

PART 4

RULES OF PROCEDURE

- Procedural Standing Orders
- Access to Information Procedure Rules
- Policy Framework and Budget Procedure Rules
- Cabinet Procedure Rules
- Scrutiny Procedure Rules
- Call-in Procedure Rules
- Contract Standing Orders
- Officer Employment Procedure Rules

PROCEDURAL STANDING ORDERS

1. ANNUAL MEETING OF THE COUNTY COUNCIL

In a year when there is an ordinary election of County Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing County Councillors. In any other year, the annual meeting will take place on a date in March, April or May, which the full Council will determine.

In addition to the business normally conducted at an ordinary meeting of the full Council, the annual meeting will:

- 1.1 Elect the Chair of the Council;
- 1.2 Elect the Vice-Chair of the Council;
- 1.3 Elect the Leader of the Council (at the first annual meeting after a regular election);
- 1.4 Appoint the Overview and Scrutiny Committees;
- 1.5 Appoint the Chairs of the Overview and Scrutiny Committees.
- 1.6 Appoint the Audit and Governance Committee and other Council bodies as set out in Part 3 of this Constitution to deal with matters, which are neither reserved to the Council nor are executive functions;
- 1.7 Approve a programme of ordinary meetings of the Council for the year;

2. ORDINARY MEETINGS

- 2.1 Ordinary meetings of the Council will take place in accordance with the programme decided at the Council's annual meeting. Ordinary meetings will:
 - 2.1.1 Elect a person to preside if the Chair and Vice-Chair of the Council are not present;
 - 2.1.2 Approve the minutes of the last meeting;
 - 2.1.3 Receive any announcements from the Chair of the Council, Leader of the Council, Cabinet Members or Chief Executive;
 - 2.1.4 Except at the first annual meeting of a new Council, receive and answer questions from the public concerning matters which are within the powers and duties of the Council or committee concerned;
 - 2.1.5 To receive, without discussion, any petition submitted by a Member of the Council;

- 2.1.6 Receive reports that require a decision to be made by the Council from the Cabinet, any Overview and Scrutiny Committee or any other Council body, and debate and decide those matters;
 - 2.1.7 Consider motions. Advisory note: a motion should only be considered at the Annual Meeting following a County Council election where an issue is time critical and needs to be determined without delay;
 - 2.1.8 Except at the first annual meeting of a new Council, to answer Members' questions;
 - 2.1.9 Subject to Procedural Standing Order 9, afford the opportunity to all County Councillors present to ask questions about every decision made by the Cabinet, any Cabinet Member or any other Council body, or a key decision taken by an Officer, since the last ordinary meeting of the Council;
 - 2.1.10 Debate reports as appropriate from each Overview and Scrutiny Committee;
 - 2.1.11 Other business specified in the agenda.
- 2.2 The person presiding at the meeting may, at their discretion, vary the order of business. They may bring forward for consideration at any point, as a requirement of statute or urgency, any item that is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- 2.3 The person presiding at the meeting may at any time call upon the Chief Executive or any other person who is not a Member of the Council to advise the Council on any matter referred to in the business under discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may require the Chief Executive to call a Council meeting in addition to ordinary meetings:

- 3.1.1 The Council by resolution;
- 3.1.2 The Chair of Council, in response to a written request from five County Councillors;

When five County Councillors give written notice of their wish to call a meeting, the Chair may:

- Call a meeting within a reasonable time;
- Refuse to call a meeting;
- Take no action;

If the Chair refuses to call a meeting or takes no action within seven days, the five named County Councillors may require the Chief Executive to convene a meeting on a date which they will determine. The Chief Executive shall then convene the meeting on the specified date.

3.1.3 The Monitoring Officer.

3.2 Business

In addition to the business specified below, extraordinary meetings of the full Council shall only deal with the business set out in the agenda:

3.2.1 Elect a person to preside if the Chair and Vice-Chair of the Council are not present;

3.2.2 Approve the minutes of the last meeting (if available).

4. LOCATION AND TIMES OF FULL COUNCIL MEETINGS

Generally, all meetings of the full Council shall be at Shire Hall, Gloucester and shall commence at 10.00 a.m. or at such other time as the Chair may direct.

5. NOTICE AND SUMMONS TO MEETINGS

5.1 The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Procedure Rules.

5.2 Whenever possible, at least five clear working days before a meeting, the Chief Executive will send a signed summons by post to every County Councillor or leave it at their usual home address. The summons will give the date, time and place of each meeting and will set out the business to be transacted. Reports relating to the business to be transacted at the meeting will also be sent to County Councillors.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair. Where these Procedural Standing Orders apply to committee meetings, any reference to the Chair also includes the Chair of committees.

Note: The Chair of the Council, at the beginning of their term of office, may choose to indicate how they wish to be addressed, according to personal preference.

7. QUORUM

7.1 No business shall be transacted at a meeting of the full Council unless at least one-quarter of the whole number of Members of the Council is present.

7.2 The quorum for meetings of the full Council is 14 County Councillors.

7.3 During any meeting of the full Council, the Chair may count the number of Members present and if that number has fallen below the required quorum, the Chair shall declare that there is not a quorum present and the meeting will be adjourned.

7.4 If the meeting is adjourned, any business that has not been dealt with will be deferred to the next meeting of the full Council.

7.5 Where this Procedural Standing Order applies to a committee, it will be subject to a requirement that there must be at least three voting Members in attendance.

8. QUESTIONS FROM THE PUBLIC

8.1 At each ordinary meeting of the full Council (excluding the first annual meeting of the new Council) there shall be up to 30 minutes set aside for written and urgent questions from the public.

8.3 Written question at full Council

People who live or work in the county or are affected by the work of the County Council may ask:

8.3.1 The Chair of the Council;

8.3.2 The Leader of the Council;

8.3.3 A Cabinet Member;

8.3.4 A Chair of any other Council body, whose remit covers the subject matter in question;

9.3.5 A Cabinet Project Champion

a question on any matter which is within the powers and duties of the Council.

8.4 Notice of questions

A question under this Procedural Standing Order may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00 a.m. four clear working days before the date of the meeting.

8.5 Response

A written answer will be provided to a written question and will be given to the questioner and to County Councillors before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.

8.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

8.7 Additional Questions

A member of the public who has put a written question may, with the consent of the Chair, ask an additional oral question on the same subject.

- 8.8 An answer to an oral question under this Procedural Standing Order will take the form of:
- 8.8.1 A direct oral answer;
 - 8.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the Chair considers it appropriate the relevant part of the document will be read out;
 - 8.8.3 If the information required is not easily available, a written answer will be sent to the questioner and circulated to all Members of the Council.
- 8.9 There will be no discussion on any public question.
- 8.10 Written questions may be rejected and oral questions need not be answered when the Chair considers that they:
- 8.10.1 Are not on any matter that is within the powers and duties of the Council;
 - 8.10.2 Are defamatory, frivolous or offensive;
 - 8.10.3 Are substantially the same as a question that has been put to a meeting of the Council in the past six months; or
 - 8.10.4 Would require the disclosure of confidential or exempt information.

In every case, the Chair must specify the reason for rejecting a question or not requiring an answer to be given to it.

12.11 Urgent Questions

A member of the public may ask an urgent question, which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, within the 30 minutes set aside for written and urgent questions, providing that they give notice of the question to the Chief Executive by 12 noon the day before the meeting.

9. QUESTIONS BY MEMBERS

- 9.1 At each ordinary meeting of the full Council (excluding the first annual meeting of a new Council) there will be 30 minutes set aside for questions from Members on any matter within the powers or duties of the Council or which affects the County.

9.2 Questions at full Council

A Member of the Council may ask:

- 9.2.1 The Chair of Council;
- 9.2.2 The Leader of the Council;
- 9.2.3 A Cabinet Member;
- 9.2.4 The Chair of any other Council body, whose remit covers the subject matter in question;
- 9.2.5 A Cabinet Project Champion.

a question on any matter within the powers or duties of the Council or which affects the county.

9.3 Notice of questions

Members may not ask questions under this Procedural Standing Order unless:

- 9.3.1 A written copy of the question has been delivered to the Chief Executive by 10.00 a.m. four clear working days before the date of the meeting; or
- 9.3.2 The question relates to:
 - A matter which the Chair decides is urgent;
 - The Member to whom the question is addressed, has agreed; and
 - Notification of the question has been given to the Chief Executive at least half an hour before the scheduled start of the meeting.

9.4 9.4.1 Unless a Member has first complied with 9.3, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information.

9.4.2 Before such a question is asked, the Chair of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.

9.5 Response

An answer to a question will be:

- 9.5.1 Given to all Members and shall be taken as read and not read out at the meeting;

9.5.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the Chair considers it appropriate, the relevant part of the document will be read out;

9.5.3 If the information required is not easily available a written answer will be sent to the questioner and circulated to all Members of the Council.

A copy of all questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

9.6 Additional questions

A Member asking a question under this Procedural Standing Order may, with the consent of the Chair, ask an additional question. The additional question will be to the same person as the original question. No notice has to be given for the additional question but it must arise directly out of the original question or the reply given to that question.

If the additional question relates to any decision that relates to confidential or exempt information, then before asking the additional question, the Member shall inform the Chair that is the case. Before the additional question is asked, the Chair of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.

9.7 Oral questions on reports of the Cabinet or Committees

A Member may ask the Leader of the Council or any Cabinet Member or the Chair of a committee a question relating to any matter contained in a Cabinet or a committee report as long as that question is put when the report is being discussed at the meeting of the full Council.

10. NOTICES OF MOTION

10.1 Notice

Except for motions which can be moved without notice under these Procedural Standing Orders and unless the Chair is of the opinion that the motion should be considered as a matter of urgency, written notice of motions for discussion at full Council meetings must be delivered to the Chief Executive not later than 10 a.m. five clear working days before the date of the meeting. Motions are not considered at the first annual meeting of a new Council. The Chief Executive will maintain a record of all motions submitted and the public may inspect that record except in respect of motions considered in the absence of the press and public.

10.2 Motion set out in the agenda for a meeting

- 10.2.1 Motions for which proper notice has been given under this Procedural Standing Order will be listed on the agenda in the order in which they are received;
 - 10.2.2 Unless the Chair, in consultation with Group Leaders, decides otherwise, subject to Procedural Standing Order 10.8, there will be no time restrictions on motions from each political group (for the purposes of this Procedural Standing Order 10.2.2 only, all independent Councillors are considered as a political group);
 - 10.2.3 If the Chief Executive considers that such a motion qualifies to be considered by the full Council in the absence of the press and public, the Chief Executive may decide appropriate agenda wording to avoid public disclosure of confidential or exempt information.
- 10.3 Scope
- Motions must be about matters which are related to the responsibilities of the Council or which affect the County. The Chair's decision on whether or not a motion is relevant to the responsibilities of Council will be final.
- 10.4 Subject to Procedural Standing Order 10.9, unless the Chair, in consultation with Group Leaders, decides otherwise a motion that has been properly notified and which has been moved and seconded will be discussed by full Council at the meeting for which notice has been given (excluding the first annual meeting of a new Council).
 - 10.5 If the motion relates to an executive function and whether or not it is discussed at full Council at that time, full Council may:
 - 10.5.1 Refer the motion to Cabinet who will consider the matter in the light of any views expressed by the full Council and advise the full Council of its decision; or
 - 10.5.2 Refer the motion to the relevant Overview and Scrutiny Committee who will consider the matter in the light of any views expressed by the full Council. Following consideration, the Overview and Scrutiny Committee will refer the motion to Cabinet, Leader of the Council or Cabinet Member who will consider the matter in the light of any views expressed by full Council and the Overview and Scrutiny Committee and advise the full Council of its or their decision.
 - 10.6 If a motion is referred by full Council to the Cabinet or another Council body (or both under Procedural Standing Order 10.5.2) the proposer and seconder of the motion may attend the meeting of the Cabinet or other Council body (or both) and speak to the motion but not vote unless a Member of the Cabinet or other Council body.
 - 10.7 If a motion is referred by full Council to the Leader of the Council or Cabinet Member (either directly or via an Overview and Scrutiny Committee under Procedural Standing Order 10.5.2) the proposer and seconder of the motion may attend the meeting of the Overview and Scrutiny meeting and speak to the motion but not vote (unless a Member

of the Overview and Scrutiny meeting) and/or submit in writing to the Leader of the Council or Cabinet Member, their views on the motion

10.8 The total period of time spent on motions on the day of a meeting shall not exceed two hours. However, debate on motions may be extended beyond the two hour limit to allow those members who have indicated to the Chair, before the end of the two hour period, their intention to speak on the motion being debated at that time. The mover of the motion will then have the opportunity to sum up and the vote will take place. This Procedural Standing Order may not be suspended.

10.9 In the event a motion has not been discussed at the meeting for which notice has been given, that notice of motion shall then be void.

11. MOTIONS WITHOUT NOTICE

11.1 The following motions may be moved without notice:

11.1.1 To appoint a Chair of the meeting;

11.1.2 Concerning the accuracy of the minutes;

11.1.3 To change the order of business in the agenda;

11.1.4 To appoint a Council body or Member to a Council body arising from an item on the agenda for the meeting;

11.1.5 To receive or adopt reports and recommendations of the Cabinet, Leader of the Council, Cabinet Member, an Overview and Scrutiny Committee, or, as appropriate, any other Council body or from Officers and any decision following from them;

11.1.6 To amend or withdraw a motion but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

11.1.7 To adjourn the meeting but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

11.1.8 To adjourn the debate but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

11.1.9 To proceed to the next business but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

11.1.10 That the question be put but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

- 11.1.11 By the Chair not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the Procedural Standing Order relating to Members' conduct;
 - 11.1.12 To exclude the public and media in accordance with the Access to Information Procedure Rules;
 - 11.1.13 That the subject of debate be referred to the Cabinet or appropriate Council body;
 - 11.1.14 To extend the time limit for speeches;
 - 11.1.15 That a Member be invited to remain at the meeting under the Procedural Standing Order relating to Members' interests;
 - 11.1.16 To suspend a Procedural Standing Order except Procedural Standing Order 10.8;
 - 11.1.17 To give the consent of the Council where such consent is required.
- 11.2 Standing Order 12 shall not apply to motions moved under this Procedural Standing Order, which shall be proposed, seconded and voted upon without debate, save that:
- 11.2.1 The proposer of a motion may speak for up to three minutes to explain why they have moved their motion;
 - 11.2.2 If a motion is moved under this Procedural Standing Order during a debate, the Chair may consent to one other Member speaking for up to three minutes against the motion moved under this Procedural Standing Order.

12. RULES OF DEBATE

12.1 No speeches until a motion is seconded.

No other speeches may be made after a Member has moved a motion and explained the purpose of it until the motion has been seconded by another Member.

12.2 Right to require a motion to be in writing.

The Chair may require a motion to be written out before allowing the matter to be discussed.

12.3 Secunder's speech

When seconding a motion a Member may reserve their right to speak until later in the debate.

12.4 Content and length of speeches

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may be longer than three minutes without the agreement of the Chair.

Exceptions to this rule are:

12.4.1 A Member who puts forward a motion may speak to it for not more than five minutes and may also speak in reply to it at the end of the debate for not more than three minutes. This Standing Order does not apply to a speech made under Procedural Standing Order 11.2;

12.4.2 A Member presenting or answering questions on reports of committees or Cabinet may not speak for more than 10 minutes unless otherwise agreed by the Chair.

