Part 4

Rules of Procedure

Council Procedure Rules
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Amended by Council 16 July 2025

Warwick District Council
Council Procedure Rules
(Each Item defines which meetings it shall apply to within the text)

1. Meetings of the Council

Meetings of the Council, Cabinet, Committees or Sub-Committees will normally be held at 6.00 p.m. (or, by exception at other times, determined by the Chair of the meeting) on such day or days as may be determined by the Chair of the meeting, at the Town Hall, Royal Leamington Spa, in a remote on/line setting*, or such other venue as may be agreed by the Chair of the meeting.

In a year when there is an ordinary election of councillors, the Annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year the Annual meeting will take place in May.

*for matters being considered under the Licensing Act 2003 only; or Council or its Committees, Cabinet, or any Sub Committees to meet remotely if legislation or regulations are passed by Parliament.

2. Chair of Meeting

(1) Any power or duty of the Chair in relation to the conduct of a meeting of the Council, the Cabinet, Committee or Sub Committee may be exercised by the person who will preside or is presiding at the meeting.

(2) Vice-Chair will only be appointed for Council, Planning, Licensing and Regulatory and Standards Committees. A deputy Leader will be appointed for the Cabinet.

(3) If both the Chair, and the Vice-Chair of the Planning, Licensing and Regulatory or Standards Committees, or the Leader and Deputy Leader are absent from a meeting, the members present will choose one of their number to chair the meeting.

(4) If the Chair of a Committee or the Leader arrives at a meeting after it has started, they will be invited to preside over the meeting after any item under discussion on their arrival has been disposed of.

3. Quorum of Meetings

Council: The quorum will be a quarter of the membership subject to a minimum of 11.

Cabinet: The quorum will be a quarter of the membership subject to a minimum of four.

Committees: The quorum will be a quarter of the membership subject to a minimum of four.

Licensing & Regulatory Panels: The quorum will be three.

Sub Committees: The quorum will be a quarter subject to a minimum of three members.

If at any stage during the meeting the number of members present falls below the quorum, the meeting will be adjourned immediately. The balance of the agenda will be considered either at the next meeting or at a special (reconvened) meeting.

4. Order of Business

(1) The order of business at every meeting of the Council other than the annual meeting will be:
   - (a) To choose a person to preside if the Chair and Vice-Chair are absent
   - (b) To deal with any business required by statute to be done before any other business
   - (c) Apologies for absence
   - (d) declarations of interest
   - (e) To approve as a correct record and sign the minutes of the last meeting of the Council
   - (f) To deal with any business expressly required by statute to be done
   - (g) To receive such communications as the Chair or the Chief Executive may wish to present to the Council
   - (h) Chair announcements
   - (i) Public Interest Debate – this will be added to the agenda if needed
   - (j) Petitions
   - (k) Notices of Motion
   - (l) Leader's and Portfolio Holders' Statements
   - (m) Questions to Portfolio Holders & the Leader of the Council
   - (n) To dispose of business, if any, remaining from the last meeting
   - (o) To receive the reports of the Cabinet and/or any Committees that contain recommendations for Council to consider
   - (p) Other business, if any, specified in the summons
   - (q) To authorise the sealing of documents so far as the Council's authority is required.

(2) The order of business at the Annual Meeting will be:
   - (a) To choose a person to preside if the Chair and Vice-Chair are absent
   - (b) To elect the Chair of the Council
   - (c) To elect the Vice-Chair of the Council
   - (d) To approve the minutes of the last meeting of the Council
   - (e) To appoint the Leader of the Cabinet (as set out in Procedure Rule 19)
   - (f) To note the members to be appointed to the Cabinet
   - (g) To appoint the Committees
   - (h) To consider any business set out in the notice convening the meeting

(3) With the exception of (2)(a) to (d) the order of business at normal meetings and at the Annual Meeting may be varied by:
   - (a) the Chair at their discretion, or
   - (b) a resolution passed on a motion moved under Procedure Rule 13 (15) (c) and duly seconded, which will be moved and put without discussion.

(4) Where in relation to any meeting of the Council the next meeting is called under paragraph 3 of Schedule 12 of the Local Government Act 1972, (special meeting) the next following meeting of the Council (not called under that paragraph 3) will be treated as a suitable meeting for

the purposes of paragraph 41(1) and (2) of that Schedule (signing of minutes).

5. Public Interest Debate

(1) The Council welcomes suggestions for topics of debate by any individual and any suggestions will be considered by Group Leaders and a debate can be held following agreement by all Group Leaders and Chair.

(2) Group leaders will meet as required to discuss any requests and to decide the topics on which debates will take place at the coming two or three meetings. Following this a request will be submitted to the Chair to include the item on a forthcoming agenda. This will include requesting representatives on significant outside bodies to make reports on the activities of those bodies.

(3) At the Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, a maximum of one hour can be allocated for debates.

(4) External contributors can be invited to participate by general agreement of all Group Leaders

(5) The Chair of the Council is authorised to agree the format and length of this item of business on a meeting by meeting basis, taking into account the amount of other business to be considered.

(6) During the debates, relevant officers can be asked for clarification and information about the issues under consideration but their opinions on the issues under debate will not be requested.

6. Notices of Motion

(1) Any Member of the Council may give notice of a motion to a meeting of the Council, the Cabinet or a committee.

(2) Notice of every motion must be by e-mail or in writing, signed by the member, or by 10 members in the case of motions submitted under Procedure Rule 16, and delivered by 10.00am on the seventh clear working day before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.

(3) Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.

(4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee any motions of which notice have been given in the order in which they have been received unless the member giving the notice intimates in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

(5) If a motion set out in the agenda is not moved either by the member who gave notice of it or by some other member on their behalf, it will, unless postponed by consent of the Council, the Cabinet or committee, be treated as withdrawn and will not be able to be moved without fresh notice.

(6) When a Motion comes to Council the procedure will be as follows:
   i. For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost;
   ii. For matters that are the responsibility of the Cabinet or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken).

7. Notices of Item for an Agenda

(1) Any member of the Council may give notice that they require an item to be placed on an agenda of the Council, the Cabinet or a committee.

(2) Notice of every item must be by e-mail or in writing, signed by the member and delivered at least nine clear days before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.

(3) Every item must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.

(4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee all items of which notice has been given in the order in which they have been received.

(5) The member who placed the item will be permitted to address the meeting as set out in Council procedure Rule 24(1), thereafter the debate on the item will be at the discretion of the Chair of the meeting.

8. Leader’s and Portfolio Holders’ Statements

At every Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, the Leader of the Council and Portfolio Holders will be given the opportunity to report on any issues within their remits which they consider to be of importance, for the Council’s information.

9. Questions to Portfolio Holders and Leader

(This is in addition to the normal rights of any Councillor to ask a question without notice about an item in any report which is under consideration at the meeting.)

At each Council meeting, excluding additional meetings arranged to consider specific items of business, a period of up to one hour 20 minutes will be allocated for questions to the Leader of the Council and Portfolio Holders. The Chair of the Council will have discretion to extend question time according to the amount of business to be considered at the meeting overall.

Questions must relate to the exercise of any of the functions of the Council.

No prior notice of any question is required.

The questions can be circulated to all Councillors before the meeting and unless the contents would involve disclosure of exempt or confidential information shall normally be made public.

The Chair of the Council, after consultation with the Chief Executive, and acting reasonably has the power to exclude any question (or supplementary question) which they consider:

(a) has already been answered (either at the meeting or previously);
(b) is not relevant to Council business; or
(c) is unsuitable.

Questions will normally be taken in the order in which they were received but the Chair of the Council will have the discretion to group the questions by subject matter. The questioner will be invited to ask the question and the relevant Councillor will be invited to reply.

Subject to the discretion Chair of the Council,
(a) the questioner may ask one supplementary question; and
(b) one further question may be asked by any other member

The questions and summary of the answers given at the meeting will be recorded in the minutes.

Answers not provided at the meeting will be given to all Councillors as soon as practicable following the meeting, or provided at the next Council meeting.

Written answers given following the meeting will be circulated to all Councillors and, appended to the Minutes of that meeting (if containing confidential information in a confidential appendix).

10. Petitions

Petitions received by the Council, will be considered in line with the Petitions Guidance of the Council.

11. Minutes

(1) The Chair (or the Leader in the case of the Cabinet) will put the motion that

the minutes of the meeting of ………. held ....day of .... be approved as a correct record.

(2) No discussion will take place on the minutes, except on their accuracy. Any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair will sign the minutes.

12. Record of Attendance

Every member of the Council attending a meeting of the Council, the Cabinet, committee or sub-committee must sign their name in the attendance book or sheet provided for that purpose unless the meeting is taking place remotely.

13. Rules of Debate for Meetings

(Those marked * will also apply to all meetings and if unmarked only apply to Council)

*(1) Institution of Debate

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6. Any Member can request that an amendment should be put in writing before it is further discussed or put to the meeting. The Chair will make the final decision.

*(2) Seconder's Speech

A member when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

(3) Only one member to stand at a time

A member when speaking must stand and address the Chair, unless they are physically unable to or are attending the meeting remotely. If two or more members rise, the Chair will request one to speak, the other(s) must then sit. While a member is speaking, the other members must remain seated, unless rising to a point of order or in a personal explanation.

*(4) Content and length of speeches (See also Council Procedure Rule 13 15(h))

(a) A member must direct their speech to the matter under discussion or to a personal explanation or to a point of order.

(b) No speech will exceed ten minutes (excluding Planning Committee where District Councillors who are not part of the Committee but are addressing the Committee are restricted to five minutes) except by the consent of the Chair of the Council, Cabinet or Committees.

(5) When a member may speak again

A member who has spoken on any motion must not speak again whilst it is the subject of debate except:

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

(b) if the motion has been amended since they last spoke, to move a further amendment;

(c) if their first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which they spoke was carried;

(d) in exercise of a right of reply given by paragraph (9) or (11) of this Procedure Rule;

(e) on a point of order; or

(f) by way of personal explanation.

*(6) Amendments to motion

(a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion or the reference of the matter to an appropriate body or individual for consideration or reconsideration.

(b) Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.

(c) If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.

(d) after an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

*(7) Alteration of motion

A member may, with the consent of the meeting, signified without discussion:

(a) alter a motion of which they have given notice, or

(b) with the further consent of their seconder, alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment to it.

*(8) Withdrawal of motion

A motion or amendment may be withdrawn by the proposer with the consent of their seconder, and no member may speak on it after it has been withdrawn.

*(9) Right of reply

Subject to paragraph 11 (9) (b) of this procedure rule below, the closure of a motion will be with the following speakers

- Portfolio Holder (Unless proposer or seconder with reserved right to speak)
- Seconder (if reserved right to speak)
- Proposer

Then the vote will be taken.

A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment will have a right to reply at the close of the debate immediately before the proposer of the original motion.

This Procedure Rule will not apply to meetings of the Planning, Licensing, Regulatory and Standards Committees.

