

## **ROTHERHAM BOROUGH COUNCIL**

### **COUNCIL SUMMONS**

Notice is hereby given that the Annual Meeting of the Council of the Borough of Rotherham will be held at the Town Hall, Rotherham, on Friday, 15th May, 2009 at 2.00 p.m.

### **A G E N D A**

1. To elect a Mayor for the ensuing Municipal Year
2. To pass a vote of thanks to the retiring Mayor (Councillor Gwendoline Ann Russell)
3. To elect a Deputy Mayor for the ensuing Municipal Year.
4. To submit for approval the minutes of the Council Meeting held on 22nd April, 2009 - Pages 72A to 82A (Section A)
5. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
6. To consider any questions from the Public.
7. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 196B to 217B (Section B)
8. To receive and consider reports, minutes and recommendations of the Standards Committee - Pages 26C to 29C (Section C)
9. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
10. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Passenger Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).
11. To consider Member Arrangements for 2009/10 (Schedule to be circulated at the meeting)

12. Report on Delegation of Powers (copy supplied separately)
13. Report on revised Standing Orders (copy supplied separately)
14. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

**T. C. MUMFORD**

Assistant Chief Executive, Legal and Democratic Services

7th May, 2009

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Annual Council Meeting</b>
<b>2.</b>	<b>Date:</b>	<b>15<sup>th</sup> May 2009</b>
<b>3.</b>	<b>Title:</b>	<b>Delegation of Powers</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's Directorate</b>

**5. Summary**

The Council's Constitution includes the Scheme of Delegation for Members and Officers. It is proposed to update the Scheme to reflect changes recommended to the Council by Cabinet.

A copy of the Scheme as it applies to members is appended to this report. Copies of the full Scheme are available at the Town Hall Reception and on the intranet/internet as part of the agenda for this meeting.

**6. Recommendation**

**That the Scheme of Delegation for Members and Officers for 2009/10 be approved.**

## **7. Proposals and Details**

Appendix 10 to the Council's Constitution sets out the Council's Delegation of Powers Scheme. This includes powers delegated to the various Members, Member meetings and officers.

The Annual Council meeting is to consider changes recommended by Cabinet at their meeting on 29<sup>th</sup> April 2009. These changes comprise:-

- (a) revised terms of reference for Cabinet
- (b) combination of Cabinet and the Regeneration and Asset Board
- (c) a revised definition of a key decision
- (d) revised portfolios for Cabinet Members
- (e) revised arrangements for members' and officers' attendance at seminars, conferences, national and international visits.

No changes have been proposed to the Scheme as regards powers delegated to officers, except to reflect current structures and job titles.

The Scheme has been updated to reflect the above changes if approved.

## **8. Finance**

There are no direct financial implications in this report.

## **9. Risks and Uncertainties**

Without a clear and specific Scheme of Delegation of Powers then there may be confusion and incorrect decision making.

## **10. Policy and Performance Agenda Implications**

Rotherham Proud requires sound corporate governance and open and transparent decision making.

## **11. Background Papers and Consultation**

The Council's Constitution.

Report to Cabinet 29<sup>th</sup> April 2009.

### **Contact Name :**

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**MATTERS RESERVED TO THE FULL COUNCIL**

1. The adoption (with or without modification) of the Adult Learning Plan (Learning and Skills Council initiative).
2. The adoption (with or without modification) of the Annual Library Plan (section 1 (2) of the Public Libraries and Museums Act 1964).
3. The adoption (with or without modification) of the Performance Plan. (section 6 (1) of the Local Government Act 1999).
4. The adoption (with or without modification) of the plan and strategy for control of the Council's borrowing, capital expenditure and treasury management.
5. The adoption (with or without modification) of the Children's Services Plan (paragraph 1A of Schedule 2 to the Children Act 1989).
6. The preparation of strategic plans across the Social Services directorate which provide a long and medium term strategy for the development of Social Services, consistent with the overall policy framework of the Council.
7. The adoption (with or without modification) of the Sustainable Community Strategy (section 4 of the Local Government Act 2000).
8. The adoption (with or without modification) of the Corporate Plan.
9. The adoption (with or without modification) of the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).
10. The adoption (with or without modification) of the plans and strategies that together comprise the Development Plan.
11. The adoption (with or without modification) of the Education Development Plan (section 6 of the School Standards and Framework Act 1998).
12. The adoption (with or without modification) of the Behaviour Support Plan.
13. The adoption (with or without modification) of the plan and strategy which comprises the Housing Investment Programme.
14. The adoption (with or without modification) of the Lifelong Learning and Development Plan.
15. The adoption (with or without modification) of the Local Transport Plan (section 108 (3) of the Transport Act 2000).
16. The adoption (with or without modification) of the Youth Justice Plan (section 40 of the Crime and Disorder Act 1998).
17. (a) The approval of any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted to the Secretary of State or any Minister of the Crown for his approval; and

(b) the adoption (with or without modification) of the plan or strategy.

18. The adoption or approval of any plan or strategy (whether statutory or non-statutory) specifically reserved to the full Council.

#### **APPLICATIONS TO THE SECRETARY OF STATE FOR CONSENT TO DISPOSALS**

19. The authorisation of the making of an application to the Secretary of State for the inclusion of a disposal of one or more dwelling-houses in a disposals programme for a financial year (section 135 (5) of the Leasehold Reform, Housing and Urban Development Act 1993).
20. The authorisation of the making of an application to the Secretary of State for consent to dispose one or more dwelling-houses in a disposals programme for a financial year (section 32 of the Housing Act 1985 (power to dispose of land held for the purposes of Part II of the Housing Act 1985)).
21. The authorisation of the making of an application to the Secretary of State for consent to dispose of one or more dwelling-houses in a disposals programme for a financial year (section 43 of the Housing Act 1985 (consent required for certain disposals not within section 32 of the 1985 Act)).

#### **MEMBERS' ALLOWANCES, ETC.**

22. The making of any scheme for allowances for members of the Council, or the amending, revoking or replacing of any such scheme; and the determination of the amount of any allowance payable under a scheme, or the rates at which payments of an allowance are to be made (section 18 of the Local Government and Housing Act 1989 and regulations made under the 1989 Act).
23. The determination of the amount of any allowance payable in respect of –
- (a) chairman's expenses;
  - (b) vice-chairman's expenses;

#### **FUNCTIONS RELATING TO ELECTIONS**

24. Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983).
25. Power to assign officers in relation to requisitions of the registration officer (section 52 (4) of the Representation of the People Act 1983).
26. Functions in relation to parishes and parish councils (Part II of the Local Government and Rating Act 1997 and the Local Government and Public Involvement in Health Act 2007 and subordinate legislation)
27. Power to dissolve small parish councils (section 10 of the Local Government Act 1972).
28. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups (section 11 of the Local Government Act 1972).



29. Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983).
30. Duty to provide assistance at European Parliamentary elections (section 7 of the European Parliamentary Elections Act 2002)
31. Duty to divide constituency into polling districts (section 18 of the Representation of the People Act 1983).
32. Power to divide electoral divisions into polling districts at local government elections. (section 31 of the Representation of the People Act 1983).
33. Powers in respect of holding of elections (section 39 (4) of the Representation of the People Act 1983).
34. Power to pay expenses properly incurred by electoral registration officers (section 54 of the Representation of the People Act 1983).
35. Power to fill vacancies in the event of insufficient nominations (section 21 of the Representation of the People Act 1985).
36. Duty to declare vacancy in office in certain cases. (Section 86 of the Local Government Act 1972)
37. Duty to give public notice of a casual vacancy (section 87 of the Local Government Act 1972).
38. Power to make temporary appointments to parish councils (section 91 of the Local Government Act 1972).
39. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents (rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
40. Power to submit proposals for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 (section 10 of the Representation of the People Act 2000).

## **FUNCTIONS RELATING TO NAMES AND STATUS OF AREAS AND INDIVIDUALS**

41. Power to change the name of a district (section 74 of the Local Government Act 1972).
42. Power to change the name of a parish (section 75 of the Local Government Act 1972).
43. Power to petition for a charter to confer borough status (section 245B of the Local Government Act 1972).
44. Power to confer title of honorary alderman or to admit to be an honorary freeman (section 249 of the Local Government Act 1972).

**FUNCTIONS RELATING TO FINANCE**

45. The setting of the council tax for a financial year (sections 30 and 33 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995).
46. Determination of the budget requirement for a financial year (section 32 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995).
47. The approval (with or without modification) of the programme of capital expenditure for a financial year, and any variations to the programme during the year (Part IV of the Local Government and Housing Act 1989, DETR Circular 11/90 and the Guide to the Local Government Capital Finance System).
48. Determination of the borrowing limit for a financial year (section 45 of the Local Government and Housing Act 1989).
49. Duty to make arrangements for proper administration of financial affairs, including the making of financial regulations, etc. (section 151 of the Local Government Act 1972).
50. To approve the Audit Commission Relationship Manager's annual letter

**DESIGNATED OFFICERS**

51. Duty to designate officer as the head of paid service ("the Chief Executive"), and to provide staff, etc. (Section 4 (1) of the Local Government and Housing Act 1989).
52. Duty to designate officer as the section 151 officer (Section 151 of the Local Government Act 1972).
53. Duty to designate officer as the monitoring officer, and to provide staff, etc. (section 4 (1) of the Local Government and Housing Act 1989).
54. Power to appoint officers for particular purposes (appointment of "proper officers") (section 270 (3) of the Local Government Act 1972).

**POWER TO MAKE, AMEND OR RE-ENACT BYELAWS**

55. Power to make, amend, revoke or re-enact byelaws (any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978).

**POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS**

56. Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972).

**MISCELLANEOUS FUNCTIONS**

57. The making of arrangements for the discharge of functions by a committee, officer, another local authority or by a joint committee of two or more authorities (section 101 of the Local Government Act 1972).
58. The appointment of committees for the discharge of functions (section 102 of the Local Government Act 1972).
59. Power to make standing orders (section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972).
60. Power to make standing orders as to contracts (section 135 of the Local Government Act 1972).
61. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) (section 112 of the Local Government Act 1972).
62. Power to make payments or provide other benefits in cases of maladministration etc. (section 92 of the Local Government Act 2000).
63. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) (The Accounts and Audit Regulations 1996 (S.I. 1996/590)).
64. Pursuant to an order of a Minister made under section 70 Of the Deregulation and Contracting Out Act 1994, the power:–
  - (i) to authorise a person to exercise a function specified in the order; and
  - (ii) to revoke the authorisation, to the extent that the discharge of the function is not the responsibility of the executive.
65. Power to discharge any other function which, by virtue of any Act of Parliament, regulation or local Act, may not be discharged by the executive.
66. The appointment of a Chief Executive (Head of the Paid Service).

**DELEGATED POWER TO ANSTON PARISH COUNCIL**

1. The discharge by Anston Parish Council of the power to declare a local nature reserve under section 21 of the National Parks and Access to the Countryside Act 1949 in respect of Anston Stones Local Nature Reserve and to administer it.

**APPEAL AND GRIEVANCE PANEL**

1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).
2. Appeal and Grievance Panels shall comprise three members of the Council selected from a pool of six members (two of whom shall be Cabinet members and four of whom shall be Scrutiny Panel members), who have received appropriate training on employment related issues.

**APPOINTMENTS PANEL**

1. The power to appoint strategic directors and service directors.
2. The Panel shall comprise the Leader and Deputy Leader, the relevant Cabinet member and two representatives from the scrutiny panels nominated by the chairman of the Performance and Scrutiny Overview Committee.

**EARLY RELEASE PANEL**

1. The power to determine applications for early retirement.
2. The Panel shall comprise the Leader, Deputy Leader and the relevant Cabinet Member from the employing area.

**STAFFING COMMITTEE**

1. The Committee shall comprise the Leader, Deputy Leader, Leader of the Majority Opposition and other Cabinet Members whose portfolios are affected by the issues to be considered.
2. The Committee shall be empowered to determine:-
  - conditions of service and remuneration of the Chief Executive and chief officers.
  - Employment policies and procedures
  - Response to consultations
  - Responding to emergency staffing matters

**NEGOTIATING PANEL**

1. The Panel be authorised to negotiate with Trades Unions on employment matters, determine appropriate responses and direct officers accordingly.
2. The Panel shall comprise the Leader, Deputy Leader and relevant Cabinet Member.

**INTRODUCTORY TENANCY – REVIEW PANEL**

1. The Panel shall comprise at least three elected members from the Sustainable Community Scrutiny Panel and a housing policy advisor.
2. The Panel and the senior officers in Neighbourhoods Management may review and confirm, confirm with conditions attached or not confirm notices of proceedings for possession in respect of breaches of tenancy agreements.

## **THE PLANNING BOARD**

The Planning Board has the following terms of reference in relation to non-executive planning functions –

- 1.** Power to determine applications for planning permission – sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.
- 2.** Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990.
- 3.** Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990.
- 4.** Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990.
- 5.** Power to determine application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
- 6.** Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
- 7.** Power to enter into agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990.
- 8.** Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990.
- 9.** Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990.
- 10.** Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
- 11.** Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990.
- 12.** Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990.
- 13.** Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990.
- 14.** Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990.

- 15.** Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990.
- 16.** Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act.
- 17.** Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990.
- 18.** Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 19.** Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act.
- 20.** Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
- 21.** Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 22.** Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area – section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 23.** Powers to acquire a listed building in need of repair and to serve a repairs notice – sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 24.** Power to apply for an injunction in relation to a listed building – section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 25.** Power to execute urgent works – section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 26.** Powers relating to the preservation of trees – sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
- 27.** Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160).
- 28.** Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).



### **THE LICENSING BOARD**

The determination of all matters relating to the Council's statutory licensing functions as set out below –

1. Street and house to house Collections.
2. Amusements with prizes.
3. Operation of the Theatres Act 1968.
4. Applications for additional hackney carriage plates, granting of hackney carriage drivers' licences and transfer of hackney carriage plates from one vehicle to another within the same ownership.
5. Applications for extensions of hours of opening for cinemas.
6. The control of Hackney Carriage and Private Hire Licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, including the determination of hackney carriage fares and licence fees.
7. Operation of sections 19 to 21 of the Transport Act 1985 (grant of permits in relation to small buses).
8. Public entertainment licences (including open-air musical entertainment); private places of entertainment licences.
9. Operation of the Cinemas Act 1985.
10. Late night refreshment house licences.
11. Sex establishments – grant, renewal, transfer and variations of licenses.
12. Game dealers.
13. Registration of small lotteries under the Lotteries and Amusements Act 1976.
14. Exhibitions of hypnotism.
15. Marriage Act 1949 – applications for approval of premises.
16. Gaming Act 1968 – amusement arcade and AWP applications – grant of licences.
17. The Motor Salvage Operators Regulations 2002 – registration.

### **THE LICENSING ACT 2003 COMMITTEE**

1. The Licensing Act 2003 Committee shall comprise not more than 15 members and may appoint from time to time sub-committees in order to effectively discharge the functions delegated to the Board by the Council in relation to the 2003 Act.
2. The Licensing Act 2003 Committee is responsible for the discharge of non-executive functions under the Licensing Act 2003.

**THE AUDIT COMMITTEE**

The Audit Committee has the delegated power to determine the following –

- approve the internal auditor's annual plan
- approve revisions to the internal auditor's plan
- approve the internal auditor's annual report
- approve the annual review of the effectiveness of internal audit
- approve the external auditor's annual plan
- approve revisions to the external auditor's plan
- approve the external auditor's annual report
- approve the statement on internal control
- approve the draft statement of accounts for audit
- receive and respond to the external auditor's ISA260 (International Standards on Auditing) report on the accounts
- approve the final audited statements of accounts

**STANDARDS COMMITTEE – TERMS OF REFERENCE**

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct.
3. To advise the Council on the adoption and revision of its Code of Conduct, taking into account the Model Code of Conduct, guidance from the Standards Board for England and elsewhere, and existing good practice within the Council.
4. To monitor the operation of the Code of Conduct and recommend revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council.
5. To advise, train or arrange to train members and co-opted members of the Council on matters relating to the Code of Conduct.
6. To give dispensation to Members and Co-opted Members of the Council under the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.
7. To carry out similar functions to those above in relation to the Parish Councils for which the Council is the responsible authority and the members of those Parish Councils.
8. To review arrangements as to the declarations of interest of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application.
9. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct whilst not forming part of it.
10. To establish Sub-Committees:-
  - (a) To carry out the initial assessment of written allegations that members of the Council or of a Parish Council have failed to comply with the Code of Conduct.
  - (b) To review at the request of the person making the allegation any decision to take no action.
  - (c) To receive the report of the Monitoring Officer (or person nominated by him) into any complaint referred to the Monitoring Officer and, following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
11. To consider any report made to the Committee or the Monitoring Officer by an Ethical Standards Officer following an investigation into an allegation of a breach of the Code of Conduct and following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

12. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer by an Ethical Standards Officer or the Standards Board for England.
13. To provide any information required by the Standards Board for England regarding the exercise of the Committee's functions.
14. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council.
15. To establish and monitor the operation of Complaints Procedures and Whistleblowing Procedures.
16. To review the application of the Council's Standing Orders, Financial Regulations, contract arrangements and other such provisions.
17. To review and comment upon the Council's procedures and Codes of Practice relating to public access to information, confidentiality and arrangements for data protection.
18. To review the procedures for appointment of Council representatives to outside bodies and to make recommendations to the Council or the Cabinet as necessary.
19. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.
20. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on public perceptions of the honesty and integrity of the Council, its members, co-opted members and officers.
21. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining the highest standards of conduct within the authority.

In these Terms of Reference "co-opted member of the Council" means a person who is not a member of the Council, but who:-

- (a) is a member of any Committee or Sub-Committee of the Council, or
- (b) is a member of and represents the Council on any Joint Committee or Joint Sub-Committee of the Council

and who is entitled to vote on any question which falls to be decided at any meeting of that Committee or Sub-Committee.

## **THE CABINET**

The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council.

1. Providing a focus for community leadership in the Borough.
2. The development of plans and strategies for approval by the full Council and the determination and approval of plans and strategies which do not require the approval of the full Council.
3. The preparation and submission of budget proposals for approval by the full Council.
4. The determination of the Council Tax base and recommendations to full Council as to the level of Council Tax.
5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council.
6. The recommendation of changes to the Council's Constitution, save where those are of a clerical or administrative nature.
7. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards Committee or Audit Committee.
8. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution.
9. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations.
10. The taking of all key decisions\*.
11. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans.
12. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council.
13. The monitoring of the Council's performance including performance of the Council's land and property.
14. The determination of the future use of the Council's land and property.
15. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget.
16. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration.

17. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors.
18. The formation and monitoring of partnerships with other agencies.
19. Receiving references from Overview and Scrutiny Committees and Area Assemblies and approving any action required in response to these.
20. Responding to reports or recommendations received from Overview and Scrutiny Committees within two months of receipt.
21. Consideration of any recommendations from the Council's Standards Committee or Audit Committee.
22. Consideration of any motions or petitions referred from the full Council.
23. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council.
24. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the Borough.
25. The approval of any submission or application to the Secretary of State regarding the formation of an education action zone within the Borough.
26. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by Local Education Authorities in Schools in Causing Concern) or any amendment or re-enactment thereof.
27. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet Member.

\* "A key decision is:-

- (a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- (b) any decisions that will result in income, expenditure or savings with a gross effect of £500,000 or greater (whether or not the item has been included in the relevant approved budget and including the provision by the Council of cashflow funding to third parties), with the exception of:-
  - (i) Decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
  - (ii) Bids by the Council for funding of £500,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
  - (iii) Expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance inevitable.

- (iv) Expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.
- (c) Any decision relating to the approval or variation of policies which are reserved to the full Council.
- (d) Any decision that is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards (or one ward if the effects are sufficiently significant) but not if the decision will apply throughout the whole borough."