12.5 Amendments to a motion

A Member may move an amendment to a motion and explain the purpose of it. The amendment must be seconded by another Member. The Chair may require that the amendment be written out before allowing the matter to be discussed. An amendment must be relevant to the motion and shall either be:

12.5.1 To leave out words;

12.5.2 To leave out words and add others; or

12.5.3 To insert or add words.

The time spent debating an amendment to a motion shall count within the overall two hours allocation time for motions.

No amendment shall be allowed which is contrary to the motion before the Council or has the effect of introducing a new proposal.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been dealt with.

If an amendment is rejected, different amendments may be proposed on the original motion.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion on which any further amendments are moved.

After an amendment has been carried, the Chair will advise the meeting of the content of the amended motion before accepting any further amendments.

12.6 When a Member may speak again

When a Member has spoken on a motion they may not, without the consent of the Chair, speak again during the debate, except:

- 12.6.1 To speak once on an amendment moved by another Member;
- 12.6.2 To move a further amendment if the motion has been amended since they last spoke;
- 12.6.3 If the first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment was carried;
- 12.6.4 To exercise the right to reply;
- 12.6.5 On a point of order;
- 12.6.6 By way of personal explanation.

12.7 Alteration of motion by the proposer

With the consent of the full Council agreed without discussion, a Member may:

- 12.7.1 Alter a motion of which they have given notice; or
- 12.7.2 With the consent of the seconder alter a motion that has been moved without notice.

In either case, the alteration to the motion must be worded as an acceptable amendment in accordance with Procedural Standing Order 12.5.

12.8 Withdrawal of motion or amendment

A Member may withdraw a motion or amendment to a motion which they have moved, with the consent of both the full Council and the seconder. The full Council's and seconder's consent will be given or not given, without discussion. No Member may speak on the motion or amendment to motion after the mover has asked permission to withdraw unless permission to withdraw is refused.

12.9 Right of reply

The mover of a motion has the right to reply at the end of the debate on the motion, immediately before the motion is put to the vote.

If an amendment to the motion is moved, the mover of the original motion will also have the right to reply at the end of the debate on the amendment. Otherwise, the mover of the original motion is not allowed to speak in the debate on the amendment.

The Member who has proposed an amendment shall have a right to reply to the debate on that amendment. The right to reply will take place immediately before the final speech by the mover of the original motion.

A Member exercising the right to reply shall not introduce any new issues into the debate.

After everyone who has the right to speak under this Procedural Standing Order has done so the meeting shall take its decision without further discussion.

12.10 Closure motions

A Member who has not already spoken on a motion being debated may move, without comment or otherwise speaking to the motion except in accordance with Procedural Standing Order 11.2, the following procedural motions at the end of a speech by another Member:

12.10.1 To proceed to the next business:

If a procedural motion to proceed to the next business is seconded and the Chair thinks the item has been discussed sufficiently, they will give the mover of the original motion and, if an amendment is being discussed, the mover of the amendment, a right of reply and then put the procedural motion to the vote.

If the Chair thinks the item has not been discussed sufficiently, the procedural motion will not be discussed further and will not be put to the vote.

If the procedural motion to proceed to the next business is carried, no further discussion will take place at that meeting in relation to that business.

[Note that proceeding to the next business may leave business unresolved]

12.10.2 That the question be put:

If a procedural motion that the question be put is seconded and the Chair thinks the item has been discussed sufficiently, they will put the procedural motion to the vote without further discussion.

If the Chair thinks the item has not been discussed sufficiently, the procedural motion will not be discussed further and will not be put to the vote.

If the motion that the question be put is passed, the Chair will give the mover of the original motion (but not the mover of any agreed amendment), a right of reply before putting the original motion (or agreed amended motion, if any) to the vote.

If the motion that the question be put is passed and an amendment to a motion is being discussed, the Chair will give the mover of the

amendment, a right to reply before putting the amendment motion to the vote.

[Note that passing a procedural motion that the question be put when an amendment to a motion is under discussion, has the effect of resolving only whether or not the amendment shall be agreed]

12.10.3 To adjourn a debate to a specified date, time and place; or

12.10.4 To adjourn a meeting to a specified date, time and place.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item or business of the meeting has not been discussed sufficiently and cannot reasonably be discussed further on that occasion, they will put the procedural motion to adjourn to the vote without giving the mover of any other motion under discussion, the right of reply.

If the Chair thinks the item or business of the meeting has been discussed sufficiently, the procedural motion to adjourn will not be discussed further and will not be put to the vote.

12.11 Point of order

A Member may raise a point of order relating to procedural matters at any time. The Chair will hear them immediately. A point of order shall relate only to an alleged breach of these Procedural Standing Orders or the law relating to meetings. The Member must indicate the Procedural Standing Order or point of law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

12.12 Personal explanation

A Member may make a personal explanation at any time. A personal explanation shall only relate to a material point made in an earlier speech by the Member that may appear to have been misunderstood during the current debate. Before giving the explanation, the Member must first identify that material point and why it appears to have been misunderstood and the Chair shall then decide whether or not the personal explanation can be made to the meeting. If the Chair decides explanation can be given, the Member may then give the explanation.

12.13 At any time during a debate, with the agreement of the Chair, any Member may request clarification of any matter relating to that debate.

12.14 For the purposes of Procedural Standing Orders:

12.2 Right to require a motion to be in writing;

12.4 Content and length of speeches;

12.5 Amendments to a motion;

12.6 When a Member may speak again;

12.9 Right of reply;

12.10 Closure motions

recommendations to the Council from the Cabinet, the Leader of the Council, a Cabinet Member, a committee or an Officer exercising delegated powers shall be treated as a motion.

13. PREVIOUS DECISIONS AND MOTIONS

13.1 A motion or amendment to a motion to rescind a decision made at a meeting of full Council, or a non-executive decision taken by a committee under delegated powers, within the past six months and a motion or amendment to a motion in similar terms to one that has been rejected at a meeting of full Council in the past six months cannot be moved unless the notice of motion is signed by at least 10 Members or the amendment to a motion is seconded by at least 9 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further six months from the date it is dealt with.

Subject to the preceding paragraph:

13.1.1 Non-executive decisions taken by committees may be rescinded by full Council or the decision taking committee;

13.1.2 Non-executive decisions taken by Officers may be rescinded by full Council or a committee with appropriate terms of reference.

13.2 Exceptions

This rule shall not apply to motions which are moved by the Leader of the Council or Chair of any other Council body or other Member on their behalf, following an appropriate recommendation in a report of the Cabinet or other Council body.

14. VOTING

14.1 Majority

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Members present in the room and voting.

14.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Note – To avoid deadlock on the election of a Chair or on a procedural motion relating to the election of a Chair, the matter will be determined by the toss of a coin

14.3 Method of voting

Unless a ballot or recorded vote is demanded under these rules the Chair will take the vote by show of hands, or, if there is no disagreement, by the consent of the meeting.

14.4 Ballots

The vote will take place by ballot if 10 Members present at the meeting demand it. The Chair will announce the result of the ballot immediately after the votes have been counted.

14.5 Recorded vote

If 10 Members present at the meeting demand it, the names of those who vote for or against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.

14.6 Right to require individual vote to be recorded

If, immediately after the vote is taken, a Member requests it, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting and this will be done even though the vote may have been taken by ballot.

14.7 Budget decision meeting

Immediately after any vote is taken at a budget decision meeting there shall be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision, or against the decision or who abstained from voting.

14.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14.9 Multiple appointments to organisations

If the Council has to fill two or more positions on any internal or external organisations, the names of persons to be appointed must be moved and seconded.

If there are more nominations than positions, each Member will be entitled to one vote for each of the nominees up to the same number as there are positions. The nominees that have the highest number of votes shall be appointed. If an equality of votes prevents a decision being made, the Chair may use their casting vote to decide which of the nominees, who have the same number of votes, shall be elected.

15. MINUTES

15.1 Signing of minutes

The Chair is required to sign the minutes at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed.

15.2 No requirement to sign minutes of previous meeting at extraordinary meeting

When the next meeting of the full Council is an extraordinary meeting, there is no requirement to sign the minutes of the previous meeting. These minutes can be signed at the following ordinary meeting.

16. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheet by the end of every meeting.

17. EXCLUSION OF THE PUBLIC

Members of the public and media may only be excluded from a meeting either in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution or by the Procedural Standing Order relating to disturbance by members of the public.

18. MEMBERS CONDUCT

18.1 Member speaking

When a Member wishes to speak, they will indicate that to the Chair whilst remaining seated. No Member will speak unless called on to do so by the Chair. When called to speak the Member will normally stand, unless that is not appropriate for the individual, and address the meeting through the Chair. If two or more Members indicate that they wish to speak, the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking other Members shall remain silent unless raising a point of order or in personal explanation.

18.2 Respect for the Chair

Whenever the Chair indicates that they wish to speak during a debate the rest of the Council shall be silent.

18.3 Member discipline

If a Member persistently disregards the ruling of the Chair or behaves improperly or offensively or deliberately obstructs business, the Chair may move that the Member shall not be heard further. If seconded, the motion will be voted on without discussion.

18.4 Member to leave the meeting

If the Member continues to behave improperly after a motion under 18.3 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

18.5 General disturbance

If there is a general disturbance which the Chair decides makes orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

19. MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS

Any Member of the Council who has a disclosable pecuniary interest (within the terms of the Code of Conduct for Members adopted under the Localism Act 2011) in any matter except one that is under consideration by the Council as part of the report of the Cabinet or other appropriate Council body and is not itself the subject of debate, **shall inform the meeting** and act in accordance with the relevant code of conduct.

Any disclosure, withdrawal or dispensation under this rule shall be recorded in the Minutes of the meeting concerned.

20. DISTURBANCE BY THE PUBLIC

20.1 Removal of members of the public

If a member or members of the public interrupt the meeting, the Chair will warn the people concerned. If they continue to interrupt, the Chair will order their removal from the meeting.

20.2 Clearance of part of the meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

21. PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS

Filming, photographing and audio recordings of meetings is permitted. Please contact Democratic Services (tel 01452 425230) to make the necessary arrangements ahead of the meeting if necessary.

22. ELECTRONIC COMMUNICATION

If these Procedural Standing Orders require that written notice is given to the Chief Executive, such notice will be accepted if received by the Chief Executive by email or fax within the specified deadline.

23. SUSPENSION AND AMENDMENT OF PROCEDURAL STANDING ORDERS

23.1 Suspension

Any of these Procedural Standing Orders, except this Procedural Standing Order and Procedural Standing Order 10.8 and those relating to a Member's right to have their individual vote recorded and the requirement to sign the minutes at the next suitable meeting, may be suspended on consideration of a motion for which notice has been given or, if the motion is put without notice, when at least half of the total number of Members of the Council, that is 27 Members, are present. The rule can only be

suspended while the meeting is in progress. Suspension shall last only for so long as the matter, for which Procedural Standing Orders were suspended, is under discussion.

23.2 Amendment

Any motion to add to, vary or revoke these Procedural Standing Orders, other than a motion to adopt a recommendation of the Cabinet or other Council body, will, when proposed and seconded, stand adjourned without discussion to be dealt with at the next ordinary meeting of the Council.

24. AUTHORITY OF THE CHAIR

At a meeting of the full Council, the ruling of the Chair of the Council as to the meaning or application of the Constitution or as to any proceedings of the full Council shall not be challenged. Such ruling will have regard to the purposes of the Constitution contained in Article 1.

25. GROUP LEADERS AND LEAD MEMBERS

25.1 Any Member of the Council referred to in the Constitution as a Group Leader in respect of a political group shall be the Member for the time being so nominated in writing to the Chief Executive by the persons wishing to be treated as that political group;

25.2 Any Member of the Council referred to in the Constitution as a Lead Member in respect of a political group, shall be the Member for the time being so nominated in writing to the Chief Executive by the group leader for that political group.

26. APPLICATION OF PROCEDURAL STANDING ORDERS TO OTHER COUNCIL BODIES

26.1 All of these Procedural Standing Orders apply to the meetings of the full Council. None of these Procedural Standing Orders apply to meetings of the Cabinet. The following Procedural Standing Orders apply to the meetings of all committees established by the Council (other than overview and scrutiny committees):

2.3	EXTERNAL ADVICE TO COMMITTEE MEETINGS
6	CHAIR OF MEETING
7	QUORUM
8	QUESTIONS FROM THE PUBLIC
9	QUESTIONS BY MEMBERS
11	MOTIONS WITHOUT NOTICE
14	VOTING
15	MINUTES
16	RECORD OF ATTENDANCE
17	EXCLUSION OF THE PUBLIC
18	MEMBERS CONDUCT
19	MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS
20	DISTURBANCE BY THE PUBLIC
21	PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS
22	ELECTRONIC COMMUNICATION

24	AUTHORITY OF THE CHAIR
28	APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

26.2 The following Procedural Standing Orders shall, with any necessary modifications, apply to Overview and Scrutiny Committee meetings:

7	QUORUM
14	VOTING
17	EXCLUSION OF THE PUBLIC
18	MEMBERS CONDUCT
19	MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS
20	DISTURBANCE BY THE PUBLIC
21	PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS
24	AUTHORITY OF THE CHAIR
28	APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

27. ELECTION OF CHAIR AND VICE-CHAIR BY COMMITTEES

- 27.1 Council committees (other than the overview and scrutiny committees) will elect a chair each year at the first meeting following the Annual Meeting of Council. The chairs of the overview and scrutiny committees are elected at the Annual Meeting of the Council in line with Overview and Scrutiny Procedure Rule 7.
- 27.2 The Planning Committee, Commons and Rights of Way Committee, Traffic Regulation Order Committee and Safety and Licensing Committee will elect a vice-chair each year at the first meeting following the Annual Meeting of Council.
- 27.3 Other Council committees, including the overview and scrutiny committees, may elect a vice-chair if they so wish.

28. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 28.1 The application of this Procedural Standing Order applies to all Council bodies except for the full Council meetings, Cabinet and the Pensions Committee. In relation to the following Council bodies, this Procedural Standing Order can only be applied where the substitute Member has undertaken the same training as the appointed Member of the relevant Council body:

Appeals Committee, Planning Committee, Safety and Licensing Committee, Commons and Rights of Way Committee and Traffic Regulation Committee.

- 28.2 Political groups will be entitled to substitute up to 50% of their members on Committees which allow substitutes (this would be rounded up in cases where a political group has an odd number of seats on a particular Committee) in accordance with their political balance and Procedural Standing Order 28.1.
- 28.3 A substitute Member will only attend a meeting if the appointed Member cannot do so.
- 28.4 Attendance of a substitute at a forthcoming meeting will be notified to the committee administrator as soon as possible and by no later than half an hour before the start of the meeting.
- 28.5 Notice of substitution shall be given either by the absent Member or by their political group representative.
- 28.6 At the commencement of a meeting where substitution has taken place, the Members shall be advised of the substitution.
- 28.7 During the period of substitution, the substitute Member shall be a full Member of the particular body for all purposes.