*(10) Motions which may be moved during debate

When a motion is under debate no other motion can be moved except the following:

(a) to amend or withdraw the motion;
(b) to adjourn the meeting;
(c) to adjourn the debate;
(d) to proceed to the next business;
(e) that the question be now put;
(f) under Procedure Rule 15 (1) that a member be not further heard;
(g) by the Chair under Procedure Rule 15 (1) that a member do leave the meeting;
(h) a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.

*To adjourn the debate for an item would seek to defer consideration of the item to a future meeting when different information could be available and different members could consider the matter. **To adjourn the meeting** would be to pause the meeting for it reconvene on a future date with the same membership and agenda items as it is a continuation of the original meeting.*

*(11) Closure motions

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chair will proceed as follows:

(a) on a motion to proceed to the next business; they will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;

(b) on a motion that the question be now put; they will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Procedure Rule before putting the motion to the vote; or

(c) on a motion to adjourn the debate or the meeting; they will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.

*(12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a Procedure Rule or statutory provision and the member must specify the Procedure Rule and the way in which they consider it has been broken. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate.

*(13) The ruling of the Chair on a point of order or on the admissibility of a personal explanation will not be open to discussion.

(14) Whenever the Chair rises during a debate a member then standing must resume their seat and the Council must be silent.

*(15) The following motions and amendments may be moved without notice:

(a) Appointment of a Chair of the meeting at which the motion is made.
(b) Motions relating to the accuracy of the minutes.
(c) That an item of business specified in the summons have precedence.
(d) Reference to a committee.
(e) Appointment of the Cabinet or a committee or its members, occasioned by an item mentioned in the summons to the meeting.
(f) Adoption of the Cabinet or committee minutes or reports of officers and any consequent resolutions.
(g) That leave be given to withdraw a motion.
(h) Extending the time limit for speeches.
(i) Amendments to motions.
(j) That the Council proceed to the next business.
(k) That the question be now put.
(l) That the debate be now adjourned.
(m) That the Council do now adjourn.
(n) Suspending Procedure Rules, in accordance with Article 16 of the Constitution.
(o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

(p) That a member named under Procedure Rule 15 be not further heard or do leave the meeting.
(q) Inviting a member to remain under Procedure Rule 29 (1)
(r) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.
(s) That a committee or member be appointed arising from an item on the summons for the meeting.

(16) Call-In Procedure

When a decision of the Cabinet has been referred to the Council under the call-in procedure, the rules of debate will be as follows and if not stated, Council Procedure Rule 11 will be followed:

(a) A member may raise for discussion any aspect of the issue which is the subject of the call-in.
(b) Where further action or an amendment to the decision taken by the Cabinet is proposed, a motion can be moved by a member which, if agreed, will be forwarded to the Cabinet to make the final decision. (If the original decision is then subsequently confirmed by the Cabinet, it cannot be subject to the call-in procedure again. If the decision, or wording of the decision is changed by the Cabinet in any way, then it becomes a new decision and can be subject to the call-in procedure).
(c) At the conclusion of the debate on the motion, the Leader or relevant Portfolio Holder will have the right to reply immediately before the proposer of the motion.

A flow chart explaining the Rules of Debate is attached as Appendix A to this document.

14. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council, the Cabinet or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution. Unless the Council, Cabinet or committee decide otherwise by resolution.

15. Disorderly Conduct

(1) If the Chair of a meeting of the Council, a committee, sub-committee or the Leader considers that a member of the Council is acting improperly in any way they may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.

(2) If the Chair of a meeting of the Council, committee, subcommittee or the Leader considers the orderly conduct of the business is not reasonably possible then they may adjourn the meeting.

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

If a member of the public interrupts proceedings, the Chair of the meeting will warn the person concerned. If they continue to interrupt, the Chair of the meeting will order their removal from the meeting.

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

16. Rescission of Preceding Resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, can be proposed unless the notice given under Procedure Rule 6, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Procedure Rule will not apply to motions moved under a recommendation of the Cabinet or a Committee, to Council.

17. Voting

(1) Voting at meetings of the Council, the Cabinet and committees will be by the show of hands *(or in the case of a remote meetings via secure electronic voting system or the Chair (or an officer at their request) asking each member for their vote.* and in the case of an equality of votes the Chair (or Leader in the case of the Cabinet) will have the casting vote.

(2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave their vote for or against the question or abstained from voting.

(3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast their vote for or against the question or abstained from voting.

(4) At the annual budget setting and Council Tax meeting, a recorded vote will be taken in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

If a decision taken at a meeting of the Cabinet is not carried unanimously, a record will be made in the minutes of those members who voted against or abstained.

18. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

19. Appointment of Leader

(1) A Leader be appointed by the Council from among its elected councillors for a four year period.
(2) The Leader must decide either to carry out the Council's executive functions or delegate executive functions to the Cabinet (that shall be known as the Cabinet), its members or Council officers.
(3) The Leader ceases to hold the position of Leader:
   a. at the Annual meeting after their 4 year period expires;
   b. when the Council removes them from the position (which can be at any time);
   c. they resign from the position;
   d. they are suspended from being a councillor (although they can resume the position at the end of the suspension); or
   e. they cease to be a councillor.
(4) In the case of a vacancy arising a further appointment will be made for the remainder of the term.

(The Leader of the Cabinet will be a member of the Cabinet and Employment Committee as one of their political group's representatives.)

20. Appointment of Committees

(20.1) Any committee is the child of the Council, therefore it can take any decision except Cabinet decisions.

(20.2)The Council will appoint such committees as are necessary to carry out the work of the Council, subject to any statutory provision and;

(a) will not appoint any member to a committee for a period later than the next Annual Meeting of the Council;
(b) will not appoint the Chair of the Council or Vice-Chair of the Council to Standards Committee, or a member of the Cabinet to an Overview and Scrutiny Committee or the Standards Committee;
(c) may at any time dissolve or alter the membership of a committee;
(d) Overview and Scrutiny Committees will have the discretion to appoint non-Councillors to sit on the Committee but without voting powers;
(e) will make alterations at subsequent meetings of the Council during the year, where appropriate;
(f) will appoint the Leader of the Cabinet to the Employment Committee as one of their political group's representatives; and
(g) Members of Planning Committee and Licensing and Regulatory Committee should receive appropriate training prior to them sitting on the Committee.

(20.3) The Leader shall:
(a) appoint two but no more than nine Councillors to the Cabinet (the Cabinet shall comprise of no more than ten members including the Leader); and
(b) Not appoint either the Chair or the Vice-Chair of the Council to the Cabinet.

(20.4) That to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

21. Decisions of the Cabinet

(a) This call-in procedure can apply to any decision taken by the Cabinet which is not a recommendation to Council. It will not apply to:
- a decision which has been defined as urgent under Council Procedure Rule 26;
- a decision that has previously been called-in or is of the same subject matter of an item that has been called-in within the previous 6 months;
- any decision relating to a non-executive function, whether taken by a Committee or an officer under delegated powers; and
- a decision made by or is the responsibility of the Council.

(b) Any decision taken by Cabinet shall be published on the Council's website, normally, within two working days of the decision being made. Notification of the publication of the decision will be sent to all Warwick District Councillors via email.

(c) The decision will come into force and may then be implemented after 5.00pm on the expiry of the fifth working day after the date of electronic publication of the decision, unless the Monitoring Officer receives a written request as set out in (d) below.

(d) If, before the expiry of the period referred to in (c) above, the Monitoring Officer receives a written request from at least three non-Cabinet members of the Council to call-in an Cabinet decision, setting out the nature of their concern and the reasons for the call-in, then the matter shall be treated as "called-in"

(e) Any such request must provide a reason for the call-in. This should specify why the decision:
- is considered to be contrary to the normal requirements for decision-making; or
- is considered to be contrary to the Council's agreed policy framework and/or budget; and/or
- what further information needs to be provided by the Cabinet to explain why the decision was taken.

(f) If an item is "called-in" the Monitoring Officer will notify all Councillors, the Corporate Management Team and relevant Head of Service(s) that the decision has been called-in.

(g) Where it is cited that the decision is contrary to the Policy or Budget Framework the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:
(i) the decision complies with Policy & Budgetary Framework; or
(ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.

(h) The Overview & Scrutiny Committee will meet to consider a report on the called- in item within 10 working days of the item being called-in. The

Committee will decide to either:
(i) refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concern; or
(ii) decide to take no action; or
(iii) refer the matter to Council for debate.

(i) The outcome of the Overview and Scrutiny Committee consideration will normally be published electronically within two working days of the meeting and all Councillors will be notified of this.

(j) If the Overview and Scrutiny Committee decide to take no action, the original decision shall take effect at 5.00pm on the expiry of the fifth working day from the date of publication of the outcome, unless a request has been made as set out at (k) below.

(k) Any six non-Cabinet members of the Council may, by written notice to the Monitoring Officer before 5.00pm on the fifth working day after the date of publication of the outcome of the Overview and Scrutiny Committee meeting, require the decision (either refer to Cabinet or take no further actions) to be referred to a meeting of the Council. The Council will meet to consider the decision no later than 10 working days after the fifth working day following publication of the decision by the Overview & Scrutiny Committee. Any such request for a referral of the decision must set out the nature of the concern and the reasons for the referral.

(l) Council will meet to consider the called-in item, that has been referred to them, within 10 working days of the item being referred to them. Council can determine:
(i) to take no action (If this is the case the decision can be implemented the next working day); or
(ii) refer the matter to the Cabinet for reconsideration setting out in writing the nature of its concerns; or
(ii) make the decision with or without amendment, if the Monitoring Officer has determined that it falls within the Council's power to do so. (If this is the case the decision can be implemented the next working day)

(m) When the matter is referred back to the Cabinet the decision will be reconsidered at a meeting of the Cabinet no later than 10 working days after receipt of the matter was referred to them. The Cabinet will:
(i) Confirm the original decision – it then takes effect on the day after that reconsideration and cannot be called in, or
(ii) amend their original decision in anyway – in which case the decision can be subject to a further call in as detailed above.

22. Substitution of Members

(1) Subject to Procedure Rule 18, each political group may nominate, and the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee (except Standards Committee) and who is unable to attend a particular meeting.
(2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a

named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend. Save as provide above.

(3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader, or a Councillor nominated by them, five hours before the start of the meeting.

(4) Substitutes for Planning and Licensing and Regulatory Committees must have undertaken relevant training for this role before sitting on the Committee.

(5) that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

23. Selection of Chair and Vice-Chair of the Council

The Cabinet will each year recommend, in principle, to the Annual Meeting of the Council a person or persons for consideration for election as the next Chair and Vice-Chair of the Council.

24. Attendance at the Cabinet and Committees

(1) Where a motion or petition stands referred to the Cabinet or a committee or is submitted directly to the Cabinet or a Committee or an item is placed on an agenda in accordance with Procedure Rule 7 the member who moved the motion, sponsored the petition or gave notice of the item will, if they are not a member of the Cabinet/committee, have notice of the meeting of the Cabinet/ committee at which it is proposed to consider the motion, petition or item and will have the right to attend the meeting and explain the motion petition or item.