**GENERAL DELEGATIONS TO CABINET MEMBERS IN RESPECT OF THEIR OWN PORTFOLIOS**

Cabinet members have delegated powers to make decisions regarding all executive functions within their portfolios (including but not limited to any function reserved to the Cabinet Member within the Schedule for each Directorate) with the following exceptions.

- a) Any issue that needs to be referred to the full Cabinet under the terms of reference for Cabinet. Should there be any conflict between these terms of reference and any allocation of functions to Cabinet Members elsewhere within the Scheme, then the requirement for the matter to be referred to Cabinet shall prevail.
- b) Any other decision which the Leader or the Cabinet has determined shall be made collectively by the full Cabinet.
- c) Any decisions specifically referred to officers under this Scheme of Delegation.

Cabinet Members may also elect to refer any decision to full Cabinet if they consider that the issue has serious implications in terms either of policy or impact upon the community, even though not amounting to a key decision.

In respect of any matter which is delegated to a Cabinet Member, if he or she is absent or has an interest in a particular item of business then the Leader is authorised to substitute.

If the above circumstances arise and the Leader is unavailable, then the Deputy Leader is authorised to substitute.

If either the Leader or Deputy Leader is absent or has an interest to declare in respect of business delegated to them, or if both are unavailable to substitute for another Cabinet Member then any other available Cabinet Member be authorised to substitute.



## **Cabinet Portfolios**

### **1. The Leader of the Council**

Responsible for overall leadership and for the strategic policies of the Council including the Sustainable Communities Strategy and the Council's Corporate Plan. Political leadership and responsibility for the Year Ahead Statement and Outcomes.

Responsible for external relations and representation of the Council's interests at European, national, regional and sub-regional levels. Leadership of key local partnerships on a bi-lateral and multi-lateral basis, including serving as the Council's principal member representative on the Rotherham Partnership.

Responsible, together with the Deputy Leader or one other cabinet member for urgent decisions during recess or other periods when it is not possible to convene a cabinet meeting.

### **2. The Deputy Leader**

Responsible for all functions exercised by the Leader, when the Leader is absent and unavailable.

Responsible for working with the Leader to provide overall political leadership within the Council, carrying out such specific duties or project leadership as determined by the Leader to help ensure the effective and efficient discharge of the Council's functions. [Given that the Leader has extensive external duties outside of Rotherham, the Deputy Leader is likely to be asked to take day-to-day responsibilities for some internal leadership duties, supporting the Leader in this].

Responsible for the Council's performance management and quality assurance programmes, performance clinics and political leadership of the Council's performance outcomes under the CAA framework.

Responsible for member development and training and for any other matters relating to member support and welfare.

Responsible for Legal and Democratic Services including maintaining a sound democratic process and meeting arrangements.

### **3. The Cabinet Member for Resources**

Responsible for all aspects of:-

- Finance and Value for Money.
- Human Resources Strategy and Services.
- Developing the Capital Strategy.
- ICT Strategy and Services.
- Procurement Strategy.
- Risk Management and related Governance issues.
- Customer Access Strategy.

Responsible for political management of the Council's Medium Term Financial Strategy, overall charging/fees policies and the development of shared services with external bodies.

Responsible for liaison with and oversight of the strategic contract with BT (RBT) and for assuring effective outcomes from this joint venture.

Responsible politically for performance outcomes within the Use of Resources block of the CAA framework, and for liaison with Board members of other key organisations also involved in the performance assessment (eg NHS Rotherham, Police).

#### 4. **The Cabinet Member for Children and Young People**

Responsibility for all functions relating to Children, Young People and Families as set out in statutory guidance. This includes championing children's issues and political leadership on:-

- Education and Lifelong Learning.
- Children's Social Care Services.
- Safeguarding of Children.
- Youth Services.
- Children's Voice and Influence Activity.
- Careers Guidance.
- Children's Health and Wellbeing.
- Young People's Employment and training .
- Influencing all services allied to these issues, from the children's perspective.

Responsible politically for performance outcomes within the Children & Young People's service assessments under the CAA framework and relevant inspection regimes.

#### 5. **The Cabinet Member for Health & Social Care**

Responsible for all functions relating to Adult Social Care, Disability Services and Mental Health Services, including all responsibilities set out in statutory guidance and relating to these issues. This includes championing older people's services disability issues and mental health issues locally and externally.

Responsible for the Council's involvement in health promotion and improvement, public health strategy and liaison with NHS Rotherham, Rotherham Foundation Trust, Rotherham and Doncaster Mental Health Trust and any other health bodies that impact on health services in Rotherham. Responsible politically for performance outcomes within the Adult, Older Peoples, Mental Health and Health Service assessments under the CAA framework and relevant inspection regimes.

#### 6. **The Cabinet Member for Housing & Neighbourhoods**

Responsible for all aspects of housing strategy, including Housing Market Renewal and affordable housing programmes.

Responsible for liaison and political management of the relationships and contracts with Rotherham 2010 Ltd and with other social housing landlords.

Responsible, jointly with the Cabinet Member for Planning, Transportation and Economic Development, for liaison with the Homes and Communities Agency and for the development of effective joint working with that body.

Responsible for the development and implementation of Neighbourhoods Strategy and Neighbourhood renewal policy, including initiatives to tackle social exclusion and inequalities in prosperity in deprived areas [working closely with the Cabinet Member for Community Development and Engagement on this].

Responsible for the continuing development of Area Assemblies and neighbourhood management initiatives.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for Community Safety (and liaison with the Police).

#### **7. The Cabinet Member for Economic Development, Planning and Transportation**

Responsible for all aspects of planning, transportation, asset management and economic development policy (including tourism) services and delivery, including liaison on a city-region/sub-regional basis with other authorities.

Responsible for the Rotherham Renaissance programme and plan and for all business development initiatives undertaken by the Council or in association with other key agencies such as Yorkshire Forward and the HCA (in liaison with the Cabinet Member for Housing and Neighbourhoods).

Responsible for developing and championing the Council's policies on sustainability and sustainable development.

Responsible politically for performance outcomes in all these themes under the CAA framework and relevant inspection regimes.

Responsible for taking the lead on matters relating to the Integrated Transport Authority.

#### **8. The Cabinet Member for Streetpride Services**

Responsible for all aspects of Streetpride services including:-

- Litter and waste management.
- Parking management services.
- Grounds maintenance.
- Other street services/maintenance activity.
- Public realm improvement.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

#### **9. The Cabinet Member for Cultural Services and Sport**

Responsible for all aspects of culture, leisure and sports policy and services including:-

- Sporting facilities and sports promotion.
- Leisure facilities and recreational areas.
- Libraries and Museums.
- Parks and open spaces.

- Children's play areas.
- Events planning and management including the Rotherham Show.

Responsible for championing increased participation in sport and recreation and liaison with NHS Rotherham on this.

Responsible for the co-ordination of events and activity for the 2012 Olympic Games.

Responsible politically for performance outcomes in these service areas under the CAA regime and relevant inspections.

(This Member to work closely with the Cabinet Member for Health and Social Care on developing health opportunities through sport and leisure.)

#### 10. **The Cabinet Member for Community Development and Engagement**

Responsible for promoting cohesive and inclusive communities and for all aspects of engagement and communications with local residents, businesses and groups to maximise participation in local civic and community affairs and to drive up satisfaction with local services and performance.

Responsible specifically for:-

- Community cohesion.
- Prevent Strategy.
- Voluntary sector liaison.
- Corporate communications.
- Equalities in the community.
- Consultation strategy.
- Asylum/migration services.
- Parish Council liaison.

(This member will need to work closely with the Cabinet Member for Housing and Neighbourhoods on many of these issues, including close liaison on Area Assemblies and Community Safety.)

Responsible politically for performance outcomes in these service areas under the CAA framework and relevant inspections.

**Delegation Arrangements for Members and Officers attendance at Seminars, Conferences and National and International Visits**

1. That Cabinet Members authorise attendance for Members on Council business related to their portfolios at locations within the UK, but where the Cabinet Member is to attend, the Leader or Deputy Leader authorises his or her attendance.
2. That Strategic Directors authorise attendance for Officers on Council business related to their Directorates at locations within the UK, but where the Strategic Director is to attend, the Chief Executive, Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services) authorises his or her attendance.
3. That the Leader, in consultation with the Chief Executive, authorises Members and officers' attendance on Council business at locations outside the UK.
4. That the Deputy Leader, in consultation with the Chief Executive, authorises the Leader's attendance on Council business at locations outside the UK.
5. That where both the Leader and the Chief Executive propose to attend on Council business at a location outside the UK, the Deputy Leader, in consultation with the Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services), authorises their attendance.
6. That a record of the decision and the reasons for the decision be kept for at least six years, beginning with the date on which the decision was made.
7. That the Democratic Services Manager keep a record of decisions made by Members or by Members and officers and Strategic Directors keep a record of decisions made in relation to their officers.
8. That representatives on outside bodies be authorised to attend relevant meetings, seminars, conferencing and training events and the relevant Cabinet Member be kept informed.

**DELEGATIONS TO OFFICERS**

***General Principles***

Where decisions are taken or powers exercised by the officers under delegated powers, the following principles shall apply:-

1. Whether specifically stated or not, delegated powers shall be exercised in accordance with the Council's Standing Orders and Financial Regulations and relevant Codes of Practice approved by the Council, and for the time being in force.
2. Where an officer is authorised to take decisions, the decision shall be taken in the name of, but not necessarily personally, by that officer. It shall be the responsibility of each officer to whom powers are delegated to identify and record the names of staff and the classes of decision they are authorised to take in his or her name. However, actions and decisions under that authority must be taken in the name of the officer to whom the power is delegated, and remain his or her responsibility.
3. Where delegated powers are to be exercised personally by the officer concerned, then in his or her absence the power shall be exercised by any other officer named in the delegation or failing that by the Strategic Director for the directorate concerned.

**The Borough Emergency Co-ordinators**

1. Power to sanction expenditure up to a maximum of £500,000 in order to facilitate the Council's response to an emergency incident in which the Emergency Plan is activated.

**All Strategic Directors**

1. Authorisation of virement of revenue budgets in accordance with Financial Regulations.
2. In accordance with Standing Orders and Financial Regulations, matters relating to the acceptance of tenders relating to contracts for works of improvement, repair or maintenance of Council properties, other supplies, services goods and equipment in accordance with approved budgets or supplementary estimates, not otherwise delegated to Members or to the Service Director.
3. In the absence of a Service Director within the directorate, or if a Service Director has a conflict of interest in relation to any matter concerning him/her, any power delegated to him/her.
4. Authorisation of gifts legacies and hospitality offered to Service Directors within the directorate, in accordance with the Council's Code of Conduct.
5. Authorisation of requests from Service Directors to undertake additional outside employment in accordance with the Council's policies and procedures.
6. Aspects of the grievance procedure as permitted within Council Policy.
7. Powers in respect of staffing and establishment and departmental assets identical to those delegated to the Service Director appearing below in respect of staff reporting directly to the Strategic Director.  
  
Under £500,000 – Approval of Select Lists of Tenderers.
8. Overall monitoring within the Directorate of:-  
  
Service Plans  
Complaints  
Performance Indicators  
Sickness Absence  
Overtime  
Incidents of Violence.
9. Compensation payments, in accordance with the Council's Customer Complaints Code of Practice for Officers.
10. To determine service provision and operational matters within the agreed revenue budget for the Directorates.



**All Service Directors**

1. In respect of financial matters

Authorisation to spend within approved budgets subject to the policy, standing orders and financial regulations of the Council.

Authorisation for the virement of revenue budgets in accordance with Financial Regulations.

2. In respect of Departmental Assets

The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial Regulations and Standing Orders of the Council.

Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items shall not exceed £1000.

3. In respect of Procurement Contract Administration and Best Value

In accordance with standing orders and financial regulations, matters relating to the specification for goods and services, the seeking of estimates quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, other supplies, services, goods and equipment in accordance with approved budgets or supplementary estimates.

In respect of DSO's the authorisation of individual variations.

4. Proper Officer

Appoint as Proper Officer in relation to items of business originating within the service for the purposes of the following: provisions of the Local Government Act 1972:

Section 100 D(1)(a) - Compilation of lists of background papers

Section 100 D(5)(a) - Identification of background papers.

5. Issues delegated to Service Director/Strategic Directors

All the HR elements listed below, are delegated fully to Service Directors/Strategic Directors who have a responsibility to seek guidance from Directorate HR Managers in ensuring that any decisions are in line with national/local agreements, equal pay requirements, are consistent and accord with the philosophy of a single employer.

The list refers to delegations where the issues concerned are within Council policy. Where, on any of these items, a decision would not be within Council policy, a report will be prepared, in conjunction with Directorate HR Managers\*, for consideration by the CMT.

Establishment of posts/changes to establishment/restructuring/transfer of posts between sections and units.

Approval to fill vacant posts within approved establishment including posts externally funded. (Where Service Directors delegate this responsibility to senior managers in the Service a list of Authorised Officers for this purpose should be maintained by the Directorate HR Manager\*.) (A copy of this list should be forwarded to the Business Unit Manager in Strategic HR\* in order that AP6 forms can be processed and vacant posts advertised.)

Appointment to posts below Service Director, within approved establishment. (Where Service Directors delegate this responsibility to senior managers, a list of authorised officers should be maintained by the Directorate HR Manager\* with a copy forwarded to the Business Unit Manager in Strategic HR. Services should use the AP8 Form to initiate the production of an appointment letter/ contractual statement by the Business Unit within Strategic HR\*.)

Use of the re-location scheme for new appointments. (The standard pro-forma should be used.)

Transfer of staff internally to equivalently graded posts.

Approval to recruit additional temporary staff for maternity leave cover.

Approval to recruit additional temporary staff to meet work demands/seasonal fluctuations. (All arrangements should be registered and recorded appropriately by the Service.)

Agree applications for Job Share and filling of resultant vacancies. (The standard pro- forma should be used by Services and retained as a record of an agreed job share arrangement. )

Agree Work Experience Placements for students NOT employed by the Council. (There is a standard form for this purpose which should be used by Services.)

Agree the transition of employees from probationary to permanent employment status.

Grading of new posts/changes to existing grades. (This will include mechanisms such as the Job Evaluation Scheme for the former manual conditioned employees, Directorate Grading Assessment Schemes and may, in future, include any new processes for job evaluation(yet to be determined). Also covered by this delegation will be other payments for non-regular working for all staff, including, for example, standby payments and in addition, the application of the Council's grading protection scheme.)

Agree appropriate starting salaries. (Service Directors have full delegated powers (Effective date 11.12.01) to determine the salary necessary to attract candidates (within the grade determined for the job). In respect of Sc1/2 posts, this is limited to appointments commencing at scp 6 or above. Directorate HR Managers\* should be consulted and consistent guidelines for the Directorate established and maintained.)

Consider personal applications for re-grading. (There is a joint procedure agreed with the trade unions which requires that the Directorate HR Manager\* reports on the application and makes a recommendation to the Programme Director/Service Director.)

Approval of honoraria/ex-gratia payments in appropriate circumstances. (In accordance with Corporate guidelines to ensure consistency of approach and maintain equality.)

The conduct of the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal. (Where there is a need to re-consider the list of named officers, this should be done in consultation with the Directorate HR Manager\* to ensure a consistent approach.)

The conduct of the Grievance procedure with power to initiate Investigations and undertake first stage grievance hearings. (Where there is a need to re-consider the list of named officers, this should be done in consultation with the Directorate HR Manager\* to ensure a consistent approach.)

Monitoring of sickness procedures.

Ill Health Terminations.

Approval of attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration.

Authorisation of gifts/legacies and hospitality offered to staff.

Authorisation of requests from staff to undertake additional employment. (The authority delegated to Service Directors allows them to authorise additional employment for staff above scp28.)

Authorisation of overtime payments to staff below SCP28.

Authorisation of overtime payments to staff above SCP28. (In accordance with corporate guidelines to ensure consistency and maintain equality.)

Approval of telephone/car allowances (including assisted car purchase scheme) for appropriate posts.

Granting of special leave without pay.

Granting of special leave with pay including TU time off.

Consider applications to extend the period of paid sickness absence. (This relates to the extension of the period of half pay. It is only at the point when employees are reaching the end of the period of half pay that such consideration can be given.)

Early release of pension benefits – Ill-health Retirement. (Subject to the appropriate medical approval and in consultation with the Strategic Director and the Cabinet Member with responsibility for employment issues.)

Payment of 'buy-out' compensation. (Any 'buy-out' arrangements will need to be consistently applied in line with the philosophy of a single employer.)

Issue of compulsory redundancy notices. (In consultation with Strategic HR.)

Approval of excess travel expenses (Where Council Policy is not appropriate. (Any arrangements should be consistently applied in line with the philosophy of a single employer.)

Requests for re-employment from persons having *previously taken early release from the Council's employment.*

6. Powers not delegated to Service Directors/Strategic Directors

Process of requests for Early Release from the Council's employment - This power is delegated only to the Assistant Chief Executive, Strategic HR.

*\*This may change as a result of the impact of the Joint Venture Partnership on the operational and strategic HR functions.*

7. Compensation payments not exceeding £500, in accordance with the Council's Customer Complaints Code of Practice for Officers.

**DELEGATION OF FUNCTIONS BY DIRECTORATE**

**The Chief Executive**

1. Power to authorise any act necessary to give effect of any decision to the Council, the Cabinet or any Board, Committee or Sub-Committee.
2. To take such action as he considers appropriate in an emergency in consultation with such Members and Officers as he considers circumstances will allow.
3. To deal with all press releases and media enquiries on behalf of the Council and to implement the Council's public relations strategy.
4. Authorisation of gifts, legacies and hospitality offered to Strategic Directors in accordance with the Council's Code of Conduct.
5. Power, in consultation with the Leader of the Council, to deal with Single Regeneration Project approvals, following Rotherham Partnership approvals, as appropriate.

**Proper Officer Provisions**

1. The Chief Executive be confirmed as the head of paid service in accordance with Section 4 of the Local Government Housing Act 1989.
2. That under the provisions of Sections 8 and 35 of the Representation of the People Act 1983 the Chief Executive be appointed as

Registration Officer for any constituency or part of a constituency in the District of Rotherham and

Returning Officer for the elections of Councillors of the District and for elections of Councillors of Parishes within the District.

3. That the Chief Executive be appointed the Proper Officer in relation to Section 83 of the Local Government Act 1972 (Declaration of Acceptance of Office) - Witness and Receipt of Declarations of Acceptance of Office.
4. That the Returning Officer be designated Proper Officer to receive notifications and to whom documents must be delivered for District Council elections.

**The Assistant Chief Executive - Legal and Democratic Services**

1. That the Assistant Chief Executive - Legal and Democratic Services be appointed the Monitoring Officer for the purposes under Section 5 of the Local Government Housing Act 1989.
2. Designation as Deputy Electoral Registration Officer to deputise for the Electoral Registration Officer under Section 52 of the Representation of the People Act 1983.
3. The granting of wayleaves and consents to public utility undertakings in consultation with the appropriate Director of Service.
4. Decision as to whether a Member has a right to see a report containing exempt information, as defined in the Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1-5, 7, 7A, B or C, because he/she has a right to know information it contains. In the event of a disagreement, the matter be referred to the Cabinet for a decision.
5. In consultation with the Strategic Director of Finance, to authorise expenditure under the statutory costs head of account.
6. To institute and defend matters on behalf of the Council in respect of legal proceedings in any court or tribunal.
7. Authority to authorise the use of the Council's coat of arms by external bodies or organisations where appropriate.
8. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and the Commons Act 2006 to determine applications to register land as a town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.

Proper Officer

1. The Assistant Chief Executive - Legal and Democratic Services be appointed Proper Officer in relation to:

Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26<sup>th</sup> October, 1972 to the Clerk of a Council or the Town Clerk of a Borough which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council.