RULES ON ACCESS TO INFORMATION ABOUT THE COUNTY COUNCIL'S FORMAL BUSINESS

Introduction

1. The formal business of the Council is carried out at meetings of the full Council, meetings of other Council bodies to which it has delegated responsibility for some of its functions, meetings of the Cabinet and by the Leader of the Council, Cabinet Members and Officers under "delegated powers". County Councillors and members of the public enjoy certain legal rights to discover in advance what will be discussed at each meeting, obtain copies of documents about items of business, to attend meetings and discover what decisions were made. The public also has a right to know about certain decisions taken by the Leader of the Council, Cabinet Members and Officers and the reasons for those decisions. These rights are usually known as "individuals' rights of access to information", and are important because they help to ensure the Council is accountable for its decisions and promote increased and better informed participation in the work of the Authority. The purpose of this part of the Constitution is, therefore, to summarise the rules that enable people to obtain access to information about the Council's business.

The public's right to attend meetings

2. The public may attend any meeting of the full Council, a Council body and the Cabinet except for:

- 2.1 Any informal meeting of the Cabinet that may, and which the Cabinet decides shall, be held in private, where no formal decisions can be taken;
- 2.2 Any meeting, or part of a meeting, that involves the consideration of "exempt information", and which the full Council, a Council body or the Cabinet formally resolves should not be open to members of the public;
- 2.3 Any meeting or part of a meeting that involves the consideration of "confidential information".

3. The meaning of "exempt information" information is described in Schedule 12A of the Local Government Act 1972, which is reproduced as an Appendix to these rules. In essence information will be "exempt information" if it contains personal details about an existing, former or prospective employee or Member of the Council or another individual who is affected by what the Council is doing, information about prospective contracts, legal proceedings and negotiations with trade unions. The Council is committed to conducting its business openly. Therefore, as a general principle, it will discuss matters in public unless there are compelling reasons why it should not do so.

4. The meaning of "confidential information" is defined in Section 100A of the 1972 Act. It is important to note that this statutory definition has a much narrower meaning than might be ascribed to it in everyday language and catches only that information that is given to the Council by a government department on terms that forbid disclosure to the public and information that may not be disclosed under any enactment or the terms of a court order. Whilst the Council has discretion to allow the public access to exempt information, no such choice exists in relation to

confidential information; the law requires that the Council must exclude the public when confidential information is discussed.

The public's right to obtain copies of the agenda to meetings and reports and documents that are to be discussed at meetings

5. The public is entitled to see and obtain a copy of the agenda of every meeting of the full Council, Council body and any meeting of the Cabinet held in public at least five days before the day of the meeting (excluding the day the agenda is first publicised and the day of the meeting itself). The public may also see and obtain a copy of every report that is to be considered at the meeting and any "background paper" that was relied on to produce the report. A member of the public will know whether there are any background papers to a report because the author of a report will list any that they have used. Background papers need not be listed in the case of any report that contains confidential or exempt information.

6. Sometimes the agenda is changed, and new items of business added to it, after an agenda is published in accordance with paragraph 5 of these rules. When this happens, the Monitoring Officer will ensure that the revised agenda is available to the public as soon as a new agenda item has been added. Any new report, and any associated background papers, will be made available to the public at the same time they are made available to elected Members of the Council.

7. Occasionally an item of "urgent business" will arise and need to be added to the agenda of the full Council, a Council body or the Cabinet in circumstances that precluded its prior publication in accordance with paragraphs 5 and 6 of these rules. Subject to advice from the Monitoring Officer, the Chair of any meeting may add an urgent business to the agenda of any meeting but when they do so, they must explain why the item is urgent and this reason must be written down in the minutes of the meeting.

8. The public's right to look at and obtain copies of reports and background papers in accordance with paragraphs 5 to 7 of these rules is subject to the limitation that they are not entitled to look at, or receive a copy of, any exempt or confidential information. Any item of business that is restricted in this way will be clearly described on the agenda as being "not for publication" and contain a statement that it contains either exempt or confidential information within the meaning of the Local Government Act 1972. Reports containing exempt or confidential information will be clearly marked in the same way. In the case of exempt material, the agenda and the report will specify which paragraph of Schedule 12A to the 1972 Act applies to place an item of business into this category.

At least 28 clear days before a private meeting ie a meeting or part of a meeting from which the public are to be excluded because exempt or confidential information may be disclosed, Cabinet must publish at Shire Hall and on the Council's website, notice of the intention to hold a private meeting, stating its reasons. A further such notice must be published at least 5 clear days before the private meeting and will include details of any representations received by Cabinet about why the meeting should be open to the public, and its response to any such representations. Where compliance with this requirement is impracticable Cabinet must obtain agreement from the Chair of the relevant Overview & Scrutiny Committee, or where they are unable to act, the Chair of the Council, that the meeting is urgent and cannot reasonably be deferred. Once agreement has been obtained notice of it and the reasons will be published.

Sub-committees, panels and groups

9. Council bodies may establish politically balanced sub-committees with the power to make any decisions that are formally authorised by the parent body. These rules apply to a meeting of a sub-committee and to any Cabinet committee that meets in public.

Sub-committees and Cabinet committees can be distinguished from panels established from time to time by council bodies, the Cabinet, Leader of the Council and Cabinet Members on the basis that panels have no power to make a decision in respect of any Council function. Consequently, these rules do not apply to panels. This does not necessarily mean that meetings of these groups, their agenda and any documents they produce will not be open to the public. Rather it will be a matter for the parent body or the panel itself to decide whether and to what extent they should meet individual requests for access to information.

Groups are established by Officers to deal with a particular item of work or work area and do not include Members and operate in the same way as panels for the purposes of access to information.

Decisions by the Leader of the Council, Cabinet Members and Officers

10. All decisions that are made by the Leader of the Council and Cabinet Members under delegated powers must be recorded in writing. After the decision has been made, the public are entitled to look at the record of decisions that are made by Leader of the Council and Cabinet Members and obtain copies of any decision. Paragraph 5.8 of Section 5 Part 3 of the Constitution specifies the content of the decision record.

Decisions that are made by Officers under delegated powers must be recorded in writing. After the decision has been made, the public are entitled to look at the record of decisions made by Officers. Paragraph 5.8 of Section 5 Part 3 of the Constitution specifies the content of the decision record.

Subject to paragraph 16 below, before any key decisions are made by the Leader of the Council, or Cabinet Members, or key decisions are made by Officers, at least five days before the day of the decision every report that is to be considered and any “background paper” that was relied on to produce the report shall be available for public inspection.

The public is entitled to look at and obtain copies of decision records and background papers provided they are no more than 6 years old (4 years old in relation to background papers) (time begins to run from the date of the decision).

Minutes of meetings and executive decisions

11. After a meeting of the full Council, a Council body or the Cabinet, Legal & Democratic Services will produce a “minute” (a written record) that records, in summary form, every decision that was made at the meeting. The public is entitled to look at and obtain copies of minutes, the associated agenda and reports and background papers provided they are no more than 6 years old (4 years old in relation to background papers) (time begins to run from the date of the meeting). The Council is not obliged to disclose exempt information when it publishes a minute,

but if it does not and as a result part of the minutes would be difficult to understand, the Monitoring Officer must provide a summary so that part of the minute can be understood.

As soon as reasonably practicable after the Cabinet, a Cabinet Member or an Officer has made an executive decision Democratic Services will publish a decision statement setting out:

- A record of the decision including the date it was made
- The reasons for the decision
- Details of any alternative options considered and rejected by the decision maker
- A record of any conflict of interest declared by a member of Cabinet
- A note of any dispensation granted by the Head of Paid Service relating to a conflict of interest declared by a Cabinet Member

Charges for the supply of agenda, reports and background papers

12. The Council is entitled to make a reasonable charge for the copying and postage of minutes, agenda, reports and background papers. Requests for photocopying and the supply of reports and background papers should be made to the Head of Democratic Services, who will be pleased to help you obtain what you need and to tell you about any charge that will be made for the service.

The special rules that apply to “key decisions”

13. A key decision is an executive decision that may be taken by the Cabinet, a Cabinet committee, Leader of the Council, a Cabinet Member or any Officer under powers delegated to them and which, if implemented, would be likely to:

13.1 Result in the Council incurring expenditure or the making of a saving, which is significant having regard to the County Council's budget for the service or function to which the decision relates; or

13.2 Be significant in terms of its effects on communities living or working in an area comprising two or more county electoral divisions in the county.

14. As a general rule, a decision will fall into paragraph 13.1 if the value of any expenditure or saving exceeds £500,000 unless the Council's Chief Financial Officer and Monitoring Officer certify that it would not be a key decision and state their reasons for this conclusion in writing.

Note 1: The Chief Financial Officer and Monitoring Officer may issue guidance from time to time on the meaning of “key decisions”

Note 2; In view of the importance of key decisions they should normally only be taken by the Cabinet.

15. Subject to paragraphs 16, 17 and 18, the Council must publish at its offices and on its web site at least 28 days clear days before a key decision is made a document which states that

- a key decision is to be made
- the subject matter of the decision
- the identity of the decision maker – in the case of an individual, their name and title, or if the decision is to be taken by Cabinet, a list of its members

- the date, or period within which the decision is to be made
- a list of documents submitted to the decision maker relating to the decision
- the address from which copies of such documents may be obtained
- that other documents may be submitted to the decision maker and the procedure for obtaining copies of them
- whether any part of the meeting at which the matter is to be discussed will be held in private

Exceptions to the need to publish notice of a key decision 28 days in advance

16. The procedure that is described in paragraph 15 may only be departed from under the:

16.1 General exception rule; or

16.2 The special urgency rule.

The general exception rule

17. Under the “general exception rule” a key decision that the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers wishes to make but is not and cannot practically be included in the document referred to in paragraph 15 may be made if the Chief Executive gives the Chair of the relevant Overview and Scrutiny Committee a written notice that a key decision will be made at least five clear days before that decision is made (ie excluding the day the notice is given and the date of the decision).

The notice given to the Chair of any Overview and Scrutiny Committee under this rule is made available for public inspection at Shire Hall, Gloucester at least 5 days before that decision is made, and also published on the Council’s web site.

As soon as reasonably practicable after giving such notice the Chief Executive must make available at Shire Hall and on the web site a notice setting out the reasons why it is impracticable to give 28 days’ notice of the key decision.

The special urgency rule

18. If the Cabinet, Leader of the Council, a Cabinet Member or any Officer acting under delegated powers believes a decision must be made so urgently that it is impracticable to give the five days notice that is required under the “general exception rule” it may nevertheless make the decision if the Chief Executive has given written notice of the key decision to the Chair of the relevant Overview and Scrutiny Committee (or the Chair of the Council if they are unable to act) and that Chair agrees that the decision may be made. A notice setting out the reasons why the decision is urgent and cannot reasonably be deferred must be made available at Shire Hall and published on the Council’s web site.

19. In order that the Council may be confident key decisions are only made under the urgency procedure when there are good reasons for doing so the Leader of the Council will make a report to the full Council every three months on the use of this power. The report will summarise how many decisions were made under the urgency procedure in the previous three months and describe the subject matter of each of those decisions.

Overview and Scrutiny Committees

20. Overview and Scrutiny Committees play an important role in ensuring that key decisions are well publicised. Thus, if an Overview and Scrutiny Committee decides a key decision was taken by the Cabinet, Leader of the Council, Cabinet Member or an Officer but was not treated as such nor taken under the general exception or the special urgency procedure the committee may require the Leader of the Council to submit a report to the full Council. The report must describe the decision that was made and give the reasons for the decision. The report must also explain why the Cabinet, Leader of the Council, Cabinet Member or Officer believes the decision was not a key decision. Alternatively, if the Cabinet, Leader of the Council, Cabinet Member or Officer accepts the decision was a key decision, the report should explain why it was not publicised as required nor dealt with as urgent business.

Elected Members' additional rights of access to information

21. Under the Local Government Act 1972 all elected Members ("County Councillors") have all the rights of access to information about Council business that are enjoyed by members of the public. In addition all County Councillors are entitled to see exempt information which comes under the following categories:

- information relating to the financial or business affairs of any person (including the Council itself) but not including information relating to the negotiations for a contract; and
- information relating to a notice given by the Council under any enactment which imposes requirements upon a person, or the making of an order or direction under any enactment

22. In addition to the rights mentioned in paragraph 21 of these rules County Councillors may look at other information contained in any document, including exempt or confidential information, if they are able to establish a "need to know" what is in it to carry out their business as an elected Member of the Authority. The same rule applies in relation to any meeting or part of a meeting of a committee, sub-committee (except an informal meeting of the Cabinet or a Cabinet committee), panel or group, even if it is concerned with exempt or confidential information, provided a County Councillor is able to demonstrate they have a need to know about its business to carry out their duties as an elected Member.

23. It is not possible to lay down any hard and fast rules about what a "need to know" means and when it may be said to arise; this will always be a matter of fact and degree, to be decided in the light of all the circumstances attaching to a particular request. Judicial decisions, however, indicate that a need to know does not arise merely because a County Councillor would like to know what is in a document or may be said at a meeting. Nor does a need to know enable a County Councillor to "rope through" the Council's files in search of information that it is thought might be helpful to them (this is sometimes known as "fishing for information"). On the other hand, a County Councillor will often be able to demonstrate a need to know about matters affecting their electoral division or that relate to a Council body or informal working group to which they belong.

24. Access to draft documents can present particular difficulties. They may be looked at if they are identified as background papers to a report. In other cases, draft documents will not normally be made available to County Councillors; if it is proposed to publish a document for debate (either in its own right or in relation to a particular decision), a County Councillor will rarely be able to establish a need to know what is contained in an unfinished version of it.

25. A County Councillor should normally ask a Head of Service for any document they wish to look at because of a need to know what is in it. If the Head of Service is unsure whether the document should be provided, they will consult the Monitoring Officer, who is responsible for adjudicating on whether the information should be made available in cases of uncertainty.

26. A County Councillor should normally ask the Chair of a body that proposes to hold a meeting that is not open to all County Councillors for permission to attend, explaining why they have a need to know about what is to be discussed. Any dispute should be referred to the Monitoring Officer, who is responsible for adjudicating on whether a County Councillor may attend a meeting when this may not otherwise be clear.

Additional rights of access to information by Overview and Scrutiny Committees

27. Parliament has decided that Overview and Scrutiny Committees should have additional rights of access to information to help them carry out their duty of holding the executive to account. To this end they are entitled to copies of executive documents, that contain material relating to any business that has been carried out at a Cabinet meeting, documents that relate to a decision made by the Leader of the Council or Cabinet Member under delegated powers or documents that relate to a decision made by an Officer under delegated powers. Such documents should be provided as soon as reasonably practicable and in any event within 10 clear days of the request. This right does not, however, allow an Overview and Scrutiny Committee to look at the advice of a political adviser, or any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing, scrutinising or intend to scrutinise. If the request is refused then written reasons should be provided to the Overview and Scrutiny Committee

Elected Members' duty of confidence

28. County Councillors are provided with exempt and confidential information in confidence. Accordingly if a County Councillor discloses this information to the press or any third party they are liable to breach the Council's Code of Conduct for Members. In that event a County Councillor may be reported to the Audit & Governance Committee of the Council, which will investigate whether the Code has been breached.

29. In view of the risks associated with any breach of Members' duty of confidence County Councillors must ensure that exempt and confidential information is only used for the performance of their duties as County Councillors. They should also keep the information securely, avoid making copies of it, and ensure that it is disposed of in a way that prevents anyone else from reading it (the best course of action is to return documents to the Democratic Services Unit so that it may be shredded).