(2) The Chair of Overview and Scrutiny Committee will be able to speak if the Committee is making a recommendation or comment to the Cabinet.

(3) Any members wishing to attend meetings of the Cabinet or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Councillor will need to register to register in accordance with the Planning Committee procedure.

(4) Any member of the Cabinet wishing to attend meetings of Overview and Scrutiny Committees and to speak on items will be entitled to do so.

(5) Any members wishing to attend meetings of the Cabinet or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 22 (1) (2) (3) or (4) or by leave of the Leader or Chair which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the Code of Conduct or any local procedure and excluding Planning Committee where the Councillor will need to register to speak as per the Planning Committee procedure.

(6) Any members wishing to attend meetings of the Licensing and Regulatory Committee of which they are not members will be entitled to do so but without any right to take part in proceedings, except by leave of the Chair subject to such attendance not contravening the Code of Conduct or any local procedure. This entitlement will not extend to the discussion of any exempt information under Part 1, Schedule 12A of the Local Government Act 1972, following the Local Government (Access to

Information) (Variation) Order 2006 or the decision making process. In those circumstances, however, non-committee members shall be entitled to an explanation of the decision as soon as is reasonably practicable after the meeting.

(7) The political groups not represented by formal membership of the Cabinet will be given the right to send one observer each, to the Cabinet meetings with full speaking but not voting rights.

25. Agenda Papers

Every meeting of the Council, the Cabinet, committees and Sub-Committees will be convened by the Chief Executive five clear working days before a meeting (other than a special meeting called as a matter of urgency).

26. Urgent Items

If an urgent item needs to be considered the following procedure will need to be followed:

- Council, Committees or Sub-Committees: Consent is needed from the Chair of the respective meeting.

- Cabinet Consent is needed from the Chief Executive, following consultation with the Group Leaders and Scrutiny Committee Chair.

The reason for the need for an urgent item to be considered at a meeting will be recorded in the minutes of that meeting.

27. Special Meetings

(1) **Additional Meetings** – are meetings called by the Chair in addition to those published at the beginning of each municipal year in the Schedule of Meetings. The agenda for additional meetings must be published at least five clear working days ahead of the meeting.

(2) **Urgent Meetings –** are meetings called in accordance with the guidance below, to deal with urgent matters which could not be foreseen and which cannot wait until the next scheduled meeting or an additional meeting to be scheduled. The notice of the urgent meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting. These meetings shall not be considered suitable meetings for the signing of minutes of the previous meeting. The reason for the need for urgent meeting will need to be specified in the agenda for the meeting and recorded in the minutes of the meeting. The notification, in line with access to information procedure rules, does not need to be published with five clear working days notice, but as much notice as possible should be provided.

a) An urgent meeting of the Council will be called on the requisition of the Council by resolution, the Chair, the Monitoring Officer or any five members.

b) An urgent meeting of the Cabinet, Committees or Sub-Committees will be called on the requisition of either the Leader or the Chair or of a fifth of the whole number of the Cabinet, Committee, or Sub-Committee submitted in writing or by e-mail to the Chief Executive.

28. Inspection of Documents

(1) A member of the Council may, for the purposes of their duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Cabinet, a committee, sub-committee or by the Council, and if copies are available, will on request be supplied with a copy of such a document. This Procedure Rule will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.
(2) All reports made to, or minutes of, the Cabinet, a committee, or sub-committee will be open for inspection by any member of the Council electronically or on request in paper.
(3) These rights of members are in addition to any other statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985 and any subsequent amending regulations.

29. Disclosable Pecuniary Interests & Other Interests

(1) That any Councillor with an interest must declare that interest in any relevant item at a meeting, and if required by law or the Code of Conduct leave the meeting for the duration of that item, unless a dispensation has been granted by the Standards Committee

(2) Any such declaration and subsequent action must be recorded after the meeting in a register kept for the purpose by the Monitoring Officer

30. Variation and Revocation of Procedure Rules

Any motion to add to, vary or revoke these Procedure Rules, will be submitted to the Council and will, when proposed and seconded, stand adjourned without discussion to the next meeting.

31. Suspension of Procedure Rules

(1) Any of these Procedure Rules except 4(4) and 17(3) may be suspended for any business at a meeting of the Council, the Cabinet or a committee, where its suspension is moved; and
(2) A motion to suspend Procedure Rules must specify the business to which the motion related and, if carried, will cease to have effect upon the conclusion of that business.

32. Interpretation of Procedure Rules

The ruling of the Chair for the meeting on the interpretation of any of these Procedure Rules, will not be challenged at any meeting of the Council, the Cabinet, committee or sub-committee.

33. Recording of Meetings

The decision to record a meeting(s) of Council, the Cabinet, a Committee or Sub-Committee will be down to the individual body.

Amended by Council 16 July 2025

Council, Cabinet, Finance & Audit Scrutiny Committee, Overview & Scrutiny Committee, Planning Committee, Employment, Standards and Licensing and Regulatory Committee (and its Panels) have resolved to record all of their meetings including where the press and public are excluded (but not any private deliberation for example under the Licensing Act 2003), when they take place within the Council Chamber.

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Cabinet, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Cabinet, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

The public be permitted to speak in relation to the following items included on the agenda: notice of motion, Petitions (as defined by the Council's Petition Scheme) and any reports that requires a decision by Council at that meeting. Any request to speak on other items will be a matter of discretion for the Chair.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) Cabinet

Apart from the members of the Cabinet who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chair but if approved, will be for a maximum to 5 minutes.

(c) Committees

Licensing & Regulatory Committee
As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chair.

Planning Committee

People wishing to speak will fall into five categories, and these are:
Parish/Town Council;
Warwick District Towns Conservation Area Advisory Forum;
Objector(s) to the application;
Applicants/Supporters of the application; and
Warwick District Councillor.

That Parish/Town Councils, CAF and WDC Councillors be allowed to speak on planning applications when they have registered to do so. This is unless they are speaking as the applicant, in which case they will have to speak in the applicants/supporters category.

Parish/Town Council representatives, Warwick District Towns Conservation Advisory Forum representatives and Warwick District Councillors can only speak either in favour or objecting to the application.

To ensure equity, applicants/supporters of the application will only be allowed to address the Committee if somebody has registered to speak objecting to in the objectors category for the application, except for cases where the recommendation is to refuse. An objector to the application may only address the Committee if anyone Applicant/Supporter is registered to speak in support of the application, except for cases where the recommendation is to grant.

There is a time limit of three minutes for each category of speaker, excluding District Councillors, on all applications.

If there is more than one speaker in the same category for an item, the three minutes will be shared among them.

This is with the exception of major applications, where up to four speakers will be permitted to address the Committee in both the Objectors and Applicants/Supporters categories for a maximum of three minutes each.

The times allocated for Parish & Town Councils, CAF, Objectors and Applicants/Supporters may be varied at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application, for example, regional developments such as the former gateway proposal and the passenger terminal at Coventry Airport.

Warwick District Councillors are not permitted to address the Planning Committee for more than five minutes on any application. Unless they are providing contrary views or representing views from different District Wards, no more than one Warwick District Councillor will be permitted to address the Committee on any application.

The time for District Councillors to address the Planning Committee may be increased, at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application.

Scrutiny committees
A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

Other Committees
In line with the procedures adopted by Council.

(d) Sub-Committees

Licensing & Regulatory Committee Panels
As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels
As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Health Scrutiny Sub-Committee
As defined within the procedures adopted by the Overview & Scrutiny Committee as its parent Committee.

Other Sub-committees
As defined within the procedures adopted by Committees parent Committee

35. Local Procedures/Job Role

Each Committee will be entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be annexed to, but not form part of, the Constitution.

36. Length of Meetings

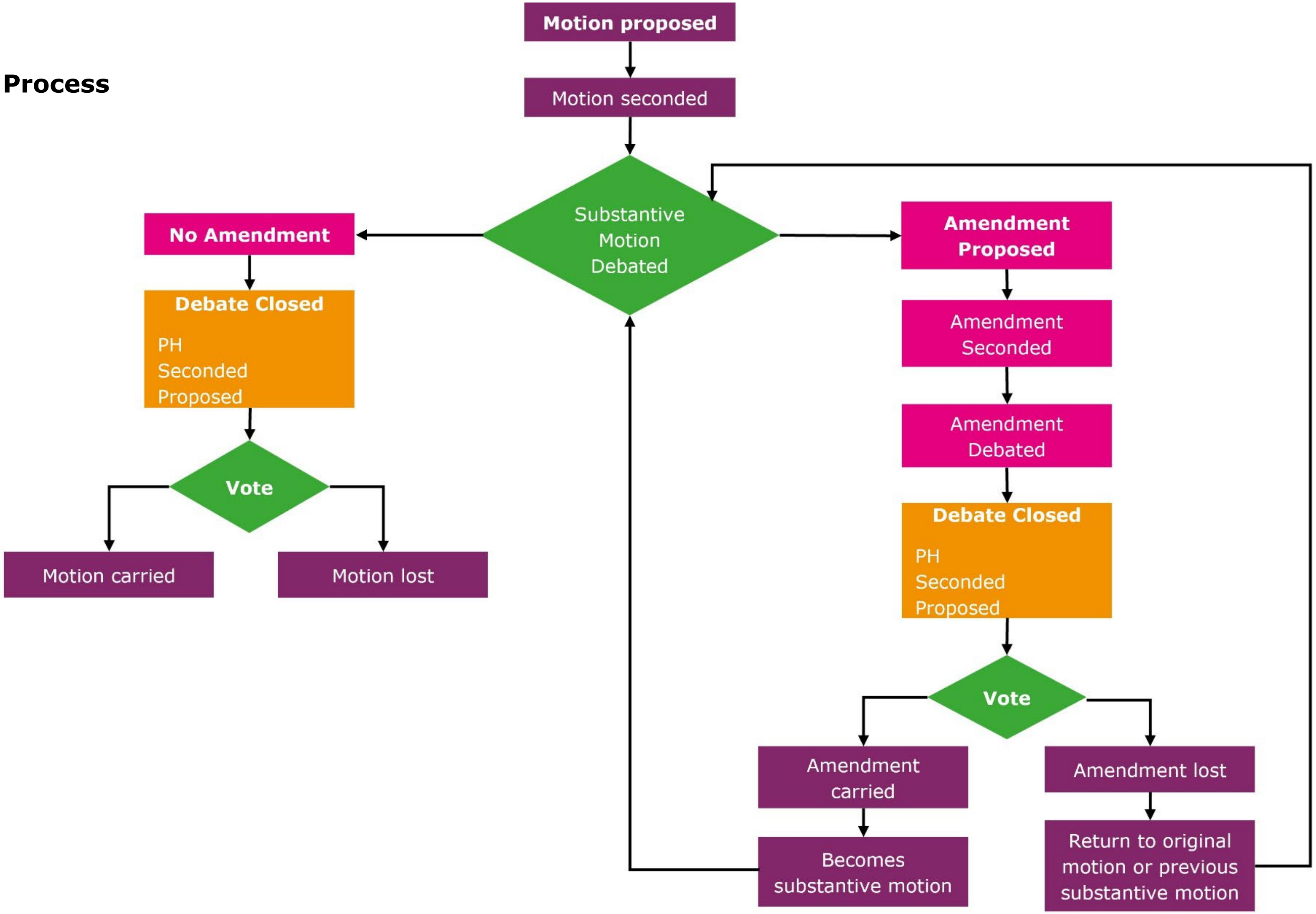
(1) A formal break in the meeting is to be taken, of no less than 10 minutes, after no later than two and a half hours into a meeting, at the at the conclusion of an item, unless at least half of those present agree to continue.