Any reference in any local statutory provision to the Clerk of a specified Council or the Town Clerk of a specified Borough in respect of powers which pass to the Rotherham District Council.

The following provisions in the Local Government Act 1972 namely:

Section 84 (Resignation) Receipt of declaration of resignation of office.

Section 13 (Constitution of Parish meeting etc.) – Parish Trustee

Section 88 (Filling of Casual Vacancy in case of Chairman etc.) – Convening of Meeting of Council to fill the Casual Vacancy in the office of Chairman

Section 89 (Filling of Casual Vacancy in case of Councillors) – Receipt of notice of casual vacancy from two local government electors.

Section 210 (Charities) – Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to proper officers.

Section 225 (Deposit of documents with proper Officer of authority etc.) – Deposit of Documents.

Section 229 (Photographic copies of documents) – Certification of photographic copies of documents.

Section 234 (Authentication of documents)

Section 236 (Procedure etc. for Byelaws) – To send copies of byelaws for Parish records.

Section 238 (Evidence of Byelaws) - Certification of Byelaws.

Schedule 12 (Meetings and Proceedings of Local Authorities) Paragraph 4(2)(b) – Signature of summonses to Council Meetings – Receipt of notices regarding address to which summons to meetings is to be sent.

Schedule 14 (Public Health Acts 1875 to 1925) – Certification of resolutions under Paragraph 25 of Schedule 14.

Proper officer for the purposes of Article 9 of the Local Authorities etc. (Miscellaneous Provisions) Order 1974 to enable the production in Court of certified copies of Byelaws made by a predecessor authority as evidence of the Byelaws

Proper officer to whom a request should be delivered for a casual vacancy in the office of parish councillor to be filled by election.

In the absence of the Chief Executive, proper officer in relation to Section 83 of the Local Government Act 1972 (Declaration of acceptance of office), that is to say the witnessing and receipt of declarations of acceptance of office.

Proper officer in relation to Section 19 of the Local Government and Housing Act 1989 (general notices of members' interests).

In relation to Section 81 of the Local Government Act 2000 (Disclosure and Registration of Members' Interests etc.) for receipt of notices from members and co-opted members of their financial and other interests and to maintain the register of such interests required under Section 81(1).

2. The Team Manager (Non-Contentious), or in his absence the Team Manager (Contentious), be appointed to act in the event of the Assistant Chief Executive -

Legal and Democratic Services being absent or otherwise unable to act as Proper Officer in relation to all the above-mentioned matters other than those relating to elections.

3. That Lorraine Cuthbert-Hoyle, Senior Legal Officer, and Dawn Armstrong, Legal Clerk in the Contentious team of the Legal Services Division be authorised, under the provisions of Section 223(1) of the Local Government Act 1972, to prosecute, defend and appear on the Council's behalf in proceedings before the Magistrates' Court and to conduct any such proceedings.



**The Democratic Services Manager**

1. In consultation with the Leader and Deputy Leader be responsible for the provision of accommodation and hospitality for all special events.
2. In consultation with the Leader, be authorised to determine overnight use of ET1.

Proper Officer

1. The Democratic Services Manager be responsible for the following provisions of the Local Government Act 1972:

- |                  |                                       |
|------------------|---------------------------------------|
| Section 100b(2)  | - circulation of reports and agendas, |
| Section 100b(7)c | - supply of papers to the press,      |
| Section 100c(2)  | - summaries of minutes,               |
| Section 100f(2)  | - papers not available to Members,    |
| Section 248      | - keeping the roll of freemen         |

**The Strategic Director of Finance**

1. In accordance with the provisions of Section 151 of the Local Government Act 1972 (Financial Administration) to be responsible for the administration of the financial affairs of the Council.

Duties extended by S114 of the 1988 Local Government Finance Act and The Accounts and Audit Regulations 2003.

2. In accordance with Section 115 of the Local Government Act 1972 (Accountability of Officers) to be responsible for the receipt of money due from Officers.
3. In accordance with Section 146 of the Local Government Act 1972 (Transfer of Securities on Alteration of Area etc.) to be responsible for the declarations and certificates with regard to securities.
4. As Proper Officer of the Council for the purpose of Section 228(3) of the Local Government Act 1972 (Accounts of "any Proper Officer" to be open to inspection by any member of the Authority).
5. As Proper Officer of the Council in relation to any reference in any enactment passed before or during the 1971/72 Session of Parliament other than the Local Government Act 1972, or in any instrument made before 26<sup>th</sup> October 1972 to the Treasurer of a Council or a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
6. As the Officer responsible on behalf of the Authority for maintaining an adequate and effective system of Internal Audit as required by the Accounts and Audit Regulations 2003.
7. The power to declare a rate of interest applicable to the advances and transfers mentioned in sub-section 1(a) and (c) of Section 110 of the Housing Act 1980 and a rate of interest applicable to the sums left outstanding as mentioned in sub-section 1(b) of the said Section 110, the power to vary the rate of interest and the periodic payments referred to in sub-section 3 of the said Section 110 the power to serve notices relating to the variations and to take all necessary action to implement changes in the rates of interest.

**Cheques**

1. To sign cheques and to approve the list of Officers and signatories for the transfer of funds and other transactions on the online banking system.
2. To make arrangements for the encashment of open cheques in agreement with the Council's bankers.

**Bank Overdraft Facilities**

1. To borrow on overdraft from the Authority's approved bankers such sums as may be from time to time required (but so that the amount outstanding at any one time shall not exceed £2 million).

Leasing

1. To negotiate leasing finance, as required, through brokers or other financial institutions.

Mortgage Interest Relief at Source

1. To act as approved signatory for repayment claims under the Finance Act 1982:-

Director of Central Finance  
Director of Service Finance

National Non-Domestic Rates

1. To determine applications for mandatory relief from National Non-Domestic Rate in accordance with Section 43(5) of the Local Government Finance Act 1988.

Minute C469 - National Non-Domestic Rates - Discretionary Powers

1. To request certificates under Section 44A of the Local Government Finance Act 1988 in respect of allowances granted for temporary periods when business premises are only partly occupied.

Banking Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender Banking Arrangements including service developments and the authority to appoint Consultants to assist in the process.

Insurance Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender the Council's insurance arrangements including service developments and the authority to appoint Consultants to assist in the process.
2. To operate the Council's Insurance arrangements.

## Virements

1. To approve Virements after consultation with the Corporate Management Team for amounts above those delegated to the Strategic Director.

## Write-Offs

1. To approve, where appropriate, the writing-off of Sundry Debtor, Community Charge, Non-Domestic Rates, Council Tax and Former Tenants Arrears to a maximum of £5,000 and amounts above that level after consultation with the Corporate Management Team.
2. To approve, where appropriate the writing-off of irrecoverable payments of salaries and wages up to a value of £1,000 and above that amount after consultation with the Corporate Management Team.

## Internal Funds

1. To approve, after consultation with the Corporate Management Team, advances from internal funds which have been created to provide advances to Directorates.
2. To authorise requests from the Strategic Director of Environment and Development Services, to replace damaged vehicles having made the necessary financial arrangements for their replacement.

## Budgets

1. To deal with in year budget issues of less than £50,000, including the identification and allocation of budgets for previously unbudgeted expenditure but excluding the option of using Council balances, after consideration by the Corporate Management Team.

## Council Tax and Housing Benefit Fraud - Prosecution

1. To instigate legal proceedings, against false claimants for Council Tax and Housing Benefit (Minute B107 - September 2002).

## Visa/Credit Cards

1. To make arrangements for the use of Visa and credit/debit cards in relation to all transactions including foreign travel.

## Inflationary Increases

1. To implement the annual increases in Long Service Awards and Non-Contributory Pension Scheme (Rotherham County Borough) in accordance with the approved inflationary procedure.

General

1. The Director of Internal Audit and Governance and the Director of Central Finance are hereby appointed to act in the event of the Strategic Director of Finance being absent or unable to act as the Proper Officer in respect of all the above delegated powers.

The Prudential Code – Prudential Factors (Minute No. 253 of 25/2/04)

1. Authority is delegated to the Strategic Director of Finance, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long term liabilities, in accordance with option appraisal and best value for money for the authority. Any such changes will be reported to the Council at its next meeting following the change.
2. That with regard to the Operational Boundary for External Debt (Section 5), authority is delegated to the Strategic Director of Finance, within the total Operational Boundary for any individual year, to effect movement between the separately agreed figures for borrowing and other long term liabilities, in a similar fashion to the authorised limit. Any such changes will be reported to the Council at its next meeting following the change.

That the undermentioned officers be authorised:-

1. Under the provisions of Sections 101 and 223 of the Local Government Act 1972 to institute, carry on, prosecute and defend proceedings in relation to the recovery of Council Tax, Community Charge, National Non-Domestic Rates and General Rates which the Council, as Billing, Charging, Collecting and formerly Rating Authority, is itself authorised to institute, carry on, prosecute and defend.
2. To act on behalf of the Billing, Charging and Collecting Authority in the execution of all or any Warrants which may from time to time be granted under the Local Government Finance Act 1988 (as amended) and the Local Government Finance Act 1992.
3. To act on behalf of the Billing, Charging and Collecting Authority in proceedings undertaken at the Valuation Tribunal in respect of Council Tax, Community Charge and National Non-Domestic Rate Appeals:-

Mr. Robert Cutts  
Mrs. Melanie Kennedy  
Mr. Dave Morley  
Mrs. Sally Olivia  
Miss Suzanne Styring  
Mrs. Diane Woolley

Mrs. Rachel Humphries  
Mr. Robert McCormack  
Mr. Alan Norcliffe  
Mr. Peter Stringer  
Mr. Steven Ward

**RBT**

**The Service Leader, Public Access**

The Service Leader Revenues Connect and Development Services be appointed proper officer under paragraph 41 of schedule 29 to the Local Government Act 1972, in exercise of functions under sections 9 (1) and (2), 13 (2) (h) and 13 (3) (b) and 20 (b) of the Registration Service Act 1953.

**Environment and Development Services**

**The Strategic Director of Environment and Development Services**

1. To determine operational matters relating to Health and Safety.
2. To determine operational matters relating to Emergency Planning.
3. Implementation of capital projects within approved budgets.
4. Following annual budget and scheme allocation by the Cabinet Member – development and implementation of the Rotherham Economic Regeneration Fund (RERF) and other funding regimes and the approval of detailed spending on individual projects.
5. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and Commons Act 2006 (with the exception of the determination of applications to register land as a Town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.)

## **The Director of Planning and Regeneration**

### **Development Control**

The Director of Planning and Regeneration delegated powers are exercised by the Planning Manager, Transportation Manager, Area Development Control Managers, Planning Improvement Manager, Forward Planning Manager, Local Land Charges Manager, Business Development Manager, Development Manager, Economic Strategy Manager and Town Centre & Markets Manager.

The powers are limited to the following extent

- Approve Applications under sections 1-6 below, except where objections have been received.
- Refuse applications under sections 1-6 below even where objections have been received, other than where more than 5 objections received or where application is retrospective (see 9 below).
- Refuse an application where the plans are inadequate or supporting information is insufficient and this is the primary reason for refusal.
- Under Article 25 of the General Development Procedure Order 1995, to 'finally dispose of' applications where further information has been requested and the time period for appealing against non-determination of the application has elapsed.

#### **1. Applications for householder development**

- 1.1 Alterations or extension to dwellinghouses
- 1.2 Erection of buildings within the curtilage of residential properties, to include garages etc.
- 1.3 Erection of a fence, wall, gate, or other means of enclosure
- 1.4 Formation of a vehicular access onto a classified road
- 1.5 A minor householder development not falling within the above criteria

#### **2. Applications for residential development**

- 2.1 Conversion of a building to a dwellinghouse
- 2.2 Conversion of a building to flats.
- 2.3 The erection or conversion of up to 10 dwellinghouses on land for which planning permission has been granted within the past 3 years.
- 2.4 The approval of reserved matters (up to 25 units) in respect of dwellinghouses or of flats.
- 2.5 Erection of up to five dwellings or five flats within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').
- 2.6 Outline applications with a site area up to 0.2 hectares in area within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').

#### **3. Applications for commercial, industrial, retail, leisure or recreation development**

- 3.1 A modification or construction of a new shop front, including installation of security shutters.
- 3.2 A minor change of use or other minor development.



- 3.3 The display of an advertisement (section 220 of the Town Centre Planning Act, 1990), including on Listed buildings.
- 3.4 Outline applications with a site area up to 2 hectares where the site is allocated as such in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
- 3.5 The erection of new commercial, industrial, leisure or recreation development and reserved matters relating to such development or related mixed use schemes where the total floor area proposed is under 2,000 square metres, on land either currently used for that purpose, or allocated as such within the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
- 3.6 The alteration or extension (up to 2,000 square metres) of commercial, industrial, retail, leisure or recreation premises within an area allocated for such use in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix') or in an existing area or complex containing such uses.
- 3.7 The erection of overhead electricity lines up to 66KV, and installation of statutory undertakers equipment, which is not classed as permitted development.

#### **4. Applications submitted by the Council**

- 4.1 Applications submitted by the Council, either solely or in conjunction with a partnership body, for small scale development, such as small new buildings/extensions to Council buildings (up to a floor area limit of 300 square metres), formation of related parking areas, temporary buildings, fencing, etc.

#### **5. Minerals and Waste**

- 5.1 Except where reserved to the Planning Board, the approval or amendment of reserved matters, in an application for planning permission, relating to schemes of working, restoration and aftercare.
- 5.2 The approval of siting of plant, machinery, buildings, structures or erections, proposed by a minerals undertaker under Part 19 of Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- 5.3 The approval of siting of plant, machinery, buildings, structures or erections, proposed by the Coal Authority or a licensed operator on an authorised site under Part 20 of Class C of the Town and Country Planning (General Permitted Development) Order 1995.

#### **6. Other Application Types**

##### **(A)**

- 6.1 Applications for Conservation Area Consent, relating to development falling within the scheme of delegation.
- 6.2 Applications for Listed Building Consent for Grade 2 Listed Buildings for development falling within the scheme of delegation.
- 6.3 Variation of conditions on previous approvals not determined by the Planning Board.
- 6.4 Applications to prune and fell trees covered by Tree Preservation Orders.
- 6.5 Applications for prior approval for agricultural development and demolition.
- 6.6 Applications for prior approval for telecommunications apparatus.
- 6.7 Applications for prior approval for demolition and restoration work

##### **(B)**

- 6.8 Power to determine certificates of lawfulness of existing and proposed use/operations in respect of Sections 191 and 192 of the Town and Country Planning Act 1990.

- 6.9 Applications to prune and fell trees subject to 6 weeks notice within a Conservation Area
- 6.10 Applications for works to, and the removal of historic hedgerows

**7. Planning Enforcement (see also section 9 below)**

- 7.1 Power to authorise entry onto land (section 196A of the Town and Country Planning Act 1990)
- 7.2 Power to seek a warrant for entry in the magistrates court (Section 196B of the Town and Country Planning Act).
- 7.3 Power to serve a requisition for information (Section 330 of the Town and Country Planning Act).
- 7.4 Power to serve a planning contravention notice (Section 171C of the Town and Country Planning Act).
- 7.5 Power to serve a breach of condition notice (Section 187A of the Town and Country Planning Act).
- 7.6 Where there is a breach of planning control, the determination as to whether it is expedient to take action.

**8. Miscellaneous**

- 8.1 The determination of the need for an Environmental Impact Assessment and screening and scoping, in accordance with the Town and Country Planning (Environmental Impact Assessment)( England and Wales) Regulations 1999.
- 8.2 The carrying out of statutory publicity.
- 8.3 The agreeing of minor amendments to approved plans.
- 8.4 The determination of whether an application constitutes a departure from the Development Plan.
- 8.5 The undertaking of negotiations to conclude an agreement under Section 106 of the Town and Country Planning Act 1990.
- 8.6 The making of Tree Preservation Orders under section 198 and 201 of the Town and Country Planning Act
- 8.7 The confirmation of Tree Preservation Orders where no objections have been received.
- 8.8 Power to decline to determine applications for planning permission, under Section 70A of the Town and Country Planning Act.
- 8.9 The approval of details required by a planning condition.

**9. In consultation with the Chair and Vice Chair of the Planning Regulatory Board**

- 9.1 The service of a planning enforcement or (Temporary) Stop notice.
- 9.2 The pursuance of a prosecution in respect of:-
  - Failure to return a requisition for information/planning contravention notice.
  - Failure to comply with an enforcement notice.
  - Failure to comply with a Breach of Condition Notice.
  - The unauthorised display of signage.
  - Unauthorised works to listed buildings.
  - Unauthorised works to a protected tree.
- 9.3 The authorisation of default works under Section 178 of the Town and Country Planning Act.

- 9.4 The approval of an application under sections 1-6 (A) of the Scheme of Delegation where no more than 5 objections have been received (separate objections from separate addresses).
- 9.5 The approval/refusal of applications under section 6 (B). irrespective of the number of letters of objection.
- 9.6 The refusal of a retrospective application, irrespective of whether objections have been received, to allow possible enforcement action to be considered, other than proposals falling within Schedule 1 of the Environmental Impact Assessment Regulations.
- 9.7 Responses to consultations from other Local Planning Authorities on planning applications covered under this scheme of delegation.
- 9.8 To agree amendments of a minor nature to completed S106 Agreements.

## **10. Building Control**

- 10.1 Power to pass or reject plans for a proposed work – Section 16 of the Building Act 1984 and Building Regulations made under the 1984 Act.
- 10.2 Power to prosecute an offender for contravention of building regulations – Section 35 of the Building Act 1984 – Subject to consultation with Cabinet Member prior to commencement of proceedings.
- 10.3 Power to serve a Section 36 notice requiring removal or alteration of any work that contravenes building regulations – Section 36 of the Building Act 1984 - Subject to consultation with Cabinet Member prior to service of notice.
- 10.4 Power to serve a notice and commence proceedings in respect of retaining walls – Section 34 of the South Yorkshire Act 1980 - Subject to consultation with Cabinet Member prior to service of notice and commencement of proceedings.
- 10.5 The discharge of any executive function in respect of disabled access and associated matters in relation to applications for building regulations consent – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 10.6 Any action in respect of dangerous buildings or structures under the South Yorkshire Act 1980, the Building Act 1984 or the Highways Act 1980 - the consideration and determination of any matter of a regulatory nature in connection with the discharge of the particular function under the South Yorkshire Act 1980 or the Building Act 1984.

## **11. Transportation**

- 11.1 In accordance with the South Yorkshire Local Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

- 11.2. The implementation of traffic management, traffic calming and area safety schemes. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature and duties in relation to the Traffic Management Act 2004.
- 11.3. The discharge of any executive function in respect of the packaging of bids for regeneration and transport monies – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 11.4. In accordance with the South Yorkshire Bus Investment Stakeholder Board discharge of any executive function in respect of highway schemes and quality bus corridors. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

## **12. General**

- 12.1. The discharge of any executive function in connection with regional planning transportation - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 12.2. The discharge and implementation of any decision in respect of the packaging of bids for transport monies.
- 12.3. The discharge of any executive function in respect of the consideration and determination of any development control policy or strategic guidance not related to individual applications - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 12.4. The discharge of any executive function in connection with urban design schemes – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 12.5. The discharge (in consultation where appropriate with countryside and conservation bodies and the Cabinet Member) of any function in connection with countryside planning matters, including functions in respect of:- - the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal, and like schemes the preparation of specific schemes and applications for grants in connection with such schemes – Regarding (ii) the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 12.6. Power to name and alter the names of streets – Sections 17 & 18 of the Public Health Act.
- 12.7. Power to number and renumber streets – Section 15 of the South Yorkshire Act 1980.
- 12.8. The discharge of any executive function in respect of guidance on residential and industrial estate layouts - the implementation of any determination of the Cabinet member and the discharge of any function of a regulatory nature.
- 12.9. Any action in respect of the making of a Compulsory Purchase Order – Following any determination by the Cabinet Member and the discharge of any function of a regulatory nature.