APPENDIX TO RULES ON THE PUBLIC'S RIGHT OF ACCESS TO INFORMATION ABOUT THE COUNCIL'S FORMAL BUSINESS

The list below describes each of the categories of "exempt information" that, in accordance with the Local Government (Access to Information) (Variation) Order 2006 and with effect from 1 March 2006, are specified in Schedule 12A of the Local Government Act 1972.

1. Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the Authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information, which reveals that the Authority proposes:
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The above categories are subject to the following qualifications:

- (i) Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act;
- (ii) Information in the above categories is not exempt if it relates to proposed development for which the Council may grant itself planning permission for development by the Council (Regulation 3, Town and Country Planning General Regulations 1992);
- (iii) Information in the above categories is not exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (the "public interest test").

Note: The public interest test is in keeping with the approach adopted in Section 2 of the Freedom of Information Act 2000. Each case must be considered separately and rigid guidelines cannot be adopted. Simply identifying information as falling within the above categories does not alone mean it is exempt. There must now be stronger reasons for non-disclosure than under previous exempt information rules.

Advice should be sought from the Council's Data Protection and Freedom of Information Officer and/or Legal Services.

POLICY FRAMEWORK AND BUDGET PROCEDURE RULES

1. THE FRAMEWORK FOR CABINET DECISIONS

The Council as a whole will be responsible for the adoption of each of the plans which comprise the Policy Framework and the budget (which includes both the annual revenue budget and the capital programme) as set out in Article 4 of the Constitution. Once a Policy Framework and budget is in place, it will be for the Cabinet to implement it.

Below is a list of the documents currently prescribed by law as forming the Council's Policy Framework. In accordance with Article 4 of the Constitution, the full Council may add or remove other policies.

	Plan and Strategy	Statutory Reference
1.	Best Value Performance Plan.	Section 6(1) Local Government Act 1999.
2.	Children and Young People's Services Plan.	Children and Young People's Plan (England) Regulations 2005.
3.	Community Care Plan.	Section 46 National Health Service and Community Care Act 1990.
4.	Community Strategy.	Section 4 Local Government Act 2000.
5.	Crime and Disorder Reduction Strategy.	Sections 5 and 6 of the Crime and Disorder Act 1998.
6.	Early Years Development Plan.	Section 6 School Standards and Framework Act 1998.
7.	Education Development Plan.	Section 120 School Standards and Framework Act 1998.
8.	Local Transport Plan.	Section 108 (3) Transport Act 2000.
9.	Youth Justice Plan.	Section 40 Crime and Disorder Act 1998.
10.	Plans and Strategies which together comprise the Development Plan.	Section 54 Town and Country Planning Act 1990

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The Cabinet will publicise a timetable for making proposals to the full Council for the adoption of a plan, strategy or budget that forms part of the Policy Framework and budget, and its arrangements for consultation after publication of those initial proposals. The Chair of the relevant overview and scrutiny committee(s) will be notified at the same time. The Cabinet will ensure that the consultation process is adequate and allows for meaningful dialogue with those involved.

2.2 At the end of the period of consultation, the Cabinet will then draw up proposals having regard to the responses to consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet during the consultation process then it may do so. Additionally, at the request of full Council or Cabinet, a relevant overview and scrutiny committee may assist in the policy development by undertaking in depth analysis of policy options. The Cabinet will take any response from an Overview and

Scrutiny Committee into account in drawing up firm proposals for submission to the full Council, and its report will reflect the comments made by consultees and the Cabinet's response.

2.3 Once the Cabinet has approved its final proposals, they will be referred to the full Council for decision.

2.4 The full Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

3. FULL COUNCIL DECISION AND LEADER'S OBJECTION

3.1 The full Council's decision on the Policy Framework or budget will be publicised and a copy given to the Leader of the Council. The notice of decision will be dated and will state either that the decision will be effective immediately (if the full Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the full Council's decision will become effective on the expiry of five working days after the publication of the notice of the decision, unless the Leader of the Council objects to it in that period.

3.2 If the Leader of the Council objects to the decision of the full Council, then they shall give notice to the Chief Executive to that effect stating the reasons for the objection.

3.3 If the Leader makes an objection under paragraph 3.2, the Chief Executive shall convene a further meeting of the full Council, which must reconsider its decision. The decision shall not be effective until after that meeting has been held.

3.4 If the Leader of the Council considers the matter does not necessitate the calling of a special Council meeting, then the matter will be considered at the next ordinary meeting of the full Council.

3.5 In the event that a special meeting is required, that meeting must take place within 21 days of the receipt of the Leader's written objection.

3.6 At the relevant full Council meeting, its decision will be reconsidered in the light of the objection, which will be available in writing for the full Council.

3.7 The full Council will, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

4. DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET

4.1 The Cabinet, Leader of the Council, a Cabinet Member or an Officer acting under delegated powers, may only take decisions that accord with the Council's Policy Framework and budget.

4.2 Only the full Council may make a decision that would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the budget approved by the full Council unless paragraph 5 of these rules applies to that decision.

4.3 Where there is doubt about whether a decision that is to be taken by or on behalf of the Cabinet accords with the Policy Framework or the budget, the Cabinet, Leader of the Council, Cabinet Member or any Officer(s) discharging Cabinet functions, shall take advice from the Monitoring Officer or the Chief Financial Officer. If the advice of either of those Officers is that the decision would not accord with the Policy Framework or budget, the decision must, unless paragraph 5 applies, be made by the full Council.

5. URGENT DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET

5.1 Occasionally, the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers, may need to make a decision that is contrary to the Council's Policy Framework but so urgent that it cannot be deferred until the next scheduled ordinary meeting of the full Council. In these circumstances, the Cabinet, Leader of the Council, Cabinet Member or an Officer, may make the decision (subject to compliance with the Rules on Access Information about the County Council's Formal Business set out in Part 4 of the Constitution) if the Leader of the Council has obtained a statement in writing from the Chair of the Overview and Scrutiny Committee whose terms of reference include the power to review or scrutinise the proposed decision or, in that person's absence, from the Chair or Vice-Chair of the County Council, that the decision needs to be made urgently. Before a decision is taken, there shall have been prior consultation with Group Leaders.

5.2 The law does not allow the Cabinet to make a decision that is contrary to or not wholly in accordance with the Council's budget; a plan or strategy approved by the Council in relation to their borrowing or capital expenditure; or the financial regulations and standing orders it has made to regulate expenditure under the budget, borrowing and capital expenditure. In any of these cases, if a decision must be made as a matter of urgency before the next scheduled ordinary meeting of the full Council, an extraordinary meeting of the full Council must be convened.

5.3 Whenever the Cabinet, Leader of the Council, a Cabinet Member or an Officer acting under delegated powers, makes a decision under the procedure set out in paragraph 5.1 of these rules, the Cabinet must make a report to the next ordinary meeting of the full Council, which must describe the decision, the emergency or other circumstances in which it was made and the reasons for the decision.

5.4 When the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers, makes an urgent decision, it must comply in every respect with the Rules on Access to Information about the County Council's Formal Business, which should be read in conjunction with these rules.

6. THE CALL-IN OF DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

6.1 An executive decision that has not been implemented may be "called-in" under the Call-in Procedure Rules on the ground that it would be contrary to or not wholly in accordance with the Council's budget or Policy Framework. In these circumstances, the Monitoring Officer and the Chief Financial Officer shall prepare a report, which they shall provide to the Cabinet and the relevant Overview and Scrutiny Committee that is charged with considering the call-in stating whether, in their opinion, the decision does not accord with the Council's budget or Policy Framework.

- 6.2 If the Monitoring Officer or the Chief Financial Officer report that an executive decision would be contrary or not wholly in accordance with the Council's budget or the Policy Framework, the executive decision shall be of no effect and the matter shall be referred to the full Council for decision (unless the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers chooses to and may properly proceed under paragraph 5.1 of these rules).

CABINET PROCEDURE RULES

1. MEMBERSHIP OF THE CABINET

- 1.1 The Cabinet is not a committee of the County Council.
- 1.2 The Leader of the County Council will appoint the Cabinet, which will comprise:
 - The Leader of the County Council;
 - Between two and nine other County Councillors.
- 1.3 The Cabinet may not co-opt other Members on to the Cabinet.
- 1.4 No substitute Cabinet Members are permitted.
- 1.5 A vacancy on the Cabinet arises when a Cabinet Member resigns from this position of responsibility. The Leader will appoint a new Cabinet Member at the earliest opportunity. Pending a new appointment, the Leader of the County Council will allocate temporary responsibility for the vacant Cabinet Member's area of responsibility to one or more of the remaining Members of the Cabinet.
- 1.6 The Leader of the County Council may designate any Member of the Cabinet to take temporary responsibility for a Member's area of responsibility should that Member be absent for other than a short period.
- 1.7 The Leader will allocate responsibilities for areas of responsibility to each Member of the Cabinet; these are set out in Part 3, Section 4 of the Constitution.
- 1.8 The Leader of the Council will also decide the precise content of each general area of responsibility.

2. THE ROLE OF THE CABINET

- 2.1 The role of the Cabinet is described in Part 2 of the Constitution.
- 2.2 The Cabinet may not:
 - (a) Take decisions on matters reserved to the full Council;
 - (b) Take decisions on matters that may not by law be determined by the Cabinet;

3. PUBLICATION OF PROPOSED DECISIONS AND DECISIONS TAKEN

All proposed decisions and decisions taken will be published in accordance with the Access to Information Procedure Rules.

4. CONFLICTS OF INTEREST

Where the Leader of the County Council has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Constitution.

5. CABINET MEETINGS

- 5.1 The Cabinet will decide upon its schedule of meetings. It will meet at Shire Hall, Gloucester or, exceptionally, at another location to be agreed by the Cabinet.
- 5.2 The Cabinet will observe those requirements of the Access to Information Procedure Rules in Part 4 of the Constitution.
- 5.3 The quorum for a meeting of the Cabinet shall be four.
- 5.4 When the Cabinet makes an urgent decision it must comply in every respect with the Rules on Access to Information about the County Council's Formal Business, which should be read in conjunction with these rules.
- 5.5 In addition to scheduled meetings, a meeting of the Cabinet may be called by the Leader of the Council, a Cabinet Member, the Chief Executive, the Monitoring Officer or the Director: Strategic Finance.
- 5.6 The Leader of the Council or a Cabinet Member may cancel any meeting of the Cabinet. If this occurs, all Members of the Council shall be notified of the cancellation and the reasons for it by email as soon as possible.

6. KEY DECISIONS

- 6.1 A key decision is a decision that may be taken by the Cabinet, a Cabinet committee, Leader of the Council, Cabinet Member or any Officer under powers delegated to them and which, if implemented, would be likely to:
 - 6.1.1 Result in the County Council incurring expenditure that is, or the making of savings that are, significant having regard to the County Council's budget for the service or function to which the decision relates; or
 - 6.1.2 Be significant in terms of its effects on communities living or working in an area comprising two or more county electoral divisions in the county.
- 6.2 As a general rule, a decision will fall into paragraph 6.1.1 if the value of any expenditure or saving exceeds £500,000 unless the County Council's Chief Financial Officer and Monitoring Officer certify that it would not be a key decision and state their reasons for this conclusion in writing.
- 6.3 In view of the importance of key decisions, they should normally only be taken by the Cabinet and then only if the rules set out in paragraph 5 of the Rules on Access to Information about the County Council's Formal Business have been complied with. In certain special cases, the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers may depart from the rules that govern the making of key decisions. The circumstances in which this may be done are set out in the Rules on Access to Information about the County Council's Formal Business.

7. CABINET AGENDA

- 7.1 The Leader of the County Council and Deputy Leader, in consultation with the Chief Executive, will determine the agenda for meetings of the Cabinet.
- 7.2 Any Member of the Cabinet may require the Chief Executive to place an item on the agenda of the next meeting of the Cabinet.
- 7.3 Any Member of the Council may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting. If the Leader agrees, the item will be considered at its next meeting. The notice of the meeting will give the name of the Member who asked for the item to be placed on the agenda. The individual Member may attend the meeting and speak on the item.
- 7.4 An item will be placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee has resolved that an item ought to be considered by the Cabinet.
- 7.5 The Monitoring Officer and/or the Chief Financial Officer may require an item to be included for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

8. HOW ARE THE CABINET MEETINGS CONDUCTED?

Who presides?

- 8.1 If the Leader of the County Council is present, they will preside, and if they are absent the Deputy Leader will preside. If both are absent then a person nominated by the Leader of the County Council will preside.

Who may attend?

- 8.2 Members of the Council who are not Cabinet Members may attend meetings of the Cabinet and may speak with the consent of the Cabinet. The presumption is that this facility will be used, predominately, to enable a local Member access on occasions when an item being considered is likely to relate to the electoral division the Member represents.
- 8.3 The Cabinet may invite any individual (whether or not a County Councillor) to attend a meeting of the Cabinet to assist or advise the Cabinet but such an individual shall not have voting rights.

Authority of the person presiding

- 8.4 At a meeting of the Cabinet, the ruling of the person presiding on the meaning or application of the Constitution or as to any proceedings of the Cabinet shall be final and shall not be challenged by any Member. Such ruling will have regard to the purposes of the Constitution contained in Article 1.

9. QUESTIONS AT CABINET MEETINGS

9.1 At each meeting of the Cabinet there shall be up to 30 minutes set aside for written and urgent written questions.

9.2 A County Councillor or any person who lives or works in the county, or is affected by the work of the County Council, may ask the Leader of the Council or a Cabinet Member a written question on any matter which relates to any item on the Cabinet agenda for that meeting.

9.3 A written copy of the question must have been delivered to the Chief Executive by 4pm three clear working days before the date of the meeting.

9.4 An urgent written question may be asked by a member of the public about any item on the Cabinet agenda for that meeting, which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, provided that they give notice of the question to the Chief Executive by 12 noon the day before the meeting.

9.5 Response

A written answer will be provided to a written question and will be given to the questioner and to Cabinet Members before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.

9.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

9.7 Supplementary Questions

A person who has put a written question may, with the consent of the person presiding, ask a supplementary question on the same subject.

9.8 An answer to a supplementary question will take the form of:

9.8.1 A direct oral answer;

9.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the person presiding considers it appropriate the relevant part of the document will be read out;

9.8.3 If the information required is not easily available, a written answer will be sent to the questioner and circulated to all Cabinet Members.

9.9 There will be no discussion on any question from a member of the public.

9.10 Written questions may be rejected and urgent written questions need not be answered when the person presiding considers that they:

9.10.1 Are defamatory, frivolous or offensive;

- 9.10.2 Are substantially the same as a question that has been put to a meeting of the Cabinet or Council in the past six months; or
- 9.10.3 Would require the disclosure of confidential or exempt information.

In every case, the person presiding must specify the reason for rejecting a question or not requiring an answer to be given to it.

If the person presiding decides not to allow a further question as provided herein and has given reasons for the decision, then the decision shall be final.

10. BUSINESS CONDUCTED AT MEETINGS OF THE CABINET

10.1 At each meeting of the Cabinet the following business will be conducted:

- 10.1.1 Receipt of the minutes of the last meeting if available;
- 10.1.2 Declarations of interest, if any
- 10.1.3 Matters referred to the Cabinet (whether by the Overview and Scrutiny Management Committee, the relevant Overview and Scrutiny Committee or by the full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of the Constitution;
- 10.1.4 Consideration of reports from the Overview and Scrutiny Management Committee or the relevant Overview and Scrutiny Committees (on matters requiring consideration);
- 10.1.5 Matters set out in the agenda for the meeting indicating which are key decisions and those which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of the Constitution.