(2) no item of business will be started after 9.30pm, with the exception of the authorisation of the affixing of the Common Seal of Council*,* unless at least half of those present agree to proceed. The proposal must be moved by the Chair of the meeting, duly seconded and voted upon.

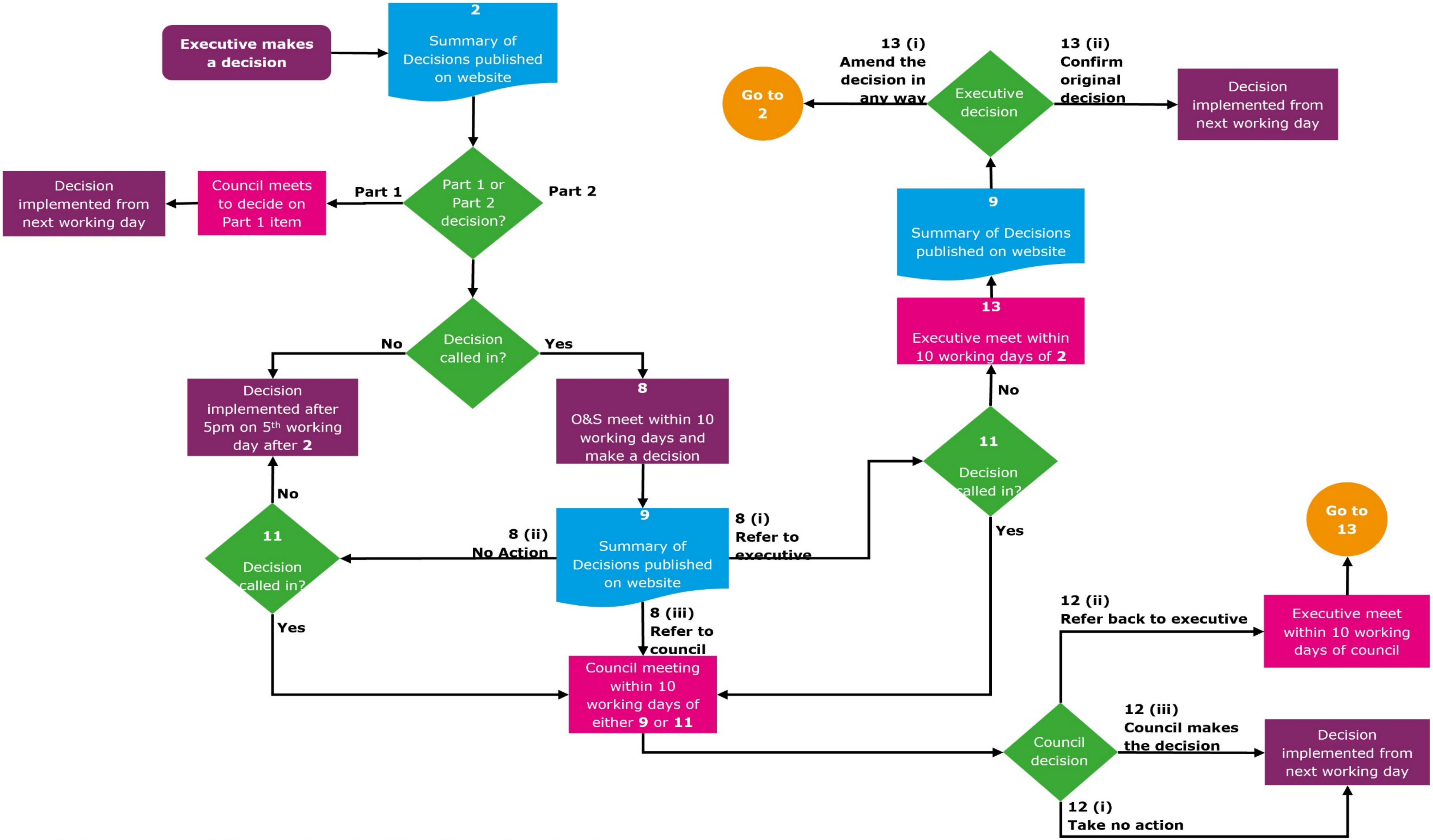
(3) If the motion in 2 is lost any remaining business will either be adjourned/deferred to a time and date fixed, which is to be no earlier than 6.00pm the next working day, by the Chair; but if no date is fixed any item not considered will stand deferred to the next scheduled meeting of the Council/Cabinet/Committee.

Appendix A

Council Debating Process



Council Call-In Procedure



(4) – The decision must be called in by at least 3 councillors within 5 working days pf the published decision

(11) – The decision must be called in by at least 6 councillors within 5 working days of the published decision.

NB: Where it is cited that the decision is contrary to the Policy or Budget Framework, the Monitoring Officer will consider this under Article 12 and will be advise the Overview & Scrutiny Committee in covering report for when they consider the called in item, that either:

(i) The decision complies with the Policy & Budgetary Framework

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who can make Cabinet decisions?

These functions may be discharged by:-

(i) The Cabinet as a whole;
(ii) a Committee of the Cabinet;
(iii) an individual member of the Cabinet known as a Portfolio Holder;
(iv) an Officer (under the Council's scheme of delegation)
(v) an area Committee;
(vi) joint arrangements; or
(vii) another Local Authority.

1.2 Sub-delegation of Cabinet functions

(i) Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an Executive function, they may delegate further to an area Committee, joint arrangements or an Officer.

(ii) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and Executive functions

The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 Conflicts of Interest

(i) Where the Leader 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 this Constitution.

(ii) If every member of the Cabinet 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 this Constitution.

(iii) If the exercise of an Executive function has been delegated to a Committee of the Cabinet, an individual member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 Cabinet meeting - when and where?

The Cabinet will at times set out in the annual timetable of meetings. The Cabinet shall meet at the Council's Town Hall, or at any other venue agreed by the Leader. Special meetings of the Cabinet may be called in accordance with Council procedure rule 26.

1.6 Public or private meetings of the Cabinet?

All meetings of the Cabinet will be held in public except for those parts of the meetings where confidential or exempt information is to be discussed.

1.7 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one quarter of the total number of members of the Cabinet or the Committee, (including the Leader), subject to a minimum of 4 for a meeting of the Cabinet.

1.8 How are decisions to be taken by the Cabinet?

(i) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(ii) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

(iii) Voting is in accordance with Council Procedure Rule 15.

2. ATTENDANCE AT CABINET MEETINGS

2.1 Who presides?

The Leader, or in their absence Deputy Leader, will preside. If they are both absent a person approved to do so by those present shall preside.

2.2 Who may attend?

(i) Members of the public (including outside bodies) may attend meetings of the Cabinet except for those parts of the meetings where confidential or exempt information is being disclosed.

(ii) Councillors not on the Cabinet as listed in Rule 23 of the Council Procedure Rules.

(ii) The Chief Executive, Deputy Chief Executives, Monitoring Officer Head of Finance and any other Officer of the Council as is considered appropriate by the Chief Executive in consultation with the Leader for that meeting.

2.3 Who may speak at the Cabinet?

Apart from the members of the Cabinet who may both speak and vote and officers advising to who may speak those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any other speaker is at the discretion of the Leader subject to a maximum of five minutes.

2.4 Order of business at the Cabinet

At each meeting of the Cabinet, the following business will be considered:-

(i) *Consideration of the minutes of the last meeting
(ii) *Declaration of interest (if any)
(iii) Notice of Motion referred by Council
(iv) Matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy framework Procedure Rules set out at Part 4 of this Constitution
(v) Consideration of reports from the Overview and Scrutiny Committees
(vi) Other reports, e.g. from Chief Executive, Deputy Chief Executives, and Officers as defined out in Article 12

NB.

(a) *These items will always appear on the agenda. Other items will appear as necessary
(b) Those reports which cover key decisions should so indicate also any which are not in accordance with the Access to Information Procedure Rules set out at Part 4 of the Constitution
(c) Recommendations and comments from the Overview and Scrutiny Committees on matters on the Cabinet agenda will be taken into account when each item is considered. When a recommendation is made, a decision will be taken upon this by the Executive to decide if it will be accepted or not and if not the reason for its rejection shall be provided and recorded in the minutes of the meeting.

2.5 Consultation

All reports to the Cabinet from any member of the Cabinet or an Officer relating to the Budget and Policy framework must contain details of the nature and extent of consultation with the stakeholders and the relevant Overview & Scrutiny Committees and 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.

2.6 Who can put items on the Cabinet agenda:-

* Any member of the Council can give nine clear days' notice that they require an item to be placed on the agenda

* Any Officer as defined in Article 12 can place items on the agenda

* Overview and Scrutiny Committees

3. MALADMINISTRATION

3.1 When in the opinion of the Monitoring Officer the Cabinet (acting as a whole or by sub-committee or portfolio holder) is guilty of acts or omissions made or about to be made which are unlawful or amount to maladministration, they shall produce a report which shall be circulated to all members of the Council.

3.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting together with the enquiry findings of the relevant Overview and Scrutiny Committee(s) following their consideration of the report.

3.3 No effect shall be given to the implementation of any proposal or decision to which the report relates until the first business day immediately following the Cabinet meeting at which the report is considered.

3.4 As soon after the Cabinet meeting as practicable the Executive shall prepare a report setting out:-

* What action (if any) it has taken in response to the report; and
* What action (if any) it proposes to take and in what timescale; and
* The reasons for its action or inaction and shall circulate the report to all members of the Council and the Monitoring Officer.

3.5 The report will be presented to the relevant Overview and Scrutiny Committee(s) and the Council for consideration.

4. FINANCIAL MALPRACTICE

4.1 Where in the opinion of the Chief Financial Officer (the Cabinet acting as a whole, by sub-committee or portfolio holder)

(i) takes or is about to take a decision which if pursued to its conclusion would involve the Council incurring unlawful expenditure or

(ii) takes or is about to take a course of action which if pursued to its conclusion could be unlawful and likely to cause the Council loss or deficiency or

(iii) is about to enter an item of account which is unlawful

They shall produce a report, in consultation with the Chief Executive and Monitoring Officer which they shall circulate to all members of the Council, and the Council's External auditor.

