of the whole Council, the restriction on the number of times a member may speak to a question will not apply.

1822 Recording council meetings

(1) In accordance with the Openness of Local Government Bodies Regulations 2014 ~~recording of meetings, including Council meetings will be allowed.~~ the filming and recording of the public sessions of any Council, Cabinet, Committee or Panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

(2) ~~Any recordings shall be made in accordance with any reasonable requirements stipulated by the Council.~~ The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for

example, through flash photography, intrusive camera or lighting equipment, noise interrupting the meeting or those observing the meeting or the behaviour of the person filming the meeting.

(3) Subject to sub-paragraphs (1) and (2) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Democratic Services Officer in advance of the meeting so that the Chair, other Members and any members of the public present can be informed and the necessary arrangements made.

(4) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chair will, wherever possible, make arrangements for that individual to be excluded from the recording.

(5) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that

- (a) recordings will include sound and vision;
- (b) the original version will be available to the Council on request; and
- (c) that recordings will not be edited in a potentially misleading way

(6) If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

19 23 Members' record of attendances

The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall keep a record of the attendances of each member of the Council at meetings of the Council, the Cabinet or a committee of the Cabinet or a committee.

~~19A Approval or adoption of draft plans and strategies~~

~~(1) This standing order applies where—~~

~~(a) the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer, or an area committee is discharging executive functions, or~~

~~(b) executive functions are being discharged under joint arrangements with another local authority or by another local authority on the Council's behalf, and~~

~~— the person or body submits for the Council's consideration a draft plan or strategy and the Council objects to it.~~

~~— (2) Before the Council—~~

~~(a) amends the draft plan or strategy;~~

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

~~— (c) adopts (with or without modification) the plan or strategy;~~

~~— it must inform the Leader of any objections which it has to the draft plan or strategy and instruct him/her to require the person or body to reconsider the draft plan or strategy in the light of those objections.~~

~~— (3) The Leader must be given at least five working days, beginning on the day after the date on which he/she receives the instructions on behalf of the person or body, in which he/she may—~~

~~— (a) submit a revision of the draft plan or strategy, as amended by the person or body ("the revised draft plan or strategy"), with the person or body's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or~~

~~— (b) inform the Council of any disagreement that the person or body has with any of the Council's objections and the person or body's reasons for that disagreement.~~

~~— (4) When the period specified under sub-paragraph (3) for considering the Council's objections has expired, the Council must, when—~~

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

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

~~— (c) adopting (with or without modification) the plan or strategy;~~

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

~~— (5) In this standing order —~~

~~— “plan or strategy” means any plan or strategy that requires the adoption or approval of the Council, including any alteration or modification to the particular plan or strategy; and~~

~~— “working day” means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971).~~

19B Setting of council tax and precepts

~~— (1) Subject to sub-paragraph (5), where before 8 February in any financial year the Cabinet submits to the Council for its consideration in relation to the following year —~~

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

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

~~— (c) estimates of such a calculation; or~~

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

~~— and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in sub-paragraph (2).~~

~~— (2) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in sub-paragraph (1) (a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those~~

~~objections, those estimates and amounts in accordance with the Council's requirements.~~

~~(3) Where the Council gives instructions in accordance with sub-paragraph (2), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Council within which the Leader may—~~

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

~~(b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for the disagreement.~~

~~(4) When the period specified under sub-paragraph (3) for considering the Council's objections has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in sub-paragraph (1) (a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—~~

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

~~(b) the Cabinet's reasons for those amendments;~~

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

~~(d) the Cabinet's reasons for that disagreement,~~

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

~~(5) This standing order does not apply in relation to—~~

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

~~(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of the 1992 Act.~~

19C Voting upon Budget and Council Tax Setting Decisions

~~Immediately after any vote on any decision relating to the making of the calculation or the issuing of the precept is taken at a budget meeting there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. For these purposes a budget decision means a meeting of the authority at which it—~~

- ~~(i) — makes a calculation (whether originally or by way of substitute) in accordance with any sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or~~
- ~~(ii) — issues a precept under Chapter 4 of Part 1 of that Act.~~

PART II ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

2024 Election of the Leader

(1) At any annual meeting held on a day when the Leader's term of office is to end, ~~or any ordinary meeting where the Leader's term of office is not co-terminous with the annual meeting~~, the members of the Council shall elect a Leader.

(2) The Leader may announce at the annual meeting of the Council the names of the members he/she has appointed to the Cabinet, their portfolios and any amendments made to the Council's *Scheme of Delegation* in relation to executive functions. If the Leader does not do this at annual meeting of the Council, he/she must notify such appointments, portfolios and changes to the Assistant Chief Executive directly they are made. The Assistant Director of Legal Services will amend the Council's *Scheme of Delegation* in relation to executive functions accordingly, notify all members of the Council of such appointments, portfolios and changes and formally report these to the next ordinary meeting of the Council.

(3) The process outlined in sub-paragraph (2), with any necessary modification, will apply on any other occasion when the Leader removes a member of the Cabinet from office, appoints another member of the Council as a member of the Cabinet, makes any changes to the portfolios of members of the Cabinet or makes any changes to the Council's *Scheme of Delegation* in relation to executive functions.

2125 Appointment of committees

(1) At the annual meeting of the Council, the members of the Council shall determine –

(a) the committees that they consider necessary to discharge the Council's non-executive functions for the municipal year;

(b) the terms of reference of each committee; and

(c) the delegation arrangements as set out in the Council's *Scheme of Delegation* in relation to council committees and officers in relation to non-executive functions.

(2) A committee of the Council shall continue in being until the next following annual meeting of the Council, unless the committee is dissolved by resolution of the Council at an earlier date.

(3) A member of a committee shall hold that position until the next following annual meeting of the Council, unless before that date the member is removed from that position by resolution of the Council or he/she retires or resigns from office or is suspended from being a councillor or is disqualified from holding the office of councillor.

2226 The quorum of the Cabinet, committees and reference groups etc.

~~(1) The quorum of the Cabinet shall be not less than four of the members entitled to sit and vote at meetings of the Cabinet.~~

~~(2) Subject to sub-paragraphs (3) and (4), the quorum of a committee, including a committee of the Cabinet and the Council's voluntary Standards and Ethics Committee, shall be not less than one-third of the members entitled to sit and vote at meetings of the committee.~~

~~(3) The quorum of the Council's statutory Standards Committee shall be four, including at least three independent members, and shall include a parish council representative when parish council matters are being considered.~~

~~(4) The quorum of an area assembly coordinating group shall be three members of the Council and three other members of the group.~~

~~(5) The Cabinet or a committee shall not transact council business unless a quorum is present at or during the meeting.~~

~~(6) The quorum of a reference group or a panel or like body appointed by a committee shall be determined by that committee.~~

~~(7) If a member of the Cabinet is absent due to illness or on holiday or for~~

~~some other reason or suspended from being a councillor, the Leader or Deputy Leader (in the Leader's absence) or the Mayor (in the absence of both) may nominate another member of the Cabinet to substitute for that member during the period of absence or suspension.~~

~~(8) Notwithstanding sub-paragraph (7), the Leader himself may discharge the executive functions that are the responsibility of the absent member of the Cabinet under the Council's *Scheme of Delegation* in relation to executive functions.~~

2327 Appointment of the chairperson and vice-chairperson of the Cabinet and each committee

(1) The Leader shall be the chairperson of the Cabinet and the Deputy Leader shall be the vice-chairperson.

(2) The chairperson and vice-chairperson of each committee shall be appointed at the annual council meeting, failing which the members of each committee shall choose a chairperson and vice-chairperson at the first meeting of the committee, who shall hold office until such time as appointments to those positions are made or ratified at a subsequent meeting of the Council.

(3) In the absence of the chairperson the vice-chairperson shall preside, and in the absence of both the chairperson and vice-chairperson, the members of the Cabinet or the particular committee shall appoint a chairperson for the meeting.

(4) The chairperson and vice-chairperson of a committee will hold those positions until the next following annual meeting of the Council unless, as the case may be, the chairperson or vice-chairperson –

(a) retires or resigns from office or is suspended from being a councillor or is otherwise disqualified from being a member of the Council or removed from that position by resolution of the Council; or

(b) the particular circumstances make it impractical for him/her to perform his/her duties in that position.

(5) In the event of the office of chairperson or vice-chairperson of a committee becoming vacant during the municipal year for any reason, the Council shall make an appointment to that position at an ordinary meeting of the Council.

2428 The summoning of meetings of the Cabinet and committees

The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairperson or, in the absence of the chairperson, the vice-chairperson.

~~25 Minutes of the Cabinet and committees~~

~~The minutes of the Cabinet, committees of the Cabinet and committees shall be printed and a copy sent to each member of the Council prior to the holding of meetings of the Council, in accordance with Standing Order 6 (the minutes of council meetings).~~

2629 Standing orders in Part I to apply to committees

Standing orders 4 (order of business at Council meetings), 12 (rescission of a resolution or resurrection of a motion), 13 (rules of debate for council meetings), 14 (voting), 15 (misconduct by a member at a council meeting), 16 (disruption of a council meeting by a member of the public), 18 (recording council meetings) and 19 (members' record of attendances), in Part I, shall apply with any necessary modification to meetings of the Cabinet and committee meetings.

2730 Attendance by a non-member of the Cabinet or a committee at the invitation of the chairperson of the Cabinet or committee

~~(1) Where the chairperson of the Cabinet or a committee considers that the attendance of a member (who is not a member of the Cabinet or the committee) at the Cabinet or the committee would assist in the transaction of an item of business, he/she may invite that member to attend and take part in the discussion of the item by the Cabinet or the committee.~~

(2) A member invited to attend a meeting of the Cabinet or a committee shall not be entitled to vote on any matter before the Cabinet or the committee.

PART III
MISCELLANEOUS PROVISIONS

2831 Declarations of interests

(1) In discharging his/her duties as councillor, a member of the Council shall abide by the guidance contained in the Council's *Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol*.

(2) Officers of the Council must abide by the provisions of the Council's *Code of Official Conduct* and any guidance issued from time to time by the

Council's Standards Committee.

(3) At the start of a Council meeting, or upon reaching the relevant item in the agenda, members and officers shall make any declarations of interests that they are required to make in accordance with this standing order.

(4) On and after the coming into force of the provisions in relation to disclosable pecuniary interests in Chapter 7 (standards) of Part 1 of the Localism Act 2011, except where the monitoring officer or the Standards Committee, as the case may be, has granted a member a dispensation in relation to an item of business of which the member has a disclosable pecuniary interest, the member must not take part in the discussion or vote on the item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.

(5) In the case of personal interests under the Code of Conduct, except where the Monitoring Officer or Standards Committee as the case may be, has granted a member a dispensation in relation to an item in which a member has a personal interest, the member must not take part in the discussion or vote on the item and consider whether the interest is of such significance that it warrants withdrawal from the meeting.

(6) Declarations of interests by members shall be recorded in the minutes of the meeting at which the interest is declared.