- 12.10. Liaising with the Local Government Yorkshire & Humber, Government Office the Regional Development Agency, the South Yorkshire Passenger Transport Authority and the public transport operators serving South Yorkshire.
- 12.11. Contracts Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.
- 12.12. Contracts Above £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.
- 12.13 In consultation with the Cabinet Member to select an appropriate consultant from the select list (compiled from a list provided by Yorkshire Forward), as and when necessary, in order to provide a timely and effective planning and transportation service.

### **13. Regeneration**

- 13.1. Following annual budget and scheme level approval, development and implementation of Rotherham Economic Regeneration Fund (RERF), YF's Single Pot/Geographic Programme, and other funding regimes and the approval of detailed spending on individual projects.
- 13.2. Lettings of Managed Business Units in accordance with an agreed schedule of rents.
- 13.3. The delegation of the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council
- 13.4. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 13.5. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 13.6. The implementation of any decision in connection with the Rotherham Local Strategic Partnership, and functions associated with any grant regime, including European Regional Development Fund (ERDF) and Yorkshire Forward - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
- 13.7. In conjunction with the Regional Development Agency, Government Departments or other bodies, the implementation of any decision in respect of the promotion of Economic Development and Regeneration - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.



**Rival Markets**

Authority to take appropriate action including the instruction of Legal Proceedings

Car Boot Sales

Administration and licensing of Car Boot Sales for Charitable purposes

**Shops/Offices**

Grant/Assignment/Surrender of Leases

Variation to user clauses

- 13.16 Fairs - Approval to hold a fair on Council Land – on consultation with the Director of Culture and Leisure Services Approval of rent consequent on above Bylaws
- 13.16 Contracts below £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts in consultation with the Strategic Director, Environment and Development Services – in accordance with Financial Regulations.
- 13.17 That the Director of Planning and Regeneration Office be delegated powers to agree terms and conditions of any disposal of land or buildings in furtherance of the regeneration objectives of that service subject to the confirmation of the Director of Asset Management Services, of those terms.

**The Director of Streetpride**

1. Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority.
2. Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the following:-

Building Act 1984  
Clean Neighbourhoods and Environment Act 1995  
Companies Act 1985  
Control of Pollution Act 1974  
Countryside Act 1968  
Countryside and Rights of Way Act 2000  
Cycle Tracks Act 1984  
Dogs (Fouling Of Land) Act 1996  
Environment Act 1995  
Environmental Protection Act 1990  
Factories Act 1961  
Health and Safety at Work etc Act 1974  
Highways Act 1980  
Local Government Act 1972  
Local Government Act 1894  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
National Parks and Access to the Countryside Act 1949  
New Roads and Street Works Act 1991  
Public Health Acts 1936 and 1961  
Refuse Disposal (Amenity) Act 1978  
Rights of Way Act 1990  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Regulations Act 1984  
Solicitors Act 1974  
South Yorkshire Act 1980  
Supply of Goods and Services Act 1982  
Traffic Management Act 2004  
Transport Act 1985  
Video Recordings Acts 1984 and 1993  
Waste and Emissions Trading Act 2003  
Water Act 1945  
Wildlife and Countryside Act 1981

3. To undertake all duties on behalf of the Council and to authorise prosecution proceedings for failure to comply with the following Acts:-

Building Act 1984 Section 59 – Power to require owner or occupier of buildings to make satisfactory provision for drainage/to repair drainage which is prejudicial to health

Clean Neighbourhoods and Environment Act 2005 Sections 2, 3, 4, 6, 7, 10, 11, 12 and 99

Contravention of Traffic Regulation Orders and Off Street Parking Places Orders

Environmental Protection Act 1990 Section 80 – Power to serve an abatement notice where a statutory nuisance exists; Section 89(1) – Power to keep the land clear of litter and refuse



Heavy Goods Vehicle Operators Licences – Powers to lodge objections and make representations to the Traffic Commissioners

Highways Act 1980

Land Drainage Act 1991

Local Government (Miscellaneous Provisions) Act 1976 Section 35 – Power to require obstructions to be removed from a private sewer

Mines and Quarries (Tips) Act 1969 Sections 12, 141(1), 17(3) and 18(1)

New Roads and Street Work Act 1991

Prevention of Damage by Pests Act 1949 Section 4 – Power to require work to keep property free from rats

Public Health Act 1936 Sections 262, 263 and 264

Public Health Act 1961 Section 17 – Power to serve notice on persons requiring sewers etc. to be repaired or to release a stoppage

Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005 – Dealing with abandoned vehicles

Traffic Management Act 2004 and Road Traffic Regulations Act 1984 – Director of Streetpride be appointed as an Authorising Officer to authorise cases for prosecution and authorise Civil Enforcement Officers to operate in accordance with the Act.

Water Industry Act 1991

4. That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made thereunder and any future modifications, enlargements or amendments thereof be delegated to the Director of Streetpride.

The powers conferred include:-

Instigation of Legal Proceedings  
Service of Statutory Notices  
Granting and Refusal of Licences  
Authorisation to Carry Out Work in Default

5. Power to apply to the Secretary of State for an order stopping up or diverting any highway under the Town and Country Planning Act 1990:-

Section 247 Highways affected by development.

Section 248 Highways crossing or entering route of proposed new highway.

Section 249 Order extinguishing right to use vehicles on highway.

6. Powers to make order under the Town and Country Planning Act 1990:-

Section 257 Footpaths and bridleways affected by developments: Stopping up or diversion.

Section 258 Extinguishment of public rights of way over land held for planning purposes.

Section 261(2) Temporary stopping up of highways for mineral workings.

Section 278 Contributions towards Highway Works by persons deriving special benefit from them.

7. In respect of Controlled Waste:-

Issue "Duty of Care" Controlled Waste Transfer Notes for the transfer of commercial waste and commercial clinical waste from the holder of the waste to the person/organisation collecting the waste.

Issue "Duty of Care" controlled Waste Transfer Notes for the transfer of controlled waste from the holder of the waste to the person/organisation processing/disposing of the waste.

8. In respect of Commercial Waste:-

Enter into an agreement on behalf of the Council to collect commercial and commercial clinical waste from the holder of the waste, for which a reasonable charge may be made.

9. Authority to negotiate and enter into agreements for rights to utilise highway structures for the purposes of carrying statutory undertaker's apparatus and similar facilities.

10. In respect of Contracts:-

Below £100,000 – subject to compliance with the Council's Standing Orders and Financial Regulations, authority to open and accept tenders,

Below £20,000 – Private Sector Work – Authority to bid to provide services and enter into contracts.

Below £50,000 – External Public Work – Authority to bid to provide services and enter into contracts.

11. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways and in respect of woodland management.

12. In accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

13. The implementation of the packaging of bids for regeneration and transport monies – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

14. The implementation of traffic management, traffic calming and area safety schemes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
15. In accordance with the South Yorkshire Strategic Quality Partnership the discharge of any executive function in respect of highway schemes and quality bus corridors – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
16. Power to make representations to and lodge objections with the Traffic Commissioners in relation to an application for the renewal of a bus operator's licence – Director of Streetpride and Director of Asset Management to consult Cabinet Member and Director of Planning and Regeneration prior to making representations or lodging objections.
17. The implementation of the removal of graffiti from private property – section 92 of the National Parks and Access to the countryside Act 1949 – Director of Streetpride and the Director of Asset Management to exercise function in conjunction with the Director of Planning and Regeneration Service.

**The Director of Asset Management Services**

1. Determine the operational matters and priorities and resources allocation relating to Health and Safety according to the adopted Health and Safety policy.
2. Determine the operational matters and priorities and resources allocation relating to Emergency Planning.
3. Capital Strategy and Asset Management

To be lead operational officer, in the absence of the Strategic Director, in providing advice to the Regeneration and Asset Board on real estate related matters.

To chair the Capital Strategy and Asset Review (Corporate) Team and make recommendations to the Regeneration and Asset Board on the future use of all or any land and property assets (real estate) in the possession of the Council and conduct Council wide reviews as required to enable recommendations to be made.

The implementation of any matter not otherwise specified in this Table that concerns the Environment and Development Services Directorate Area and that has been allocated to the particular member of the executive.

4. Implementation of the capital projects within approved budgets in accordance with the Council's Capital Project Procedures.
5. Land and Property

That the Director of Asset Management Services has delegated powers to agree terms and conditions of any disposal or acquisition of land and buildings, and

Authority to approve the terms of rent reviews and

Authority to approve new leases and

Authority to refuse consent to assign leases, sub-lettings, ground landlord approval, user clauses, release of restrictive covenants, easements and wayleaves.

Authority to assign leases, approve sub-lettings, change user clauses and grant landlords approvals.

Education Service Tenancies:- authority to authorise possession proceedings against caretakers in education service tenancies.

(The delegation on the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council)

6. Contracts

Above £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.

Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts in consultation with the Strategic Director of Environment and Development Services – in accordance with Financial Regulations.

7. Approval of Hire and other Charges

Release of Restrictive Covenants, ground landlords' approval, easements or wayleaves.

8. Shops/Offices

Grants/Assignments/Surrender of Leases

Variation to user clauses

9. The Implementation of any decision in respect of the making of a Compulsory Purchase Order – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

10. Determine the operational matters and priorities and resources allocation relating to Facilities Management and Services, land ownership records and energy and property related environmental management.

11. Determine the operational matters and priorities and resources allocation relating to Building Design and Construction, including the procurement of contractors and consultants (except H.R.A – Housing) and letting of contracts according to European law.

12. Determine the operational matters and priorities and resources allocation relating to the Corporate Transport Unit, and includes the procurement, of vehicles, maintenance of vehicles, effective implementation of the Vehicle Operators Licence in accordance with European Law and Transport Policy.

**The Director of Culture and Leisure Services**

1. Operational management and maintenance of Parks, Recreation Grounds, Play Areas, Camping, Caravan and Picnic Sites, Allotments, Leisure Facilities, Swimming Pools, Commercial and Promotional Services, Country parks, all land held by the Council specifically for public open space and recreation, Countryside Service, Art Galleries, Museums, Designated Heritage Site(s), Theatre, Arts Centre, Community Arts Unit, Public Art, Museum and Art Collections, letting of land and premises, engaging performers, crafts people, artists, stewards and all other necessary staff.
2. Provision of floral decorations.
3. Management of Catering Services within designated venues.
4. Contract performers/exhibitors, etc. and programme professional performance in accordance with Council policies.
5. Letting of land controlled by the Environment and Development Services Directorate for fairs, circuses and travelling shows.
6. To accept offers of museum artefacts, works of art, etc. being gifts or bequests according to the Council's acquisition and disposal policy for Museums and Arts.
7. To accept loans to the Council of museum specimens and works of art.
8. To decide upon applications to reproduce museum specimens, works of art etc.
9. To arrange lectures, exhibitions, openings relating to the Council's Museum and Arts Collections.
10. To arrange holiday closing of all sites and services controlled by the Culture and Leisure Services Department.
11. Authorisation of grants to voluntary bodies up to a value of £500 according to the Council's criteria for Arts, Heritage and Recreation grants.
12. To arrange hospitality for performers, exhibitors etc., and to negotiate with firms to sponsor performances.
13. Authorisation of reduced charges/hire fees up to a value of £500 according to the Council's criteria.
14. Management of all Capital Projects within Culture and Leisure Services.
15. To act as the Council Client for the proposed PFI Leisure provision in Rotherham.
16. To work in co-operation with Children and Young Peoples Services Directorate to provide a comprehensive cultural activity programme for children and young people.
17. To deliver a comprehensive and effective library service in line with government guidelines.

18. To act as the Council's contact point for all regional and cultural bodies e.g. Sports Council, Arts Council.

**Children and Young People's Services**

**The Strategic Director of Children and Young People's Services**

1. The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its functions as a local education authority.
2. The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:-
  - nursery education;
  - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;
  - any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;
  - facilities for recreation and social and physical training.
3. All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.
4. Any steps required to constitute or, following constitution, support governing bodies.
5. Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Strategic Director considers that suspension of the delegated budget of a school is necessary.
6. The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.
7. The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.
8. The issue of advice to governing bodies concerning the use of school premises.
9. The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.
10. The discharge of the Authority's functions relating to pupils with special educational needs, including:
  - the assessment, where necessary, of any child's special educational needs;
  - the issue and maintenance of any Statement of special educational needs relating to a pupil;
  - the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority.



11. The discharge of the Authority's functions relating to the admission of pupils to schools, including:-
  - the implementation of the fixing, review and variation of standard numbers and admission numbers;
  - the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998];
  - the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated;
  - the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998];
  - the issuing of any directions to a governing body to admit a pupil to its school.
12. The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.
13. The discharge of the Authority's functions relating to the attendance of pupils at schools.
14. The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-
  - the preparation and distribution of any written statement of action;
  - the publication of any written statement of action or report;
15. The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.
16. The discharge of any functions of the Authority relating to baseline assessments.
17. The discharge of any of the Authority's functions in relation to the provision of advice on careers.
18. The preparation of statements setting out the Authority's plans for reducing infant class sizes.
19. The implementation of a system to elect parent governors as representatives on education committees.
20. The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.
21. The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.

22. The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.
23. Any submission relating to Education Action Zones within the area of the Authority.
24. The discharge of any powers of intervention in schools exercisable by the Authority, including:
  - the power to issue a warning notice to a governing body;
  - the power to appoint additional governors;
  - the power to suspend the school's delegated budget
25. The establishment and support of a School Organisation Committee and Admissions Forum.
26. The preparation and review of a School Organisation Plan and Admissions Forum.
27. The following Proper Officer roles:-
  - (a) Duly authorised officer for making Statements of Special Educational Needs
  - (b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment or re-enactment thereof (school attendance)
  - (c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act 1996, or any amendment or re-enactment thereof.
  - (d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).
  - (e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).
  - (f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof.

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
1.	<b>Strategic Planning</b>				
1.1	To approve strategic plans across the Directorate which provide a long and medium-term strategy for the development of Children and Young People's Services, consistent with the overall policy framework of the Council.	Approval or recommendation to Council			
1.2	To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
1.3	To ensure the Services' approved Business Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Children and Young People's Services Directorate.			Decision	
1.4	To approve financial plans for the Children and Young People's Services Directorate and allocate resources to Services in accordance with approved Service Plans.	Decision			
1.5	To adopt Corporate Children and Young People's Services policies which assist in the delivery of Service Plans.	Decision			
2.	Performance Review				

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
2.1	To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Service Plans.			Decision	
2.2.	To be responsible for the management of Service performance in the use of allocated resources against strategic objectives as outlined in the Service Plans and to ensure consistency in the delivery of outputs and outcomes against Service Plans.			Decision	
2.3	To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget.			Up to £100k across Services in accordance with financial regulations	Up to £100k re ow Service in accordance with financial regulation
2.4	To ensure all policy development is consistent with overall Council policy and national priorities in respect of Children and Young People's Services.			Decision	
2.5	To ensure that adequate arrangements are in place for managing information relating to the Children and Young People's Services functions, including the provision of information required by all statutory and local scrutiny arrangements.			Decision	
2.6	To monitor and review activity across the Directorate with respect to workforce development and staff care.			Decision	
3.	<b>Service Provision</b>				

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>
<b>General</b>				
3.1	To agree policy and objectives for the delivery of Children and Young People's Services.	Decision		
3.2	To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services and advise the Cabinet member of any issues arising.			Decision
3.3	To determine the strategic framework for contracting and market development, including the relationship with the Council's "in-house" provider units.	Decision		
3.4	To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders).	Decision		
3.5	To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision	
3.6	To be responsible for the operation of the Council's statutory obligations for the delivery of Children and Young People's Services as delegated by the Cabinet.			Decision
3.7	To receive an annual report from each sub-division of the service.		Decision	

<b>Children and Young People's Services Functions</b>					
	<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
3.8	To determine the eligibility criteria for service provision.	Decision			
3.9	To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate.		Decision Over £3000 annually	Decision Up to £3000 annually	
3.10	To ensure the full assessment of welfare needs for Service Users and their carers is undertaken.				Decision
3.11	To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support.				Decision
3.12	To initiate Court proceedings in respect of non-payment of charges.			Decision	
3.13	To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of Children and Young People's Services.				Decision
3.14	To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.				Decision
3.15	To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				Decision

<b>Children and Young People's Services Functions</b>					
	<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
3.16	To receive inspection reports and service responses in respect of provision of childminding and day care provision and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
3.17	To receive and consider reports relating to the provision and inspection of community homes, voluntary homes and registered children's homes.		Decision		
3.18	To authorise the temporary closure of or suspension of admissions to a school, pupil referral unit or children's home on grounds other than financial viability.			Decision	
3.19	To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.				Decision
3.20	To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure.				Decision
3.21	To receive and consider issues arising from complaints.		Decision		
3.22	To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties.	Decision			

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>
<b>Service Provision</b>				<b>Service Director</b>
4.1	The receipt of and consideration of action consequent on any report concerning the inspection of any school within the borough, or the inspection of the local education authority.	Decision		
4.2	The approval of any submission or application to the Secretary of State regarding the formation of an Education Action Zone within the borough.	Decision		
4.3	The approval of the exercise of any powers under sections 14 or 15 of the School Standards and Framework Act 1998 (intervention by LEAs in schools causing concern) or any amendment or re-enactment thereof.	Decision		
4.4	To determine any significant change in character of schools maintained by the Authority;		Decision	



<b>Children and Young People's Services Functions</b>				
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>
4.5	<p>Securing sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibilities, including:-</p> <ul style="list-style-type: none"> <li>- nursery education;</li> <li>- any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;</li> <li>- any exceptional provision required for the children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;</li> <li>- facilities for recreation and social and physical training;</li> </ul>		Decision	
4.6	Approving schemes of delegation prepared by the Strategic Director in relation to the delegation of funding to schools in the Authority's area.		Decision	
4.7	The approval of any policy or strategy in relation to the implementation of any statutory requirements regarding the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.		Decision	
4.8	The approval of any policy or arrangement relating to the admission of pupils to schools for which the Authority is the admission authority.		Decision	

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.9	The approval of any arrangements for the preservation of the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998].		Decision		
4.10	The approval of any fixing, review or variation of the standard number of any school.		Decision		
4.11	The approval of any Statement setting out the arrangements which the Authority intends to make in order to comply with any limit imposed by Section 1 of the School Standards and Framework Act 1998 (or any amendment thereof) in relation to infant classes at schools maintained by the Authority.		Decision		
4.12	The approval of any policy or arrangements which the Authority might wish to adopt to determine eligibility for transport to be provided by the Authority for persons attending schools or other educational institutions.		Decision		
4.13	The determination of any policy or arrangement adopted by the Authority in relation to the provision of meals at schools (including free meals).		Decision		

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.14 The determination of any Statement setting out the arrangements the Authority proposes to make in connection with the education of children with behavioural difficulties (made pursuant to Section 527A of the Education Act 1996, or any amendment or re-enactment thereof).		Decision		
4.15 The determination of school terms and holidays.		Decision		
4.16 The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its education functions.			Decision	
4.17 The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:- <ul style="list-style-type: none"> <li>- nursery education;</li> <li>- any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;</li> <li>- any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;</li> <li>- facilities for recreation and social and physical training.</li> </ul>			Decision	