4.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting, the date and time of this must be noted to the Council's External Auditor.

4.3 No proposal or decision to which the report relates shall be implemented until the first business day immediately following the Cabinet meeting at which the report is considered.

4.4 As soon after the Cabinet meeting as practicable the Cabinet shall prepare a report setting out

* what action (if any) it has taken in response to the report; and
* what action (if any) it proposes to take and in what timescale and
* the reasons for its action or inaction and circulate the report to the Chief Financial Officer, all members of the Council and the Council's External Auditor

4.5 The report will also be presented to the relevant Overview and Scrutiny Committee and the Council for consideration.

OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

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

The Council has a Committee, to undertake the Scrutiny functions, whose terms of reference, general roles and specific functions are set out in Article 6 and will appoint to them as it considers appropriate, normally on an annual basis, (at the Annual Council meeting). The Committee will have a maximum of 15 members.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

All Councillors except Members of the Cabinet may be members of an Overview and Scrutiny Committee However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 20)

3. CO-OPTEES

Overview and Scrutiny Committees will have discretion to appoint non-Councillors to sit on their Committees, but those persons will have no power to vote. (Council Procedure Rule 20)

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

All Overview and Scrutiny Committees shall meet in accordance with the approved timetable of meetings.

Special meetings of the Overview and Scrutiny Committees may be called in accordance with Council procedure rule 27.

5. QUORUM

The quorum for Overview and Scrutiny Committees shall be a quarter of the membership subject to a minimum of 4. (Council Procedure Rule 3)

6. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEES?

The Chair of Overview and Scrutiny Committees will be drawn from among the Councillors sitting on the Committee and subject to this requirement, the Committee may appoint such a person as it considers appropriate as Chair.

7. WORK PROGRAMME

The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council.

8. AGENDA ITEMS

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 7.

9. POLICY REVIEW AND DEVELOPMENT

(i) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(ii) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(iii) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

10. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

(i) Once they have formed recommendations on proposals for policy development, the Overview and Scrutiny Committees will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet, (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework)

(ii) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet, with a majority report.

(iii) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Chief Executive.

11. IN ORDER TO ENSURE THAT OVERVIEW AND SCRUTINY COMMITTEES' REPORTS ARE CONSIDERED BY THE CABINET THE AGENDA FOR THE CABINET WILL CONTAIN:-

(i) A record of the Overview and Scrutiny Committee(s) recommendations and comments on agenda items.

(ii) Where individual reports are made by an Overview and Scrutiny Committee to the Cabinet, the Chair of the relevant Scrutiny Committee will normally be expected to attend the Cabinet in order to address the Cabinet and answer questions.

To assist this process Portfolio Holders each have in their remit areas of the Council services which directly relate to the remit of the Overview and Scrutiny Committees.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

(i) In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committees as appropriate depending on the particular matter under consideration, for example through the Chair of Scrutiny Committees and the Cabinet Portfolio holders

13. MEMBERS AND OFFICERS GIVING ACCOUNT

(i) Any Overview and Scrutiny Committee may scrutinise, and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the member of the Cabinet, the Head of Paid Service and/or any Officer, as defined within Article 12,to attend before it to explain in relation to matters within their remit:-

(a) any particular decision or series of decisions;
(b) the extent to which the actions taken implement Council policy; and/or
(c) their performance.

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

(ii) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive will inform the member or Officer in writing giving at least 10 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

14. ATTENDANCE BY PORTFOLIO HOLDER

(i) Where the Cabinet refers an item to any Overview and Scrutiny Committee, the relevant Portfolio Holder shall attend the meeting and may be called upon to address the Committee and answer questions on the item; and

(ii) Portfolio Holders will be expected, where practicable, to attend meetings of the Overview & Scrutiny Committees when (a) significant issues within their portfolio are being considered, and (b) performance reports are being presented where targets for which the Portfolio Holders are responsible are out of tolerance.

15. ATTENDANCE BY OTHERS

Overview and Scrutiny Committees may invite people other than those people referred to in paragraphs 13 & 14 above to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

16. CALL-IN

The mechanism for call-in is set out in the Council Procedure Rules "Call-in Explanation and Criteria".

17. THE PARTY WHIP

When considering any matter in respect of which a member of any Overview and Scrutiny Committee, is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. ORDERS OF BUSINESS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

*Items will always appear on the agenda. Other items will appear as necessary

(a) Overview and Scrutiny Committees shall consider the following business:-

- (i) *Substitute Members (if relevant)
- (ii) *Minutes of the last meeting
- (iii) Presentations
- (iv) Questions from Members
- (v) Policy framework/consultation investigation - reports from Officers covering
  - * consultation papers
  - * Cabinet consultation on Policy and budget
  - * investigations requested by the Overview and Scrutiny Committee
- (vi) Scrutiny of Performance Decisions - reports from Officers covering
  - * service performance
  - * investigations requested by the Overview and Scrutiny

Committee on the effect of decisions taken

(vii) *review of Cabinet agenda items requested to be considered by Scrutiny is 9.00am on the morning of the first Scrutiny, when there are two meeting in the same week.

(b) Where an Overview and Scrutiny Committee conducts investigations, (e.g. with a view to policy development) the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

(i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(iii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(iv) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis

(c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. Criteria for call in of Cabinet Reports to Scrutiny Committees

This process is about the pre-scrutiny of reports to be considered by the Cabinet and not the Call in procedure if members are dissatisfied with the Cabinet Decision (under Council Procedure Rule 21).

1. We encourage all members to ask questions about issues that either affect residents or in which they have an interest. Scrutiny is not the only way to do this and members should feel free to raise questions with portfolio holders at any time.

2. Scrutiny committees will consider issues that have due significance with reference to the following criteria:

a) The number of residents impacted and the significance of that impact.
b) The amount of spend involved.
c) It concerns a strategic priority of the Council or key project.

3. Scrutiny committees should only consider items where there is a tangible reason to do so. This should broadly fit into one of the following criteria:

a) Where there are concerns about the basis for a recommendation e.g. the data that had led to the recommendation is deficient, or new data or information deemed material to forming a view on the item has been provided too late for a written question and answer to be circulated before the meeting, or members are aware of contradictory evidence.
b) There is an alternative policy, development or direction which needs to be explored.

4. Reasons for any request for scrutiny to consider an item should be clearly stated based on the approach outlined above.

5. Where the Chair of the Scrutiny Committee considers the criteria is not met, they can either ask for clarification from the Councillor and, if they remain unsatisfied, decline the request for the item to be considered

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for consideration falls within the remit of one or more Overview and Scrutiny Committee the decision as to which Overview and Scrutiny Committee will consider it will be resolved by agreement of the Committee Chair.

21. MALADMINISTRATION AND FINANCIAL MALPRACTICE

Following any findings by the Monitoring Officer or Chief Financial Officer respectively, of unlawfulness/maladministration or financial malpractice the relevant Overview and Scrutiny Committee may hold a short enquiry, into the officer's report and its findings. If such an enquiry is held its findings must be available for consideration by the Cabinet at the same time as it meets to consider the Monitoring Officer's or Chief Financial Officer's report.

22. EXCLUDED MATTERS

The Committees will not be permitted to consider some matters and these will be set out within Article 6 Overview & Scrutiny Committees.

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice, except in the case of special meetings as defined within Council Procedure Rules, of any meeting by posting details of the meeting at Saltisford Building 1, off Ansell Way Warwick, and on the Warwick District Council website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;
(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
(c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND/OR SUMMARIES AFTER THE MEETING

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

a. the minutes of the meeting or records of decisions taken, together with reasons for that decision, for all meetings. This excludes any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(b) the agenda for the meeting; and

(c) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 **List of Background Papers**

The author of the report (in consultation with the Deputy Chief Executive and Monitoring Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

a. disclose any facts or matters on which the report or an important part of the report is based; and
b. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 **Public Inspection of Background Papers**

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

9. SUMMARY OF PUBLICS RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices, Saltisford Building 1, and on the Warwick District Council website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 **Confidential Information - requirement to Exclude Public**

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

10.2 **Exempt Information - Discretion to Exclude Public**

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

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

10.3 **Meaning of Confidential Information**

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

10.4 **Meaning of Exempt Information**

Exempt information means information falling within categories of the Local Government Act 1972 Schedule 12A after the Local Government (Access to Information) (Variation order) 2006.

In the event of any queries about this, contact the Council's Monitoring Officer.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer in consultation with the author of the report thinks fit, the Council may exclude access by the public to reports which in their opinion relates to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13 - 22 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is (as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

(a) a notice (called here a forward plan) has been published in connection with the matter in question;
(b) at least 28 clear days have elapsed since the publication of the forward plan; and
(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 **Period of Forward Plan**

Forward plans will be prepared by the Monitoring Officer on behalf of the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

(a) the topic and purpose of report in respect of which a decision is to be made;
(b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name;
(c) the date on which, or the period within which, the decision will be taken;
(d) any delays for the decision being taken and the reason for the delay;
(e) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
(f) the means by which any such consultation is proposed to be undertaken;
(g) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
(h) a list of the documents submitted to the decision taker for consideration in relation to the matter;
(i) the address at which the documents listed are made available for inspection, will be the District Council's Saltisford Offices, unless otherwise expressly stated; and
(j) details of the contact officer and Portfolio Holder for each item.

The forward plan must be made available for inspection at the District Council's Saltisford Offices offices and published on the District Council's website at least 28 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
(b) The officer bringing the report forward has gained approval from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chair of the relevant Overview and scrutiny Committee(s);
(c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council; and
(d) at lease three clear days have elapsed since the Monitoring Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, because the decision cannot be reasonably deferred, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement from the Chief Executive, Head of Finance, Monitoring Officer, the Leader and the Chair of the relevant Overview and scrutiny Committee(s)

17. REPORT TO COUNCIL

17.1 **When an Overview and Scrutiny Committee Can Require a Report**

If an Overview and Scrutiny committee thinks that a key decision has been taken which was not:

(a) included in the forward plan; or
(b) the subject of the general exception procedure; or
(c) the subject of main agreement with a relevant Overview and Scrutiny Committee chair, or the chair/vice chair of the Council under Rule 16;

The committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer**,** who shall require such a report on behalf of the committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 **Cabinet's Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.
The report to the Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

18. RECORD OF DECISIONS

The requirements for recording of Cabinet decisions is set out at Article 13 paragraph 13.03(c) (iii)).

19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will decide whether meetings or parts of meetings relating to matters which are not key decisions will beheld in public or private. Only items which contain confidential or exempt information may be taken (see paragraph 10 above) in private.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET (PORTFOLIO HOLDERS) OR OFFICERS WITH DELEGATED AUTHORITY

20.1 **Reports Intended to be Taken into Account**

Where an individual member of the Cabinet or an officer with delegated authority receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least three clear days after receipt of that report.