(7) The Director of Legal and Democratic Services shall keep a register of members' interests.

~~29 Members not to give testimonials and references~~

~~A member of the Council shall not –~~

~~(a) give a testimonial or recommendation to any person seeking an appointment or applying for work with the Council; or~~

~~(b) permit his/her name to be used as a reference by any person applying for a lease or tenancy of any house or other property belonging to the Council.~~

~~30 Appointment of chief officers~~

~~(1) Subject to standing order 30A, where the Council proposes to appoint a chief officer, and it is not proposed that the appointment be made exclusively from among its existing officers, the Council shall establish a panel of members ("the Appointments Panel") to carry out the steps specified in sub-paragraphs (2) and (3) and appoint the chief officer.~~

~~(2) The Appointments Panel 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.~~

~~—(3) Where a post has been advertised as provided in sub-paragraph (2) (b), the Appointments Panel shall—~~

~~—(a) interview all qualified applicants for the post; or~~

~~—(b) select a short list of the qualified applicants and interview those included on the short list; or~~

~~—(c) make further arrangements for advertisement, in accordance with sub-paragraph (2) (b), where no qualified person has applied for the post.~~

~~(4) In this standing order “chief officer” means any of the officers specified in paragraphs (a) to (d) of standing order 30A (2).~~

~~**30A Appointment, dismissal and disciplinary proceedings against a member of staff**~~

~~—(1) Subject to sub-paragraphs (2) and (7), the function of appointing, dismissing and taking disciplinary action against a member of staff must be discharged on the Council's behalf by the Chief Executive, who is designated under section 4 (1) of the Local Government and Housing Act 1989 (designation and reports of head of paid service) as the head of the authority's paid service, or by an officer nominated by him.~~

~~—(2) Sub-paragraph (1) shall not apply to the appointment or dismissal of, or disciplinary action against—~~

~~—(a) the Chief Executive;~~

~~—(b) a statutory chief officer within the meaning of section 2 (6) of the Local Government and Housing Act 1989 (politically restricted posts);~~

~~(c) a non-statutory chief officer within the meaning of section 2 (7) of the 1989 Act;~~

~~(d) a deputy chief officer within the meaning of section 2 (8) of the 1989 Act;
or~~

~~(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).~~

~~(3) Where a committee, sub-committee or an officer is discharging on the Council's behalf the function of appointing the Chief Executive, the Council must approve that appointment before an offer of appointment is made to him/her.~~

~~(4) Where a committee or a sub-committee is discharging on the Council's behalf the function of appointing any officer referred to in paragraph (a), (b), (c) or (d) of sub-paragraph (2), at least one member of the Cabinet must be a member of that committee or sub-committee.~~

~~Where a committee, or sub-committee is discharging on the council's behalf the function of dismissing any officer referred to in paragraph (b) (c) or (d) of sub-paragraph (2), at least one member of the cabinet must be a member of that committee or sub-committee.~~

~~(5) An offer of appointment as an officer referred to in paragraph (a), (b), (c) or (d) of sub-paragraph (2) must not be made by the Council, a committee, sub-committee or an officer of the Council ("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 Cabinet 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;~~

~~(iii) the period within which any objection to the making of the offer is to be made by the Leader on the Cabinet's behalf to the proper officer; and~~

~~(c) either—~~

~~(i) the Leader has, within the period specified in the notice under paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the Cabinet 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 that period from the Leader; or~~
- ~~— (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.~~

- ~~— (6) Notice of the dismissal of an officer referred to in paragraph (b), (c) or (d) of sub-paragraph (2) must not be given by the Council, a committee, sub-committee or an officer of the Council (“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 Cabinet of—~~
 - ~~(i) the name of the person whom the dismissor wishes to dismiss;~~
 - ~~— (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer;~~
 - ~~(iii) the period within which any objection to the dismissal is to be made by the Leader on the Cabinet’s behalf to the proper officer; and~~
- ~~(c) either—~~
 - ~~— (i) the Leader has, within the period specified in the notice under paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;~~
 - ~~— (ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the Leader; or~~
 - ~~— (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well founded.~~

- ~~— (7) Nothing in sub-paragraph (1) shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by—~~
- ~~— (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or~~
- ~~— (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.~~

- ~~— (8) In this standing order—~~
 - ~~— “disciplinary action” means in relation to a member of staff any action occasioned by alleged misconduct which, if proved, would according to the Council’s usual practice be recorded on the member of staff’s personal file,~~

~~and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract;~~

~~—“member of staff” means a person appointed to or holding a paid office or employment under the Council; and~~

~~—“proper officer” means the officer appointed by the Council for the purposes of this standing order.~~

~~31 Disciplinary action against the Chief Executive (Head of Paid Service), the Monitoring Officer or the Chief Finance Officer~~

~~Provisions to be incorporated in standing orders in respect of disciplinary action~~

~~1. In the following paragraphs—~~

~~(a) “the 2011 Act” means the Localism Act 2011(b);~~

~~(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(e);~~

~~(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(d) 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.”~~

~~PART IV
CONTRACT STANDING ORDERS~~

~~CHAPTER I~~

~~GENERAL~~

~~32.1 Contract Standing Orders and Financial Regulations~~

~~32.1. This Part IV set out the procedures that must be followed in relation to the making of council contracts and the persons empowered to determine select lists of tenderers, open tenders and enter into contracts in the Council's name.—~~

~~32.2. The Council may take disciplinary action against anyone who fails to comply with the Standing Orders in this Part IV.~~

~~32.3. In procuring works, goods and services, every member of the Council and every officer and employee of the Council must have regard to the Corporate Procurement Strategy, the Forward Plan and must comply with the Standing Orders in this Part IV and the Council's Financial Regulations and the Public Contract Regulations 2015.—~~

~~32.4. To assist officers and members in their roles the Chief Finance Officer may, from time to time, issue written guidance notes which set out in more detail how the Council's procurement arrangements shall operate. Such Guidance Notes are not formally part of the Contract Standing Orders and can be issued by the Chief Finance Officer at any time.~~

~~32.5. In this Part IV of Standing Orders the terms below shall be interpreted as follows:~~

~~**Assistant Director** means an officer who reports directly to a Strategic Director (irrespective of their actual job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.~~

~~**Approved List** means a list of suppliers who are assessed as suitable to provide specified goods or services.—~~

~~**Authorised Officer** any officer who is designated as such in accordance with Standing Order [*].~~

~~**Budget Manager** means an officer who is given responsibility for controlling the expenditure for one or more cost centre or project.~~

~~**Chief Finance Officer** means the person designated as the Section 151 Officer (currently the Strategic Director – Finance and Customer Services).~~

~~**Chief Procurement Officer** Head of Procurement.~~

~~**Contract Manager** means the officer designated by a Strategic Director as such in respect of a specified contract in accordance with Standing Order [•].~~

~~**Contracts Finder** means the government web service which allows businesses to find contract opportunities with the UK government and its agencies.~~

~~**Dynamic Procurement System** means a procurement tool available for contracts for works, services and goods commonly available on the market, procurement in line with Regulation 34 of the Public Contracts Regulations 2015.~~

~~**EU Threshold** means the financial threshold from time to time at which the EU procurement directives are applicable to a procurement of works, goods or services (different thresholds apply to works, goods and services).~~

~~**Framework Agreement** means an agreement between the Council and one or more suppliers which set out the terms and standards for the supply of goods or services (but not the volume) and the method for calling off orders.~~

~~**Monitoring Officer** means the Assistant Director – Legal Services.~~

~~**Procurement Business Case** means the business case prepared in accordance with Standing Order [•].~~

~~**Professional Buying Organisation (PBO)** means an organisation which runs purchases goods and/or services on behalf of other organisations.~~

~~**Property Officer** means Assistant Director – Planning, Regeneration and Transport.~~

~~**YORtender** means the on-line supplier and contract management system used by the Council to operate e-tenders and for the online management of suppliers and contracts and to advertise contracts.~~

~~**Standing Guide** means CIPFA's Commissioning Joint Committee's *Standing Guide to the Commissioning of Local Authority Work and Services*.~~

~~**Strategic Director** means an officer who is a member of the Strategic Leadership Team and reports directly to the Chief Executive and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.~~

~~**33.—Guiding principles**~~

~~33.1.—The Standing Orders in this Part IV are founded on the principle that the making of council contracts, and the entering into of contracts under Standing Order 37.8 (functions carried out by the Council on behalf of a person, body or organisation), will be done in a business-like manner, with reasonable care, skill and caution and with due and alert regard to the interests of local communities and council taxpayers in the Council's area.~~

~~33.2.—Contracts will, in general, be awarded following a competitive exercise designed to identify the supplier who will provide the goods, services or works to the Council in the most value for money way.~~

~~33.3.—Contract documentation shall reflect the following ten principles of good contract management:~~

~~33.3.1.—there should be clearly defined contract governance and assurance from the outset including:~~

~~33.3.1.1.—clarity about roles and responsibilities;~~

~~33.3.1.2.—agreed reporting requirements and assurance plan;
and~~

~~33.3.1.3.—clear escalation procedures.~~

~~33.3.2.—the contract should include robust and appropriate key performance indicators (KPIs) and set out the requirement for the supplier to report their performance regularly and transparently;~~

~~33.3.3.—there should be a payment mechanism which is results-driven so that the supplier is paid in full only if they provide the goods, works, or services in full, on time and to the right quality;~~

~~33.3.4.—there should be an agreed process for managing changes to the contract, where the implications (in terms of price, KPIs, risks, benefits) are documented and approvals are sought;~~

~~33.3.5.—the allocation of risks between the Council and the supplier are documented and actively managed;~~

- ~~33.3.6.—there should be a benefits log developed from the original Procurement Business Case and the achievement of the benefits managed by the Contract Manager;~~
- ~~33.3.7.—the contract should be designed to incentivise and encourage the supplier to meet the Council's requirements;~~
- ~~33.3.8.—there should be suitable arrangements for communication between the Council and the supplier;~~
- ~~33.3.9.—there should be regular performance reviews capturing lessons learnt from all parties that should be addressed for remaining contract life and/or included in future procurement projects; and~~
- ~~33.3.10.—there should be arrangements put in place to encourage continuous improvement.~~

~~34.—Delegation arrangements~~

- ~~34.1.—The Cabinet has a general power to make council contracts.—~~
- ~~34.2.—In relation to their directorates, each Strategic Director has a general power to make council contracts, including power to determine select lists of tenderers, to accept tenders and to award contracts.—~~
- ~~34.3.—In the case of contracts not attributable to a particular directorate, the Chief Finance Officer and Chief Executive have the same general power to make council contracts as the other Strategic Directors.—~~
- ~~34.4.—Each Strategic Director has the power, in relation to their respective directorate and subject to consultation with the relevant Cabinet Member and Chief Finance Officer—~~
 - ~~—~~
 - ~~34.4.1.—to authorise the submission of a tender for a contract for—~~
 - ~~34.4.1.1.—the supply of goods or materials to,~~
 - ~~—~~
 - ~~34.4.1.2.—the provision of administrative, professional or technical services to,~~
 - ~~—~~
 - ~~34.4.1.3.—the hire of vehicles or plant to, or~~
 - ~~34.4.1.4.—the maintenance of buildings and land commissioned by,~~