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.18	All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.			Decision	
4.19	Any steps required to constitute or, following constitution, support governing bodies.			Decision	
4.20	Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Executive Director considers that suspension of the delegated budget of a school is necessary.			Decision	
4.21	The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.			Decision	
4.22	The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.			Decision	
4.23	The issue of advice to governing bodies concerning the use of school premises.			Decision	
4.24	The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>
<p>4.25 The discharge of the Authority's functions relating to pupils with special educational needs, including:</p> <ul style="list-style-type: none"> <li>- the assessment, where necessary, of any child's special educational needs;</li> <li>- the issue and maintenance of any Statement of special educational needs relating to a pupil;</li> <li>- the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority.</li> </ul>				Decision
<p>4.26 The discharge of the Authority's functions relating to the admission of pupils to schools, including:-</p> <ul style="list-style-type: none"> <li>- the implementation of the fixing, review and variation of standard numbers and admission numbers;</li> <li>- the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998];</li> </ul>				Decision

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
<ul style="list-style-type: none"> <li>- the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated;</li> <li>- the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998];</li> <li>- the issuing of any directions to a governing body to admit a pupil to its school.</li> </ul>					
4.27	The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.			Decision	
4.28	The discharge of the Authority's functions relating to the attendance of pupils at schools.			Decision	
4.29	<p>The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-</p> <ul style="list-style-type: none"> <li>- the preparation and distribution of any written statement of action;</li> <li>- the publication of any written statement of action or report;</li> </ul>			Decision	

<b>Children and Young People's Services Functions</b>					
	<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.30	The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.			Decision	
4.31	The discharge of any functions of the Authority relating to baseline assessments.			Decision	
4.32	The discharge of any of the Authority's functions in relation to the provision of advice on careers.			Decision	
4.33	The preparation of statements setting out the Authority's plans for reducing infant class sizes.			Decision	
4.34	The implementation of a system to elect parent governors as representatives on education committees.			Decision	
4.35	The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.			Decision	
4.36	The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.			Decision	
4.37	The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.			Decision	

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.38	Any submission relating to Education Action Zones within the area of the Authority.			Decision	
4.39	The discharge of any powers of intervention in schools exercisable by the Authority, including: <ul style="list-style-type: none"> <li>- the power to issue a warning notice to a governing body;</li> <li>- the power to appoint additional governors;</li> <li>- the power to suspend the school's delegated budget</li> </ul>			Decision	
4.40	The establishment and support of a School Organisation Committee and Admissions Forum.			Decision	
4.41	The preparation and review of a School Organisation Plan and Admissions Forum.			Decision	
4.42	The following Proper Officer roles:- <ul style="list-style-type: none"> <li>(a) Duly authorised officer for making Statements of Special Educational Needs</li> <li>(b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment or re-enactment thereof (school attendance)</li> <li>(c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act</li> </ul>			Decision  Decision	



<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
	<p>1996, or any amendment or re-enactment thereof.</p> <p>(d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).</p> <p>(e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).</p> <p>(f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof</p>				
<b>Service Provision</b>					
5.1	To ensure that appropriate arrangements are made in accordance with legislation for children looked after by the Local Authority.		Decision		
5.2	To ensure that appropriate arrangements are made relating to the adoption service for children provided through the Rotherham Adoption Agency.		Decision		

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
5.3	To maintain a register of children with disabilities.				Decision
5.4	To contribute towards the maintenance of joint agency regulations to meet the requirements of an effective child protection service.				Decision
5.5	To receive and consider reports related to the work of the Local Safeguarding Children Board.		Decision		
5.6	To ensure the provision of a Youth Offending Service in accordance with Criminal Justice Legislation and the National Standards associated with that legislation.			Decision	
5.7	To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.		Decision		

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Service Provision					
<p>Complaints and Representations Local Authority Social Services Act 1970 S.7B</p> <p>Local Authority Social Services (Complaints Procedure) Order 1990, Representations Procedure (Children) Regulations 1991, Children’s (Representations, Placements and Reviews (Miscellaneous Amendments) Regulations 1991</p> <p>Care Standards Act 2000</p> <p>Children (Leaving Care) Act 2000</p> <p>National Care Standards Act, 2000</p> <p>Rotherham Local Safeguarding Children Board, Working Together under the Children Act 1989, the Children Act 2004 and the Adoption and Children Act 2002.</p>	<p>Every Local Authority must establish a procedure for considering any representations (including complaints) in the relation to the discharge, or any failure to discharge, its social service functions.</p> <p>Local Authorities should attempt to resolve complaints informally. When this is not to the satisfaction of the complainant, they should be informed of the formal procedure. Formal complaints should be heard by a panel of three persons, at least one of whom should be an independent person.</p> <p>Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.</p> <p>The Authority is responsible to establish and maintain Local Safeguarding Children Board with responsibility for developing, monitoring and reviewing child protection policies.</p>			Decision	<p>See Schedule of delegation to office</p> <p>See Schedule of delegation to office</p>
Children’s Act 2004	Each Authority shall prepare and publish a Children and Young Peoples Plan.				See Schedule of delegation to office

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Data Protection Act 1998 D.P.A. Guidance to Social Services 2000	Generally, individuals have a right to access to information maintained in relation to themselves and to obtain copies and require amendment of any inaccurate information.				Decision
A1. Children and Families Services General Duty of Care Children Act 1989 S.17  Residential Care Children Act 1989 S.20 and 23	The Local Authority has a general duty to safeguard and promote the welfare of children in their area who are in need and to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs.  Local Authorities must provide or arrange accommodation for a child in need in their area who appears to require it because there is no person with parental responsibility for the child, the child is lost or abandoned, or the person who has been caring for the child is prevented from providing accommodation.				See Schedule of delegation to office  See Schedule of delegation to office

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Accommodation can be provided by placement with a suitable person or in a Local Authority residential home, or a voluntary or privately owned registered children's home.</p> <p>When accommodation is to be provided for siblings they should be kept together where reasonably practicable. The accommodation provided for any child should, where practicable, be near his or her home.</p>				See Schedule of delegation to office
<p>Secure Accommodation Children Act 1989 Criminal Justice and Public Order Act 1993 Criminal Justice Act 1991 Children (Secure Accommodation) Regulations 1991 Children (Secure Accommodation No. 2) Regulations 1991</p>	<p>Provision for the use of secure accommodation against set criteria.</p> <p>It is the duty of every Local Authority to comply with any security requirement placed upon them and it must provide or arrange with another Authority the provision of sufficient secure accommodation.</p>				See Schedule of delegation to office
Adoption and Children Act 2002	Every Local Authority will establish and maintain an adoption service, which must include making and participating in arrangements for the adoption of children and for the provision of adoption support services.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Private Fostering Children Act 1989 S.67 as amended by Children Act 2004 Foster Placement (Children) Regulations 1991 Placement of Children with Parents, etc. Regulations 1991 Children (Private Arrangements for Fostering) Regulations 1991	Local Authorities have a duty to satisfy themselves as to the welfare of privately fostered children. The Authority will visit privately fostered children as laid down in regulations.				See Schedule of delegation to office
Consideration of a Child's Wishes Children Act 1989 S.22	When making a decision about a child they are looking after, the Local Authority must take into account the wishes and feelings of the child, his or her parents and any other significant person in relation to the child.				See Schedule of delegation to office
Advise, Assist and Befriend Children Act 1989 S.24 Children (Leaving Care) Act, 2000	It is the duty of the Local Authority to safeguard and promote the needs of care leavers and advise, assist and befriend any child looked after by the Authority with a view to promoting the child's welfare when and after he or she leaves the Authority's care.				See Schedule of delegation to office
Contact with a Child in Care Children Act 1989 S.34 Contact with Children Regulations 1991	A Local Authority must allow reasonable contact between a child in its care and the parents, guardian and previous carer of that child (unless a Court Order to the contrary has been obtained.)				Decision

<b>Schedule of Powers Act</b>	<b>Summary Description of Powers</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
Investigation and Social Reports Children Act 1989 S.7, 37 and 47	At the request of the Courts, the Local Authority must investigate the child's circumstances and report to the Courts.				Decision
Children Act 1989	Local Authorities must make, or cause to be made, enquiries into the circumstances of any child in Police custody or subject to an Emergency Protection Order or, where they have reasonable grounds to believe that the child may be suffering significant harm, to allow them to decide what action they should take to promote the welfare of the child.				See Schedule of delegation to office
Care Orders Children Act 1989 Part IV, S.31	The Courts can make a number of Orders with respect to a young person which require action by the Local Authority. These range from Care Orders, under which the Authority assume parental responsibility for the child, to Family Assistance Orders requiring an officer of the Authority to be made available to assist any person named in the Order.				See Schedule of delegation to office

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Review of Children's Cases Children Act 1989 Review of Children's Cases Regulations 1991	Local Authorities are required to review the cases of children looked after by them. The first review must take place within four weeks of a child being provided with accommodation or looked after by the Authority. The second review must take place within a further three months, followed by six monthly reviews.				See Schedule of delegation to office
Charging for Services Children Act 1989 S.29	Some Local Authority services for children can be charged for. However, the charges must not be more than the individual can reasonably be expected to pay.	Decision			
Children and Disabilities Chronically Sick and Disabled Persons Act Disabled Persons (Services Consultation and Representation Act 1986 Children Act 1989 Carers Assessment The Carers (Recognition and Services) Act 1995 Carers and Disabled Children Act 2000	It is the duty of every Local Authority to establish and maintain a register of children with disabilities. Every Local Authority also had a duty to assess and consider need of children with a disability and the needs of children leaving special education provision. Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person. This can include young people (under 18) who are acting as carers.				See Schedule of delegation to office  See Schedule of delegation to office



Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Youth Crime Children Act 1989 Criminal Justice Act 1991, 1994 Police and Criminal Evidence Act Crime and Disorder Act 1998</p>	<p>The Local Authority must make arrangements to provide advice and guidance in relation to young people appearing before the Youth Court. There is also a duty to supervise young people made the subject of Supervision Orders by the Court. The Local Authority has a duty under the Police and Criminal Evidence Act to act as an appropriate adult for children being interviewed by the Police where it is not possible for the parent to undertake this task.</p> <p>The Local Authority must make applications to the Family Proceedings Court to place a child (under 10) under the Supervision of a "responsible officer" and requires the child to comply with such requirements as are specified.</p> <p>The Local Authority, after consultation with the Police, and with the support of the local community, will submit a scheme for approval to the Home Office.</p>				<p>See Schedule of delegation to office</p> <p>Decision</p> <p>Decision</p>
	<p>Each Local Authority must establish youth offending teams for their area in accordance with the Criminal Justice legislation.</p>				<p>Decision</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Direct Payments Carers and Disabled Children Act 2000	Local Authorities responsible for children's disability services may make direct payments to disabled 16 and 17 year olds in respect of their securing the provision of such services.				Decision
Adoption	The Service Director will reach decisions relating to the placement of children looked after for adoption – following recommendations made by the Adoption Panel. In the absence of the Head of Service the Executive Director performs this function.				Decision
Financial Write-Offs	After consulting the Service Director concerned, the Strategic Director of Finance may:- (a) write off debts due to the Council of upto £5,000 (b) write off debts due to the Council of £5,000.01 or more after consulting the Corporate Management Team, Financial Regulations 17(21).				Decision  Decision
Disabled Young People Leaving Full-Time Education Disabled Person (Services, Consultation and Representation) Act 1986 S.5(5)	Having received notification from an L.E.A. that a disabled young person is shortly to leave full-time education, the Local Authority must carry out an assessment of the young person's need for statutory welfare services.				See Schedule of delegation to office

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49)</p>	<p>Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:-</p> <ul style="list-style-type: none"> <li>- practical assistance in the home</li> <li>- meals</li> <li>- assistance in carrying out adaptations to disabled people's home</li> <li>- provision of extra facilities in the home for safety, comfort or convenience</li> <li>- provision of (or help in obtaining) telephones (including related special equipment), television, radio, library or similar facilities, holidays, recreation, assistance to allow that person to take advantage of educational facilities, transport to or from services</li> <li>- social work, advice and support</li> <li>- facilities for social rehabilitation and adjustment</li> <li>- facilities for occupational, social, cultural and recreational activities, including payments to people for work.</li> </ul>				<p>See Schedule of delegation to office</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	Local Authorities may also contribute to the cost of warden services and provide holiday homes, workshops, free or subsidised transport, help in obtaining accommodation and instruction about methods of overcoming disability.				
Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	<p>Local Social Service Authorities may make a guardianship application in respect of a patient of over 16 years suffering from a mental disorder where it is in the interest of the patient's welfare or for the protection of others that the patient is received into guardianship.</p> <p>The Authority granted a Guardianship Order can require the patient to reside at a specified place, require the patient to attend medical treatment, education, occupation or training and require access to the patient to be given to a Medical Practitioner or Approved Social Worker.</p>		Decision		Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Emergency Admission to Hospital Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	In any case of urgent necessity, an Approved Social Worker may make an emergency application of admission for assessment. A written recommendation from a registered Medical Practitioner is required to support the application. This emergency application will allow compulsory admission to hospital for a period of up to 72 hours. A second medical recommendation must be obtained within those 72 hours if the patient is to be detained for an assessment period of up to 28 days.				See Schedule of delegation to office

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

NEIGHBOURHOODS AND ADULT SERVICES DIRECTORATE

**The Statutory Role of the Director of Adult Social Services**

Responsibilities	Cabinet	Strategic Director
1. <b>ACCOUNTABILITY</b>		
1.1 To be responsible for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority's area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities)		Responsible
1.2 To be responsible for the efficiency, effectiveness and value for money of the adult social care services provided or commissioned by the local authority. Those responsibilities extend to residents receiving services out of the council area.		Responsible
1.3 To ensure there are robust arrangements for supervising contracts, where services have been outsourced, and in monitoring those services in respect of quality standards and timely delivery.		Responsible
1.4 To ensure that all people with social care needs are assessed by the local authority, that all people who meet eligibility criteria are provided with suitable services and that there is appropriate provision of low-level and preventative services.		Responsible
1.5 To ensure that targeted case-finding takes place to identify people at risk from social exclusion.		Responsible
1.6 To support the health and adult social care scrutiny functions of elected members.		Responsible
1.7 To ensure that procedures for handling complaints from users of social care, their families and carers are working		Responsible

Responsibilities	Cabinet	Strategic Director
effectively.		
1.8 To ensure arrangements for assessing and meeting the needs of people with a range of long-term conditions and disabilities in the local authority's area are in place which ensure individuals do not fall between services, including, having a named manager responsible for assessing and meeting the needs of such individuals.		Responsible
1.9 To ensure his or her staff work with neighbouring local authorities and relevant specialist national service providers to meet specialist, low-incidence need.		Responsible
1.10 To monitor the effectiveness and efficiency of the service where commissioned from another agency, to require improvements to be made where the service falls short of the performance standards, quality or efficiency specified and to be provided with such monitoring and improvement information as he or she may require.		Responsible
<b>2. PROFESSIONAL LEADERSHIP</b>		
2.1 To provide leadership, creating conditions for others to perform and to innovate, to be responsible for creating the framework for the effective delivery of adult social services.		Responsible
2.2 To be responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services.		Responsible
2.3 To ensure relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by or commissioned.		Responsible
2.4 To be responsible for undertaking a strategic needs assessment for adults and families with actual or potential		Responsible

<b>Responsibilities</b>	<b>Cabinet</b>	<b>Strategic Director</b>
social care needs across the local authority area, in partnership with the Strategic Director of Children and Young People's Services, the Director of Public Health and other statutory agencies/or organisations, and in consultation with the wider community.		
2.5 To be responsible for strategic workforce planning (in relation to the local authority's social services functions) for the adult social care workforce. To include working in partnership with the Strategic Director of Children and Young People's Services to jointly plan the social care workforce needed to meet the needs of families and the community.		Responsible
2.6 To develop, in conjunction with the PCT, a strategic workforce development plan forming an integral part of local delivery plans, giving consideration to the quality and competencies of the social care workforce as a whole.		Responsible
2.7 To be responsible for the delivering services to relevant national and local standards, including monitoring the resource levels for adult social services needed to maintain standards.		Responsible
<b>3. LEADING THE IMPLEMENTATION OF STANDARDS</b>		
3.1 To implement national and local standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services.		Responsible
3.2 To ensure services are regularly monitored and remedial action taken.		Responsible
3.3 To ensure high quality information about adult social services and progress against targets is provided to Government and regulatory bodies as and when required.		Responsible
3.4 To be responsible for supporting the performance assessment process run by the Care Quality Commission		Responsible



Responsibilities	Cabinet	Strategic Director
and for taking forward the commission's findings/recommendations.		
3.5 To ensure there is a clear organisational and operational focus on safeguarding vulnerable adults in vulnerable situations, ensuring clear protocols are in place for dealing with adults identified as being at risk in line with the 'No Secrets' Modernising Social Services 1998, Safeguarding Adults 2005 guidance.		Responsible
3.6 To ensure that the local Safeguarding Board or similar arrangements are working effectively and that POVA requirements are met.		Responsible
3.7 To ensure staff providing care services exercise a duty of care and that the personal dignity of service users is upheld.		Responsible
<b>4. MANAGING CULTURAL CHANGE</b>		
4.1 To be responsible for managing a process of cultural change to ensure the scope for personal choice is maximised with services moving towards a model that promotes the well-being of individuals, is person centred, and supports independent living and social inclusion.		Responsible
4.2 To ensure an appropriate balance between low-level and preventative services and services designed to meet the needs of people that are higher.		Responsible
4.3 To ensure the cultural needs of communities are taken into account in strategic planning and commissioning.		Responsible
<b>5. PROMOTING LOCAL ACCESS AND OWNERSHIP AND DRIVING PARTNERSHIP WORKING</b>		
5.1 To be responsible for effectively communicating information about services available in the local authority area, eligibility criteria and charging policies to service users.		Responsible

Responsibilities	Cabinet	Strategic Director
5.2 To be responsible for ensuring appropriate involvement of, and consultation with service users, their families and carers and the wider community in planning, design and provision of adult social care services, and for considering how accessible services are.		Responsible
5.3 To be responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies.		Responsible
<b>6. DELIVERING AN INTEGRATED WHOLE SYSTEMS APPROACH TO SUPPORTING COMMUNITIES</b>		
6.1 To ensure adequate partnership working arrangements are in place between the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services to enable a whole systems approach to social care to be taken.	Responsible	
6.2 To ensure arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised.	Responsible	
6.3 To ensure the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services have adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and where eligible, receive a service which meets their needs throughout their transition to becoming adults.	Responsible	
6.4 To ensure all services falling within the remit of the Strategic Director of Neighbourhoods and Adult Services remain focused appropriately on safeguarding both adults	Responsible	

Responsibilities	Cabinet	Strategic Director
and children.		
<b>7. PROMOTING SOCIAL INCLUSION AND WELLBEING</b>		
7.1 To ensure arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority.		Responsible
7.2 To champion the needs of adults beyond the organisational boundaries of adult social care.		Responsible
7.3 To promote equality of opportunity and eliminating discrimination in respect of adult social care services.		Responsible

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

NEIGHBOURHOODS AND ADULT SERVICES DIRECTORATE

**Neighbourhoods and Adult Services Functions**

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8. <b>Strategic Planning</b> (see 1.1; 2.5; 2.6; 4.3; 5.3; 6 and 7.1 – <b>Statutory Role of the Director of Adult Social Services</b> )				
8.1 To prepare strategic plans across the Directorate which provide a long and medium-term strategy for the development of Housing, Neighbourhoods and Adult Services, consistent with the overall policy framework of the Council.	Recommendation to Council			
8.2 To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
8.3 To ensure the Services approved Service Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Neighbourhoods and Adult Services Directorate.		Decision		
8.4 To approve financial plans for the Neighbourhoods and Adult Services Directorate and allocate resources to Services in accordance with approved Service Plans.		Decision		
8.5 To adopt housing and neighbourhood services and Corporate Adult Services policies which assist in the delivery of Service Plans.	Decision			