10.2 The Cabinet may require any Member of the Cabinet or a Director to report to the Cabinet on any executive matter which the Cabinet specifies.

11. CONSULTATION

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Policy Framework or budget must contain details of the nature and extent of consultation with stakeholders, relevant Overview and Scrutiny Committees and, where appropriate, relevant local County Councillors and on the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

12. CABINET LIAISON ARRANGEMENTS

12.1 In the event that Cabinet Members are drawn from more than one political group, each Cabinet Member will liaise with a nominated member of the political group(s) forming

part of the administration to which they do not belong to secure effective consultation with all members of the political groups that comprise the administration.

- 12.2 In the event that Cabinet Members are drawn from only one political group, each Cabinet Member will liaise with a nominated member of the other political group(s) to secure effective consultation. This liaison shall include briefings for those nominated members by Cabinet Members in at least six scheduled meetings per year.

13. APPOINTMENT OF CABINET PANELS

- 13.1 The Cabinet, Leader of the Council, Cabinet Members or Officers acting under delegated powers may appoint standing and/or ad hoc Cabinet Panels comprising Cabinet and non-Cabinet County Councillors, Officers and external participants to help with Cabinet business.

- 13.2 The Cabinet Panel will work within the operating principles set out in the Panel Operating Principles in part 4 of the Constitution.

14. OTHER GROUPS AND CABINET BUSINESS

- 14.1 The Cabinet will support county-wide groups, which provide a forum to develop links with other agencies and to give focus for specialist services.

- 14.2 A list of such groups will be maintained by the Chief Executive.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

The County Council will appoint Overview and Scrutiny Committees, whose remits and functions are described in Part 3 of the Constitution.

2. CO-ORDINATION

The Overview and Scrutiny Management Committee, will co-ordinate the work of the overview and scrutiny committees, except the Audit and Governance Committee.

3. MEMBERSHIP

3.1 All County Councillors, except Members of the Cabinet, are eligible to be members of overview and scrutiny committees.

3.2 The Annual Meeting of the County Council will determine the membership of the overview and scrutiny committees, (except members appointed under Overview and Scrutiny Procedure Rule 6) which must be politically balanced.

3.3 The County Council has determined that overview and scrutiny committees, which shall be politically balanced, shall have the following numbers of County Councillors:

3.3.1 Overview and Scrutiny Management Committee
12 County Councillors

3.3.2 Children and Families Overview and Scrutiny Committee
9 County Councillors

3.3.3 Health and Care Overview and Scrutiny Committee
9 County Councillors

3.3.4 Audit and Governance Committee
9 County Councillors

3.3.5 Environment and Communities Overview and Scrutiny Committee
9 County Councillors

3.3.6 Gloucestershire Economic Growth Overview and Scrutiny Committee
6 County Councillors in total

4. CASUAL VACANCIES

- 4.1 A vacancy on an overview and scrutiny committee arises when a County Councillor resigns from membership of the committee.
- 4.2 Vacancies which occur on overview and scrutiny committees will be filled on behalf of the Council by the Chief Executive using delegated powers to appoint County Councillors to seats so as to maintain the political balance of the committee. The filling of the vacancy will be reported by the Chief Executive to the next meeting of the committee.

5. CO-OPTEDS AND VOTING RIGHTS SCHEME

- 5.1 Overview and scrutiny committees shall be entitled to appoint up to three people who are not County Councillors, as non-voting co-opted Members.
- 5.2 In addition to co-opting Members under paragraph 5.1, the Health and Care Overview and Scrutiny Committee and the Gloucestershire Economic Growth Overview and Scrutiny Committee shall be entitled to appoint one person from each District Council in Gloucestershire as voting co-opted Members. Each District Council in Gloucestershire may nominate one substitute to attend on behalf of a co-opted Member, and when attending the Health and Care Overview and Scrutiny Committee shall have the same voting rights as a co-opted Member.
- 5.3 Appointments of co-opted Members shall not affect the Council's duty under Section 15 of the Local Government and Housing Act 1989 (political balance).
- 5.4 For the avoidance of doubt, the co-opted Members of the Gloucestershire Economic Growth Overview and Scrutiny Committee shall not be members of the District Council's executive where executive arrangements are in place.

6. EDUCATION REPRESENTATIVES

- 6.1 The overview and scrutiny committee dealing with Education shall include in its membership the following statutory voting representatives:
 - 6.1.1 Church of England Diocese representative;
 - 6.1.2 Roman Catholic Diocese representative;
 - 6.1.3 Parent Governor, representatives (three).
- 6.2 When dealing with issues other than education the representatives at 6.1.1, 6.1.2 and 6.1.3 above shall not vote though they may stay in the meeting and speak.

7. CHAIR OF OVERVIEW AND SCRUTINY COMMITTEES

The Chair of every overview and scrutiny committee and of the Overview and Scrutiny Management Committee will be appointed by full Council and will be drawn from amongst the County Councillors sitting on each committee.

8. MEETINGS OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

There shall be six ordinary meetings of the Overview and Scrutiny Management Committee in each municipal year. In addition extraordinary meetings may be called from time to time. An extraordinary meeting of the Overview and Scrutiny Management Committee may be called by the Chair, by two voting members of the Committee or by the Chief Executive if they consider it necessary.

9. MEETINGS OF OVERVIEW AND SCRUTINY COMMITTEES (OTHER THAN THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE)

There shall be six ordinary meetings of each overview and scrutiny committee (other than the Audit and Governance Committee, which shall meet four times per annum plus such other meetings as the Chair shall consider necessary and appropriate, and Overview and Scrutiny Management Committee) in each municipal year.

10. Extraordinary meetings of overview and scrutiny committees (other than the Overview and Scrutiny Management Committee) may be called by the:

10.1 Chair of the relevant overview and scrutiny committee;

10.2 Chair of the Overview and Scrutiny Management Committee after consultation with the membership of the Overview and Scrutiny Management Committee;

10.3 At least one quarter of the overview and scrutiny committee membership signing a notice to the Chief Executive; or

10.4 The Chief Executive.

11. QUORUM

11.1 A meeting of an overview and scrutiny committee cannot take place unless the greater of three or one-quarter of the whole number of its members who have voting rights are present;

11.2 Members appointed under Scrutiny Procedure Rule 6 shall not be counted as part of the quorum except in relation to business where they have voting rights.

12. WORK PROGRAMMES

12.1 The Overview and Scrutiny Management Committee will be responsible for setting its own work programme taking into account the priorities defined by the Cabinet. In setting the work programme the Overview and Scrutiny Management Committee will also take into account the wishes of its members including any non-voting co-opted Members.

12.2 The work programme of the overview and scrutiny committees will be drawn up by each committee taking into account the wishes of the members including the co-opted Members. The work programme should also include any requests from the full Council and the Cabinet for advice on particular issues.

12.3 The work programme of each overview and scrutiny committee will be reviewed by the Overview and Scrutiny Management Committee to ensure that their activities are co-ordinated.

13. AGENDA ITEMS

Any member of an overview and scrutiny committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

14. COUNCILLOR CALL FOR ACTION

14.1 Any Member of the Council shall be entitled to give notice to the Monitoring Officer in accordance with the Council's Gateway process that they wish a local government matter relevant to the functions of an overview and scrutiny committee to be included on the agenda for and discussed at the next available meeting of the relevant overview and scrutiny committee.

14.2 A local government matter is one relating to a local government function affecting the electoral area of the Member or any person who lives or works in the area, unless it is an excluded matter. An excluded matter is a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at a meeting of an overview and scrutiny committee.

14.3 If the overview and scrutiny committee decide not to accept a referral from a Member under 14.1 the committee must notify the Member of their decision and the reasons for it. In considering whether or not to accept a referral the committee may have regard to the representations made by the local Member as to why it would be appropriate for the committee to consider the matter and also the extent to which the provisions of the Council's Gateway process have been observed.

15. POLICY REVIEW AND DEVELOPMENT

- 15.1 The role of the overview and scrutiny committees in relation to the development of the Council's Policy Framework and budget is set out in the Policy Framework and Budget Procedure Rules.
- 15.2 An overview and scrutiny committee can, additionally, at the request of the Cabinet, assist in the development of policy options that lie outside the Policy Framework and budget.
- 15.3 Overview and scrutiny committees may within their annual work programme review the success of policy and its implementation over time and make recommendations.

16. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- 16.1 Where an overview and scrutiny committee makes a report to Council or Cabinet, it may publish the report or recommendations.
- 16.2 The committee must by notice in writing require Council or Cabinet as appropriate, within two months of the date on which it receives the report or recommendations, or (if later) the notice, to
 - 16.2.1 Consider the report or recommendations;
 - 16.2.2 Respond to the overview and scrutiny committee indicating what (if any) action the Council or Cabinet propose to take;
 - 16.2.3 Where an overview and scrutiny committee has published the report or recommendations, publish the response;
 - 16.2.4 Where the overview and scrutiny committee provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member
- 16.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in paragraphs 3 and 4 of the Rules on Access to Information.
- 16.4 Reports from overview and scrutiny committees, except the Audit and Governance Committee, relating to executive matters will normally be submitted to the Cabinet for consideration. Reports relating to non executive matters can be submitted by an overview and scrutiny committee to any other Council body or to any external body. In exceptional circumstances (which shall be specified in the minutes), an overview and scrutiny committee may make a report direct to full Council.
- 16.5 If the report proposes a departure from or change to the agreed Policy Framework or budget, the full Council will consider the matter having regard to advice, if any, received from, the Cabinet.
- 16.6 If an overview and scrutiny committee cannot unanimously agree on one single final report to the Cabinet, to any other Council body or exceptionally, to the full Council,

then one separate report may be prepared and submitted for consideration along with the majority report.

- 16.7 The Cabinet, the other Council body or, exceptionally, the full Council, shall consider the report(s) from the overview and scrutiny committee at the next available meeting unless the matter which is the subject of the report(s) is scheduled to be considered by the Cabinet within two months from the date the report(s) was adopted by the overview and scrutiny committee. In such cases the report(s) of the overview and scrutiny committee shall be considered by the Cabinet when it considers the matter. The Cabinet may refer the overview and scrutiny committee report(s) to the Leader of the Council or a Cabinet Member for consideration and response.
- 16.8 This rule does not apply to the call-in of Cabinet decisions: reports that result from call-ins are dealt with under the Cabinet Procedure Rules.
- 16.9 Reports from Audit and Governance Committee are regulated under 22.2 below

17. MEMBERS AND OFFICERS GIVING ACCOUNT

- 17.1 Any overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function within the area of its terms of reference. As well as reviewing documentation, in fulfilling its scrutiny role, it may require any Member of the Cabinet, the Chief Executive or any Officer to attend before it to explain in relation to matters within its remit:

- Any particular decision or series of decisions;
- The extent to which the actions taken implement Council policy; or
- Their performance;

and it is the duty of those persons to attend if so required.

- 17.2 Where any Member or Officer is required to attend an overview and scrutiny committee under this provision, the Chair will inform the Chief Executive who shall, in turn, inform the Member or Officer in writing giving, where practical, fifteen days notice of the meeting. The notice to the Member/Officer will state the nature of the item on which they are required to attend to give account and whether any papers are required for production for the Committee. Where it is necessary to produce a report then the Member or Officer concerned will be given sufficient time to allow preparation of that report.
- 17.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date then an alternative date for attendance may be arranged following consultation with the Chair of the relevant overview and scrutiny committee.
- 17.4 An overview and scrutiny committee may not scrutinise a decision of an Officer acting under delegated powers, unless the decision is a key decision.

18. ATTENDANCE BY OTHERS

An overview and scrutiny committee or a Director (in consultation with the Chair and other political groups' Lead Members) may invite people other than those referred to above to

address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. Attendance is, of course, entirely optional.

19. CALL-IN AND REVIEW AND SCRUTINY OF DECISIONS

19.1 All executive decisions, whether made by the Cabinet, the Leader of the Council, a Cabinet Member and key decisions by an Officer under delegated powers, but which have not been implemented may be called-in under the Call-In Procedure Rules.

19.2 Subject to Scrutiny Procedure Rule 17.4, all executive and non-executive decisions, whether made by the Cabinet, Leader of the Council, a Cabinet Member or an Officer under delegated powers and whether implemented or not, may be reviewed and scrutinised by the Overview and Scrutiny Management Committee which may then report on such review and scrutiny to the Cabinet or, in exceptional circumstances (which shall be determined by the committee and recorded in the minutes), to the full Council. For the avoidance of doubt, review and scrutiny in accordance with this Scrutiny Procedure Rule 19.2 shall not be affected by the Call-In Procedure Rules or affect implementation of any decision.

20. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

Overview and scrutiny committees may plan and conduct their business in the manner that they determine is most likely to result in the effective, efficient and accountable discharge of their functions and, except the Audit and Governance Committee, in accordance with any requirements of the Overview and Scrutiny Management Committee.

21. SCRUTINY TASK GROUPS

The Scrutiny Task Groups will work within the operating principles set out in the Panel Operating Principles set out in Part 4 of the Constitution.

22. AUDIT AND GOVERNANCE COMMITTEE

22.1 Scrutiny Procedure Rules 12 and 16 do not apply to Audit and Governance Committee.

22.2 Audit and Governance Committee may report to any council or external body. In consultation with the Overview and Scrutiny Management Committee it will annually report on its work to full Council.

CALL-IN PROCEDURE RULES

1. SCOPE

- 1.1 All decisions which are the responsibility of the Cabinet (which includes all executive decisions made by the Leader of the Council, a Cabinet Member, or key decisions made by Officers, under delegated powers) are subject to these rules. Any decision which is the responsibility of the Cabinet, but not yet implemented, can be called-in within the timescale set out in 2.3 below.
- 1.2 Call-in should only be used in exceptional circumstances and be invoked only when there is evidence to suggest one or more of the conditions referred to in paragraph 3 below have been satisfied.
- 1.3 Recommendations to full Council in respect of matters which are not within the policy or budget of the Council are not executive decisions and therefore are not subject to these rules.

2. PUBLICATION OF CABINET DECISIONS AND IMPLEMENTATION

- 2.1 All decisions taken by the Cabinet, the Leader of the Council or a Cabinet Member and any key decision taken by Officers under delegated powers will be published and shall be made available at Shire Hall as soon as reasonably practicable after being made.
- 2.2 All County Councillors will also be sent copies of the decisions at the same time by the Chief Executive.
- 2.3 The notification of decisions will bear the date on which it is published and will state that the decisions will come in to force, and may be implemented, after five working days, unless the decision has been called-in under this procedure.
- 2.4 Subject to paragraph 10 below, no decisions taken by the Cabinet shall be implemented until expiration of the period referred to in 2.3.