~~another local authority or body designated as a public body under the Local Authorities (Goods and Services) Act 1970;~~

- ~~34.4.2. to authorise the submission of a tender for a contract for a work or for the supply of goods, materials or services commissioned by a person, body or organisation for whom the Council is empowered to act as the agent; and—~~
- ~~34.4.3. to authorise the submission of a tender for a contract for work or the supply of goods, materials or services to a person, body or organisation in the private sector, where the Monitoring Officer's advice on the powers of the Council to undertake the work or supply the goods, materials or services has been obtained.~~
- ~~34.5. The Property Officer has the power—~~
 - ~~—~~
 - ~~34.5.1. to agree the terms and conditions of any disposal or acquisition of land and buildings;~~
 - ~~—~~
 - ~~34.5.2. to approve the terms and settlement of rent reviews, assignments, lease renewals, licences, tenancies and consents both as landlord and tenant;~~
 - ~~—~~
 - ~~34.5.3. to approve the terms and conditions of new leases;~~
 - ~~—~~
 - ~~34.5.4. to grant or refuse consent to the assignment of leases, sub-lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves, as grantor or grantee;~~
 - ~~34.5.5. to assign leases, approve sub-lettings, change user clauses and grant landlord's approvals;~~
 - ~~34.5.6. to approve the grant, refusal or seek consent to the assignment of leases, sub-lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves as landlord or tenant;~~
 - ~~34.5.7. to approve the granting, taking and extinguishments of wayleaves, easements and access agreements as grantor or grantee;~~

- ~~34.5.8. to determine the method of disposal of land and buildings, and to establish the appropriate price to be paid, including the appropriate guide and reserve price for disposal by auction;~~
- ~~34.5.9. to authorise the entering into of leases and licences as tenant;~~
- ~~34.5.10. to authorise the certification of valuations for insurance reinstatement, financial accounting purposes, statutory compensation, acquisition, disposal or letting of land and property;~~
- ~~34.5.11. to determine applications to place land and property on the schedule of Assets of Community Value;~~
- ~~34.5.12. to authorise the letting of land and property under the terms of the Council's adopted Asset Transfer Policy.~~
- ~~34.6. The Property Officer may approve the terms and conditions of any disposal or acquisition of land and buildings.~~

~~**35. Compliance with Standing Orders, legislation and the adoption of the Standing Guide**~~

- ~~35.1. Every contract made by the Council or on its behalf shall comply with this Part IV, the Council's Financial Regulations and applicable European and domestic law.~~
- ~~35.2. In conjunction with the application of this Part IV, the Council has adopted the Standing Guide.~~
- ~~35.3. The Standing Guide covers—~~
- ~~— commissioning strategy—deciding how projected work and services should be commissioned;~~
 - ~~— procurement, and the many other options available for carrying out work and services, including delegation, decentralisation, and the outright transfer of functions and activities to third parties;~~
 - ~~— managing and updating contracts once they have been completed.~~
- ~~35.4. In the case of building and construction related contracts, the provisions of this Part IV shall apply to the nomination by the Council of a sub-contractor or supplier to carry out works or supply goods, materials or services to a main contractor appointed by the Council.~~

~~35.5. It shall be a condition of any contract between the Council and any person who is not an officer of the Council but who is authorised to carry out any of the Council's contracts functions that that person complies with this Part IV and the Council's Financial Regulations.~~

~~35.6. Subject to Standing Orders [*] (contract Standing Orders and financial regulations), Standing Order [*] (delegation arrangements) and Standing Order [*] (guiding principle in making contracts), the provisions of this Part IV do not apply to contracts in which the Council acts for—~~

~~35.6.1. another local authority or body designated as a public body under the Local Authorities (Goods and Services) Act 1970 or regulations made under the 1970 Act; or~~

~~35.6.2. a person, body or organisation for whom the Council is empowered to act as the agent,~~

~~unless the agreement with the local authority, public body, person, body or organisation, stipulates that any or all of the provisions of this Part IV are to apply to the contract.~~

~~36. Authorised Officers~~

~~36.1. Each Strategic Director shall—~~

~~36.1.1. compile and maintain a scheme of delegation for his/her service area; and—~~

~~36.1.2. supply and agree the scheme of delegation with the Chief Finance Officer before the start of each financial year and on making any amendments to it.—~~

~~36.2. Each Strategic Director's scheme of delegation must specify—~~

~~36.2.1. the names, grades, post references and job titles of Authorised Officers for the purposes of—~~

~~36.2.1.1. approving Procurement Business Cases;~~

~~36.2.1.2. managing procurement projects; and~~

~~36.2.1.3. entering into contracts~~

~~36.2.2. the maximum contract value allocated to each Authorised Officer for those purposes.~~

~~36.3. The Chief Finance Officer shall keep a register of all schemes of delegation.—~~

~~36.4. Authorised Officers shall —~~

~~36.4.1. always seek value for money;—~~

~~36.4.2. act impartially towards contractors and ensure that contractors from other European Community states are not discriminated against;—~~

~~36.4.3. conduct tendering and price testing in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information whilst complying with freedom of information legislation);—~~

~~36.4.4. do nothing that contravenes European or domestic law; and—~~

~~36.4.5. ensure that comprehensive contract files are kept for all contracts upon which they are engaged.~~

~~CHAPTER II PREPARING FOR A PROCUREMENT~~

~~37. Procurement Business Cases~~

~~37.1. A Procurement Business Case should be developed for every procurement project. In preparing a Procurement Business Case an officer should take appropriate legal, procurement and financial advice.~~

~~37.2. A Procurement Business Case should explain, to the level of detail that is proportionate to the value of the works, goods or services being procured:~~

~~37.2.1. the background and purpose of the procurement project;~~

~~37.2.2. the strategic context (including the fit with the Council's policy framework and budget);~~

~~37.2.3. details of the research undertaken in connection with the procurement, including an assessment of the relevant marketplace;~~

~~37.2.4. the views of stakeholders;~~

~~37.2.5. the available options in terms of variable such as service levels, contract duration, type of contract;~~

- ~~37.2.6. the preferred option;~~
 - ~~37.2.7. the procurement route to be followed;~~
 - ~~37.2.8. risk assessment (including consideration of the need for the Council to seek additional security from the supplier);~~
 - ~~37.2.9. financial implications (including estimated costs, available funding and affordability);~~
 - ~~37.2.10. proposed management arrangements (for the procurement and the subsequent contract);~~
 - ~~37.2.11. proposed exit arrangements at the end of the contract.~~
- ~~37.3. Strategic Directors and Authorised Officers are empowered to carry out the procurement process and to award contracts in accordance with these Standing Orders, subject to consideration of any other rules set within the Constitution – in particular that the procurement is in line with the Budget and Policy Framework and that there is sufficient provision in the Revenue Budget or Capital Programme (as the case may be). Otherwise Cabinet approval must be sought.~~
- ~~37.4. For additional clarity, if the expenditure and procurement is part of day to day delivery of services, does not involve substantial service change (e.g. is simply a re-procurement of an expiring contractual arrangement and is part of normal business) and was in the reasonable contemplation of the Council when the Revenue Budget or Capital Programme was approved (in other words the procurement activity itself is not a Key Decision) then it does not require further Cabinet approval. If in doubt the advice of the Chief Finance Officer and the Monitoring Officer should be sought.~~
- ~~37.5. For all procurements in excess of £250,000 the decision to award a contract must be recorded and published in accordance with the Access to Information Rules and the Executive Procedure Rules.~~

~~38. Approved Lists of Contractors~~

~~*The Standing Guide contains guidance on approved and standing lists.*~~

- ~~38.1. Where appropriate and with the agreement of the Chief Procurement Officer, Strategic Directors shall compile and maintain an Approved List for the supply of specified works, goods or services.~~
- ~~38.2. Approved Lists shall be reviewed at regular intervals and agreed with the Chief Procurement Officer.~~

~~38.3. An Approved List shall—~~

~~38.3.1. set out the criteria for inclusion, suspension and exclusion from the list, including but not by way of limitation—~~

~~38.3.1.1. economic and financial standing,~~

~~38.3.1.2. technical ability and capacity,~~

~~38.3.1.3. insurance arrangements,~~

~~38.3.1.4. quality systems,~~

~~38.3.1.5. health and safety record,~~

~~38.3.1.6. environmental performance and compliance with environmental legislation,~~

~~38.3.1.7. compliance with age discrimination, sex discrimination, race relations and all other relevant legislation, and~~

~~38.3.1.8. transparency/basis of appointment;~~

~~38.3.2. indicate the categories of contracts for which the contractors listed may be invited to tender; and—~~

~~38.3.3. contain the names and addresses of the contractors who have met the criteria for inclusion on the list and who wish to be included on it.—~~

~~38.4. At least four weeks before an approved list is compiled or reviewed, notices inviting applications for inclusion in the list shall be published in one or more newspapers circulating in the borough and in one or more technical journals published nationally.—~~

~~38.5. Approved Lists must be operated so as to ensure that all contractors on the list are given a reasonable opportunity of submitting tenders for appropriate contracts let by the Council from time to time.~~

~~38.6. Approved Lists must not be used for any procurement exercise over the EU Threshold.~~

~~39. Open competition for contracts~~

~~39.1. Notwithstanding Standing Orders Standing Order [*] (approved lists of contractors) and Standing Order [*] (Authorised Officers' lists of contractors), this Standing Order shall apply where the Cabinet or the Strategic Director for the service area concerned has decided that tenders for a particular contract are to be obtained by inviting tenders for the contract on the open market.—~~

~~39.2. Notice of all procurement competitions shall be advertised through YORtender, and where the procurement value is £25,000 or more, it shall also be advertised on Contracts Finder.—~~

~~39.3. The notice shall—~~

~~39.3.1. specify the nature and purpose of the contract, including where further details may be obtained;—~~

~~39.3.2. invite tenders for the contract; and—~~

~~39.3.3. state the last date and time when tenders for the contract will be accepted.—~~

~~39.4. The suitability of contractors who respond to a notice issued under Standing Order Standing Order [*] to perform the contract shall be assessed using the criteria for inclusion, suspension and exclusion from an approved list, in accordance with the procurement procedure chosen for the procurement project.~~

~~CHAPTER III
ASCERTAINING THE VALUE OF CONTRACTS~~

~~40. Contract value and aggregation~~

~~*The Standing Guide contains guidance on whether the EU procurement rules apply and packaging contracts.*~~

~~40.1. An Authorised Officer must estimate and record the net value of a proposed contract excluding value added tax.~~

~~40.2. Where a requirement for a work, service or supply of goods or materials is subdivided into several elements, the estimated value of each element must be aggregated to calculate the total overall estimated value of the contract.~~