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>9. <b>Performance Review</b> (see 1.2; 1.3; 1.10; 2.7; 3.1; 3.2; 3.3; 3.4; and <b>5.3 1 – Statutory Role of the Director of Adult Social Services)</b></p>				
<p>9.1 To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Directorate and Service Plans.</p>		Decision		
<p>9.2 To be responsible for the monitoring and review of Service performance in the use of allocated resources against strategic objectives as outlined in the Directorate and Service Plans.</p>		Decision		
<p>9.3 a) To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget. b) Transfer of resources between Directorates.</p>	Report to CMT and then Cabinet for final decision.		Up to £100k across Services in accordance with financial regulations and should also be reported to Cabinet Member.	Up to £100k re own Service in accordance with financial regulations and should also be reported to Cabinet Member.
<p>9.4 To be responsible for the monitoring and review of service performance across the Directorate to ensure consistency in the delivery of outputs and outcomes against Service Plans.</p>		Decision		
<p>9.5 To ensure all policy development is consistent with overall Council policy and national priorities in respect of housing, neighbourhoods services and social care.</p>			Decision	

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
9.6 To ensure that adequate arrangements are in place for managing information relating to the Neighbourhoods and Adult Services function, including the provision of information required by all statutory and local scrutiny arrangements. <b>(see 3.3)</b>			Decision	
9.7 To monitor and review activity across the Directorate with respect to complaints. <b>(see 1.7)</b>		Decision		
9.8 To monitor and review activity across the Directorate with respect to workforce development and staff care. <b>(see 2.2 and 2.3)</b>			Decision	
10. <b>Service Provision</b>				
<b>General</b>				
10.1 To ensure the development of policy and objectives for the delivery of housing services, neighbourhood services and personal adult social services.	Decision			
10.2 To be responsible for the development, delivery and monitoring of arrangements made for the provision of the service specific plans, purchasing strategies and resultant Service Plans.			Decision	
10.3 To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services. <b>(see 1.1)</b>	Decision			

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.4 To ensure appropriate Delivery Plan detailing the provision of housing management and maintenance services by 2010 Rotherham Ltd is in place and monitored.		Decision		
10.5 To determine the strategic framework for contracting and partnerships and market development, including the relationship with the Council's "in-house" provider units and external service providers. <b>(see 1.2)</b>	Decision			
10.6 To determine contract terms and conditions for services and the letting of specific contracts.		Decision (over £500 k)	Decision (under £500 k)	
10.7 To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders). <b>(see 1.3)</b>	Decision			
10.8 To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
10.9 To be responsible for the operation of the Council's statutory obligation for the delivery of housing services, neighbourhood services and adult social care services as delegated by the Cabinet, ensuring policies are developed in line with legislative, regulatory and Council policy requirements. <b>(see 1.1)</b>		Decision		
10.10 To ensure appropriate arrangements are made for the safeguarding of adults in line with the 'No Secrets' guidelines				Director of Health and Wellbeing

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.11 To monitor and review the effectiveness of individual services within the Neighbourhoods and Adult Services Directorate including an annual report from each sub-division of the service. <b>(see 1.2)</b>			Decision	
10.12 To determine the eligibility criteria for service provision. <b>(see 1.4)</b>	Decision			
10.13 To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate. <b>(see 1.4)</b>		Decision Over £ annually	Decision Up to £      annually	Director Health and Wellbeing
10.14 To ensure the full assessment of social care needs for Service Users and their carers is undertaken. <b>(see 1.1; 1.4; 1.5; and 1.8)</b>				Director Health and Wellbeing
10.15 To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support. <b>(see 4.2)</b>				Director Health and Wellbeing
10.16 To determine appropriate levels of charging for services.		Decision		
10.17 To initiate Court proceedings in respect of non-payment of charges.				Director Commissioning and Partnerships



Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>10.18 To ensure the development and maintenance of necessary partnerships with other agencies and Directorates within Rotherham Metropolitan Borough Council for the efficient and effective delivery of community care services to adults consistent with Government direction and guidance. <b>(see 1.9; 2.4; 2.5; 2.6; 5.3; 6.1; 6.2 and 6.3)</b></p>			Decision	
<p>10.19 To develop and maintain forums for consultation with providers for delivery of adult social care services. <b>(see 5.2 and 7.1)</b></p>				Director Commissioning and Partnerships
<p>10.20 Arrange and conduct a Joint Strategic Needs Assessment of the local adult population in line with the Guidance.  DH Guidance on Joint Strategic Needs Assessment Dec 2007</p>			Decision	Director Commissioning and Partnerships
<p>10.21 To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of adult social care services. <b>(see 4.3; 5.1; and 5.2)</b></p>				Director Commissioning and Partnerships
<p>10.22 To contribute to the approach and prioritisation of application for external funding, including government grants.</p>		Decision		
<p>10.23 To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.</p>				All Service Directors

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.24 To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				All Service Directors
10.25 To receive inspection reports and service responses in respect of housing and neighbourhood services and of provision of residential and nursing care and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
10.26 To receive and consider reports relating to the inspection of Local Authority residential homes.		Decision		
10.27 To authorise the temporary closure or suspension of admissions of local authority residential or day care unit on grounds other than financial viability.			Decision	
10.28 To authorise the temporary suspension of admissions to independent sector residential, nursing home or day units on grounds other than financial viability.				Director Health and Wellbeing  Director Commissioning and Partnerships
10.29 To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.30 To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.				All Service Directors  Director Commissioning and Partnerships( for Appeals against ability to pay charges)
10.31 To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure. To receive and consider issues arising from complaints. <b>(see 1.7)</b>				All Service Directors
10.32 To consider implications arising out of complaints review procedure.		Decision		
10.33 To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties. <b>(see 2.4; 2.6 and 5.3)</b>	Decision			
10.34 To ensure the provision of appropriate support in respect of services to Rotherham's N.H.S. partners.				All Service Directors
10.35 To ensure in co-operation with other appropriate Committees that arrangements are made for the undertaking of assessments and provision of adaptations.		Decision		
<b>11 Strategy and Policy</b>				
To determine policy and procedures in the following matters:-		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.1 The tenancy agreement for tenants of dwellings within the Housing Revenue Account.		Decision		
11.2 Renovation, Home Repair Assistance, Group Repair and Disabled Facilities Grants.		Decision		
11.3 The role of Housing in regeneration and sustainability		Decision		
11.4 Strategies and policies arising from the estimation of general housing need , special housing need and stock condition within the Borough.		Decision		
11.5 The Housing Investment Programme Strategy and Budget.		Decision		
11.6 Any matter arising from the Councils complaints procedure or any matter recommended by the Ombudsman where the matter is a question of policy.		Decision		
11.7 The approval of supplementary estimates to be funded from balances within any General Fund account under the control of Neighbourhoods and Adult Services.		Decision		
11.8 The tendering strategy for the maintenance of all Council owned properties.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.9 <ul style="list-style-type: none"> <li>▪ The closure, clearance and improvement of dwellings whether individually or in respect of areas of housing,</li> <li>▪ the making of Compulsory Purchase Orders in relation to housing matters,</li> <li>▪ the authorisation of discretionary home loss and disturbance payments and</li> <li>▪ the payment of vendor's fees prior to the declaration of a compulsory purchase order or clearance area.</li> </ul>		Decision		
11.10 The Council's enabling role and partnerships with other agencies, tenants and tenants groups insofar as it applies to housing.		Decision		
11.11 Tenant and resident consultation and involvement in the formulation and implementation of Council's Housing, Housing Management and Housing Regeneration strategies.		Decision		
11.12 Mortgage advances and improvement loans.		Decision		
11.13 The approval of supplementary estimates to be funded from balances within the Housing Revenue Account.		Decision		
11.14 Any matter relating to the functions of any unit within the Neighbourhood and Adult Services Directorate.		Decision		
11.15 The role of the Directorate in Local Agenda 21 and Sustainability.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
12. <b>Enforcement, Operations and Service Matters</b>				
To determine the following matters:		Decision		
12.1 In respect of the Allocation Scheme for Council Housing under the Housing Act 1996, related legislation, and relevant codes of guidance, Transfers of Tenancy and Nominations to Registered Social Landlords		Decision		
12.2 Policy in connection with the allocation and letting of property held within the Housing Revenue Account.		Decision		
12.3 Save in so far as delegated to the Service Director for Neighbourhood Services, in respect of Renovation Grants and Home Repair Assistance and Disabled facilities Grants under the Housing Grants, Construction and Regeneration Act, 1996 or related legislation secondary legislation or Government Circulars, whether mandatory or discretionary; <ul style="list-style-type: none"> <li>▪ The approval of grant.</li> <li>▪ The payment of grants</li> <li>▪ Interim payments and unforeseen works</li> </ul>		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
13. <b>Miscellaneous</b>				
Determination of the following matters:				
13.1 Matters relating to the submission and acceptance of tenders relating to contracts for the procurement of goods and services in accordance with standing orders and financial regulations.		Decision		
13.2 The fixing of fees and charges for services provided.		Decision		
13.3 Applications in respect of mortgage advances which fall within the Council's approved scheme and loans for house purchase or for the adaptation, improvement, conversion or repair of houses.		Decision		
13.4 Applications for extensions, adaptations grants or awards in the private and public sectors in excess of £25,000, to be submitted for approval.		Decision		
13.5 Disposal of Council owned housing, i.e. acquired property or system built or otherwise defective property by means of sale on the open market or deed of gift or long lease to a registered social landlord, provided local ward members concur and in accordance with the Council's land disposal procedures.		Decision		
13.6 Employee/Trainee awards made within the Directorate and/or Business Units.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
13.7 The implementation of National Conditions of Service and Local Joint Agreements in accordance with Corporate policy and procedure.		Decision		
<b>14. Contracting and Best Value</b>				
The determination of the following matters:				
14.1 Policy and procedures and matters arising in connection with the conduct and performance of a contractor, including the Council's own workforce.		Decision		
14.2 Future procurement strategy, contract packaging and market analysis.		Decision		
14.3 Measures necessary to achieve 'best value' in the functions of the programme area and high standards of performance and quality of service delivery.		Decision		
14.4 Policy and procedures to improve service delivery, efficiency and effectiveness.		Decision		
<b>15. Service Provision</b>				
<b>General</b>				
15.1 The Strategic Director of Neighbourhoods and Adult Services be delegated the power to determine the content of the preparation programme, changes to the co-ordinating team or minor changes to the partnership arrangements in connection with the South Yorkshire Housing Low Demand Pathfinder.			Decision	



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Annual Council Meeting</b>
<b>2.</b>	<b>Date:</b>	<b>15<sup>th</sup> May 2009</b>
<b>3.</b>	<b>Title:</b>	<b>Revised Standing Orders</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's Directorate</b>

**5. Summary**

This report submits for approval revised Standing Orders to reflect proposed changes to the conduct of business at the Council Meeting recommended by Cabinet at their meeting on 29<sup>th</sup> April 2009.

**6. Recommendation**

**That the revised Standing Orders be adopted.**

## **7. Proposals and Details**

At its meeting on 29<sup>th</sup> April 2009 Cabinet reviewed the operation of the Council meeting, following discussion at Our Future Group 1. Having considered various proposals and options, Cabinet has made a series of recommendations for change which will be considered at today's meeting. The amended Standing Orders incorporate the proposed changes and are appended to this report.

## **8. Finance**

There are no financial implications to this report.

## **9. Risks and Uncertainties**

Without sound procedures, Council meetings could be poorly focused and of little value to those involved and to the public. Whilst under executive procedures there are fewer items that require a decision from the full Council, the Council meeting should be an opportunity for meaningful debate about Council policy and current issues.

## **10. Policy and Performance Agenda Implications**

Rotherham Proud seeks to ensure active citizenship and democracy which underpins how the Council works. The Council meeting should be a meeting that the Council and the public can be proud of.

## **11. Background Papers and Consultation**

The Council's Constitution and Standing Orders.

### **Contact Name :**

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## **ROTHERHAM BOROUGH COUNCIL**

### **STANDING ORDERS**

#### ARRANGEMENT OF ORDERS

#### **PART I COUNCIL MEETINGS**

##### *Annual meeting etc*

- 1 [Annual meeting and other Council meetings](#)
- 2 [Quorum for Council meetings](#)
- 3 [Appointment of chairman and vice-chairman of the Council](#)
- 4 [Order of business at Council meetings](#)
- 5 [Communications](#)

##### *Council minutes and questions at Council meetings*

- 6 [The minutes of Council meetings](#)
- 7 [General questions by members at Council meetings](#)
- 8 [General questions by members of the public at Council meetings](#)
- 9 [Moving the minutes of the Cabinet, Cabinet members and committees and the Council's Standards Committee](#)
- 9A [Report of the chairperson of the Performance and Scrutiny Overview Committee](#)

##### *Motions*

- 10 [Notices of motions, order of motions, consideration of motions and unconnected business](#)
- 11 [Motions that may be moved without notice](#)
- 12 [Rescission of a resolution or resurrection of a motion](#)

##### *Rules of debate and voting*

- 13 [Rules of debate for Council meetings](#)
- 14 [Voting](#)

##### *Misconduct or disruption at Council meetings*

- 15 [Misconduct by a member at a Council meeting](#)
- 16 [Disruption of a Council meeting by a member of the public](#)

##### *Miscellaneous provisions*

- 17 [The Council in committee](#)
- 18 [Recording Council meetings](#)
- 19 [Members' record of attendances](#)
- 19A [Approval or adoption of draft plans and strategies](#)
- 19B [Setting of council tax and precepts](#)

**PART II  
THE CABINET AND COMMITTEES OF THE COUNCIL**

*Cabinet and committees*

- 20 Appointment of the Cabinet and committees
- 21 Duration of the Cabinet or a committee and its membership
- 22 The quorum of the Cabinet, committees and reference groups etc.
- 23 Appointment of the chairman and vice-chairman of the Cabinet and each committee

*Meetings etc of the Cabinet and committees*

- 24 The summoning of meetings of the Cabinet and committees
- 25 Minutes of committees
- 26 Standing orders in Part I to apply to committees
- 27 Attendance by a non-member of the Cabinet or a committee at the invitation of the chairman of the Cabinet or committee

**PART III  
MISCELLANEOUS PROVISIONS**

- 28 Declaration of interests
- 29 Members not to give testimonials and references
- 30 Appointment of chief officers
- 30A Appointment, dismissal and disciplinary proceedings against a member of staff
- 31 Disciplinary action against the Chief Executive, the monitoring officer or the chief finance officer

**PART IV  
CONTRACT STANDING ORDERS**

**CHAPTER I  
GENERAL**

- 32 Contract Standing Orders and Financial Regulations
- 33 Delegation arrangements – the Cabinet and Cabinet members
- 34 Delegation arrangements – strategic directors and directors of services
- 35 Signing contracts and the Common Seal
- 36 Guiding principle in making contracts
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PART I  
COUNCIL MEETINGS

*Annual meeting etc*

**1 Annual meeting and other Council meetings**

(1) 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 Quorum for Council meetings**

(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), Council members 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 Council members present at or during a Council meeting, he shall call for the names of the members present.

(3) Where there is less than one-quarter of the Council members 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.

**3 Appointment of chairman and vice-chairman of the Council**

(1) The Council members shall elect annually a chairman and vice-chairman 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 chairman and vice-chairman, another member of the Council, who is chosen by the Council members present at the meeting, shall preside and exercise the powers and duties conferred on the chairman by these 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.
- 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), Cabinet Members and Committees.
- To deal with any general questions submitted –
  - to Cabinet members (or their representatives) and committee chairmen (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 Performance and Scrutiny Overview Committee and the scrutiny panels.
- 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 subparagraph (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.

## **5 Communications**

(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.

## **6 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 Cabinet members;
- 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 and Regulatory 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 scrutiny panels.



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

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

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

(8) 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.

(9) 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.

## **7 General questions by members at Council meetings**

### *General questions to Cabinet members and committee chairmen*

(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 chairman (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;

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

(c) must not without the Mayor's consent repeat or substantially repeat any question that has been asked and answered at a meeting of the Council in the six months preceding the date of the meeting.

(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 Cabinet member (or his/her representative) or the chairman 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 by joint authorities*

(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 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 any Member may ask a supplementary question.

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

(a) the South Yorkshire Police Authority;

(b) the South Yorkshire Fire and Rescue Authority;

(c) the South Yorkshire Passenger Transport Authority; and

(d) the South Yorkshire Pensions Authority.

*Notice of questions*

(7) A member must give at least two days' notice in writing to the Chief Executive, before the day of the Council meeting, of a question to be put –

(a) to a member of the Cabinet or the chairman 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) The Head of Legal Services shall draw up a list of questions and may group together questions addressed to the same member of the Cabinet or chairman of a committee, and which relate to the same subject matter. If a question submitted by a member substantially duplicates that of which another member has already given notice, the Head of Legal Services may exclude the latter question after consulting the member who submitted it.

*Manner of answering questions*

(9) In accordance with this 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) There shall be a guillotine on the asking and answering of general questions and supplementary questions after 30 minutes, but the Mayor at his/her discretion can extend this period if it appears to him/her that the remaining questions may be disposed of promptly.

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

*Absence of Member*

(13) In the absence of a member who gave notice of a question, that question shall fall and shall not be answered.

**8 General questions by members of the public at Council meetings**

*General questions to the Mayor, Cabinet members and committee chairmen*

(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 his/her representative) or the chairman (or his/her representative) of a committee.

*Notice of questions*

(2) A member of the public must give at least two days' notice in writing to the Chief Executive, before the day of the Council meeting, of any question to be put to the Mayor, a member of the Cabinet or the chairman of a committee.

(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 office.

(5) The Mayor, after taking such advice from the Head of Legal Services that he 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 his representative) or chairman (or his representative) of the appropriate committee to reply.

(7) In accordance with this 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.

(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 standing order 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.

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

The minutes of the Cabinet, Cabinet members and committees will be considered in the following manner –

*Moving the minutes*

- Prior to the moving of the minutes, the Leader shall 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 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.
- 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 Cabinet Members under delegated powers, and the Leader or the mover of the minutes will invite members of the Cabinet to speak to the minutes that relate to their portfolios.
- The chairman (or his/her representative) and vice-chairman (or his/her representative) of a committee will move and second the minutes of the committee, and the chairman 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 Cabinet member (or his/her representative) or the chairman (or his/her representative) to bring to the attention of Council members any minute or matter of an unusual or special character.

## *Questions of Cabinet members and chairmen 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 Cabinet member (or his/her representative or the mover of the minutes) who spoke to the Cabinet minutes relating to his/her portfolio; or
  - the chairman (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 Cabinet member (or his/her representative) or the chairman (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.

## *Cabinet members' right of reply*

- The Mayor will invite Cabinet members (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 Cabinet member (or his/her representative) who speaks to the minutes of the Cabinet relating to his/her portfolio, or the chairman (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 Cabinet member or the mover of a minute*

- Where a member of the Cabinet (or his/her representative) or the chairman (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 shall be excused from speaking to those minutes or moving the adoption of them.
- Where, in accordance with the preceding sub-paragraph, a Cabinet member (or his/her representative) or the chairman 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 and 14.

The minutes of the Council's Standards Committee will be considered as follows –

*Moving the minutes*

- The minutes of the Committee will be dealt with in the same manner as the minutes of the Cabinet and committees, but where the chairman and vice-chairman of the Committee are independent members, 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.

**9A Report of the chairperson of the Performance and Scrutiny Overview Committee**

(1) At alternate meetings of the Council, the chairperson of the Performance and Scrutiny Overview Committee ("PSOC") (or his/her representative) shall make a brief report to the Council on the work currently being undertaken by PSOC and the scrutiny panels since the previous meeting at which he/she addressed the the Council meeting.