3. GROUNDS FOR CALL-IN

A decision may only be called-in if one or more of the following conditions are satisfied:

- 3.1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council;
- 3.2 The decision would not be wholly in accordance with the Council's budget;
- 3.3 In making the decision, the Cabinet, the Leader of the Council or a Cabinet Member or Officer under delegated powers took account of an irrelevant matter or failed to take account of a relevant matter, which in the opinion of the Chief Executive, had (or would have had) a significant bearing on that decision;
- 3.4 The Cabinet, the Leader of the Council or a Cabinet Member or Officer under delegated powers acted contrary to the Cabinet Procedure Rules, the Access to

Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

4. CALL-IN PROCEDURE

A Cabinet decision or decision by the Leader of the Council or a Cabinet Member and a key decision taken by Officers under delegated powers, may be called in before the expiration of the period referred to in Call-In Procedure Rule 2.3 if:

- 4.1 At least five Members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in;
- 4.2 That notice, which shall be substantially in accordance with the template set out at the end of these Call-in Procedure Rules:
 - 4.2.1 Is delivered to the Chief Executive before the end of the fifth working day after the day on which the decision was published; and
 - 4.2.2 Specifies the decision that is the subject of the call-in; and
 - 4.2.3 Specifies under which of the grounds mentioned in paragraph 3 of these rules the call-in is made and gives full particulars of the facts and matters relied upon.
- 4.3 In the event the only ground for call-in is as specified in Call-In Procedure Rule 3.3, the Chief Executive has signified in writing that in their opinion, the particulars of the facts and matters relied upon and specified in the notice had (or would have had) a significant bearing on that decision

5. CALL-IN AND DEFERRING IMPLEMENTATION

If a decision has been called-in, in accordance with these rules, it will not be implemented until either:

- 5.1 The matters of concern have been resolved to the satisfaction of persons signing the notice and they have signified in writing to the Chief Executive their wish to withdraw their call-in; or
- 5.2 The process set out in Call-In Procedure Rule 7 has been followed.

Note: As soon as is practicable, the Chief Executive will send a copy of the call-in notice to all members of the Overview and Scrutiny Management Committee and all political group leaders.

A political Group Leader may request clarification from and/or discussion with one or more of the five Members giving notice and other political Group Leaders.

The matters referred to in this note will not affect the validity or process of the call-in.

6. CONSIDERATION BY OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

- 6.1 Decisions called-in will be placed on the agenda for the next available meeting of the Overview and Scrutiny Management Committee.
- 6.2 In exceptional circumstances, an earlier meeting of the Overview and Scrutiny Management Committee (if necessary) can be called by the Chief Executive in consultation with the Chair of the Overview and Scrutiny Management Committee and the Leader of the Council or relevant Cabinet Member as appropriate.
- 6.3 In the event a call-in is withdrawn in accordance with Scrutiny Procedure Rule 5.1, it will not be placed on the agenda of the Overview and Scrutiny Management Committee or, if that has already occurred, it will not be considered.
- 6.4 If the Leader of the Council or Cabinet Member as appropriate has, at least three days before the meeting, sent to members of the Overview and Scrutiny Management Committee a report responding to the call-in, they shall be entitled to address the Overview and Scrutiny Management Committee. In the absence of such a report, the Leader of the Council or Cabinet Member as appropriate may address the Overview and Scrutiny Management Committee if the Chair agrees.

7. ACTION BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

- 7.1 Having considered the decision called-in, the Overview and Scrutiny Management Committee will either:
 - 7.1.1 Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.2 Make adverse comments regarding the process when set against the guiding principles for decision-making, but no adverse view on the decision itself (in which case it can be implemented immediately, with the committee's comments being set out in a report and considered by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.3 Propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case the implementation is delayed until the Cabinet, Leader of the Council or Cabinet Member has received and considered a report of the Overview and Scrutiny Management Committee and decided how to proceed); or
 - 7.1.4 In exceptional circumstances (which shall be determined by the Overview and Scrutiny Management Committee and recorded in the minutes) arrange for the full Council to review or scrutinise a decision and decide whether or not to recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision recommended by full Council. If full Council does not recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision, the called in decision may be implemented immediately. If full Council does

recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision the called in decision shall not be implemented until the Cabinet, Leader of the Council or Cabinet Member has considered the recommendation of full Council and decided how to proceed.

7.2 The full Council has no power to make final decisions in respect of matters which are the responsibility of Cabinet unless the decision in question is contrary to the Policy Framework or budget.

8. ACTION BY THE CABINET, LEADER OF THE COUNCIL OR CABINET MEMBER

8.1 A report of the Overview and Scrutiny Management Committee (and full Council in the event Call-In Procedure Rule 7.1.4 is invoked) will be submitted to the Cabinet, Leader of the Council or Cabinet Member who will consider the views of the Overview and Scrutiny Management Committee (and full Council if appropriate) and either:

8.1.1 Confirm the called in decision without modification; or

8.1.2 Confirm the called in decision with modification; or

8.1.3 Rescind the called in decision, take the alternative decision recommended by full Council or (if considered appropriate) propose a new one.

8.2 In each case, the reasons must be given, particularly if the action is not as proposed by the Overview and Scrutiny Management Committee.

8.3 The outcome of the Cabinet's, Leader of the Council's or Cabinet Member's consideration of the views of the Overview and Scrutiny Management Committee will be published by the Chief Executive.

9. RESPONSE TO THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

The Cabinet's, Leader of the Council's or Cabinet Lead Member's response will be reported to the next available meeting of the Overview and Scrutiny Management Committee.

10. CALL-IN OF URGENT DECISIONS

10.1 On rare occasions, decisions will need to be implemented so urgently that pre-implementation review is not appropriate.

10.2 A decision will be urgent if any delay, likely to be caused by the process, would seriously prejudice the interest of the County Council or of the public or the interests of any person to whom the decision relates.

10.3 The record of the decision and notice by which it is made public must contain an explanation as to why the decision needs to be treated with such urgency.

10.4 The Chair of Council and of the Overview and Scrutiny Management Committee must agree that the decision is urgent and cannot reasonably be deferred. If either is unavailable then the Vice Chair of that body must agree on their behalf.

- 10.5 Where these circumstances arise at least five County Councillors may signify in writing to the Chief Executive their wish for a post-implementation review of the decision. Reasons must be given.
- 10.6 In these circumstances, call-in has no effect on the implementation of the urgent decision and relates to reviewing the nature of the decision and the circumstances behind it. The outcome of the Overview and Scrutiny Management Committee review will be reported to the Cabinet.

11. CALL-IN DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

These provisions are set out in the Policy Framework and Budget Procedure Rules.

Gloucestershire County Council

Notice of call-in

To: Chief Executive

We, the undersigned five Members, give notice of our desire to call-in the following executive decision, notice of which was published on

[Insert date and decision wording, in the Cabinet Decision Statement]

The grounds for the call-in are that the following condition(s) are satisfied for the reasons specified:

[Delete the conditions not relied upon]

*[*If the condition is relied upon, this must be completed]*

1. The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council.

The policy with which the decision conflicts and the date of approval or adoption by the Council are *

The wording within the policy with which the decision conflicts is *

The decision conflicts with the policy in the following way(s) *

2. The decision would not be wholly in accordance with the Council's budget

The decision expenditure is *

The Council's budget [does not make provision for any of this expenditure]
[approved by the Council on * only makes provision for
expenditure of £ *] *[delete as necessary]*

3. In making the decision, the Cabinet, Leader of the Council or Cabinet Member took account of an irrelevant matter or failed to take account of a relevant matter

The irrelevant matter taken into account is *

The relevant matter not taken into account is *

4. The Cabinet, Leader of the Council or Cabinet Member acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

The matter contravened is * *[insert wording from the relevant part(s) of the Council's Constitution]*

The above matter was contravened in the following way(s) *

Dated

Signed

1.).....

2.).....

3.).....

4.).....

5.).....

PANEL OPERATING PRINCIPLES

Referred to in Cabinet Procedure Rule 13 and Scrutiny Procedure Rule 21

References to Panels includes references to Scrutiny Task Groups

1. Panels may be established from time to time by the Cabinet, Leader of the Council, Cabinet Member or Officer acting under delegated powers or a committee to undertake standing or task-based work in support of the Cabinet, Leader of the Council, Cabinet Member or a committee. Panels may also be established jointly by the Cabinet, Leader of the Council, Cabinet Member or a committee. The full Council will not establish panels and may instead call upon the Cabinet, Leader of the Council, Cabinet Member and/or a committee to support its work. Occasionally full Council may wish to set up a working group outside of the scrutiny arrangements and these will follow the panel operating principles where appropriate.
2. In order to assist in understanding its role, every Panel will be named in keeping with the following:
 - [Task or standing function] Cabinet Panel*
 - [Task or standing function] Scrutiny Task Group*
 - [Task or standing function] Joint Panel*
 - [Task or standing function] [e.g., Constitution] Panel*
 - [Task or standing function] Working Group*
3. Each Panel will operate on a time limited basis unless otherwise agreed by the Cabinet, Leader of the Council, Cabinet Member and/or committee.
4. Panels will not have any decision taking powers.
5. If appropriate the task to be undertaken by the Panel will be scoped and defined beforehand, together with the timeframe within which the work of the Panel is to be completed and the reporting time for the outcome of the Panel's work.
6. Panels will be politically balanced where possible, unless otherwise agreed by Cabinet, the Leader of the Council, Cabinet Member or committee.

Note: At the first meeting of each new Council, the numbers of Members on Panels will be reviewed
7. All members, except Members of the Cabinet, may serve on Scrutiny Task Groups.
8. Cabinet Panels will be chaired by the Leader of the Council or Cabinet Member as appropriate.

Joint Panels will be chaired as agreed by:

The Cabinet, Leader of the Council or Cabinet Member; and
The committee

Other panels will be chaired as they determine.

9. Panel meetings may be conducted informally and electronic mail may be used extensively to exchange information. In consultation with other Panel members, the Chair of the Panel will determine whether any meetings of the Panel should be held in public. In the event the Chair of a Panel is not a County Councillor, the majority of those members of the Panel who are County Councillors will determine whether any meetings of the Panel should be held in public
10. Panels may request the attendance of relevant County Councillors and Officers at meetings to assist in the issues under discussion. People from outside the Council may be invited to attend also for particular issues as appropriate.
11. Where a Scrutiny Task Group is tasked with looking at an education related issue then the Panel must offer to co-opt at least one additional Member from amongst the Church and Parent Governor members on the Children and Families Overview and Scrutiny Committee.
12. Each Panel may co-opt additional people in addition to those at paragraph 11 above, provided co-options may only be made if the person co-opted has particular knowledge or expertise in the functions being conducted by that Panel.

Co-options may be made for a specified period, for specified meetings or for specific items.
13. Each Panel will appoint a Lead Officer who will seek to ensure effective progress and communication in respect of the work of the Panel.
14. Subject to consultation with the Head of Democratic Services, the administration of Panels will be supported by Democratic Services.

Note: Member forums will be Panels as described above or formal decision making bodies, e.g. full Council; Cabinet; Planning Committee. The proceedings of these forums are regulated by the Constitution

In addition, one other type of member forum may be formed by an Officer at Director or Head of Service level or above. This type of forum will be called a Group and will be informal in all respects and not regulated by the Constitution. The Officer forming the Group will regulate and support the Group in all respects.

FINANCIAL REGULATIONS

General Introduction

- A: Financial management
- B: Financial planning
- C: Risk management and control of resources
- D: Systems and procedures
- E: External arrangements

DEFINITIONS

The Chief Financial Officer is that person designated for the purpose of Section 151 Local Government Act 1972 and Section 114 Local Government Finance Act 1992.

Budget Heads are those cost and income headings recorded in the Council's Budget Book.

Advice and guidance issued by the Chief Financial Officer includes Financial or Accounting Instructions, which provide detailed guidance on financial control, audit, accountancy, financial management matters and the design and use of controlled stationery.

A Service is defined as a discrete area of the County Council's activity managed by a Director or Head of Service as defined in Part 5 of the Constitution.

A Scheme in the context of the capital programme may be a single scheme or a package of smaller schemes being carried out in a defined geographical area of works of a similar type.

GENERAL INTRODUCTION

- (a) These Financial Regulations are that part of the Constitution approved by the Council, which provide the framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf with the exception of Schools to which Schools' Financial Regulations apply.
- (b) The Constitution and Scheme of Delegation identify the financial responsibilities of the full Council, Cabinet and Overview and Scrutiny Members, the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and other Directors.
- (c) All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- (d) The Chief Financial Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to full Council for approval following consideration by the Cabinet or Leader of the Council or Cabinet Members and Audit and Governance Committee.
- (e) Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents (including Accounting Instructions) and that they comply with them.
- (f) The Chief Financial Officer is responsible for issuing advice and guidance (e.g. Accounting Instructions) to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

FINANCIAL REGULATION A: FINANCIAL MANAGEMENT

INTRODUCTION

Financial management covers all financial accountabilities in relation to the running of the Authority, including the Policy Framework and budget.

Actions that are “contrary to the budget” include:

- Initiating a new policy;
- Committing expenditure in future years to above the budget level;
- Incurring interdepartmental transfers above virement limits;
- Causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase beyond the budgeted level.

Virement and year end balances:

A.1 The Chief Financial Officer is responsible for the administration of the scheme of virement as set out below:

The Cabinet, Leader of the Council and Cabinet Members are responsible for taking in-year decisions on resources and priorities and can therefore approve virement between services provided:

- It does not involve a new policy or policy change;
- It does not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations.

Directors may effect virement between Budget Heads provided:

- It does not involve a transfer of resources between services (*Note: A service is defined by reference to a particular Budget Head in the Budget Book*);
- It does not involve a new policy or policy change;
- It does not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations;
- That the Chief Financial Officer is notified in respect of all virements over £50,000.

A.2 Unless otherwise determined by the Cabinet, Leader of the Council or a Cabinet Member any service under-spending or overspending will be carried forward to the following financial year and the approved budget adjusted accordingly.

Accounting policies:

A.3 The Chief Financial Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting procedures and records:

- A.4** The Chief Financial Officer is responsible for determining the accounting procedures and records for the Authority.

The annual statement of accounts:

- A.5** The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Audit and Governance Committee is responsible for approving the annual statement of accounts.

FINANCIAL REGULATION B: FINANCIAL PLANNING

- B.1** The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Policy Framework or budget. Decisions that appear contrary to the Policy Framework or budget should be referred to the full Council by the Monitoring Officer.
- B.2** The full Council is responsible for setting the level at which the Cabinet, Leader of the Council or a Cabinet Member may reallocate budget funds from one service to another. The Cabinet, Leader of the Council or a Cabinet Member is responsible for taking in-year decisions on resources and priorities in order to deliver the budget Policy Framework within the financial limits set by the full Council.

BUDGETING

Budget:

- B.3** The resource allocation, budget process and general format of the budget will be proposed by the Cabinet, Leader of the Council or a Cabinet Member on the advice of the Chief Financial Officer.

Budget preparation:

- B.4** The Chief Financial Officer is responsible for ensuring that an annual revenue budget, capital programme and medium term financial strategy is prepared for consideration by the Cabinet, Leader of the Council or a Cabinet Member before submission to the full Council. The full Council may amend the budget or ask the Cabinet, Leader of the Council or a Cabinet Member to reconsider it before approving it.
- B.5** The Cabinet, Leader of the Council or a Cabinet Member is responsible for issuing guidance on the general content of the budget in consultation with the Chief Financial Officer as soon as possible following approval by the full Council.
- B.6** It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet, Leader of the Council or a Cabinet Member and that these estimates are prepared in line with guidance issued by the Chief Financial Officer and/or Cabinet.