20.2 **Provision of Copies of Reports to Scrutiny Committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 **Record of Individual Decision**

As soon as reasonably practicable after an Cabinet decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, they will instruct the Monitoring Officer to prepare, a record of the decision, in line with Article 13 paragraph 13.03.

21. OVERVIEW AND SCRUTINY COMMITTEE(S) ACCESS TO DOCUMENTS

21.1 **Rights to Copies**

An Overview and Scrutiny Committee(s) will be entitled to copies of any document which is in the possession or control of the Cabinet an individual member of the Cabinet or an officer and which contains material relating to:

(a) any business transacted at a public or private meeting of the Cabinet; or
(b) any decision taken by an individual member of the Cabinet; or an Officer under delegated powers to make a key decision
(c) Provided that if the material contains exempt or confidential information that information will not be made available to the public or discussed in public session of an Overview and Scrutiny Committee

21.2 **Limit on Rights**

a. An Overview and Scrutiny Committees will not be entitled to any document that is in draft form;

b. An Overview and Scrutiny Committees will be entitled to see documents that contain exempt or confidential information provided that such information is not made available to the public and, if debated, this is done with the public excluded.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1 **Material Relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

22.2 **Nature of Rights**

These rights of members are additional to any other right they may have.

BUDGET OR POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. PROCESS FOR DEVELOPING THE BUDGET OR POLICY FRAMEWORK

2.1.1 The Budget Framework

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

* Alongside consideration of the Budget for the forthcoming year and agreeing the level of Council Tax for that year, the Cabinet will consider and agree a financial strategy setting out medium term (5 year time period) projections of the Council's financial position. In agreeing the financial strategy the Cabinet will take into account representations from the relevant Overview and Scrutiny Committee(s) and other stakeholders that it is considered appropriate to consult. The financial strategy shall cover as a minimum the Council's General Fund, Housing Revenue Account and capital expenditure and funding requirements. The financial strategy and projections will be reviewed by the Cabinet during the financial year.

* At least 6 months before the budget needs to be adopted the Cabinet will establish outline financial parameters within which the budget will be prepared. In agreeing such parameters the Cabinet is required to consult with the relevant Overview & Scrutiny Committee(s). Consultation with other stakeholders should also be undertaken by the Cabinet to the extent to which this is considered necessary.

* At least 2 months before the budget needs to be adopted, the Cabinet will publish initial proposals for the budget. These proposals shall include and detail significant changes from the current year budgets. The proposals shall include the timetable by which the Cabinet will approve the budget and details of any consultation it wishes to undertake with stakeholders.

2.1.2 The Policy Framework

The process by which the budget or policy framework is agreed:-

Five months before a policy framework needs to be adopted the Cabinet will publish initial proposals for that framework having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them. If the matter is one where an Overview & Scrutiny Committee has carried out a review of policy, the initial outcome of that review will be reported to the Cabinet and considered in the preparation of the initial proposals.

(a) The Cabinet’s proposals shall be referred to the relevant Overview & Scrutiny Committee(s) for advice and consideration. The Overview & Scrutiny Committee(s) shall consider the views of stakeholders as it considers appropriate, ensuring that this does not duplicate any consultation to be carried out by the Cabinet.

(b) The Overview & Scrutiny Committee(s) shall report to the Cabinet on its deliberation within the timetable set by the Cabinet. The Chair of the relevant Overview & Scrutiny Committee(s) will be invited to present the deliberations to the Cabinet.

(c) Having considered the views of the relevant Overview & Scrutiny Committee(s) and completed its own consultation with other stakeholders, the Cabinet, if it considers it appropriate, may amend its proposals, before submitting them to the Council for consideration.

(d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, or substitute its own proposals in their place.

(e) The Council’s decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader of the Cabinet. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet’s proposals without amendment) or (if the Cabinet’s proposals are not accepted without amendment), that the Council’s decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.

(f) If the Leader objects to the decision of the Council, they shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Head of Paid Services shall convene a special meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

(g) The Council meeting must take place within 5 working days of the receipt of the Leaders written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

(h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.

(i) In approving the budget framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the budget which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) Subject to the provisions of paragraph 5 the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Executive functions may only take decisions which are in line with the budget or policy framework.

If any of these bodies or persons wishes to make a decision which is contrary to the budget or policy framework approved by Council, then that decision may only be taken by the Council, subject to 4 below.

(b) If the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the budget or policy framework. If the advice of either of those officers is that the decision would not be in line with the existing budget or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget or policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) The Cabinet may take a decision which is not wholly in accordance with the budget or policy framework approved by Council if the decision is a matter of urgency. However, the decision may only be taken:

i. if it is not practical to convene a quorate meeting of the Council; and

ii. if the Chair of a relevant Overview and Scrutiny Committees agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Overview and Scrutiny Committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Overview and Scrutiny Committee, the consent of the Chair of the Council, and in the absence of both the Vice Chair of the Council, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

(The Chief Executive may not use his delegated authority (CE4) to take urgent decision between meetings for the purposes of amending the Policy or Budgetary Framework.)

5. VIREMENT

(a) The Council shall have the budget heads required by the Council's Code of Financial Practice.

(b) Steps taken by the Cabinet, an individual member of the Cabinet or officers, discharging Cabinet functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to exercise virement across budget heads within the boundaries set within the Council's Code of Financial Practice. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO THE BUDGET OR POLICY FRAMEWORK

The responsibility for agreeing the budget or policy framework lies with the Council, decisions by the Cabinet, an individual member of the Cabinet or officers, discharging Cabinet functions must be in line with the agreed budget or policy framework.

No changes to the budget or policy framework may be made by those bodies or individuals except those changes to the budget or policy framework allowed by the Council's Code of Financial Practice and those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET FRAMEWORK

These must be made in line with Council Procedure Rule 21.

WARWICK DISTRICT COUNCIL

CODE OF FINANCIAL PRACTICE

1. PURPOSE

1.1 In line with the Council's desire to delegate decision making to the lowest possible level whilst ensuring secure and robust protection of the Council's finances, it is essential that all staff are aware of the Council's minimum requirements of proper financial practice. This Code reflects the requirements of the relevant legislation that affects the financial management of the Council, and is designed to operate in conjunction with the Council's Constitution and Code of Procurement Practice.

1.2 The Council via its "Responsible Financial Officer" must ensure that "arrangements exist for the proper administration of its financial affairs" as referred to in Section 151 of the Local Government Act 1972. Communication is the key to fulfilling this legal requirement; this Code of Practice is part of that communication.

1.3 The financial accountabilities of the following are outlined in section 2 below:-

Council
Cabinet
Head of Finance
Heads of Service
Chief Executive
Budget Managers•
Finance Department

1.4 The Chief Executive and two Deputy Chief Executives comprise the Corporate Management Team (CMT).

1.5 The next tier of managers below the CMT are known as Heads of Service who form the Senior Management Team (SMT). The Head of Finance is a member of SMT.

1.6 Below this tier, there will be Budget Managers who are responsible for specific Revenue and Capital Budgets which provide the financial resource for them to deliver the elements of the service for which they are responsible.

1.7 Transparency Code
The Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities. This Council recognises the value to the public of the data it holds and its accountability to local people. All data produced and held in adherence with this Code of Practice will be published where it falls within the requirements of the Transparency code in a timely manner.

2. ROLES IN FINANCIAL ADMINISTRATION

2.1 The Council is responsible for the adoption of its budget framework as set out in Article 4 of the Constitution.

2.2. The Cabinet is responsible for:

(a) implementing the Council's Budget Framework including; Virements, Supplementary Budget requests, and approval of the Final Accounts;

(b) ensuring overall that this Code of Practice is followed in respect of the matters under their control;

(c) monitoring, regulating, overseeing the Council's financial performance on an ongoing basis, including managing the revenue budget and capital programme within their terms of reference;

(d) proposing the broad Financial Strategy for any period (traditionally a 5 year period) and monitoring performance against this Strategy.

(e) formulating the Council's Capital Investment Programme for any period in accordance with the Council's Budget and Policy Frameworks;

(f) considering the Council's overall net expenditure needs and recommending the level of Council Tax to be set for each year in accordance with the Council's Budget and Policy Frameworks;

(g) preparing, monitoring and periodically reviewing this Code of Practice, as it considers necessary;

2.3 The Head of Finance is:

(a) the authority's Responsible Financial Officer;

(b) the officer responsible for the proper administration of the Council's financial affairs in accordance with Section 151 of the Local Government Act 1972 (the S151 Officer);

(c) the designated officer in accordance with Section 113 of the Local Government Act 1988, whereby he is required to report to all elected members of the local authority, in consultation with the Monitoring Officer, any unlawful expenditure incurred or to be incurred or an unbalanced budget;

(d) responsible, under the general directions of the Council and Cabinet, for controlling the accounts and finances of the Council in every respect;

(e) advisor to the Council on its macro financial policy; including financial strategy, financing the capital programme, use of reserves and provisions and the setting of Council Tax and Housing Rents;

(f) the officer with delegated authority under the Local Authorities (Accounts and Audit) Regulations for determining internal audit coverage.

(g) the Council's Money Laundering Reporting Officer.

(h) The responsibilities of the Head of Finance include:

(i) the production of financial information and advice for the guidance of managers in their management of the resources employed by them in their service;

(ii) keeping the Cabinet informed with respect to the Council's finances and financial performance;

(iii) keeping the Cabinet and Scrutiny Committees informed of the financial implications of their on-going and proposed activities;

(iv) agreeing the format of accounting records and core financial procedures and systems;

(v) the format of revenue budgets, accounting information and the method of their presentation;

(vi) any financial advice not covered by 2.3(e) above;

(vii) making all duly authorised payments from the Council's bank accounts;

(viii) treasury management operations within the agreed Treasury Management Strategy;

(ix) banking arrangements;

(x) effecting necessary insurance cover and co-ordinating risk management;

(xi) arranging a programme of continuous internal audit;

(xii) advising the authority on all taxation issues that affect the authority and providing instructions and advice on the administration of V.A.T.;

(xiii) overseeing procurement arrangements across the Council and giving appropriate direction to Service Areas.

(xiv) Agreeing debt write-offs as detailed in paragraph 5.9.

2.4 The Heads of Service are responsible for:

(a) ensuring that this Code of Practice and the Code of Procurement Practice are observed in their Service Areas;

(b) ensuring the legality and proper control of expenditure and income under their direction, including compliance with the law relating to general taxation, V.A.T and the Public Contracts Regulations;

(c) proper, secure and efficient management of assets under their control;

(d) the management of risk within their sphere of activity in accordance with Part 14 of this Code of Practice;

(e) the management, in accordance with Part 9 of this Code of Practice, of capital investment projects within their sphere of activity;

(f) notifying the Head of Finance of any loss or shortfall of funds, including any errors or discrepancies;

(g) ensuring officers responsible for managing budgets or processing financial transactions are appropriately trained and follow this code and correct procedures;

(h) other matters specific to their role.