~~40.3. A contract must not be—~~

~~40.3.1.—artificially divided into two or more separate contracts; or~~

~~40.3.2.—valued using a valuation method selected with the intention of avoiding the application of any of this Part IV.~~

~~41.—Pre tender quotations and enquiries~~

~~Part 41 of the Standing Guide contains guidance on selecting tenderers.~~

~~41.1.—An Authorised Officer may make general enquiries of contractors before tenders or quotations are invited in order to—~~

~~41.1.1.—establish whether the work, goods, materials or services that the Council wishes to procure are available and at what price;~~

~~41.1.2.—prepare tender documents, price estimates and contracts; and—~~

~~41.1.3.—for contracts under £25,000,—ascertain which contractors wish to be invited to tender or quote for a particular contract.—~~

~~41.2.—In making enquiries—~~

~~41.2.1.—an Authorised Officer shall not disclose to one contractor information which is not also disclosed to all those of whom enquiries are made or who are subsequently invited to submit a tender or quote;~~

~~41.2.2.—no contractor shall be led to believe that the information he/she offers will necessarily lead to him/her being invited to submit a tender or quote or being awarded a contract; and—~~

~~41.2.3.—a comprehensive written record, including notes of any meetings held, the responses made and the names of all individuals present shall be kept by the Authorised Officer on the contract file.—~~

CHAPTER IV THE TENDERING PROCESS

~~42.—Contracts not requiring tendering~~

~~42.1.—A contract need not be tendered if—~~

~~42.1.1.—it is valued at less than £25,000 and the requirements of Standing Order Standing Order [*] (contracts valued at less than~~

~~£50,000) are met, except where, notwithstanding Standing Order Standing Order [•], the contract must be tendered by law;~~

- ~~42.1.2.—an exemption from tendering has been granted in respect of that contract under Standing Order Standing Order [•] (exemption from competition);~~
- ~~42.1.3.—it is a contract entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the lead authority or organisation and European and domestic law;~~
- ~~42.1.4.—it is a contract made under one of the suite of framework agreement or contracts that a public sector Professional Buying Organisations (PBO) has with suppliers of works, goods and services, except where the terms and conditions of the PBO's agreement include a requirement to undertake competition between providers under the agreement in which event a tendering exercise must be conducted in compliance with the requirement;~~
- ~~42.1.5.—it is a social care contract, being the provision of individual care and support services to a client or group of clients that is not obtainable under any framework agreement or contract that the Council has with a provider of such services and enquiries have established that there is only one external provider of the required individual care and support services at the time the need arises;~~
- ~~42.1.6.—it is for the purpose of formalising the funding of particular voluntary or community sector bodies where the purpose of the contract is to establish the general conditions which will apply to the funding from the Council;~~
- ~~42.1.7.—it is for the engagement of counsel or the provision of specialist legal advice; or~~
- ~~42.1.8.—it is for the appointment of an expert witness in connection with court proceedings, tribunal proceedings, statutory inquiries, or any other proceedings in which the Council is a party; or~~
- ~~42.1.9.—it is for the renewal of an ICT or property support or maintenance contract within 5 years of the original contract having been made.~~

43.—Exemption from competition

~~43.1 The Strategic Director has power to waive any requirements within these contract procedure rules for specific projects, and any such decision may be a Key Decision, except where the said decision would constitute a breach of EU Legislation.~~

~~43.2 Subject to statutory requirements and Public Contract Regulations, quotations or tenders need not be invited in accordance with these Standing Orders in the following cases:~~

~~43.2.1—where the technical characteristics of the goods are only compatible with an existing supply or installation, such that procurement of another product other than one available from the original Contractor would result in incompatibility and/or disproportionate technical difficulties. The duration of a contract negotiated in accordance with this exemption shall not exceed 3 years;~~

~~43.2.2—the procurement of a unique work of art or artistic performance;~~

~~43.2.3—where competition is absent for technical reasons where no reasonable alternative or substitute exists;~~

~~43.2.4—where due to exclusive rights, including but not limited to intellectual property rights, no reasonable alternative or substitute exists;~~

~~43.2.5—where the price of the goods, services or works that are to be procured is controlled by statutory bodies, trade organisations or legislation and in the opinion of the appropriate Strategic Director no reasonable satisfactory alternative is available;~~

~~43.2.6—Where the contract is for the execution of work or the supply of goods or services that are required so urgently (the urgency not being due to the action or inaction of the Council or its officers) that compliance with any competitive process prescribed by these Standing Orders cannot be achieved;~~

~~43.2.7—Where the contract relates to goods, services or works in circumstances where the publication of documents detailing the Council's requirements could reasonably be considered to prejudice the security of the activity to be undertaken and the Council have considered the use of reasonable measures that would protect such security and allow the normal procurement~~

~~process to be followed (e.g. the use of confidentiality agreements);~~

- ~~43.2.8—to allow for the continuation of a contract beyond its contractual term, in exceptional circumstances and where the term of such an extension is determined in accordance with the timescales required to complete a re-procurement or decommission the existing arrangement;~~
- ~~43.2.9—in any case where works are to be executed or goods or services are to be supplied, the Strategic Director believes there can be no genuine competition;~~
- ~~43.2.10—an alternative, competitive process to that prescribed by these Standing Orders may be approved for contracts with a value between £50,000 and the EU Threshold subject to reasonable justifications for such a request.~~
- ~~43.3—All exemptions require the approval of the Chief Finance Officer (in consultation with the Monitoring Officer) who is ultimately responsible for procurement within the Council, as well as the approval of the relevant Strategic Director for the service concerned.~~
- ~~43.4—An exemption request form must be completed for every instance of an exception with a total value of £10,000 or more to inform the Chief Finance Officer and the relevant Strategic Director for the service of all the relevant implications associated with the proposed course of action and aid their decision making. The request must clearly document the exemption to be applied, along with the justifications and all necessary procurement, legal and financial risks.~~
- ~~43.5—A copy of all approved exemption requests must be provided to the Corporate Procurement Team, where a record of all approved exemptions will be maintained. The relevant Strategic Director is responsible for ensuring the appropriate Cabinet Member is kept informed. A summary of agreed exemptions will be reported in quarterly performance monitoring reports.~~
- ~~43.6—Where an exemption has been approved, the Authorised Officer must ensure that the best possible balance of value for money and quality is obtained for the Council. A specification and Terms and Conditions must be developed and a formal quote/tender must be requested from the chosen supplier. The supplier must not be told that they are the only company submitting a bid. A copy of the final Contract must be uploaded to the YORtender and managed in line with the requirements of these Standing Orders.~~

~~44— Framework Agreements and Dynamic Purchasing Systems~~

- ~~44.1— Officers must use a third party Framework Agreements and Dynamic Purchasing Systems procured by another public sector body or Professional Buying Organisation where these are available to the Council for the goods or services that are required.~~
- ~~44.2— The Chief Procurement Officer shall maintain a list of such Framework Agreements and Dynamic Purchasing Systems which officers are permitted to use and make the list available to officers.~~
- ~~44.3— Framework Agreements may also be procured and used by Strategic Directors, subject to legislative requirements and advice from the Chief Procurement Officer, as a procurement tool to manage the process of competition and sourcing of suppliers in an efficient way.~~
- ~~44.4— Where the relevant Strategic Director is satisfied that a requirement for works or services falls outside any Framework Agreement or contract that the Council has with a provider of such works or services, the particular works or services shall be procured in accordance with these Standing Orders.~~
- ~~44.5— Contracts based on Framework Agreements may be awarded by either—~~
- ~~44.5.1— applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without re-opening competition; or~~
 - ~~44.5.2— where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini-competition in accordance with the following procedure—~~
 - ~~44.5.2.1— inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written tenders;~~
 - ~~44.5.2.2— fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;~~
 - ~~44.5.2.3— awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specification of the framework agreement.~~

~~45 — Contracts valued at less than £25,000~~

~~45.1 — This Standing Order is predicated on the presumption that the provision of works, services or supplies of goods or materials by internal trading organisations employed by the Council for that purpose is more economically efficient than inviting tenders for each contract.—~~

~~45.2 — This Standing Order applies to any internal trading organisation of the Council.—~~

~~45.3 — Where a contract for a work, service or supply of goods or materials is valued at less than £25,000 the order shall be placed with an internal trading organisation if the internal trading organisation can perform the work, carry out services or supply goods or materials and achieve value for money, after taking into consideration as appropriate —~~

~~45.3.1 — cost effectiveness;~~

~~45.3.2 — quality, aesthetics and functional characteristics;~~

~~45.3.3 — technical assistance and technical merit;~~

~~45.3.4 — the period for completion or delivery;~~

~~45.3.5 — running costs;~~

~~45.3.6 — after sales service; and~~

~~45.3.7 — profitability.~~

~~45.4 — A contract should be made with an external contractor on an Authorised Officer's list if but only if the condition specified in Standing Order [•] is not met.~~

~~45.5 — Except as required by law and subject to Standing Orders Standing Order [•] (frameworks) Standing Order [•] (prohibition on artificial division of a requirement for a work, goods, material or services into two or more contracts) and Standing Order [•], a contract made under Standing Order [•] where the estimated value is —~~

~~45.5.1 — less than £5,000 may be made without seeking competitive, written quotations;—~~

~~45.5.2 — £5,000 but less than £25,000 may be made after inviting at least two written quotations.~~

~~45.6 Authorised Officers must keep a written record of all quotations sought, including the full name and address of the contractor, details of the contract and the contractor's price for its performance.—~~

~~45.7 A written quotation must be obtained before an order is placed or a contract made in accordance with this Standing Order.—~~

~~46—Contracts valued at £25,000 or more~~

~~46.1 Where a contract for a work, service or supply of goods or materials is valued between £25,000 and the EU Threshold it should be let on a competitive basis, advertised to the open market on YORtender and Contracts Finder.~~

~~46.2 a sufficient (but not disproportionate) time limit is applied to allow potential bidders to respond. This therefore needs to be considered on a case by case basis, dependent upon any prior market engagement undertaken, the complexities of the specification and the level/amount of detail required within the tender response.~~

~~46.3 Tenders undertaken for procurements between these thresholds must not include a pre-qualification stage or a stage in the procurement process where the authority can assess the suitability of a candidate for the purpose of reducing the number of candidates to a smaller number who will proceed to a later stage of the process.~~

~~46.4 Suitability questions may be included within a procurement exercise, where they are relevant to the subject matter of the procurement and proportionate, and must be considered as part of the wider overall quality evaluation.~~

~~46.5 Where there is a need to determine the financial standing of a potential supplier as part of the evaluation process, this should be done through due diligence with the top scoring bidder only.~~

~~46.6 Where the value of the proposed Contract exceeds the EU Threshold (taking account of aggregation), it must be tendered in accordance with the Public Contracts Regulations 2015, i.e. using one of the following permitted procedures:~~