Budget monitoring and control:

- B.7** Subject to these Regulations, Directors have the authority to incur expenditure provided in the revenue budget or capital programme approved by the full Council.
- B.8** Expenditure may not be incurred if it is contrary or not wholly in accordance with the Policy Framework or budget.
- B.9** Directors must undertake regular monitoring of revenue and capital expenditure and, subject to these Regulations, where there is an overspending, investigate and take appropriate action to bring spending back into line with the budget.

B.10 The Chief Financial Officer is responsible for providing advice to Directors to enable budgets to be monitored effectively. The Chief Financial Officer must report to the Cabinet, Leader of the Council or a Cabinet Member and Scrutiny on the overall financial position on a regular basis.

B.11 It is the responsibility of Directors to control income and expenditure within their area and to monitor performance, taking account of advice provided by the Chief Financial Officer. They should report to Cabinet, Leader of the Council or a Cabinet Member and Scrutiny on variances in both capital and revenue spending within their own areas, take action where necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

Resource allocation:

B.12 The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

The Capital Programme:

B.13 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet, Leader of the Council or a Cabinet Member before submission to the full Council. No scheme shall be included in the capital programme unless it has been through the appraisal and prioritisation process agreed by the Cabinet, Leader of the Council or a Cabinet Member. In this context, contrary to the budget, may be through:

- Initiating a new policy;
- Committing capital expenditure in the current or future years to a level above the approved budget levels;
- Transferring resources between revenue and capital budgets except as provided in the scheme of virement;
- Entering a capital commitment if it involves a material change to the nature of the project as set out in the agreed project appraisal.

B.14 Directors are responsible for ensuring that variations in capital project estimates that occur during the course of a contract are contained within the resources allocated to that service.

B.15 No lease, hire, rental or similar agreement that may involve a charge against the County Council's approved borrowing or credit limit may be entered into without advice from the Chief Financial Officer.

Guidelines:

B.16 Guidelines on budget preparation are issued to Members and Directors by the Cabinet, Leader of the Council or a Cabinet Member following agreement with the Chief Financial Officer. The guidelines will take account of:

- Legal requirements;
- Medium-term planning prospects;

- The corporate strategy;
- Available resources;
- Spending pressures;
- Best value and other relevant government guidelines;
- Other internal policy documents;
- Cross-cutting issues (where relevant).

Maintenance of reserves and balances:

B.17 It is the responsibility of the Chief Financial Officer to advise the Cabinet, Leader of the Council or a Cabinet Member and/or the full Council on prudent levels of reserves and balances for the Authority.

FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

- C.1** Directors are responsible for ensuring the development and monitoring of effective and comprehensive systems for identifying, evaluating and controlling significant business risks in their directorates.
- C.2** The Chief Financial Officer (Director, Strategic Finance) is responsible for the development, monitoring and review of the Council's risk management policy statement and strategy, which is approved by Cabinet and for reviewing the effectiveness of risk management. The Chief Financial Officer is also the Council's principal risk management adviser and co-ordinator.
- C.3** The Chief Financial Officer will assess the Council's overall insurance requirements and will be responsible for arranging all insurance cover. The Chief Financial Officer will review insurance cover on an annual basis and will consult with Directors prior to arranging cover where appropriate.
- C.4** Each Director shall be responsible for identifying, assessing and controlling risks within their directorate taking into account any advice that the Chief Financial Officer may have issued.

Audit and Internal Control Requirements:

- C.5** The Chief Financial Officer is responsible for advising on effective systems of internal control.
- C.6** The Council has determined that the Chief Financial Officer is responsible for conducting a continuous internal audit in accordance with the Accounts and Audit (England) Regulations 2011.
- C.7** Directors are expected to co-operate and supply information lawfully required to external auditors and to other external agencies undertaking audit, investigation or inspection such as HMRC. Directors are also expected to co-operate and supply information reasonably required to internal auditors.
- C.8** The Chief Financial Officer and the Monitoring Officer must be notified immediately of all instances of financial irregularity.

Preventing Fraud and Corruption:

- C.9** The Chief Financial Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Security of Assets

- C.10** Directors should ensure that records and assets (including stocks and stores) are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

- C.11** Directors must maintain an inventory of furniture and equipment and check at least annually that all items are accounted for. Directors may write off inventory items with a value up to £5,000. Write off of items with a value above this limit require the approval of the Cabinet, Leader of the Council or a Cabinet Member.

Banking and Treasury Management:

- C.12** The Chief Financial Officer is responsible for arranging the Council's banking arrangements including opening and closing of all accounts.
- C.13** All electronic transfers of funds will only be made by the Chief Financial Officer or their nominated signatory.
- C.14** All other payments made by the Council, with the exception of those made from imprest accounts, will be made by cheque or other payment instrument, bearing the manuscript or facsimile signature of the Chief Financial Officer or their nominee.
- C.15** The Authority has adopted CIPFA's Code of Practice for Treasury Management in Public Services. Under the Code the following four clauses are adopted:

1. The Council will create and maintain, as the cornerstones for effective treasury management:
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.

2. The Council's Audit and Governance Committee will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
3. The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit and Governance Committee and for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the organisation's policy statement and TMPs and, if they are a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
4. The Council nominates the Audit and Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

- C.16** The Council is responsible for approving the Treasury Management Policy Statement as required by CIPFA's Code of Practice for Treasury Management in Public Services. The policy statement is proposed to the full Council by the Cabinet, Leader of the Council or a Cabinet Member. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement.
- C.17** The Chief Financial Officer is responsible for reporting to the Cabinet, Leader of the Council or a Cabinet Member a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.18** All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Public Services.

FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

General:

- D.1** The Chief Financial Officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, Directors are responsible for the proper operation of financial processes in their own departments.
- D.2** Changes to agreed procedures proposed by Directors to meet their own specific service needs must be agreed with the Chief Financial Officer.
- D.3** Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and Expenditure:

- D.4** It is the responsibility of Directors to ensure that where a scheme of delegation has been established within their area, it is operating effectively. The scheme of delegation should identify staff authorised to act on the Director's behalf in respect of payments, income collection and placing orders together with the limits of their authority.

Income:

- D.5** Directors are responsible for reviewing and implementing changes to all fees and charges within their services on an annual basis.
- D.6** Any proposed new or variation to an existing fee or charge, which involves a policy change, requires the approval of the Council.
- D.7** The Chief Financial Officer shall issue guidance on the write off of debtor accounts. Periodically, a report of the cumulative amount must be made to the appropriate Overview and Scrutiny Committee. An annual report should be made to the appropriate Overview and Scrutiny Committee on the management of debtor accounts. Significant individual debts will be referred to Cabinet, Leader of the Council or a Cabinet Member for approval.

Expenditure:

- D.8** All payments made on behalf of the Council, with the exception of payments from imprest accounts, will be made by the Chief Financial Officer relying, where necessary, on the certification of authorised employees.
- D.9** All orders for works, supplies and services shall comply with the Council's Contract Standing Orders. Procedures covering orders/contracts under £50,000 are detailed in Part 4 of Accounting Instruction No. 1.
- D.10** The Chief Financial Officer will authorise such imprest accounts that they consider appropriate to allow authorised employees to defray petty cash and similar expenses.

Payments to Employees and Members:

- D.11** The Chief Financial Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime and for payment of allowances to Members.

Taxation:

- D.12** The Chief Financial Officer is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

- D.13** The Chief Financial Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units:

- D.14** It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.

FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

Partnerships:

- E.1** The Chief Financial Officer must ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The Chief Financial Officer must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.2** The Monitoring Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- E.3** Directors are responsible for ensuring that appropriate risk assessments are undertaken and approvals are obtained before any negotiations are concluded relating to work with external bodies and that all agreements and arrangements are properly documented, including details of the County Council's financial and physical commitment to the arrangements which are to be in accordance with the Council's procedures.

External Funding:

- E.4** The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

CONTRACT STANDING ORDERS

Application

1. Background

- 1.1 The purpose of these Contract Standing Orders is to ensure that all Council contracts are demonstrably made:
- a) in compliance with the law and best practice;
 - b) maximising fairness, transparency and competition;
 - c) to improve quality and value for money;
 - d) to enable the Council to develop and deliver its Commercial Strategy; and
 - e) in compliance with the Council's Financial Regulations.

2. Scope

- 2.1 These Contract Standing Orders apply to all relevant contracts made (including all orders placed) by, for or on behalf of the Council, including when the Council is acting on behalf of other public bodies. Relevant contracts include arrangements for:
- a) the supply or disposal of goods
 - b) the hire, rental or lease of goods or equipment
 - c) the provision of works and the supply of works materials
 - d) the provision of services, including consultancy services
 - e) the granting of works concessions or services concessions
 - f) the selection of sub-contractors by the Council, where these are nominated under a main/prime contract
- 2.2 Relevant contracts include contracts between the Council and any other contracting party, including:
- a) Other public bodies, including other local authorities
 - b) Voluntary and community sector organisations acting as suppliers to the Council.
 - c) Private sector suppliers to the Council.
- 2.3 Relevant contracts do not include:
- a) agreements regarding the acquisition, disposal, or transfer of land, pre-existing property leases, and licenses; or
 - b) the award of grants by the Council
- The rules governing these are covered by separate procedural guidelines approved (from time to time) by the Cabinet, Leader of the Council or a Cabinet Member.
- 2.4 Subject to the Fair Funding Scheme for Financing Schools of the Council for the time being under Section 48 of the School Standards and Framework Act 1998 these Standing Orders apply to Gloucestershire Education Authority schools.

3. Accountability & Responsibility

- 3.1 These Contract Standing Orders apply to all Officers of the Council. Officers must ensure that any agents, consultants and contractual partners acting as procurement agents on behalf of the Council also comply with these Contract Standing Orders.
- 3.2 It is a disciplinary offence for officers not to comply with these Contract Standing Orders.
- 3.3 Directors must ensure that their staff comply with these Contract Standing Orders.
- 3.4 An Authorised Officer must not seek or accept technical advice on the preparation of a request for quotation or an Invitation to tender from any party which may have a commercial interest in the procurement if this may prejudice the equal treatment of all potential suppliers or distort competition.
- 3.5 Authorised Officers may award contracts and place orders and requisitions that comply with these Contract Standing Orders provided that:
- a) the financial values and commitments are within approved budget estimates and within their delegated responsibility;
 - b) they are within the Council's legal powers;
 - c) where the contract involves the transfer of Council staff, or former Council staff who have previously been the subject of an outsourcing of service, the authorised officer is acting in accordance the Direction made by the Secretary of State under section 102 of the Local Government Act 2003 (pension provision) or any replacement.
- 3.6 Directors must ensure that schemes of authorisation exist identifying which officers have responsibility and the level of their financial delegation for:
- a) authorising orders and the payment of invoices
 - b) agreeing tender and quotation processes
 - c) approving tender and contract documents
 - d) holding and opening returned tenders (CSO 13.4)
 - e) awarding contracts
 - f) managing contracts in line with the council's Contract Management Framework, including performance monitoring and the agreement of specification and price variations
 - g) arrangements for the management of the contract
- 3.7 Directors must ensure that officers undertaking procurement and commissioning have skills, competencies, and knowledge appropriate to the scope, risk and complexity of their activity.

4 Basic Principles

- 4.1 All purchasing and disposal activities must:
- a) achieve best value for public money spent
 - b) support the Council's corporate aims and policies
 - c) be consistent with the highest standards of integrity
 - d) ensure fairness and transparency in allocating public contracts
 - e) comply with all legal requirements

- f) produce and maintain adequate records and a clear audit trail
- g) be consistent with any procedures or guidance set out in accounting instructions and any procedures or guidance issued by the Head of Commercial Services.

5. Exemptions

- 5.1 These Contract Standing Orders do not apply where they are superseded by the Fair Funding Scheme for Financing Schools
- 5.2 Any requirement under these Contract Standing Orders to seek more than one tender or quotation does not apply where arrangements are being made for the appointment of counsel or other experts by the Head of Legal Services, who must be satisfied that the fee to be paid is relative to the level of advice and expertise required.
- 5.3 Any requirement for competition shall not apply to the letting of a bespoke care, education, accommodation or assessment package for a specified individual or the placement of an individual to a provider accredited by the Council at the Council's contracted rates.
- 5.4 Subject to CSO 13.4(b) any exception to these Contract Standing Orders may only be made by the express direction of the Cabinet, Leader of the Council, a Cabinet Member or the Chief Executive.

6 Requirements to consult Head of Legal Services and Head of Commercial Services

In addition to those instances outlined in CSO 6, this Contract Standing Order identifies other occasions where these Contract Standing Orders create a mandatory obligation to consult with the Head of Legal Services and/or the Head of Commercial Services.

- 6.1 All quotations, expressions of interest and tenders must be received by the date and time given in the original advertisement. An Authorised Officer may consider exceptions to this Standing Order in situations where the late submission is genuinely outside the control of the supplier concerned, but only with the agreement of the Head of Legal Services (CSO 13.4).
- 6.2 Officers must obtain the agreement of the Head of Commercial Services before using any third party to conduct any procurement exercise on the Council's behalf.
- 6.3 Authorised Officers shall consult with the Head of Legal Services immediately they become aware that any significant dispute or claim may arise in relation to a contract or procurement exercise or during the life of a contract.
- 6.4 Minor contract variations that have regard to small administrative changes can be undertaken by the Authorised Officer such as contact name changes, address changes, small service or specification changes. All major contract variations (i.e. anything beyond a minor change) that have regard to changes in price, term or terms and conditions must be referred to the Head of Commercial Services

7. Grants & External Funding

- 7.1 Authorised Officers shall have regard to guidance on grant making which may be issued from time to time by the Director of Strategic Finance.
- 7.2 Where the Council is using grant monies itself or passing it on to a third party, the application of that money shall be subject to the requirements of the relevant grant funding body.
- 7.3 In considering the award of a grant, Directors shall have regard to the law on state aid and best value law.
- 7.4 Before entering into any arrangement where the Council takes on accountable body status, appropriate advice must be sought from the Head of Finance, Head of Commercial Services and the Head of Legal Services.

8. Collaborative Procurement, Frameworks and Use of Agents

- 8.1 Without prejudice to CSO 8.2, where a collaborative contract or framework has been let by another public authority or central buying organisation through competition, and in accordance with its own contract standing orders and legal requirements, this contract shall be deemed to comply with the Council's Contract Standing Orders.
- 8.2 Before using any collaborative contract, an officer must first verify that:
 - a) the contract was procured in accordance with all relevant UK and EU law; and
 - b) the contract was advertised appropriately, and specifically that the scope of the advert allowed the contract's use by the Council; and
 - c) the contract has been let on appropriate conditions of contract; and
 - d) the contract offers, or is reasonably likely to offer, better overall value for money, or benefit to the Council, than the Council could achieve through independent procurement

The Contracting Process

9. Competition Requirements

Goods and/or Services and Works

- 9.1 All contracts for goods and/or services and all contracts for works that have a total value or estimated total value equal to or in excess of the relevant EU threshold shall be tendered in accordance with European procurement law and the provisions of the Public Contract Regulations 2006 or such other replacement or amending legislation as may from time to time apply.
- 9.2 All contracts for goods and/or services and all contracts for works that have a total value or estimated total value of less than the relevant EU threshold shall be tendered in accordance with the provisions of these Contract Standing Orders.