2.5 The Budget Managers are responsible for:

(a) ensuring that this Code of Practice and the Code of Procurement Practice are observed in the management of their budgets;

(b) ensuring the legality and proper control of expenditure and income under their direction, including compliance with the law relating to general taxation, V.A.T and the Public Contracts Regulations;

(c) ensuring expenditure is within the agreed budget within their control, and complying with the budget management framework agreed by the Head of Finance and the Council.

(d) proper, secure and efficient management of assets under their control;

(e) the management of risk within their sphere of activity in accordance with Part 14 of this Code of Practice;

(f) the management, in accordance with Part 19 of this Code of Practice, of capital investment projects within their sphere of activity;

(g) Notifying their Head of Service and the Head of Finance of any loss or shortfall of funds, including any errors or discrepancies;

(h) other matters specific to their role.

2.6 The Chief Executive as "Head of Paid Service" and the Deputy Chief Executive as the Council's "Monitoring Officer" under the Local Government and Housing Act 1989 are the persons who shall be consulted by the Head of Finance when preparing a report under his duties as the Designated Officer in relation to Section 113 of the Local Government Act 1988.

2.7 All officers must adhere to the arrangements put in place by the Head of Finance to ensure the Council's finances are managed so as to comply with statutory requirements and meet the Council's corporate objectives.

3. EXPENDITURE

3.1 **The Budget Framework and Committee Reports**

All managers defined in Section 1 of this code are individually responsible for expenditure under their control. They are required to ensure that any expenditure is only used for purposes the Council is legally empowered to incur. All expenditure must be incurred in line with the Procurement Code of Practice.

3.2 The Council's combined service planning and budget setting process ensures that budget proposals each year are co-ordinated under the Council's broad corporate strategy and Fit for the Future Programme. The annual budget sets the framework within which the Council's expenditure must be contained for the ensuing year.

3.3 Where there are reports to Cabinet or other specific committees which propose to vary the intention of service plans and the budgets previously approved, or there are other financial implications, managers must consult with the Head of Finance, or his staff, on the financial implications.

3.4 Specifically, Heads of Service will not advise the Council, Cabinet or other specific committees on the methods of financing any proposed expenditure without consulting the Head of Finance or his staff, and securing approval from the Head of Finance. Such consultation must give at least three clear working days for Finance staff to respond to requests for advice and subsequent approval. More complicated matters may require a longer period to consider the proposals and provide feedback.

3.5 By following the above process, it is intended that adequate opportunity will have been given to the Head of Finance and other Finance staff to assess sufficiently the financial implications of any proposal in any report to councillors. However, should points be raised during debate that are material to the decision making process, that cannot be dealt with at the meeting, no decision will be made until the Head of Finance has had the opportunity to consider the issue and prepare advice for a future meeting.

3.6 **Budget and Expenditure/Income Monitoring**

All Heads of Service and Budget Managers will be responsible for keeping strict supervision over the expenditure on all the services under their control and advising the Cabinet of any proposed expenditure not included in the Budgets, which, if incurred, would exceed the approved total estimates of the Council or the relevant service. Any significant variances must be notified to the Head of Finance immediately.

3.7 Before the start of each financial year Heads of Service and Budget Managers will acknowledge that they understand the estimates under their control and confirm the robustness of those estimates and accept responsibility for managing them.

3.8 The Head of Finance will submit revenue and capital budget review and outturn reports, along with financial projections, to the Cabinet in accordance with timescales and procedures agreed by Cabinet (as per Budget Report). Monthly Budget Review reports will also be produced by the Head of Finance for consideration by the Senior Management Team.

3.9 Heads of Service and Budget Managers will provide the Head of Finance with whatever details he deems necessary in a timely manner so as to enable the reports detailed in paragraph 3.8 to be produced. They will also consider the implications and other issues upon the medium term financial position of the Council and report accordingly.

3.9 After the close of the financial year, a statement with corresponding explanations will be submitted to the Cabinet by the Head of Finance where he considers there are significant variations between actual net expenditure and approved estimates for each main service. The report will include details of the total variations.

3.10 The estimated cost of any work(s), goods or services for which provision was made in the estimates, which had not been commenced by the 31 March in each year, may be considered to be carried forward as slippage, subject to a report by the Head of Finance to the Cabinet for their consideration. In case of urgency, the Head of Finance after consultation with the Leader of the Council, who will, as necessary, consult with the appropriate portfolio holder, may authorise 'slippage' with the details of such slippage being reported to the next meeting of the Cabinet in retrospect. Officers must endeavour to identify and notify Finance of known ”slippage” as soon as possible in advance so such requests can be reflected during the financial year. This ensures the Council’s Budgets are realistic and reflect latest expenditure plans for that year.

3.11 **Code of Procurement Practice**

In following this Code of Financial Practice, regard must be had at all times to the requirements of the Council’s Code of Procurement Practice and Procurement Strategy. The Code of Procurement Practice must be followed for ALL contracts for:

- The supply of goods to the Council
- The supply of services to the Council; and
- The execution of works for the Council
- The disposal of Council assets,
- Or any of the above for which the Council is responsible for payment but are delivered on the Council’s behalf by other agencies.

4. PAYMENT OF ACCOUNTS

4.1 In order to fulfil their broad role of responsibility described in paragraph 3.1, all managers will need to ensure that the following procedures are complied with when actually incurring expenditure and authorising payment of accounts.

4.2 It is essential that the Heads of Service ensure that there are effective internal controls over the payment process, including a clear division of duties between placing orders and paying invoices. The Heads of Service must also ensure that there is a system of authorising orders and payments which is sufficient to prevent fraudulent or inaccurate orders or payments being made. The Audit and Risk Manager must be consulted on the overall arrangements.

4.3 Orders should be raised within the Council’s Financial Management System for all services and supplies. Heads of Service will supply the Head of Finance details of those officers able to authorise orders, with appropriate authorisation limits for each officer. Orders must be raised within the Council’s Financial Management System for all services and supplies. Orders must be coded to the correct Cost Centre (where the money is being spent) and subjective Code (what it is being spent on).The order must be updated within the System to reflect the delivery of the services or supplies, or if necessary, the order should be cancelled within the system.

4.4. The placing of orders and subsequent payments must adhere to the Council's Code of Procurement Practice. Goods, works and services must be ordered from contracted Council suppliers, using an established framework or through any other public sector framework available to the Council to utilise. Purchase Orders must specify clearly the amount of goods or services to be supplied, and the price to be paid per unit. For regular recurrent supplies, such as those which entail regular monthly payments, an annual order must be raised.

4.5 The Head of Finance is responsible for arranging payment of invoices. Heads of Service will organise their payment of invoice procedures to ensure prompt payment, in accordance with the terms agreed with the respective supplier. Generally payments will only be made against an invoice submitted by a supplier, with the invoice paid against the relevant order. This should be done as soon as possible as this is the Council's protection in any dispute. The goods/services delivered or work carried out must agree with the order and delivery note (where applicable) in respect of quality, quantity and price. Invoices must be checked to ensure they are properly payable, are arithmetically correct and include the appropriate V.A.T. details.

4.6 The payment of all salaries, wages, pensions, compensation, expense claims, and other emoluments to all employees, former employees and members of the Council shall be made under arrangements approved by the Head of Finance. The Heads of Service have a duty to ensure that all appointments, resignations, absences, overtime or other circumstances affecting the salary, wage or emoluments of an employee in their Area are acted upon immediately.

4.7 The Heads of Service will have regard to the Human Resources Handbook in respect of all matters pertaining to the employment of staff and their terms and conditions.

4.8 Heads of Service must ensure that expense and mileage claims are submitted promptly in accordance with the agreed procedures and that they should only be used to reimburse personal expenses rather than corporate expenditure. Such payments must be correctly authorised and supplied with supporting documentation, receipts etc.

5. INCOME

5.1 The Heads of Service are responsible for the collection of all income due to the Council in respect of services provided by that Service Area and ensuring appropriate systems and procedures are in place, that are agreeable to the Head of Finance. All income should be collected and banked promptly, whilst minimizing all associated risks.

5.2 All income received on behalf of the Council shall be paid into the appropriate bank account. Third party and personal cheques must not be cashed from monies held on behalf of the Council.

5.3 Income should be received in advance of the provision of the service in all cases unless there is an exceptional reason as to why this may not be appropriate. Where invoices are required for the collection of debts they must be issued promptly and all necessary action taken for recovery of the amount due by the Heads of Service either directly or by arrangement with others. Collection of Debts must be in accordance with the Council's "Fair Debt Recovery Statement".

5.4 Heads of Service may authorise appropriate levels of cash floats for staff collecting cash, having regard to need and security. Appropriate records must be kept of amounts issued and staff who hold floats.

5.5 It is essential that the Heads of Service ensure that there are effective internal controls over the collection of income, including the requirement that a ticket or other form of receipt is issued in respect of every item of income received on the Council's behalf where appropriate.

5.6 In designing their control system for income, the Heads of Service must incorporate the specific requirements of the Instructions and Controls for Receiving Payments.

5.7 The Head of Finance shall ensure that proper procedures are in place to combat the possibility of the Council being used for money laundering purposes.

5.8 Heads of Service are responsible for reviewing jointly with the Head of Finance fees and charges under their control.

5.9 Heads of Service may agree to the write off of debts under their control up to £1,000, with the circumstances of the case duly considered and documented . Appropriate separation of duties should be in place to authorise and action all debts written off. Amounts over £1,000 may only be written off after the approval of the Head of Finance.

6. CONTROL OF ASSETS

6.1 The Head of Development Services is responsible for the overall management of the Council's Land and Property Portfolio. An up-to-date property asset register must be maintained by the Head of Development Services as a core record of the Council's property holdings (including housing land). Property repairs and planned maintenance is the responsibility of the Head of Housing and Property Services.

6.2 The production of the Council's Asset Management Plan will be the responsibility of the Strategic Asset Group. The SAG is chaired by a Deputy Chief Executive and is comprised of selected Heads of Service and managers from the asset owning/managing service areas. The summary of responsibilities formulated by that group will guide all aspects of asset management within the Council. The Asset Management Strategy and Annual Asset Management Plan is considered by the SAG and approved by Council.

6.3 The Head of Development Services is responsible for the proper custody of all title deeds. The Head of Development Services should ensure that all changes to the Council's asset base are notified to the Head of Finance to ensure that the Council's financial records are consistent and correct.

6.4 Heads of Service are responsible for the operational use of property and assets under their control. Appropriate up to date inventory controls should be kept of the Service's property and equipment. The Heads of Service may authorise use of equipment etc. away from the normal place of work in appropriate circumstances.

6.5 Heads of Service are responsible for the proper care and custody of stocks and stores within their Service Area, and should keep appropriate accounting records (including "stocktaking") to the satisfaction of the Head of Finance.