~~46.6.1—open tender;~~

~~46.6.2—restricted tender;~~

~~46.6.3—competitive procedure with negotiation;~~

~~46.6.4—competitive dialogue;~~

~~46.6.5—innovation partnership.~~

~~46.7 The Procurement Business Case should have identified which of the permitted procurement procedures would be most suitable for the procurement project and taken into account the resources and timescale needs to complete the procurement.~~

~~46.8 All tenders above the EU Threshold must be advertised in *the Official Journal of the European Union* (OJEU) using the YORtender portal.~~

~~46.9 All OJEU notices for non-routine procurements shall be referred in advance of sending to the OJEU, to the Chief Procurement Officer for advice on its wording.~~

~~47 Tender invitation and receipt of tenders~~

~~*The Standing Guide contains guidance on e-procurement and e-auctions.*~~

~~47.1 All tenderers invited to tender must be issued with the same information at the same time and subject to the same conditions and any supplementary information must be given on the same basis.~~

~~47.2 All invitations to tender must state that the Council is not bound to accept any tender submitted for the contract and should include the following—~~

~~47.2.1 a specification that describes the works, goods or services in sufficient detail for the tenderers to provide robust, competitive tenders which can be relied upon by the Council to be a sound basis for the subsequent contract;~~

~~47.2.2 the conditions of contract that will apply;~~

~~47.2.3 a requirement for tenderers to declare that the contents of their tender, including the price or any other figure or particulars, have not been disclosed by the tenderer to any other party (except where the disclosure is made in confidence for a necessary purpose);~~

~~47.2.4 a requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion;~~

~~47.2.5 notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense;~~

- ~~47.2.6—a description of the award procedure and, unless defined in a prior advertisement, a definition of the Council's tender evaluation criteria in objective terms and if possible in descending order of importance;~~
- ~~47.2.7—the method by which any arithmetical error discovered in the submitted tenders is to be dealt with and, in particular, whether the overall price prevails over the rates in the tender or vice versa.~~
- ~~47.3 All invitations to tender should include any other information or instructions that the Monitoring Officer and Chief Finance Officer may require.~~
- ~~47.4 The Council uses an electronic supplier and contract management system (YORtender) which is designed to give suppliers, contractors, consultants and service providers direct access to procurement opportunities with the Council and other local authorities across the region. Tenderers shall be invited to submit tenders electronically.~~
- ~~47.5 The YORtender system shall be administered and managed by the corporate procurement team.~~
- ~~47.6 All tendering exercises for contracts valued at £25,000 or more shall be conducted using the YORtender system.~~
- ~~47.7 Tenderers must submit all of the tender documents electronically into the YORtender system prior to the deadline for the close of tenders otherwise the tender will be rejected.~~
- ~~47.8 The successful tenderers' details will be listed on the Council's contracts register.~~
- 48—Evaluation of tenders**
- ~~48.1 Tenders shall be opened using the secure, auditable functionality of the YORtender system.~~
- ~~48.2 An evaluation panel must be convened for the evaluation of tenders. Representation on the panel must be from people who have knowledge of the subject area and be proportionate to the size and value of the procurement being undertaken.~~
- ~~48.3 For all Contracts, regardless of value, no person with a personal or financial interest in any of the tenderers invited to submit a quote/tender should be involved in evaluating quotations or tenders or involved in any way in influencing the decision as to which tenderer is to be awarded the Contract. A declaration of interest form must be completed by each officer involved in~~

~~the evaluation process and held on file by the Authorised Officer. No access to the tender responses should be granted until this declaration of interest form has been received.~~

~~48.4 It is essential that during the evaluation process the principles of Public Contract Regulations are applied, i.e:~~

~~48.4.1—non-discrimination~~

~~48.4.2—equal treatment~~

~~48.4.3—transparency~~

~~48.4.4—proportionality~~

~~48.4.5—open competition and~~

~~48.4.6—free movement of trade within Europe.~~

~~48.5 The evaluation of quotations/tenders must be in accordance with the evaluation criteria specified in the original request for quotation/tender documents. Under no circumstances should there be a deviation away from this.~~

~~48.6 The evaluation panel must keep detailed notes on the decision making process.~~

~~48.7 Where a tenderer submits a qualified or conditional quotation/tender, they must be given the opportunity to withdraw the qualification or condition without amendment to the bid submitted. If the tenderer fails to do so their bid must be rejected unless it is dealt with as an alteration to their submission in accordance with Standing Order [*].~~

~~48.8 Identifying and dealing with abnormally low bids shall be the responsibility of the Authorised Officer. Where a tender/quote appears to be abnormally low, the Council are under a statutory duty to request that the Contractor concerned provides a full and detailed response to explain the price/cost proposed. The Council may reject an abnormally low bid, where the justification does not satisfactorily account for the low level of price. Where consideration is being made to the rejection of a bid on these grounds advice must be sought from the Chief Procurement Officer.~~

~~48.9 Post tender negotiation is only permissible in limited circumstances. The advice of the Monitoring Officer and Chief Procurement Officer must be followed if an Authorised Officer considers there are issues which *might* be addressed in post tender negotiations.~~

49 — Form and content of contracts

~~49.1 Every contract must be in writing in some form.—~~

~~49.2 As appropriate, a contract must specify —~~

~~49.2.1 the parties to the contract, including any surety or guarantor;~~

~~49.2.2 the goods, materials or services to be supplied or the work to be performed;~~

~~49.2.3 the price to be paid together with a statement as to the amounts of any discounts or other deductions;~~

~~49.2.4 the period within which the contract is to be performed;~~

~~49.2.5 the conditions and terms agreed between the Council and the contractor;—~~

~~49.2.6 in the case of a contract for building or construction related works, a term requiring the contractor to retain and produce at the Council's reasonable request all accounts, vouchers and documents in the contractor's possession, until the Council's accounts for the contract have been audited; and—~~

~~49.2.7 any other terms and conditions stipulated by the Monitoring Officer (who has general powers to set standard and particular contract conditions), including a condition that —~~

~~49.2.7.1 the contract may not be assigned without the prior written consent of the Council, and~~

~~49.2.7.2 the Council shall be entitled to cancel the contract with immediate effect and recover any loss it has suffered as a result of the contractor offering or agreeing to give an inducement or reward to anyone in order to obtain the contract or another contract with the Council, committing an offence under the Bribery Act 2010 or giving any fee or reward the receipt of which is an offence under section 117 disclosure by officers of interest in contracts) of the Local Government Act 1972.~~

~~49.3 Where appropriate, a contract with an estimated value of £50,000 or more should include standard terms and conditions, in the form approved from time to time by the Monitoring Officer, in respect of—~~

~~49.3.1 a right of access to relevant documentation and records of the contractor for monitoring and audit purposes;~~

~~49.3.2 data protection requirements;~~

~~49.3.3 discrimination and equalities requirements;~~

~~49.3.4 freedom of Information Act requirements;~~

~~49.3.5 health and safety requirements;~~

~~49.3.6 human rights requirements;~~

~~49.3.7 insurance requirements;~~

~~49.3.8 indemnification of the Council;~~

~~49.3.9 ombudsman requirements.~~

~~49.4 Where appropriate, a contract with an estimated value of £50,000 or more must provide for the contractor to pay liquidated damages (where these can be assessed and ascertained) or other damages to the Council if the terms of the contract are not carried out properly, including the method by which such damages are to be calculated and the circumstances in which they will be payable.~~

~~50 Security for performance of contract~~

~~*The Standing Guide contains guidance on performance bonds.*~~

~~50.1 Prior to the award of a contract with an estimated value of £100,000 or more, the Authorised Officer must consider whether the successful contractor should be required to provide security for the performance of the contract, in the form of a parent company guarantee or performance bond.~~

~~50.2 In considering the need for either form of security, the Authorised Officer must—~~

~~50.2.1 estimate the increase in the contract price that would result from requiring the contractor to provide security for the performance of the contract; and—~~

~~50.2.2—identify and assess the risks to which the Council could be exposed should the contractor fail to perform satisfactorily the contract.—~~

~~50.3—In identifying and assessing the risks, the Authorised Officer must have regard to any guidance issued from time to time by the Chief Finance Officer and—~~

~~50.3.1—to any advice from the Chief Finance Officer on the contractor's financial standing;—~~

~~50.3.2—to the value of the contract, particularly where this is significantly higher in value than contracts for similar works, goods or services let by the Council;—~~

~~50.3.3—to the complexity or degree of technical difficulty of the subject matter of the contract;—~~

~~50.3.4—to any technical or financial evaluation undertaken prior to the letting of the contract and whether this was based on an evaluation of the contractor or the contractor's parent company;~~

~~50.3.5—to any concerns about the contractor's stability or financial standing or both, particularly where the contract provides for staged or other payments in advance of receiving the whole of the subject matter of the contract; and—~~

~~50.3.6—to the need to repeat periodically any financial checks that were conducted prior to the award of the contract, particularly in the case of long term contracts such as partnering contracts.~~

~~—~~

~~51—Signing contracts and the Common Seal~~

~~Contracts under seal~~

~~51.1—The Common Seal of the Council must be affixed to any building contract or construction-related contract with an estimated value of £100,000 or more and to any contract, instrument or other document that is required by law to be made by deed.—~~

~~51.2—Contracts that are required to be made by deed include contracts made without valuable consideration, conveyances or transfers of land or any interest in land and transfers of shares in certain companies.—~~

~~51.3 The affixing of the Common Seal of the Council to any contract, instrument or document shall be deemed to be duly authenticated if but only if the impress of the Seal is accompanied by the signature of —~~

~~51.3.1 the Chief Executive; or~~

~~51.3.2 the following officers in Legal Services, namely the Assistant Director of Legal Services, the deputy Monitoring Officer, the Service Manager of the Litigation and Social Care Teams, the Service Manager of the Property, Commercial and Information Governance Teams or the Team Manager of the Commercial Team (including any temporary appointment to any of those positions to cover a vacancy or long term absence),~~

~~whether or not, in the case of a contract that relates to the discharge of an executive function, a member of the Cabinet also attests the Seal.—~~

~~Contracts under hand~~

~~51.4 Strategic Directors have the power to sign contracts and agreements that are not required to be made by deed and, in accordance with their internal schemes of delegation, to authorise specified officers to sign such contracts on their behalf.~~

~~CHAPTER V CONTRACT MANAGEMENT~~

~~52 The role of Contract Manager~~

~~52.1 The arrangements for managing Council contracts should be in line with the National Audit Office's *Good Practice Contract Management Framework*.~~

~~52.2 For every contract the relevant Strategic Director shall appoint a suitably qualified, experienced and trained officer to be the Contract Manager.~~

~~52.3 The Contract Manager shall, as a minimum:~~

~~52.3.1 regularly review management information and supplier performance (as detailed in the tender and contract documentation);~~

~~52.3.2 for contracts valued at £50,000 or more, use the YOR tender to record key information about the contract throughout its lifetime;~~

~~52.3.3 meet with the supplier at a frequency appropriate to the contract value (but no less frequent than annually) to discuss contract~~