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

**10 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 Democratic Services' Manager, 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) The Mayor, after taking such advice from the Head of Legal Services that he 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*

(4) In each summons for a Council meeting, the Democratic Services Manager 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.

(5) Motions for which the Democratic Services Manager has duly received notices of motion shall be considered by the Council in the order in which they were received.

*Consideration of motions*

(6) 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;

(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 chairman of the committee (in which case, in the chairman's absence and without written authority, the motion may be moved by the vice-chairman of the committee which considered the motion or, in the vice-chairman's absence, by the Mayor or some other member of that committee).

*Business unconnected with local affairs*

(7) 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.

**11 Motions that may be moved without notice**

The following motions may be moved without notice –

- A motion to appoint a chairman 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 and 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. 52.
- 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 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.

## **12 Recission of a resolution or resurrection of a motion**

(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), 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.

## **13 Rules of debate for Council meetings**

### *Respect for the chairman*

(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 to rise at one time

(2) A member shall 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 will remain seated when one of their number rises to speak.

(5) Members shall 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.

(7) Unless notice has been given in accordance with standing order 10, the Mayor may require a motion or an amendment to a motion to be put in writing and handed to him before it is debated or put to a vote.

*Secunder's speech*

(8) 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*

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

(10) 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 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*

(11) Having spoken to a motion, a member shall 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*

(12) Subject to sub-paragraph (13), an amendment must be relevant to the motion and propose –

(a) that the topic of the motion be referred to the Cabinet or a particular 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 subparagraph (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 the amendments 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*

(19) 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*

(20) 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.

(21) 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*

(22) Immediately before a motion is put to a vote, the mover of the motion shall have the right of reply at the close of the debate.

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

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

*Motions which may be moved during the debate*

(25) When a motion is being debated, no other motion shall 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 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*

(26) 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.

(27) Unless he 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 (26) 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 (22) 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*

(28) A member who rises on a point of order or in personal explanation shall be heard forthwith.

(29) A point of order shall 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 under sub-paragraph (28) to specify the ground on which he/she considers the standing order or the statutory provision has been broken.

(31) A member's personal explanation shall 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.

**14 Voting**

(1) The method of voting at Council meetings shall be by a show of hands or by use of the electronic voting system.

(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, shall 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.

## **15 Misconduct by a member at a Council meeting**

### *Misconduct*

(1) If the Mayor considers that a member present at a meeting of the Council is misconducting himself by –

(a) persistently disregarding his ruling or behaving irregularly, improperly or offensively, or

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

either he 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.

## **16 Disruption of a Council meeting by a member of the public**

### *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 shall 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 shall 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 and 13, 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.

**17 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.

**18 Recording Council meetings**

(1) Except where the members present at a meeting of the Council, the Cabinet, a committee of the Cabinet or a committee authorise by majority vote the recording of the proceedings, no person shall record the proceedings or any part of them.

(2) A person authorised to record the proceedings of a Council meeting, in accordance with sub-paragraph (1), shall record them using the medium supplied or specified by the Council.

(3) A recording made in accordance with this standing order shall only be used or reproduced with the consent of the Council and on the terms specified by the Council.

**19 Members' record of attendances**

The Democratic Services Manager 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 Cabinet committee, a Cabinet member, 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 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 receives the instructions on behalf of the person or body, in which he 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 subparagraph (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 subparagraph (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 subparagraph (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 subparagraph (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 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 subparagraph (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 subparagraph (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 subparagraph (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.

PART II  
THE CABINET AND COMMITTEES OF THE COUNCIL

**20 Appointment of the Cabinet and committees**

At the annual meeting of the Council, the members of the Council shall determine –

(a) the arrangements which they consider necessary to discharge the Council's executive functions for the municipal year;

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

(c) the composition of the Cabinet and the terms of reference of each committee; and

(d) the schemes of delegation in relation to executive and non-executive functions to council officers.

**21 Duration of the Cabinet or a committee and its membership**

(1) The Cabinet and a committee of the Council shall continue in being until the next following annual meeting of the Council, unless the Cabinet or the committee is dissolved at an earlier date.

(2) A member of the Cabinet or a committee shall hold office until the next following annual meeting of the Council, unless the member retires or resigns from office or is suspended from being a councillor or is disqualified from holding office or removed from office by resolution of the Council.

## **22 The quorum of the Cabinet, committees and reference groups etc.**

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

(2) The quorum of a committee, including a committee of the Cabinet, 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 Standards Committee shall be four, including at least three independent members.

(4) The Cabinet or a Committee shall not transact Council business unless a quorum is present at or during the meeting.

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

(6) If a member of the Cabinet is absent on holiday, due to illness 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.

(7) Notwithstanding sub-paragraph (6), the Leader himself may discharge the executive functions that are the absent Cabinet member's responsibility under the Council's scheme of delegation.

## **23 Appointment of the chairman and vice-chairman of the Cabinet and each committee**

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

(2) Unless the relevant chairmen and vice-chairmen have been previously appointed at the Annual Council Meeting, the members of each committee shall choose a chairman and vice-chairman at the first meeting of the committee.

(3) The members of the Cabinet and each committee shall choose a chairman and vice-chairman at the first meeting of the Cabinet and the committee.

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

(5) The chairman and vice-chairman of the Cabinet or a committee will hold that

office until the next following annual meeting of the Council unless, as the case may be, the chairman or vice-chairman –

(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 office by resolution of the Council; or

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

#### **24 The summoning of meetings of the Cabinet and committees**

The Democratic Services' Manager shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairman or, in the absence of the chairman, the vice-chairman.

#### **25 Minutes of 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.

#### **26 Standing orders in Part I to apply to committees**

Standing orders 4 (Order of business at Council meetings), 12 (Recission 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.

#### **27 Attendance by a non-member of the Cabinet or a committee at the invitation of the chairman of the Cabinet or committee**

(1) Where the chairman 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, under sub-paragraph (1), shall not be entitled to vote on any matter before the Cabinet or the committee.

### **PART III MISCELLANEOUS PROVISIONS**

#### **28 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) Declarations of interests by members shall be recorded in the minutes of the meeting at which the interest is declared.

(5) The Head of Legal 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 (3) (appointment or dismissal of the Chief Executive), 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 subparagraph (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 subparagraphs (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) Subparagraph (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 or dismissing the Chief Executive, the Council must approve that appointment before an offer of appointment is made to him or, as the case may be, approve that dismissal before notice of dismissal is given to him.

(4) Where a committee or a sub-committee is discharging on the Council's behalf the function of appointing or dismissing any officer referred to in paragraph (a), (b), (c) or (d) of subparagraph (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 subparagraph (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 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 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 (a), (b), (c) or (d) of subparagraph (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 who 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 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 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 subparagraph (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, the monitoring officer or the chief finance officer**

(1) No disciplinary action in respect of the Chief Executive, the monitoring officer or the chief finance officer, except for the action described in subparagraph (2), may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented, or any other person acting on the Council’s behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

(2) The action mentioned in subparagraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) In this standing order –

“chief finance officer” means the officer having responsibility for the purposes of –

(a) section 151 of the Local Government Act 1972 (financial administration), or

(b) section 6 of the Local Government and Housing Act 1989 (officer responsible for financial administration of certain authorities),

for the administration of the Council’s financial affairs;

“designated independent person” has the same meaning as in regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

“disciplinary action” has the same meaning as in standing order 30A (appointment, dismissal and disciplinary proceedings against a member of staff); and



"monitoring officer" means the officer designated under section 5 (1) of the Local Government and Housing Act 1989 (designation and reports of monitoring officer).

PART IV  
CONTRACT STANDING ORDERS

CHAPTER I  
GENERAL

**32. 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. 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*, in particular Appendix D2 (b) to the Regulations, which apply to requisitioning and paying for works, goods, materials and services.
- 32.3. This Part IV shall apply from Wednesday 25 April 2007 and will be reviewed at least every four years.
- 32.4. The *Corporate Procurement Strategy* can be found in the pages of the Council's website on the internet – simply type in 'Corporate Procurement Strategy' in the search box and the Council's *Financial Regulations* can be found in the corporate pages of the intranet, either in the Procurement pages or in the Financial Regulations pages.
- 32.5. The Council may take disciplinary action against anyone who fails to comply with the standing orders in this Part IV.

**33. Delegation arrangements – the Cabinet and Cabinet members**

- 33.1. The Cabinet has a general power to make council contracts.
- 33.2. In relation to their portfolios, each Cabinet member has a general power to make council contracts, including power to determine select lists of tenderers and to accept tenders and award contracts.
- 33.3. In the case of contracts not attributable to a particular portfolio, the Leader and Deputy Leader of the Council have the same general power to make council contracts as the other members of the Cabinet.

- 33.4. Each Cabinet member has the power, in relation to their respective portfolios –
- 33.4.1. to authorise the submission of a tender for a contract for –
- 33.4.1.1. the supply of goods or materials to,
  - 33.4.1.2. the provision of administrative, professional or technical services to,
  - 33.4.1.3. the hire of vehicles or plant to, or
  - 33.4.1.4. 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;
- 33.4.2. 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
- 33.4.3. to authorise the submission of a tender for a contract for a work or the supply of goods, materials or services to a person, body or organisation in the private sector, where the Director of Legal and Democratic Services' advice on the powers of the Council to undertake the work or supply the goods, materials or services has been obtained.

**34. Delegation arrangements – strategic directors and directors of services**

- 34.1. The Chief Executive, strategic directors and directors of services have a general power to make council contracts that are estimated to be less than £500,000 in value, including power to determine select lists of tenderers and to accept tenders and award contracts.
- 34.2. In furtherance of the Council's regeneration objectives the Director of the Rotherham Investment and Development Office ("RiDO") has the power to approve the terms and conditions of the acquisition and disposal of land, the granting of leases, the approval of the release of restrictive covenants and the granting of easements, wayleaves and ground landlord's consent, subject to the confirmation of those terms by the Director of Asset Management Service.
- 34.3. The Director of Asset Management Service has the same powers as the Director of RiDO in respect of any land.
- 34.4. In consultation with the relevant strategic director, directors of services have the power –
- 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, where the estimated value of the contract is less than £50,000;
- 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, where the estimated value of the contract offered is less than £50,000; and
- 34.4.3. to authorise the submission of a tender for a contract for the performance of a work or the supply of goods, materials or services to a person, body or organisation in the private sector, where the estimated value of the contract offered is less than £20,000 and the Director of Legal and Democratic Services' advice on the powers of the Council to undertake the work or supply the goods, materials or services has been obtained.

### **35. Signing contracts and the Common Seal**

#### *Contracts under seal*

- 35.1. 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.
- 35.2. 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.
- 35.3. 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 –
  - 35.3.1. the Chief Executive, or
  - 35.3.2. the Director of Legal and Democratic Services or, in his absence, either the Team Manager of the Non-Contentious Team or the Team Manager of the Contentious Team within Legal Services, or
  - 35.3.3. the Principal Officer (Legal) within the Strategic Partnerships Team,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*

- 35.4. Strategic directors and directors of services have the power to sign contracts 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.

**36. Guiding principle in making contracts**

- 36.1. 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 businesslike 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.

**37. Compliance with standing orders, legislation and adoption of CJC code of practice**

- 37.1. 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.
- 37.2. In conjunction with the application of this Part IV, the Council has adopted the Commissioning Joint Committee's *Standing Guide to the Commissioning of Local Authority Work and Services* ("the Standing Guide").
- 37.3. The Commissioning Joint Committee is sponsored by CIPFA and comprises representatives of all the local authorities in the UK involved in all aspects of commissioning and competition.
- 37.4. The Standing Guide can be found in the corporate pages of the intranet, either in the Procurement section or in the Financial Regulations section.
- 37.5. The Standing Guide covers –
- "commissioning strategy – deciding how projected work and services should be commissioned;
  - their procurement, and the many other options available for carrying them out, including delegation, decentralisation, and the outright transfer of functions and activities to partnerships and other vehicles;
  - managing and updating contracts once they have been placed".
- 37.6. 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.

- 37.7. 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*.
- 37.8. Subject to standing orders 32 (contract standing orders and financial regulations), 33.4 and 34.4 (delegation arrangements) and 36 (guiding principle in making contracts), the provisions of this Part IV do not apply to contracts in which the Council acts for –
- 37.8.1. 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
- 37.8.2. 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.

### **38. Exemptions**

***Paragraphs 71.06 –71.07 of Part 71 of the Standing Guide contain guidance on internal trading organisations working with contractors, where the internal trading organisation acts as the main contractor and the contractor acts as a sub-contractor to the internal trading organisation.***

- 38.1. The Cabinet or Cabinet member to whom power has been delegated to enter into contracts in respect of the provision of a council service may direct that a particular contract be exempted from any or all of the provisions of this Part IV.
- 38.2. The director seeking the exemption must place a written report before the appropriate Cabinet member or the Cabinet.
- 38.3. The report to the Cabinet member or the Cabinet under standing order 38.2 must –
- 38.3.1. specify the reason for seeking the exemption;
- 38.3.2. contain the views of the Director of Legal and Democratic Services and Strategic Director of Finance on the proposed exemption; and
- 38.3.3. identify any future commitments the proposed contract might entail, so that propriety, value for money and compliance with European and domestic law can be demonstrated.
- 38.4. Standing orders 47 (contracts valued at less than £50,000) and 48 (contracts valued at £50,000 or more) shall not apply to the engagement of a contractor who is deemed a domestic sub-contractor, by virtue of being engaged by the Council to carry out a building or construction-related work or to supply goods, materials or services in conjunction with an internal trading organisation

instructed for that purpose and deemed the main contractor, providing that –

- 38.4.1. where practicable the contractor is selected from a list of contractors that has been compiled using the criteria for drawing-up and reviewing approved lists of contractors under standing order 41 (approved lists of contractors) and that is kept by the internal trading organisation for that purpose;
  - 38.4.2. oral or written quotations for the sub-contracted work are obtained from a suitable number of contractors on the list or, in the case of works, goods, materials or services of a specialist character, from a suitable number of specialist contractors, prior to the internal trading organisation submitting its bid for the work; and
  - 38.4.3. the successful contractor enters into a formal contract with the Council to perform the work or supply the goods or materials or provide the services, within a reasonable period of the internal trading organisation being awarded the work.
- 38.5. To the extent necessary but only to the extent necessary, the provisions of this Part IV shall not apply in the case of a need for a work, service or supply of goods or materials where –
- 38.5.1. the need has arisen as a result of an emergency that was not reasonably foreseeable; and
  - 38.5.2. the need must be addressed within 48 hours of the emergency arising; and
  - 38.5.3. the need cannot be addressed by RBT Connect Limited under one or more of its framework agreement or contracts with its suppliers.
- 38.6. Except where the Cabinet or the Cabinet member concerned with a particular contract or contracts otherwise directs, transactions for the supply of goods, services or materials by the Yorkshire Purchasing Organisation acting on behalf of the Council shall be exempt from the provisions of this Part IV.
- 38.7. No exemptions may be granted from any of this Part IV which would result in a breach of European or domestic law.

**39. Responsibility for procurement of works, goods, materials and services**

- 39.1. The procurement of works, goods, materials and services are the responsibility of the following–
- 39.1.1. for general goods, materials and services – RBT Connect Limited;
  - 39.1.2. for building and construction-related works or services – Asset Management Service and Streetpride, which are part of Environment and Development Services;
  - 39.1.3. for ground maintenance works – Streetpride, which is part of Environment and Development Services;

- 39.1.4. for housing management services – 2010 Rotherham Limited;
- 39.1.5. for the hire of fleet hire vehicles in accordance with any framework agreement or contract that the Council has with an external provider of such services – Asset Management Service, which is part of Environment and Development Services;
- 39.1.6. for external legal services in accordance with any framework agreement or contract that the Council has with an external provider of such services – Legal and Democratic Services, which is part of Corporate Services;
- 39.1.7. for individual care and support services for children and young persons in accordance with any framework agreement or contract that the Council has with an external provider of such services– Children & Young Person’s Services;
- 39.1.8. for individual care and support services for adults in accordance with any framework agreement or contract that the Council has with an external provider of such services – Social Services;
- 39.1.9. for private finance initiatives and public private partnerships – Strategic Partnerships, which is part of Corporate Services.
- 39.2. In accordance with Appendix D2 (b) of *Financial Regulations* and the *CedAr P2P* system, RBT must be instructed to procure all general goods, materials and services on the Council’s behalf.
- 39.3. Where the Director of Procurement of RBT is satisfied that a requirement for goods, materials or services falls outside any framework agreement or contract that RBT has for the benefit of the Council with a supplier of such goods, materials or services, the particular goods, materials or services shall be procured in accordance with these Standing Orders.
- 39.4. Where the Director of Asset Management Service is satisfied that a requirement for a building or construction-related work or service 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.
- 39.5. Where the Director of Streetpride is satisfied that a requirement for a construction-related work or service 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.
- 39.6. Where the Director of Asset Management Service is satisfied that a requirement for a fleet hire vehicle falls outside any framework agreement or contract that the Council has with a provider of fleet

hire vehicles, the particular vehicle shall be procured in accordance with these Standing Orders.

- 39.7. Where the Director of Legal and Democratic Services is satisfied that a requirement for external legal services falls outside any framework agreement or contract that the Council has with a provider of legal services, the particular services shall be procured in accordance with these Standing Orders.
- 39.8. Contracts based on framework agreements may be awarded by either –
- 39.8.1. 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
  - 39.8.2. 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 –
    - 39.8.2.1. inviting the organisations within the framework agreement that are capable of executing the subject of the contract to submit written tenders;
    - 39.8.2.2. 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;
    - 39.8.2.3. 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.

#### **40. Authorised officers**

- 40.1. Each director of services shall –
- 40.1.1. compile and maintain a scheme of delegation for his/her service area; and
  - 40.1.2. supply and agree the scheme of delegation with the Strategic Director of Finance before the start of each financial year and on making any amendments to it.
- 40.2. Each director of service's scheme of delegation must specify –
- 40.2.1. the names, grades, post references and job titles of authorised officers for the purposes of –
    - 40.2.1.1. recording the receipt and safe custody of completed tenders,
    - 40.2.1.2. opening tenders,
    - 40.2.1.3. entering into contracts,
    - 40.2.1.4. placing orders on behalf of the Council; and
  - 40.2.2. the maximum contract value allocated to each authorised officer for those purposes.



- 40.3. The Council's Strategic Director of Finance shall keep a register of all schemes of delegation.
- 40.4. Authorised officers shall –
- 40.4.1. always seek value for money;
  - 40.4.2. act impartially towards contractors and ensure that contractors from other European Community states are not discriminated against;
  - 40.4.3. conduct tendering and price-testing in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);
  - 40.4.4. do nothing that contravenes European Community or domestic law; and
  - 40.4.5. ensure that adequate contract files are kept for all contracts upon which they are engaged.
- 40.5. For the purpose of this standing order and this Part IV "authorised officer" means an officer designated as such in accordance with standing order 40.2.

CHAPTER II  
LISTS OF CONTRACTORS

**41. Approved lists of contractors**

***Part 41 of the Standing Guide contains guidance on approved and standing lists.***

- 41.1. Where appropriate and with the concurrence of the Strategic Director of Finance, directors of services shall compile and maintain an approved list for their respective service areas of contractors to be invited to tender for contracts between £50,000 and the relevant European Union threshold in force from time to time for contracts for goods, materials works and services.
- 41.2. An approved list shall–
- 41.2.1. set out the criteria for inclusion, suspension and exclusion from the list, including but not by way of limitation –
    - 41.2.1.1. economic and financial standing,
    - 41.2.1.2. technical ability and capacity,
    - 41.2.1.3. insurance arrangements,
    - 41.2.1.4. quality systems,
    - 41.2.1.5. health and safety record,
    - 41.2.1.6. environmental performance and compliance with environmental legislation,
    - 41.2.1.7. compliance with age discrimination, sex discrimination, race relations and other relevant legislation, and
    - 41.2.1.8. in the case of construction-related contracts, compliance with the Construction Industry Tax Deduction Scheme;

- 41.2.2. indicate the categories of contracts for which the contractors listed may be invited to tender; and
- 41.2.3. 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.
- 41.3. Approved lists shall be reviewed at regular intervals of not less than one year nor more than four years.
- 41.4. 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.
- 41.5. In accordance with standing order 48 (contracts valued at £50,000 or more), an invitation to tender for a contract must be sent to the appropriate number of contractors on an approved list.
- 41.6. 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.