- 9.3 Contracts for goods and or services that have a total value or estimated total value:
- a) up to £15,000 may be procured after obtaining a single written quotation which must be obtained against a written request for a quotation.
 - b) between £15,001 and £75,000 may be procured after obtaining three written quotations which must be obtained using the Council's e-procurement system.
 - c) between £75,001 and up to EU threshold may be procured after having undertaken a tendering process using the Council's e-procurement system.
 - d) over EU threshold must be procured after having undertaken a tendering process using the Council's e-procurement system.
- 9.4 Contracts for works that have a total value or estimated total value of:
- e) up to £250,000 may be procured after obtaining three written quotations which must be obtained using the council's e-procurement system.
 - f) between £250,001 and up to the relevant EU threshold may be procured after having undertaken a tendering process using the council's e-procurement system.
 - g) over EU threshold must be procured after having undertaken a tendering process using the Council's e-procurement system.
- 9.5 Contract extensions may only be considered if there is a legal right to extend the contract and must follow the Council's governance process for approval.
- 9.6 A Direct Award (DA) should only be considered as a last resort when all other procurement strategies have been excluded and only in accordance with EU legislation under the following circumstances:
- a) where it is determined through market analysis/engagement that the services are only capable of being provided by one particular provider; or
 - b) where there is an urgent need; or
 - c) in limited cases, to protect intellectual property rights that the provider holds
- For all direct awards over £75,001 the process detailed in the guidance from the Head of Commercial Services must be followed.

10. General

Authorised Officers must, when looking to award any relevant contract, fully comply at all times with any procurement guidance issued by the Head of Commercial Services under CSO 17.

11. Select Lists

11.1 A Select List is a list of pre-qualified suppliers used for running quotations or non – EU tenders.

11.2 The use of a select list may be appropriate where:

- a) quotations or tenders are regularly obtained for the same or similar types of goods, services, and works; and
- b) it is not practical or appropriate that the goods, services and works in question be aggregated into a single requirement and/or competed under one procurement; and

- c) the total value of the goods, services and work, if aggregated, would not exceed any relevant EU threshold.
- 11.3 A select list shall only be used where an agreed procurement strategy is in place that has identified that a select list is the most appropriate option having considered all others.
- 11.4 Authorised Officers shall seek the prior agreement of the Head of Commercial Services before establishing a select list. The authorised officer shall ensure that the level of expenditure through the select list is monitored so as not to risk breaching the EU rules on aggregation.
- 11.5 A select list may be either a Rolling select list or a set select list:
- a) with a rolling select list a supplier may apply to the Council at any time for inclusion on the select list.
 - b) with a set select list a supplier may apply to the Council only within specific time-periods, in response to specific advertisements placed by the Council.

12. The Quotation Process

- 12.1 The quotation process applies when the estimated total value of a contract is £75,000 or less for goods and services and £250,000 or less for works.
- 12.2 All requests for quotation should be carried out on the Council's e-procurement system in accordance with guidance from the Head of Commercial Services.
- 12.3 Where a single supplier is to be selected, an authorised officer may choose either to:
- a) place an order with the selected supplier, on the basis of a pre-quoted price (such as in a supplier's catalogue) having satisfied themselves that the price to be paid represents good value for money; or
 - b) issue a request for quotation to the selected single supplier

13. Requirements applicable to all tendering exercises

- 13.1 All tendering exercises must be conducted electronically through the Council's e-procurement system unless the use of an alternative process has been previously approved in writing by the Head of Commercial Services.
- 13.2 Receiving Expressions of Interest
All expressions of interest must be received by the date and time given in the original advertisement. An authorised officer may consider exceptions to this Contract Standing Order in situations where the late submission is genuinely outside the control of the supplier concerned, but only with the agreement of the Head of Legal Services.
- 13.3 Issuing Invitations to Tender
- a) Where a tendering process involves a process of qualification and selection before the award phase, an authorised officer shall only issue an invitation to tender to those suppliers that have met the required selection criteria, including any minimum standards set. Suppliers may be shortlisted to be invited to tender on the basis of marks awarded against the selection criteria

- b) An authorised officer shall ensure that an invitation to tender is based on a robust procurement strategy based on model instructions for tendering approved by the Head of Commercial Services
- c) Suppliers shall be allowed sufficient time to complete their tenders, taking into account the complexity of the requirement and the contract, and the time required for them to prepare their response. A minimum of ten working days must be allowed from the date on which the invitation was sent.
- d) All suppliers being invited to tender must be issued with the same information at the same time and subject to the same conditions. Any clarification, supplementary information, or changes to the content or detail of the invitation, must be given on the same basis.
- e) All communications with the suppliers should be through the Council's e-procurement system.

13.4 Receiving Tenders

- a) Where in accordance with CSO 13.1 tenders are to be submitted electronically, authorised officers shall ensure that they are kept secure and un-opened via the Council's e-procurement system until the specified date and time, after which they shall be opened by an officer who has been authorised to do so by the Head of Legal Services. The precise process to be adopted shall be agreed with the Head of Commercial Services and the Head of Legal Services.
- b) If suppliers have not followed the instructions issued within the invitation to tender (with regard to how tenders should be delivered, packaged, marked, referenced etc.) such tenders must normally be excluded from further participation in the tender process. However, in exceptional circumstances, the Head of Legal Services may permit tenders to be considered in the case of a minor breach by the tenderer, providing the principle of equal treatment of tenderers and the integrity and confidentiality of the tendering process would not be breached.
- c) In exceptional circumstances, any tenders that are received after the specified date and time, but before the tenders have actually been opened, may be included - but only where the late submission is genuinely outside the control of the supplier concerned, and only with the agreement of the Head of Legal Services, who shall in considering whether to waive the deadline have regard to the need to avoid unequal treatment, discrimination or lack of transparency. Such decision shall be made by the Head of Legal Services personally or by the Deputy Head of Legal Services but shall not be given by any other person.
- d) Any tender that is received after the tenders have been opened, or which otherwise does not comply with the instructions in the invitation to tender, shall be rejected and shall be returned to the tendering supplier with an explanation for this rejection.

14. Tendering Exercises

- 14.1 Contracts for service concessions and contracts for goods, services and works of total value below the relevant EU thresholds, shall be tendered if they equal or exceed the financial values set out in CSO 9.3 or 9.4
- 14.2 All tender opportunities must be advertised via the Council's e-procurement system in line with the appropriate levels in CSOs 9.3 and 9.4

14.3 Award

- a) Any Contract(s) shall be awarded to the supplier(s) whose tender(s) best meet(s) the previously published award criteria.
- b) Award may be made on the basis of only:
 - i) the 'most economically advantageous tender' (which is equivalent to the best value for money); or
 - ii) the lowest price
- c) If awarding on the basis of the 'most economically advantageous tender' (the best value for money), an Authorised Officer shall use criteria linked to the subject matter of the contract.
- d) If, having completed tender evaluation, the Director or otherwise Authorised Officer believes that one (or more) tender(s) offers good value for money to the Council, they may award a contract to this supplier (or suppliers).
- e) When awarding any contract for goods, services or works which in aggregate value exceeds the EU threshold; an Authorised Officer shall apply a minimum ten (10) day Standstill Period and provide, with the Standstill notice, sent to all tenderers and candidates, full reasons for the decision, including the characteristics and relative advantages of the successful tenderer.

15. Conditions of Contract & Contract Formalities

15.1 All contracts must be formally concluded in writing before the supply, service or work begins.

15.2 Contracts shall be written in plain language and shall adopt either:

- a) conditions of contract produced by professional bodies and agreed by the Head of Legal Services; or
- b) conditions of contract developed by or agreed by the Head of Legal Services for specific types of procurement or specific procurement projects; or
- c) conditions of contract within collaborative contracts let by other public contracting authorities; or
- d) exceptionally, and where unavoidable, conditions of contract requested by suppliers; but only where the use of these conditions has been previously agreed by the Head of Legal Services

15.3 CSOs 15.1 and 15.2 do not apply to low value, one-off retail purchases where a purchasing card is used.

15.4 All contracts, irrespective of value, shall as a minimum clearly specify:

- a) a full description of what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, received or completed)
- b) the quantities to be provided
- c) the provisions for payment (i.e. the price to be paid and when)
- d) the time(s) and location(s) for delivery or performance
- e) the provisions for the Council to terminate the contract
- f) the provisions for indemnity and insurance for service contracts
- g) such other conditions and terms as may be agreed between the parties which shall include, where relevant, a reference to continuous improvement in accordance with the best value legislation.

- 15.5 Where contracts are awarded which involve the transfer of Council staff, or of former Council staff who were previously the subject of an outsourcing of service, they shall include provisions to ensure that the relevant regulations are complied with and that the Council is indemnified. Where the Council is a third party to any transfer, the contract shall in addition ensure that the Council has access to staff and employee information on request
- 15.6 Every relevant contract must provide for the Council to cancel the contract and recover any resulting losses if the supplier or their employees or agents, with or without their knowledge:
- a) does, or has done, anything improper to influence the Council to give them the contract;
 - b) commits an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972
- 15.7 In appropriate cases, after consultation with the Head of Legal Services, the supplier shall provide for the payment of liquidated damages by the supplier where they fail to complete the contract in accordance with the terms of the contract, including within the specified time.
- 15.8 In appropriate cases, after consultation with the Head of Legal Services, the contract shall be required to give sufficient security for the due performance of their contract.
- 15.9 Where a relevant contract exceeds:
- a) £75,001 in total value it must be signed by at least two officers of the Council, being the relevant authorised officer and one other officer above salary scale point 33; and
 - b) above EU threshold in total value it shall be executed under the Common seal of the Council.
- 15.10 Unless otherwise agreed by the Head of Legal Services, a contract must be sealed where:
- a) the Council may wish to enforce the contract more than six years after its end; or
 - b) there is any doubt as to whether valid consideration is being created under the contract.
- 15.11 Contract sealing shall be carried out by the Head of Legal Services or those persons who have been given authority to do so from time to time.

Other Requirements

16. Prevention of Corruption & Declaration of Interests

- 16.1 Officers shall comply with the Council's Code of Conduct for Employees and the Anti-Fraud and Corruption Policy Statement and Strategy. In particular:
- a) no officer shall use or be seen to use their position to obtain any personal or private benefit (including benefit accruing to connected third parties) from any contract entered into by the Council;
 - b) officers' attention is drawn to the provisions of the Code of Conduct relating to the separation of roles during tendering.

- 16.2 With regards to any contract that has been proposed or entered into by the Council, officers must disclose in writing to their Director any instances:
- a) where they have any relationship with a supplier; or
 - b) where they have any personal interest (financial or non-financial) which could reasonably be considered to conflict with the Council's interests.

17. Procurement Guidance

In support of these Standing Orders, the Head of Commercial Services may issue guidance, procedures and standard documents as Procurement Guidance. Authorised Officers shall comply with such guidance when undertaking procurement activities and contract management.

OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations:

- (a) The Council will require any candidate applying for an appointment as an employee of the Council to declare on the Council's standard application form whether they are related to an existing County Councillor, an employee of the Council or the partner of such persons;
- (b) No candidate so related to a County Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by them.

1.2 Seeking support for Appointment

Subject to paragraph (b) below:

- (a) The County Council will disqualify any applicant who directly or indirectly seeks the support of any County Councillor for any appointment with the County Council. This rule will be included in any recruitment information as well as the County Council's standard application form;

No County Councillor or Officer will seek support for any person for any appointment with the County Council;
- (b) A request for, and the provision of, a written reference will not constitute seeking support for the purposes of this rule.

2. THE CABINET'S RIGHT TO BE CONSULTED ABOUT THE APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS

2.1 By law, the Cabinet must be consulted before the Head of Paid Service, a statutory chief officer, a non statutory chief officer or a deputy chief officer (all as defined in section 2 of the Local Government and Housing Act 1989) is appointed or dismissed.

2.2 Upon determining who should be appointed to or dismissed from such a post, whether by the Appointments Committee or otherwise, the Chief Executive will write to every Member of the Cabinet giving notice of who it is intended should be appointed to, or dismissed from employment with the Council giving notice of:

- (a) The name of the person it is intended should be appointed or dismissed;
- (b) Any other particulars relevant to the appointment or dismissal

Note: Detailed requirements are set out in the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202), the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.

- 2.3 The Leader of the Council must inform the Chief Executive in writing within five days of receiving written notice of an intended appointment or dismissal under these rules whether any Member of the executive objects to that appointment or dismissal.
- 2.4 On the sixth day after the Chief Executive gave written notice of an intended appointment or dismissal, the Head of Paid Service will transmit any objection received from the Leader of the Council to the Appointments Committee or to the officer making the appointment or dismissal under delegated powers.
- 2.5 The Appointments Committee or the officer making the appointment or dismissal under delegated powers will consider whether any objection received by the Chief Executive from the Leader is material and well founded and will then proceed to decide whether to confirm the decision (or, in the case of the Head of the Paid Service, the Monitoring Officer or Chief Finance Officer, recommend to Council) that an Officer be appointed or dismissed.

3. APPOINTMENT OF POLITICAL ASSISTANTS

- 3.1 Each of the three largest political groups may (whilst they remain “qualifying groups” in accordance with the requirements of S.9 Local Government and Housing Act 1989 and regulations made thereunder) appoint one Officer to act as a political assistant. Such appointments will be made in accordance with the wishes of the political group making the appointment but will be on terms as to remuneration and period of office that comply with S.9 of the 1989 Act.
- 3.2 Appointments of political assistants may only be made in accordance with wishes of the relevant political group making the appointment and no arrangements will be made to allocate a political assistant to a non-qualifying group or to allocate more than one political assistant to any political group.

4. OTHER APPOINTMENTS

The appointment of officers other than to posts mentioned at item 2 of Table 3.4 in Part 3 of the Constitution (Duties of the Appointments Committee) and paragraph 3 above (Appointment of Political Assistants) will be the responsibility of the Head of Paid Service or Director concerned or their nominee and may not be made by County Councillors.

5. DISCIPLINARY ACTION

Head of Paid Service, Monitoring Officer and Chief Finance Officer

- 5.1 The Head of Paid Service, Monitoring Officer or Chief Finance Officer may not be dismissed by the Authority unless full council has approved that dismissal and the procedure set out in the following paragraphs has been complied with.
- 5.2 The Authority must invite independent persons appointed pursuant to section 28(7) of the Localism Act 2011 to form a Panel for the purpose of advising the Authority on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

- 5.3 The invitation may be extended to independent persons appointed by another Authority.
- 5.4 The Authority must appoint to the Panel those independent persons who accept the invitation in the following priority order-
- an independent person who has been appointed by the Authority and is a local government elector;
 - any other independent person who has been appointed by the Authority;
 - an independent person who has been appointed by another Authority or Authorities.
- 5.5 The Panel may consist of more than two persons but need not do so.
- 5.6 The Panel must be appointed at least 20 days before the meeting of full council to consider the disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 5.7 Before taking a vote at the full council meeting whether or not to approve a dismissal the Authority must take into account, in particular-
- any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the relevant Officer.
- 5.8 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.
- 5.9 County Councillors may not be involved in the disciplinary action against any officer save as part of the duties of the Appointments Committee, or as referred to in Table 3.1 above or in these Officer Employment Procedure Rules.

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