~~compliance, , performance, service development, innovation, etc.;~~

~~52.3.4— deal with instances of off contract and non contract spend within the Council;~~

~~52.3.5— benchmarking the contract to ensure it continues to be good value for money;~~

~~52.3.6— monitoring any ongoing efficiency savings and reporting these to the Chief Procurement Officer;~~

~~52.3.7— monitor that all promised outputs and outcomes, including social outcomes, are achieved;~~

~~52.3.8— prepare a report for the Strategic Director at least annually on the supplier's performance, and the contract's value for money;~~

~~52.3.9— make recommendations about options for future procurements/extensions to the contract.~~

53— Contract variations and modifications

~~53.1 During the term of a contract, variations or modifications may be proposed, which if adopted would result in changes to the volume and/or nature of the works, goods and/or services being supplied to the Council. To the extent that such changes were anticipated in the tendering process and a change mechanism exists in the contract then the relevant Strategic Director may approve the variation/modification subject to it being value for money and there being sufficient budget provision for it.~~

~~53.2 Where variations or modifications are proposed (either by the Council or the supplier) which were not considered when the original procurement took place then there are significant limitations upon the Council being able to make such modifications. When considering an un-anticipated variation/modification to an existing contract, advice must be sought from the Chief Procurement Officer and Monitoring Officer.~~

54— Contract extensions

~~54.1 An extension to a contract may only be permitted where the details of any extension provisions were included within terms and conditions of the contract, tender/quotations documents and OJEU notice (where relevant).~~

- ~~54.2 If there is not a provision in the contract for an extension an exception to these Standing Orders must be identified and dealt with in accordance with Standing Order [*].~~
- ~~54.3 Prior to extending a contract, the Authorised Officer must ensure that an options appraisal is undertaken to determine if it is in the best interest of the Council to extend the current arrangement and then seek approval of the recommended option from the appropriate Strategic Director and the Chief Finance Officer.~~
- ~~54.4 When negotiating the terms of a contract extension (if such terms are not set out in the contract documentation) the Authorised Officer must make every effort to negotiate improved contract terms with regards to cost and/or quality of the goods, services and/or works being delivered.~~
- ~~54.5 Once a contract extension has been agreed with the supplier the Authorised Officer shall update the details of the contract held in YORtender.~~

~~CHAPTER VI MISCELLANEOUS PROVISIONS~~

~~55—Community representatives~~

- ~~55.1 The Cabinet or the member of the Cabinet for the service area concerned may invite community representatives to appoint persons (who may not be members of the Council) to participate in the drawing up of specifications for council contracts, interviewing contractors and monitoring council contracts.~~
- ~~55.2 Community representatives are not Authorised Officers and, except where the law specifically allows, shall be observers with speaking rights at the discretion of the Authorised Officer.—~~
- ~~55.3 Community representatives may advise Authorised Officers where appropriate, but all decisions must be taken within the framework of the Council's Delegation Scheme for Members and Officers.—~~
- ~~55.4 Authorised Officers must ensure community representatives give a written undertaking to treat all information confidentially throughout the tender process and the life of the contract.~~

~~56.—Sale of land~~

- ~~56.1 In consultation with the Assistant Director of Legal and Democratic Services and the Strategic Director of Finance, the Director of Audit & Asset Management, who is responsible for reporting to and advising the Council on proposals to sell, lease or dispose of any interest in council land, shall~~

~~prepare and keep under review a code of practice ("the Code") prescribing the manner in which such interests may be sold, granted or disposed of.~~

~~56.2 At least every four years, the Director of Internal Audit & Asset Management must review the Code and submit it for the Council's approval.~~

~~56.3 For the purpose of this standing order, land includes buildings and "an interest in land" includes any interest in land and any easement or right in, to or over land.~~

~~57~~ **32** Suspension of standing orders

57.1 Standing orders 1 to 4, 6, 14, 19, 19A, 19B, Part III and Part IV may not be suspended.

57.2 Subject to standing order 55.1, a member may request the Mayor's permission to move the suspension of a standing order for a stated purpose.

57.3 On the granting of permission under standing order 55.2, the question shall be put immediately and without amendment or debate to a vote of the members.

57.4 If on the question being put or a division being taken it appears that not less than two-thirds of the members present and voting are in favour of the request, the motion for the suspension of the standing order shall be put immediately and without amendment or debate to a vote.

PART V

SUSPENSION ETC AND INTERPRETATION OF STANDING ORDERS

~~58~~ **33** Variation, revocation or supersession of standing orders

58.1 These Standing Orders shall not be altered, revoked or superseded without the prior recommendation of the Cabinet or the Council's Standards Committee.

~~59~~ **34** Interpretation of Standing Orders

59.1 The ruling of the Mayor on the construction or application of any of these Standing Orders, or on any proceedings of the Council, shall be final and not challenged at any council meeting.

59.2 Except for the powers and duties conferred or imposed on the Director of Finance and Director of Legal and Democratic Services, any power or duty

conferred or imposed on a director of service, in accordance with these Standing Orders, may be exercised by the Strategic director for the programme area concerned or the Chief Executive.

59.3 A reference in these Standing Orders to the masculine gender includes the feminine and, where the context requires, the singular includes the plural and vice-versa.

59.4 The term "committee" includes a joint committee or joint authority and a sub-committee.

APPENDIX 1

LEGISLATION

~~Some of the provisions of the Local Government Act 1972 and other Acts, which are referred to in these standing orders, are reproduced in this Appendix. Statutory provisions cannot be varied, revoked or suspended, except by statutory authority.~~

~~In this Appendix, references to the "1972 Act" mean the Local Government Act 1972; and references to "Schedule 12" mean Schedule 12 to the 1972 Act.~~

STANDING ORDER 1

~~Section 99 of the 1972 Act~~

~~**99 Meeting and proceedings of local authorities**~~

~~The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities, joint authorities, police authorities established under section 3 of the Police Act 1996 and the Service Authority for the National Crime Squad and their committees, parish meetings and their committees and community meetings.~~

~~Paragraphs 1 to 4 of Schedule 12~~

~~1. _____(1) A principal council shall in every year hold an annual meeting.~~

~~(2) The annual meeting of a principal council shall be held—~~

~~(a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;~~

~~(b) in any other year, on such day in the month of March, April or May as the council may fix.~~

~~(3)...~~

~~(4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.~~

~~2 _____(1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.~~

~~(2) Those other meetings shall be held at such hour on such days as the council may determine.~~

~~3.____(1) An extraordinary meeting of a principal council may be called at any time by the chairpersons of the council.~~

~~(2) If the chairpersons refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed by five members of the council, has been presented to him, or if, without so refusing, the chairpersons does not call an extraordinary meeting within seven days after the requisition has been presented to him, then, any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.~~

~~4.____(1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.~~

~~(2) Five clear days at least before a meeting of a principal council—~~

~~(a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and~~

~~(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.~~

~~(3) If a member of a principal council gives notice in writing, to the proper officer of the council, that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.~~

~~(4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.~~

STANDING ORDER 2

Paragraphs 6 & 45 of Schedule 12

~~6.____ Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.~~

~~45.____ Where more than one third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.~~

STANDING ORDER 3

Section 3 of the 1972 Act

3 Chairpersons

~~(1) The chairpersons of a principal council shall be elected annually by the council from among the councillors.~~

~~(1A) A member of the Executive of a principal council may not be elected as the chairpersons of the council.~~

~~(2) The chairpersons shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairpersons.~~

~~(3) During his term of office the chairpersons shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.~~

~~(4) The chairpersons of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.~~

~~(5) A principal council may pay the chairpersons for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.~~

Section 5 of the 1972 Act

5 Vice-chairpersons

~~(1) A principal council shall appoint a member of the council to be vice-chairpersons of the council.~~

~~(1A) A member of the Executive of a principal council may not be appointed as the vice-chairpersons of the council.~~

~~(2) The vice-chairpersons shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairpersons at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.~~

~~(3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairpersons may be done by, to or before the vice-chairpersons.~~

~~(4) A principal council may pay the vice-chairpersons for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.~~

~~Paragraph 5 of Schedule 12~~

~~5. (1) At a meeting of a principal council the chairpersons, if present, shall preside.~~

~~(2) If the chairpersons is absent from a meeting of a principal council, then—~~

~~(a) the vice chairpersons of the council, if present, shall preside;~~

~~(b)...~~

~~(c)...~~

~~(3) If—~~

~~(a) in the case of a principal council, both the chairpersons and vice chairpersons of the council are absent from a meeting of the council;~~

~~(b)...~~

~~(c)...~~

~~another member of the council chosen by the members of the council present shall preside.~~

STANDING ORDER 4

~~Section 4 (1) of the 1972 Act~~

~~4 Election of chairpersons~~

~~(1) The election of the chairpersons shall be the first business transacted at the annual meeting of a principal council.~~

~~Paragraph 5 of Schedule 12~~

~~5. Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.~~

~~Section 41 of the Local Government Act 1985~~

~~41 Questions on discharge of functions~~

~~Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose.~~

STANDING ORDER 6

~~Paragraph 41 of Schedule 12~~

~~41. (1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next suitable meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.~~

~~(2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next suitable meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.~~

~~(3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.~~

~~(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.~~

~~Paragraph 2 of Schedule 2 to the Local Authorities (Standing Orders) Regulations
1993~~

~~Signing minutes—extraordinary meetings~~

~~2. Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that Schedule.~~

~~Paragraph 39 of Schedule 12~~

STANDING ORDER 14

~~39. (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a~~

~~majority of the members of the authority present and voting thereon at a meeting of the authority.~~

~~(2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.~~

~~Paragraph 1 of Schedule 2 to the Local Authorities (Standing Orders) Regulations 1993~~

~~1.____(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he abstained from voting.~~

~~(2) In this paragraph "relevant body" means the authority, a committee or sub-committee of the authority or a relevant joint committee or sub-committee of such a committee.~~

STANDING ORDER 16

~~Section 1(8) of the Public Bodies (Admission to Meetings) Act 1960~~

~~1 Admission of public to meetings of local authorities and other bodies~~

~~(8) The provisions of this section shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.~~

STANDING ORDER 19

~~Paragraph 40 of Schedule 12~~

~~40.____The names of the members present at a meeting of a local authority shall be recorded.~~

STANDING ORDER 25

~~Paragraph 44 of Schedule 12~~

~~44.____(1) Paragraphs 39 to 43 above (except paragraph 41 (3)) [provisions relating to local authorities generally] shall apply in relation to a committee of the local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.~~

~~(2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with~~

~~the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.~~

STANDING ORDERS 30 & 31

~~Section 8 (1) of the Local Government and Housing Act 1989~~

~~8 Duty to adopt standing orders with respect to staff~~

~~(1) The Secretary of State may by regulations require relevant authorities, subject to such variations as may be authorised by the regulations—~~

~~(a) to incorporate such provision as may be prescribed by the regulations in standing orders relating to their staff; and~~

~~(b) to make or refrain from making such other modifications of any such standing orders as may be so prescribed.~~

~~The regulations are the Local Authorities (Standing Orders) Regulations 1993.~~

Summary Sheet

Standards Committee Report

Standards Committee 29 June 2017

Title

Training Update and Standards Bulletin (Recent Updates in Standards and Ethics)

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

All

Executive Summary

A report updating on recent training provided to members of Parish and Town Councils (15 June 2017) on codes of conduct and standards and ethics generally and a bulletin reporting on recent and key updates in standards and ethics.