**42. Authorised officers' lists of contractors**

- 42.1. Where appropriate, authorised officers shall compile and maintain a list for their service areas of contractors to be invited to tender for contracts below £50,000 in value.
- 42.2. An authorised officer's list may be compiled on the basis of –
  - 42.2.1. the authorised officer's experience of contractors previously used by the Council;
  - 42.2.2. the authorised officer's general knowledge of suppliers or the trade in question; and
  - 42.2.3. contractors who approach the Council directly.
- 42.3. The suitability of contractors for inclusion on an authorised officer's list shall be judged, as far as practicable, by the approved list criteria.
- 42.4. Except where required by law, authorised officers' lists may be compiled without public advertisement.
- 42.5. In accordance with standing order 47 (contracts valued at less than £50,000), an order shall be placed with the appropriate internal trading organisation or an invitation to tender for a contract shall be sent to the appropriate number of contractors on an authorised officer's list.

- 42.6. Authorised officers' lists shall 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.

#### **43. Open competition for contracts**

- 43.1. Notwithstanding standing orders 41 (approved lists of contractors) and 42 (authorised officers' lists of contractors), this standing order shall apply where the Cabinet or the Cabinet member for the programme area concerned has decided that tenders for a particular contract are to be obtained by inviting tenders for the contract on the open market.
- 43.2. At least fourteen days' notice of the proposed contract shall be given in one or more newspapers circulating in the borough and where appropriate in one or more technical journals published nationally.
- 43.3. The notice shall –
- 43.3.1. specify the nature and purpose of the contract, including where further details may be obtained;
  - 43.3.2. invite tenders for the contract; and
  - 43.3.3. state the last date and time when tenders for the contract will be accepted.
- 43.4. The suitability of contractors, who respond to a notice issued under standing order 43.2, to perform the contract shall be assessed using the criteria for inclusion, suspension and exclusion from an approved list, as set out in standing order 41.2.

### CHAPTER III ASCERTAINING VALUE OF CONTRACTS

#### **44. Contract value and aggregation**

***Part 1 of the Standing Guide contains guidance on whether the EU procurement rules apply and Part `37 of the Standing Guide contains guidance on packaging contracts.***

- 44.1. An authorised officer must estimate and record the gross value net of value added tax of a proposed contract.
- 44.2. 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.

- 44.3. A contract must not be –
  - 44.3.1. artificially divided into two or more separate contracts; or
  - 44.3.2. valued using a valuation method selected with the intention of avoiding the application of any of this Part IV.

#### **45. Pre-tender quotations and enquiries**

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

- 45.1. Subject to standing order 39 (responsibility for procurement of works, goods, materials and services, etc.), an authorised officer may make general enquiries of contractors before tenders or quotations are invited in order to –
  - 45.1.1. establish whether the work, goods, materials or services that the Council wishes to procure are available and for what price;
  - 45.1.2. prepare tender documents, price estimates and contracts; and
  - 45.1.3. ascertain which contractors wish to be invited to tender or quote for a particular contract.
- 45.2. In making enquiries –
  - 45.2.1. 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;
  - 45.2.2. 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
  - 45.2.3. 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

#### **46. Contracts not requiring tendering**

- 46.1. A contract need not be tendered if –
  - 46.1.1. it is valued at less than £50,000 and the requirements of standing order 47 (contracts valued at less than £50,000) are

met, except where notwithstanding standing order 47 the contract must be tendered as required by law;

- 46.1.2. an exemption from tendering has been granted in respect of that contract under standing order 38 (exemptions);
- 46.1.3. 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;
- 46.1.4. it is a contract made under one of the suite of framework agreement or contracts that OGC Buying Solutions has with suppliers of works, goods and services, except where the terms and conditions of the OGC 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;
- 46.1.5. it is a social care contract, being the provision of individual care and support services to a client or group of clients of either Children and Young Person's Services or Social Services, 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;
- 46.1.6. it is for the purpose of formalising the funding of particular voluntary sector bodies where the purpose of the contract is to establish the general conditions whereby the body may be funded by the Council;
- 46.1.7. it is for the engagement of counsel or the provision of specialist legal advice; or
- 46.1.8. 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.

**47. Contracts valued at less than £50,000**

- 47.1. 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.
- 47.2. This standing order applies to any internal trading organisation of the Council and, in the case of housing management services, any internal trading organisation employed by 2010 Rotherham Limited.

- 47.3. Where a contract for a work, service or supply of goods or materials is valued at less than £50,000 and meets the condition set out in standing order 47.4, an order shall be placed with the appropriate director of services whose area of responsibility includes the provision to the Council, as the case may be, of similar works or services or the supply of similar goods or materials.
- 47.4. The condition mentioned in standing order 47.3 is that the internal trading organisation concerned can perform the work, carry out the service or supply the goods or materials for the most economically advantageous price, after taking into consideration as appropriate –
- 47.4.1. cost effectiveness;
  - 47.4.2. quality, aesthetics and functional characteristics;
  - 47.4.3. technical assistance and technical merit;
  - 47.4.4. the period for completion or delivery;
  - 47.4.5. running costs;
  - 47.4.6. after sales service; and
  - 47.4.7. profitability.
- 47.5. A contract should be made with a contractor on an authorised officer's list if but only if the condition specified in standing order 47.4 is not met.
- 47.6. Except as required by law and subject to standing orders 39 (responsibility for procurement of works, goods, materials and services, etc.), 44.3 (prohibition on artificial division of a requirement for a work, goods, material or services into two or more contracts) and 47.3, a contract made under standing order 47.5 where the estimated value is –
- 47.6.1. less than £5000 may be made without seeking competitive quotations;
  - 47.6.2. £5000 but less than £20,000 may be made after inviting at least two oral or written quotations; and
  - 47.6.3. £20,000 but less than £50,000 may be made after inviting at least three written quotations.
- 47.7. Authorised officers must keep a written record of all oral quotations sought, including the full name and address of the contractor, details of the contract and the contractor's price for its performance.
- 47.8. A written quotation must be obtained before an order is placed or a contract made in accordance with this standing order.

**48. Contracts valued at £50,000 or more**

- 48.1. If the estimated value of a contract is £50,000 or more between three to six tenders must be invited for the contract from external contractors.

- 48.2. Subject to standing order 39 (responsibility for procurement of works, goods, materials and services, etc.), 48.1 and 48.3, tenders should be invited –
  - 48.2.1. in the case of a contract with an estimated value between £50,000 and £500,000 from –
    - 48.2.1.1. the internal trading organisation responsible for the provision of similar works or services or the supply of goods or materials to the Council as the subject matter of the contract and from suitable contractors on a select list of tenderers approved by the director of the service with responsibility for letting such contracts, or
    - 48.2.1.2. in the case of a building or construction-related contract, from the appropriate internal trading organisation and contractors on an approved list; and
  - 48.2.2. in the case of a contract with an estimated value greater than £500,000 from the appropriate internal trading organisation and from contractors on a select list of tenderers approved by the Council, the Cabinet or the appropriate Cabinet member with responsibility for letting such contracts.
- 48.3. Tenders for a contract must be invited following public advertisement –
  - 48.3.1. where required by European or domestic law; or
  - 48.3.2. where no Council approved list exists or standing order 43 (open competition for contracts) applies.

#### **49. Tender invitation and receipt of tenders**

##### ***Part 60 of the Standing Guide contains guidance on e-procurement and e-auctions.***

- 49.1. 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.
- 49.2. 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 –
  - 49.2.1. a specification that describes the works, goods or services in sufficient detail and the conditions of contract that will apply to enable the submission of competitive tenders;
  - 49.2.2. a requirement for tenderers to declare that the contents of the 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);
- 49.2.3. 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;
  - 49.2.4. notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense;
  - 49.2.5. a description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and if possible in descending order of importance;
  - 49.2.6. 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.
- 49.3. All invitations to tender should include any other information or instructions that the Director of Legal and Democratic Services and Strategic Director of Finance may require.
  - 49.4. Tenderers may be invited to submit tenders either electronically or by hard copy for contracts of any value.

#### ELECTRONIC TENDERS

- 49.5. The Council is a member of the Supplier and Contract Management System ("the SCMS"), which is a procurement website introduced by the Yorkshire and Humber Centre of Excellence.
- 49.6. The Yorkshire and Humber Centre of Excellence is one of nine regional Centres of Excellence created by the then Office of the Deputy Prime Minister (now the Department for Communities and Local Government) in February 2004 to deliver the National Procurement Strategy and, more recently, the Gershon Review.
- 49.7. The SCMS is a secure website for works, services and supply contracts, is free to use and 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.
- 49.8. Tender responses may be submitted electronically 24 hours a day, 7 days a week and confirmation of receipt is automatically transmitted.
- 49.9. All of the tender documents must have been received prior to the deadline for the close of tenders otherwise the tender will be rejected.
- 49.10. The successful tenderers' details will be placed on the SCMS website in the Tender Results section.
- 49.11. The SCMS website has three specific areas, which enable suppliers, contractors, consultants and service providers to –



*Supplier management*

- 49.11.1. self register and apply for approved list status for one or more regional local authorities;
- 49.11.2. self register as a prospective supplier where no specific approved list currently exists;
- 49.11.3. maintain their own profile information;

*Tender management*

- 49.11.4. download tender documents electronically;
- 49.11.5. upload tender documents and required documents electronically
- 49.11.6. view current and future tendering opportunities on the public bulletin board;

*Contract management*

- 49.11.7. view details of awarded contracts;
  - 49.11.8. view their own historical records.
- 49.12. The SCMS will also accept hard copy tenders in the normal manner unless the tender documents indicate that only electronic tenders will be accepted.

**HARD COPY TENDERS**

- 49.13. Except where tenderers have submitted a hard copy of their tender through the SCMS (in which case the SCMS procedures for receipt of hard copy tenders will apply), every invitation to submit a hard copy of a tender must include a paragraph in the form set out in standing order 49.14 or 49.15 –

- 49.14. Where the estimated value of a contract is £100,000 or more –

*This tender will only be considered if it is received at the offices of the Office Manager for the Chief Executive, Rotherham Borough Council, Town Hall, Moorgate Street, Rotherham, S60 2TH by 12 noon on [specify date] in a sealed, plain envelope marked for the attention of [name of authorised officer] and annotated, Tender for [specify contract].*

- 49.15. Where the estimated value of a contract is less than £100,000 –

*This tender will only be considered if it is received at the offices of [specify the offices of the appropriate director of services] by 12 noon on [specify date] in a sealed, plain envelope marked for the attention of [name of authorised officer] and annotated, Tender for [specify contract].*

- 49.16. All tender envelopes received must be endorsed at the time of receipt with –

- 49.16.1. the time,
- 49.16.2. the date of receipt,
- 49.16.3. the initials of the officer receiving them, and

must be kept secure until the time specified for the opening of tenders.

- 49.17. For the purpose of this standing order and standing order 50 (tender opening), the authorised officer must keep a written record specifying among other things –

- 49.17.1. the contract for which tenders have been invited;
- 49.17.2. the last date and time for the receipt of tenders;
- 49.17.3. the name and address of every contractor who was invited to submit a tender for the contract;
- 49.17.4. the number of tenders received;
- 49.17.5. the date and time each tender was received;
- 49.17.6. the names of the persons present at the opening of tenders;
- 49.17.7. the date the tenders were opened;
- 49.17.8. the number of tenders opened; and
- 49.17.9. each contractor's tender price for the contract.

- 49.18. A hard copy of a tender received after the specified time and date of receipt must not be considered for evaluation and returned promptly to the tenderer.

- 49.19. Standing order 49.18 shall be disregarded if –

- 49.19.1. no eligible tenders have been opened; and
- 49.19.2. the Director of Legal and Democratic Services is satisfied that there is evidence that the tender was posted or hand delivered in time for receipt, in the normal course of events, by the specified time.

- 49.20. A late tender may be opened to ascertain the name of the tenderer, but no details of the tender must be disclosed.

## **50. Tender opening**

- 50.1. All tenders received electronically or by hard copy must be opened at the same time and place after the closing date and time for receipt stated in the tender documents.
- 50.2. The Democratic Services Manager will arrange for the opening of electronic and hard copy tenders for contracts, including contracts for the sale of land, where the gross market value of the land or the value of the contract (as the case may be) is estimated to be £100,000 or more.
- 50.3. Authorised officers are responsible for arranging for the opening of tenders in all other cases.

### **ELECTRONIC TENDERS**

- 50.4. In the case of tenders submitted electronically in relation to a contract with an estimated value of £100,000 or more, the authorised officer must inform the Democratic Services Manager of –
- 50.4.1. the name of the Cabinet member (or an authorised substitute) of the directorate concerned,
  - 50.4.2. the name of the authorised officer (or an officer authorised to act on his/her behalf in his/her absence), and
  - 50.4.3. an officer (or an officer authorised to act on his/her behalf in his/her absence) who has not been involved in the tendering procedures in respect of the contract,
- who are to be allocated the password to view simultaneously submitted tenders after the closing date and time for receipt of tenders.
- 50.5. In the case of tenders submitted electronically in relation to a contract with an estimated value of less than £100,000, tenders must be viewed simultaneously by –
- 50.5.1. the authorised officer (or an officer authorised to act on his/her behalf in his/her absence); and
  - 50.5.2. an officer who has not been involved in the tendering procedures in respect of the contract.

#### HARD COPIES OF TENDERS

- 50.6. In the case of tenders submitted by hard copy in relation to a contract with an estimated value of £100,000 or more, the authorised officer must supply the Democratic Services Manager with a copy of the record specified in standing order 49.17 and tenders must be opened in the presence of –
- 50.6.1. the Cabinet member (or an authorised substitute) with responsibility for the directorate concerned;
  - 50.6.2. the authorised officer (or an officer authorised to act on his/her behalf in his/her absence); and
  - 50.6.3. an officer who has not been involved in the tendering procedures in respect of the contract.
- 50.7. In the case of tenders submitted by hard copy in relation to a contract with an estimated value of less than £100,000, tenders must be opened in the presence of –
- 50.7.1. the authorised officer (or an officer authorised to act on his/her behalf in his/her absence); and

- 50.7.2. an officer who has not been involved in the tendering procedures in respect of the contract.
- 50.8. Where a contractor who has been invited to submit a tender for a contract fails to do so, or submits his/her tender after the last date or time for the receipt of tenders, the authorised officer must endorse the entry in respect of the contractor, in the record referred to in standing order 49.17, either, *No tender received* or *Tender received late on [date] at [time]*, as the case may be.
- 50.9. All those present at the opening of electronic or hard copy tenders must sign the record kept by the authorised officer under standing order 49.17.
- 50.10. In order to prevent any addition to the record, the authorised officer must sign the record after the last tenderer's name.

CHAPTER V  
MISCELLANEOUS PROVISIONS

**51. Security for performance of contract**

***Paragraphs 37.89 –37.93 of Part 37 of the Standing Guide contain guidance on performance bonds.***

- 51.1. Prior to the award of a contract with an estimated value of £1m 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.
- 51.2. In considering the need for either form of security, the authorised officer must –
  - 51.2.1. estimate the increase in the contract price that would result from requiring the contractor to provide security for the performance of the contract; and
  - 51.2.2. identify and assess the risks to which the Council could be exposed should the contractor fail to perform satisfactorily the contract.
- 51.3. In identifying and assessing the risks, the authorised officer must have regard to any guidance issued from time to time by the Strategic Director of Finance and –
  - 51.3.1. to any advice from the Strategic Director of Finance on the contractor's financial standing;
  - 51.3.2. 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;

- 51.3.3. to the complexity or degree of technical difficulty of the subject matter of the contract;
- 51.3.4. 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;
- 51.3.5. 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
- 51.3.6. 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.

**52. Form and content of contracts**

- 52.1. Every contract must be in writing in some form.
- 52.2. As appropriate, a contract must specify –
  - 52.2.1. the parties to the contract, including any surety or guarantor;
  - 52.2.2. the goods, materials or services to be supplied or the work to be performed;
  - 52.2.3. the price to be paid together with a statement as to the amounts of any discounts or other deductions;
  - 52.2.4. the period within which the contract is to be performed;
  - 52.2.5. the conditions and terms agreed between the Council and the contractor;
  - 52.2.6. 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
  - 52.2.7. any other terms and conditions stipulated by the Director of Legal and Democratic Services (who has general powers to set standard and particular contract conditions), including a condition that –
    - 52.2.7.1. the contract may not be assigned without the prior written consent of the Council, and
    - 52.2.7.2. 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 Prevention of Corruption Acts 1889 to 1916 or giving any fee or reward the receipt of which is an offence under section 117 (2) and (3) of the Local Government Act 1972.

- 52.3. 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 Director of Legal and Democratic Services, in respect of –
- 52.3.1. a right of access to relevant documentation and records of the contractor for monitoring and audit purposes;
  - 52.3.2. data protection requirements;
  - 52.3.3. discrimination and equalities requirements;
  - 52.3.4. freedom of Information Act requirements;
  - 52.3.5. health and safety requirements;
  - 52.3.6. human rights requirements;
  - 52.3.7. insurance requirements;
  - 52.3.8. ombudsman requirements.
- 52.4. 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.

### **53. Community representatives**

- 53.1. The Cabinet or the Cabinet member for the programme area concerned may invite community representatives to appoint persons (who may not be members of the Council) to participate in drawing up specifications for council contracts, interviewing contractors and monitoring council contracts.
- 53.2. 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.
- 53.3. 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*.
- 53.4. 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.

### **54. Sale of land**

- 54.1. In consultation with the Director of Legal and Democratic Services and the Strategic Director of Finance, the Director of Asset Management Service, 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.

- 54.2. At least every four years, the Director of Asset Management Service must review the Code and submit it for the Council's approval.
- 54.3. 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.
- 54.4.

**55. Suspension of standing orders**

- 55.1. Standing orders 1 to 4, 6, 14, 19, 19A, 19B, Part III and Part IV may not be suspended.
- 55.2. 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.
- 55.3. 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.
- 55.4. 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

**56. Variation, revocation or supersession of standing orders**

- 56.1. These standing orders shall not be altered, revoked or superseded without the prior recommendation of the Cabinet or the Council's Standards Committee.

**57. Interpretation of Standing Orders**

- 57.1. 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.
- 57.2. Except for the powers and duties conferred or imposed on the Strategic 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 Strategic.

- 57.3. 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.
- 57.4. 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 chairman of the council.*

(2) *If the chairman 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 chairman 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 Chairman**

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

*(1A) A member of the Strategic of a principal council may not be elected as the chairman of the council.*

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

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

*(4) The chairman 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 chairman 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-chairman**

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

*(1A) A member of the Strategic of a principal council may not be appointed as the vice-chairman of the council.*

*(2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman 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 chairman may be done by, to or before the vice-chairman.*

*(4) A principal council may pay the vice-chairman 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 chairman, if present, shall preside.*

*(2) If the chairman is absent from a meeting of a principal council, then –*

*(a) the vice-chairman of the council, if present, shall preside;*

*(b)...*

*(c)...*

*(3) \_\_\_If –*

*(a) in the case of a principal council, both the chairman and vice-chairman 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 chairman**

*(1) The election of the chairman 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.