Recommendations

That the Committee notes the information about the training session, further notes the actions to be taken following the training session and identifies future training initiatives to be undertaken with Members, Parish and Town Councils and notes the

bulletin, recommending distributing the bulletin to Members, Parish and Town Councils in Rotherham.

List of Appendices Included

Appendix 1 – Rotherham Standards and Ethics Bulletin – (to be distributed at the meeting)

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

Training Update and Standards Bulletin (Recent Updates in Standards and Ethics)

1. Recommendations

- 1.1 That the Standards and Ethics Committee:
- i) notes the information about the training session
 - ii) notes the actions to be taken following the training session
 - iii) identifies future training initiatives to be undertaken with Parish and Town Councils
 - iv) notes the content of the bulletin
 - v) recommends distributing the bulletin to Members and Parish and Town Councils in Rotherham

2. Background

TRAINING SESSION

- 2.1 Following discussions since the first such training session, an evening training session was provided to members of Parish and Town Councillors (together with clerks) on the Code of Conduct and standards and ethics generally, as referred to below. The training was delivered by Dermot Pearson, Sumera Shabir, the Chair and Vice Chair of the Committee and the two Independent Persons.
- 2.2 As previously, all Parish and Town Councils were invited and the session was well attended with representatives from:
- i) Wickersley Parish Council
 - ii) Thrybergh Parish Council
 - iii) Harthill Parish Council
 - iv) Laughton en le Morthen Parish Council
 - v) Firbeck Parish Council
 - vi) Hellaby Parish Council

Content

- 2.3 The session comprised of a series of scenarios based on standards and ethics dilemmas; linked to the Nolan (Seven) Principles of Public Life and this was followed by a short presentation on standards and ethics arising in relation to codes of conduct.
- 2.4 Discussions covered the role of the Independent Persons, borough Councillors and social media.
- 2.5 After the conclusion of the session, the Monitoring Officer invited the delegates to discuss their experiences.

Outcome

- 2.6 The training highlighted the need for good governance and general discussion was facilitated around transparency.

Feedback

- 2.7 The training was very well received as attendees were able to network with others in the session in groups and feedback highlighted:
- 2.7.1 that the session usefully facilitated discussion
 - 2.7.2 it was a good and friendly atmosphere
 - 2.7.3 such regular meetings are helpful
 - 2.7.4 friendly approach and delivery
 - 2.7.5 that it was very important and pertinent information
 - 2.7.6 overall delivered well but should be an opportunity to allow all delegates to get more involved rather than have led discussions
 - 2.7.7 introduction of name cards
- 2.8 It was suggested that future themes could include:
- 2.8.1 Chairmanship skills
 - 2.8.2 training generally
 - 2.8.3 planning law training and advice (including probity in planning)
 - 2.8.4 new Councillor induction
- 2.9 There was an invitation to observe some Parish and Town Council meetings.
- 2.10 At the previous session, the clerks agreed that it would be beneficial to arrange a further separate meeting could be convened with all the clerks; where the Monitoring Officer could offer support and facilitate new and existing clerks to form a network. This is currently being arranged at a suitable location for the clerks and would be extended to the evening delegates.

BULLETIN

- 2.11 Following discussions with the Standards and Ethics Committee and conclusion of training to members of Parish and Town Councils in Rotherham, it was felt that a bulletin reporting on key updates in standards and ethics (based on versions produced by the North Yorkshire Fire and Rescue Authority Bulletin and other such material) ought to be distributed widely to members of Parish and Town Councils in Rotherham

3. Key Issues

- 3.2 Frequency and content of future training and training material distribution.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 None

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The Council and Standards Committee have a statutory duty to uphold ethical standards. As such, training Parish and Town Councillors (together with clerks), assists in fulfilling this duty.

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The training and bulletin applies equally to all Parish and Town Councils.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 29th June 2017

Title

Standards and Ethics Committee - Review of Code of Conduct and Associated Procedures (Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council)

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

All

Executive Summary

A report updating the Committee on the progress of the Standards and Ethics Committee Working Group, in its review of the Code of Conduct and associated procedures.

Recommendations

That the Committee

- i) Notes the Working Group recommendation that the Code of Conduct remain the same and
- ii) approves with any suggested amendments the revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council..

List of Appendices Included

Appendix 1 - Revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Title

Standards and Ethics Committee – Review of the Code of Conduct and Revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council

1. Recommendations

That the Committee

- iii) Notes the Working Group recommendation that the Code of Conduct remain the same and
- iv) approves with any suggested amendments the revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council.

2. Background

2.1 At the meeting of the Standards and Ethics Committee on 12th January 2017, a Working Group was established to review the Council's Code of Conduct and associated procedures.

2.2 Meetings of the Working Group took place on 31st January, 6th March and 7th April 2017 and between officer and the Independent Person on 23rd March 2017. At those meetings, the Council's current Code of Conduct was considered along with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct. Other versions of such a procedure were also considered as they were felt to provide a more efficient procedure for dealing with such complaints.

2.3 It was felt appropriate following consultation with Commissioner Sir Derek Myers that the Code of Conduct having recently been reviewed should remain in its current form.

2.4 The final draft Procedure is at Appendix 1.

3. Key Issues

3.1 The key issues are that the revised procedure is now more efficient and easier to use.

4. Options considered and recommended proposal

4.1 Recommendations are set out above.

5. Consultation

5.1 Any recommendations made by the Standards and Ethics Committee would need to be approved by full Council.

6. Timetable and Accountability for Implementing this Decision

6.1 None at this stage

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct within Rotherham Borough Council

Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Rotherham Borough Council and the Parish and Town Councils in the Borough.
2. This procedure will only be engaged either in the absence of or cessation of additional criminal proceedings or other legal proceedings in respect of the same substantive matter. Any such decisions will be at the discretion of the Monitoring Officer.
3. The Members' Code of Conduct applies to elected Members and voting co-opted members when they are acting in that capacity. Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' may (at the discretion of the Monitoring Officer) be immediately directed to South Yorkshire Police for their consideration. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.
4. A copy of Rotherham Council's Code of Conduct can be downloaded from the Council's website by accessing 'Code of Conduct for Members' at:
[http://www.rotherham.gov.uk/downloads/file/293/appendix_6 -
code of conduct for members and co-opted members - january 2017](http://www.rotherham.gov.uk/downloads/file/293/appendix_6_-_code_of_conduct_for_members_and_co-opted_members_-_january_2017)
or is available upon request from the Monitoring Officer. Parish and Town Councils are also required to adopt a Code of Conduct. Copies of a Parish or Town Council's Code of Conduct can be inspected by contacting the respective Parish Clerk. A list of contact details for Parish/Town Councils can be accessed via Rotherham Council's website at:
[http://www.rotherham.gov.uk/info/200033/councillors_democracy_and_elections/
467/see local elected representatives/4](http://www.rotherham.gov.uk/info/200033/councillors_democracy_and_elections/467/see_local_elected_representatives/4)
Alternatively, Democratic Services may be contacted on: tel. 01709 822477.
5. In order to ensure that the Council has all the information it needs to be able to process the complaint, the Complainant should complete the complaint form, which can be accessed from the Council's website via this link:
https://www.rotherham.gov.uk/forms/form/333/en/complain_about_a_councillor
Alternatively, a copy of the complaint form can be requested from the Legal Department - Tel. 01709 254437 or email be.Dimbleby@rotherham.gov.uk

6. The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.
7. The Monitoring Officer may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.
8. Complaints will not normally be processed under either stage 1 or stage 2 of this procedure during the statutory election period for local elections or by-elections with the exception of any matter which requires referral to the Police such as complaints regarding Disclosable Pecuniary Interests.
9. The Independent Persons are people who have been appointed under the Localism Act 2011, by the Council . The Independent Person must be consulted and have their views taken into account before the Council makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. The views of the Independent Person may also be sought at any other stages of the complaints process, or by a Member, Co-opted Member or Parish and Town Council Member against whom an allegation has been made.
10. The Independent Persons do not represent and are not advisors to the Councillor who is the subject of the complaint, but they can assist in providing factual information on the complaints process. The Independent Person must remain completely impartial and objective and cannot take sides. Their role is to assess complaints and form a view on them. There is no right for the complainant to seek the views of the Independent Person and no such contact will be permitted. The complainant however be given advice by the Monitoring Officer.

Stage 1 - Initial assessment by the Monitoring Officer

11. Complaints should be submitted in writing using the complaint form (as mentioned above), must provide substantiated information, and should outline what form of resolution the complainant is seeking, such as an apology or explanation. Otherwise the Monitoring Officer should ask the complainant to resubmit their complaint. The complainant should use the correct complaints form to submit their complaint, but other written complaints may be accepted so long as they contain the relevant information.
12. When sufficient information has been provided, preferably on the complaint form, the Monitoring Officer will consider the complaint and make a decision within 5 working days as to the validity of the Complaint. The Monitoring Officer will communicate to the complainant the decision as to whether the complaint is to be treated as a valid complaint or not.
13. Whilst not an exhaustive list, the following types of complaint are likely to be considered as 'valid complaints' under this procedure (provided the conduct occurred while the Member complained about was in Office):

- a. Failing to treat others with respect
 - b. Bullying any person
 - c. Intimidating any person involved in an investigation or proceedings about someone's misconduct
 - d. Doing something to prevent those who work for the Council from being unbiased
 - e. Failing to respect the confidentiality of information received as a Member
 - f. Damaging the reputation of the Member's authority or office
 - g. Using their position as a Member improperly, to their own or someone else's advantage or disadvantage
 - h. Misuse of public resources
 - i. Failure to register Disclosable Pecuniary Interests, as defined in the Code of Conduct for Members
 - j. Failure to declare Disclosable Pecuniary Interests at a meeting (if not already on the Member's Register of Interests) or other interests at meetings
 - k. Failure to notify the Monitoring Officer of any gifts or hospitality received in their role as a Member, worth over £50.
14. The complaint must relate to conduct that occurred when the named Member was acting in his/her official capacity or for Parish Councillors, at any official Parish Council meeting). For example, the Council's Code of Conduct only applies to Councillors in the following circumstances:-
- a. at meetings of the Council, its Committees and Sub-Committees and its Cabinet
 - b. when acting as a representative of the authority
 - c. in taking any decision as a Cabinet member or Ward Councillor
 - d. in discharging their functions as a Ward Councillor
 - e. at briefing meetings with Officers
 - f. at site visits
 - g. when corresponding with the Council other than in a private capacity.
15. The following types of complaint will not be considered as 'valid complaints' at the discretion of the Monitoring Officer) under this procedure
- a. Complaints which are submitted anonymously (though the Monitoring Officer reserves the right to investigate if he/she thinks appropriate);
 - b. Complaints which do not identify a subject Member;
 - c. Complaints which relate to a Member's personal or private life;

- d. Complaints concerning a failure to respond to a request from a constituent or other individual;
 - e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-opted members;
 - f. Complaints which relate to dissatisfaction with a Council decision or service, relating to an employee or a Committee;
 - g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council, or after they have resigned or otherwise ceased to be a Member.
 - h. Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
 - i. Complaints regarding substantially similar alleged behaviour which has already been the subject of an investigation or enquiry or some form of action.
 - j. Complaints which relate to conduct which is alleged to have taken place more than **three months** prior to the submission of the complaint, unless there exceptional circumstances to justify the later submission of the complaint.
 - k. Complaints which are considered malicious, vexatious, politically motivated, tit-for-tat or not sufficiently serious to warrant further action.
16. If the Monitoring Officer receives a number of complaints from different complainants about the same matter, he/she will endeavour to deal with these in a manner that is a practical use of time and resources.
17. Complaints which relate to an alleged failure to comply with the rules regarding Disclosable Pecuniary Interests may be referred to South Yorkshire Police for investigation. If the Police determine not to take any action in response to the allegation, then the Monitoring Officer will consider whether it is appropriate for the complaint to be considered under this complaints procedure.
18. Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistleblowing Policy.

19. In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is 'invalid', this notification is made for information purposes only.
20. If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.
21. In any case where the Monitoring Officer decides that the complaint is 'invalid' **within 5 working days**, they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.

Stage 2 - Informal Resolution

22. If, following initial assessment, the Monitoring Officer decides that the complaint should be treated as a 'valid complaint' they will write to the complainant **within 5 working days** and explain that the matter is to be referred to the subject Member for them to provide a response to the complaint
23. At the same time the Monitoring Officer will refer the matter to the subject Member for their consideration. In this correspondence the Monitoring Officer will provide the subject Member with a reasonable timescale within which to respond to the complaint (usually this will be **within 14 working days**, unless there is good reason for an extension to this timescale), and will provide the subject Member with the contact details for the Independent Person. See paragraph 10 above on the role of the Independent Person. A different Independent Person will then advise the Standards and Ethics Committee; if subsequently required.
24. In the case of a Parish or Town Council, a copy of the complaint will also be sent to the Clerk of the Council.
25. The subject Member will be asked to consider whether he/she is prepared to agree to or propose an informal resolution of the complaint to be communicated to the complainant. The Monitoring Officer will determine if a matter has been informally resolved.
26. Whilst not an exhaustive list, types of informal resolution might include:
 - a. An explanation by the subject Member of the circumstances surrounding the complaint;
 - b. An apology from the subject Member;
 - c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;

- d. An agreement from the subject Member to engage in a process of mediation or conciliation between the subject Member and the complainant; or
 - e. Any other action capable of resolving the complaint.
27. Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer.
 28. The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent a different Independent Person from giving a view to the Standards and Ethics Committee about the complaint at a later stage.
 29. **Within 5 working days** of the receipt of the Member's response, the Monitoring Officer will provide the complainant with the response and any proposals for resolution of the complaint received and ascertain whether the complainant is able to agree with any proposals.
 30. Once the Monitoring Officer has received details of the complainant's position regarding the response from the subject Member he/she will determine whether the subject Member has appropriately addressed matters which have been raised by the complainant.
 31. The Monitoring Officer (in consultation with the Independent Person), will consider whether the complaint is malicious, vexatious, politically motivated, tit-for-tat or not sufficiently serious to warrant further action (taking into account factors identified in paragraph 15 above). If they consider that is the case then no further action will be taken.
 32. Where the subject Member has agreed to an informal resolution, provided the Monitoring Officer is satisfied with the outcome, there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.
 33. Where it has not been possible to informally resolve matters, the complaint may be referred to a Sub-Committee of the Standards and Ethics Committee ('the Hearing Sub-Committee') for consideration. The Monitoring Officer will notify both the complainant and the subject Member of his/her decision. After considering all other aspects, the Monitoring Officer may decide not to take any action.
 34. There will be no appeal process for decisions taken by the Monitoring Officer and at this stage.

Stage 3 – Standards and Ethics Committee: Hearing Sub-Committee

35. The Monitoring Officer will prepare a report for consideration by the Complaints Hearing Sub – Committee. This report will include all appropriate information

(such as minutes of meetings or Clerk's notes), a summary of the complaint and the efforts made to resolve the matter informally.

36. The Monitoring Officer must arrange for a meeting of the Hearing Sub-Committee to be convened to consider the Monitoring Officer's report of the complaint. The Hearing Sub-Committee will consider the Monitoring Officer's report in private but the outcome of their deliberations will be reported to the next meeting of the Standards and Ethics Committee.
37. The Sub-Committee will be made up of five Members of the Standards and Ethics Committee, one of whom must be from the same political group as the subject Member (wherever possible), one from a different political group, one Parish Councillor and two independent members. The Chair will be elected from the independent members at the beginning of the meeting.
38. The following people will also be invited to attend the Hearing Sub-Committee meeting:
 - a. The complainant;
 - b. The subject Member and/or their representative;
 - c. Any relevant witnesses.
39. The Monitoring Officer or his representative will also attend the meeting in order to present their report.
40. After initial consideration of the Monitoring Officer's report, the Hearing Sub-Committee will take statements from the following parties (either in person or in written form if the person is unable to attend the meeting):
 - a. The complainant;
 - b. The subject Member;
 - c. Any relevant witnesses.
41. The Hearing Sub-Committee may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
42. Before reaching a final decision, on the complaint, the Hearing Sub-Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
43. Once the Hearing Sub-Committee is satisfied with the information before it, it must decide the following issues:
 - a. Whether the subject Member has failed to comply with the Members' Code of Conduct;
 - b. Whether further action is warranted; and
 - c. What form of action might be appropriate.

44. For Parish or Town Councillor complaints:

the Hearing Sub-Committee will only make a decision regarding whether the subject Member has failed to comply with the relevant Members' Code of Conduct. This decision, and the recommendation or sanctions and reasons for it, will be communicated to the relevant Parish or Town Council in order for it to make a decision as to whether further action is warranted and what form of action would be appropriate.

Any decision will then be reported back to the Standards and Ethics Committee.

45. For Borough Councillors complaints:

if the Hearing Sub-Committee concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Hearing Sub-Committee may still wish to consider making a recommendation to the Council with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.

46. If the Hearing Sub-Committee concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee must go on to consider whether action should be decided in respect of the subject Member, and what form of action might be appropriate.

47. The Council has delegated to the Standards and Ethics Committee and its Sub-Committee such of its powers to take action in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearing Sub-Committee may choose to apply any of the following sanctions:-

- (1) Censure or reprimand the Councillor
- (2) Publish its findings in respect of the Councillor's conduct ;
- (3) Report its findings to Council [or to the respective Parish/Town Council if appropriate], for information;
- (4) Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) Recommend that the Councillor be removed from the Cabinet, or be removed from particular Portfolio responsibilities;
- (6) Instruct the Monitoring Officer to *[or recommend that the Parish/Town Council]* arrange training for the Councillor;
- (7) Remove *[or recommend to the Parish/Town Council that it removes]* the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish/Town Council]*;

- (8) Withdraw [*or recommend to the Parish/Town Council that it withdraws*] facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access; or
- (9) Exclude [*or recommend that the Parish Council exclude*] the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

At the time of imposition, appropriate time limits will be imposed.

The Hearings Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Members' or Special Responsibility Allowances.

- 47. The Hearing Sub-Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.
- 48. As soon as reasonably practicable thereafter and **within 10 working days**, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearing Sub-Committee and the Independent Person, and send a copy to the complainant, the subject member (Councillor) and the Parish Clerk (if appropriate). The decision notice will be made available for public inspection on the Council's website and the outcome of the hearing will also be reported to the next available meeting of the Standards and Ethics Committee.
- 49. There is no right of appeal for the complainant or for the subject member (Councillor) against a decision of either the Monitoring Officer or any Hearing Sub-Committee.
- 50. The complainant may however refer the complaint to the Ombudsman, in respect of any procedural matters.

Summary Sheet

Standards and Ethics Committee Report

Standards and Committee - 29th June 2017

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

All

Executive Summary

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

Recommendations

- i) That the Committee notes the Whistleblowing concerns raised since September 2016 and the actions taken to address these matters.

List of Appendices Included

Appendix 1 – Schedule of Whistleblowing Concerns

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The cover report is open, but Appendix 1 is exempt from the press and public as the information contained relates to an individual.

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

1. Recommendations

- 1.1 That the Committee notes the Whistleblowing concerns raised since September 2016 and the actions taken to address these matters.

2. Background

- 2.1 This report provides an update on the operation of the Whistleblowing policy and an overview of the Whistleblowing cases which have been received over the past year.
- 2.2 Following the previous review of the Whistleblowing Policy, which was brought to the Standards Committee in September 2016, changes were made to the policy to make it available to the public. This was introduced and has not led to a substantial increase in cases referred pursuant to the policy.
- 2.3 In line with previous recommendations, contractors of the Council have been made aware of the policy and the content of the policy has been reiterated to managers in particular the various avenues for reporting. Further they have been asked to remind staff members as to the of the content of the Whistleblowing Policy.
- 2.4 A description of the concerns received since Sept 2016, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymized in order not to identify the whistleblower, pursuant to the policy in respect of confidentiality.

3. Key Issues

- 3.1 Matters reported are described within Appendix 1. It is important for the Committee to retain oversight of matters being reported pursuant to the Whistleblowing Policy.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 N/A

7. Financial and Procurement Implications

7.1 Any work undertaken by Legal Services in dealing with these matters is within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

9 Human Resources Implications

9.1 None

10 Implications for Children and Young People and Vulnerable Adults

10.1 None

11 Equalities and Human Rights Implications

11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

12. Implications for Partners and Other Directorates

12.1 None

13 Risks and Mitigation

13.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting - 29th June, 2017

Title

Standards and Ethics Committee - Consideration of Complaints

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

List of Appendices Included

Appendix 1 – Schedule of Complaints and actions taken

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The cover report is open, but Appendix 1 is exempt from the press and public as the information contained relates to an individual.

Title

Standards and Ethics Committee - Consideration of Complaints

1. Recommendations

- 1.1 That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

2. Background

- 2.1 Members have previously requested a copy of the Schedule of complaints received and actions taken in advance of that meeting. The Schedule is at Appendix 1.
- 2.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

3. Key Issues

- 3.1 The key issues are that the procedure is now more efficient and easier to use.

4. Options considered and recommended proposal

- 4.1 Options for dealing with the complaints are set out in the Complaints procedure and the action taken in respect of each complaint is set out in the Schedule.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 N/A

7. Financial and Procurement Implications

- 7.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

8. Legal Implications

- 8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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