6.6 Disposal of land or property should always be for best consideration, subject to the principles contained in the Asset Management Strategy and follow the Code of Procurement Practice. The Head of Development Services, in consultation with ward councillors and the relevant Head of Service of the service area owning the land, may authorise disposals up to £19,999. Any disposals with a value of

£20,000 or above require approval by Cabinet. The Strategic Asset Group (SAG) should consider any proposed disposal prior to its consideration by the Cabinet.

6.7 All proposals for the acquisition of land or property should be considered against the principles contained in the Asset Management Strategy and be subject to a detailed business case bringing together all revenue and capital financial implications, and details of proposed funding. The business case will be subject to Cabinet approval.

7. BANKING ARRANGEMENTS AND TREASURY MANAGEMENT

7.1 The Head of Finance is responsible for all arrangements with the Council's bankers. All arrangements for handling the Council's cash and fund balances require the approval of the Head of Finance. The Treasury Management Strategy and Treasury Management Practices set out the arrangements to be followed in more detail.

7.2 All instruments of payment, including cheques, BACS, Fastpayments, CHAPS etc, from any of the Council's accounts, and the proper custody thereof, are the responsibility of the Head of Finance.

7.3 Cheques drawn on the Council's banking account must bear the facsimile signature of the Head of Finance or be signed by an officer authorised to do so by the Council. Cheques for and over £50,000 must bear a personal signature of two authorised bank signatories.

7.4 Creditor payments by BACS for £50,000 and over must be individually authorised by two bank signatories.

7.4 The use of corporate procurement cards is restricted to staff who have been authorised by their Head of Service and have been issued with guidelines/procedures and signed to confirm their understanding of them.

7.5 The Head of Finance must ensure a prompt monthly reconciliation of the Council's bank accounts with its cash books.

7.6 The Head of Finance shall compile annually, a Treasury Management Strategy and Annual Investment Strategy for approval by the Cabinet and Council. The responsibilities for Treasury Management are set out in the Treasury Management Practices which from part of the Strategy.

7.7 All day-to-day treasury management matters, including leasing and similar financing arrangements, are the responsibility of the Head of Finance under the terms of the Treasury Management Strategy. All borrowing, investment and other financing arrangements must be in the name of the Council.

7.8 All Trust Funds held by the Council shall, where legally possible, be in the name of the Council. Officers acting as trustees by virtue of their official position shall deposit all securities and similar documents relating to the Trust under arrangements approved by the Head of Finance unless the Trust Deed provides otherwise.

8. PROCUREMENT CARDS AND PETTY CASH

8.1 Procurement Cards are issued various Council staff, replacing the previous Corporate Credit Card arrangements. These cards must be used for low value orders and to reduce the demand on petty cash. Finance are responsible for their issue. Petty Cash must only be used in exceptional circumstances where it can be clearly demonstrated it is not appropriate to raise an order or use a Council Procurement Card.

8.2 Heads of Service are responsible for authorising who in their Service Area requires a Procurement Card for a business need. Procurement Card should only be requested where it is not possible to enter into a contractual arrangement or place an order.

8.3 Petty cash imprests will be advanced to Officers as may be determined by the Head of Finance and will be of an amount determined by him. No single payment in excess of fifty pounds, or such other figure as may be determined from time to time by the Head of Finance, will be made out of petty cash except by special arrangement with the Head of Finance.

8.2 At the end of each month, or unless otherwise agreed by the Head of Finance, petty cash records and supporting documents will be produced to the Head of Finance for checking, after which petty cash floats will be reimbursed.

8.3 A value-added tax receipt must be obtained where a payment includes value-added tax.

8.4 All income must be banked on behalf of the Council (as detailed in paragraph 5.1) and not paid into any petty cash imprest account.

8.5 Service Managers responsible for imprest accounts will, at 31 March each year, or at other times if requested, produce to the Head of Finance a certificate as to the balance of that account.

8.6 Purchasing of small value items by Procurement Card or through Petty Cash should only be for authorised expenditure for Council purposes which it is legally permitted to incur. These methods must not be used where the Council has a Contracted Supplier in place or for recurrent purchases where an order should be raised.

9. CAPITAL INVESTMENT PROGRAMME

9.1 The capital investment programme (including both Housing and General Fund services) is an important contribution to the delivery of the Corporate Strategy. Schemes will only be included in the programme once they have been approved by the Cabinet.

9.2 Prior to a scheme being incorporated in the Capital Programme, a business case for the scheme must be presented to the Cabinet. The business case must include details of:-

- How the scheme will contribute towards the Council’s priorities and it’s Fit for the Future Programme, as set out in other policies and strategies, and service plans
- a robust estimate of the capital cost of the scheme
- The revenue implications
- proposed funding for the scheme, both revenue and capital
- VAT implications
- Analysis of risks and mitigations.

9.3 If prior to a business case being submitted to Cabinet, funding for feasibility works is required, this should seek to be accommodated out of existing revenue budgets, or specific funding agreed.

9.4 The Cabinet should only agree to any scheme if it can be accommodated within the Council's available funding and the medium term financial strategy (including revenue implications) or Housing Revenue Account Business Plan, if they comply with:

(a) any guidance issued by the Head of Finance; and

(b) any guidance from the Cabinet in relation to overall resource levels, and they form part of an approved service plan and consistent with the Fit for the Future Programme.

9.5 The Head of Finance shall propose the Capital Programme for the next five years as part of the main Budget and Council Tax setting report to the Cabinet in February of each year.

9.6 Within the Capital Programme there are some rolling programme items which are included each year. These include Housing Improvements and Housing Grants. These will be included in the proposed Capital Programme each year, subject to there being sufficient funding. Once the Capital Programme has been agreed by Council, these schemes can be progressed once the relevant Head of Service had agreed with the relevant portfolio holder, in consultation with the Head of Finance and the Finance Portfolio Holder, the annual programme for the use of that budget.

9.7 Once a scheme and it associated funding has been agreed by the Cabinet and Council, the Service Manager should progress the scheme, ensuring compliance with the Codes of Financial and Procurement Practice. The relevant Head of Service may proceed to accept a tender if the tender is within the estimate of the cost approved by the Cabinet.

9.8 In the event that the tender exceeds the cost approved by the Cabinet, the Head of Service concerned must consult the Head of Finance prior to a further report being submitted to the Cabinet.

9.9 The responsibility for the management of the project will rest with the relevant Head of Service. He/she will be responsible for the delivery of the objectives set for the project within the agreed budget and for the financial management of the capital project and all necessary reporting to the Cabinet. This will include periodic reporting on progress as may be required by the Cabinet as well as within the monthly budget monitoring process (Section 3.6). Consideration must be given to the introduction of a Project Team to oversee the project where there is substantial expenditure involved or it is politically sensitive.

9.10 Along with progress being monitored as part of monitoring and review of budgets and final accounts, projects should be subject to an appropriate post implementation review to confirm whether the project objectives have been met.

9.11 **<u>Supplementary Budgets and Virement (Capital)</u>**

9.11.1 In respect of Capital Schemes in the Council's approved Capital Programme, the Cabinet can approve requests for Supplementary Estimates up to a total of £300,000 in respect of General Fund Other Services Schemes, and up to a total of £300,000 in respect of Housing Investment Programme Schemes, in any one financial year. This is subject to the total for each request not being more than £50,000 per scheme, and to the appropriate funding being available and agreed.

9.11.2 The Cabinet shall receive a report on all capital schemes where it is apparent that the scheme cost will exceed the original estimate by 5% or £10,000, whichever is the greater, together with recommendations for the funding of the increase.

9.11.3 A Head of Service responsible for a capital project, and in consultation with the Head of Finance, may approve a transfer of Budget from one capital scheme (subject to the transfer not exceeding 5% of the estimated increased capital cost of the project up to a maximum of £10,000) to another subject to the Head of Service reporting his action to the next meeting of the Cabinet.

9.11.4 Subject to 9.11.3 above, where there are scheme reports which project underspendings on particular schemes, this funding will be returned to the overall Council's Reserves.

9.11.5 Funding for the introduction of new schemes into the Council's Capital Programme can only be approved by full Council.

10. MANAGEMENT OF THE REVENUE BUDGET

10.1 The inclusion of items in approved revenue budgets shall constitute authority for the Head of Service concerned to incur such expenditure on the provision of the agreed service unless the Cabinet or the Council shall have placed a reservation on any such item or items. Expenditure on reserved items may be incurred only at such time as the reservation is removed.

10.2 Responsibility for managing the revenue budget for each service is that of the Head of Service. Heads of Service may delegate authority to spend but may not delegate their over-riding responsibility for their budgets. The manager shall provide such information at such frequency as may be required by the Cabinet, Finance and Scrutiny or Overview and Scrutiny Committees, the Corporate Management Team or the Head of Finance in order that financial performance may be monitored and regulated.

10.3 Where another Service Area is responsible for the operational running of the service (for example Repairs and Maintenance of another Service Area's Assets), expenditure should only be incurred as agreed with the Budget Holding Service Area.

11. OBJECTIVES OF BUDGETARY CONTROL

11.1 The Overall objective is to control the General Fund and Housing Revenue Account net expenditure containing it within their budgeted levels, and thereby make budgeted contributions to or from reserves at year end. This will thereby satisfy the highest standards required of local authorities.

11.2 Each Head of Service and Budget Manager is responsible for ensuring expenditure on services, and income for services, is in line with the agreed budget, subject to the rules on virement (below) and supplementary budgets.

11.3 All expenditure and income should be coded to the correct allocation code. Budgets can only be vired to match the expenditure or income, again, subject to the rules of virement (below). Income/Expenditure should not be coded to where the Budget is, where this code is not consistent with the actual activity.

11.4 Budget managers will monitor their budgets throughout the year and notify the Head of Finance of any likely variations to their budget as part of the monitoring process and Budget Review Process, raising any significant issues immediately in line with sections 12 and 13 below.

11.5 Prior to tendering to renew an existing contracted service or for a new one, the manager must determine the amount of existing Budget available During the procurement process, managers must then accommodate the agreed tender within these resources, should this be proven not to be possible the matter must be discussed with Finance at the earliest opportunity and the most appropriate course of action adopted in line with both this Code and the Code of Procurement Practice. Similarly as part of the Contract Management requirements within the Code of Procurement Practice, subsequent price variations arising during the contracted period must be reported to Finance.

12. VIREMENT

12.1 The Council's annual budget publication, "Budget and Financial Information", as issued to all members and on the Council's website, contains details of all service budgets broken down over the relevant budget heads. The budget heads will be determined by the Head of Finance in accordance with relevant statutory and other guidance, and to reflect the requirements of the Council.

12.2 The scheme of virement will be administered by the Head of Finance within guidelines set by full Council. Any variation to this scheme will require approval of full Council.

12.3 The overall Budget is agreed by the Cabinet and approved by full Council. Managers are authorised to incur expenditure in accordance with the individual budgets that make up that Budget.

12.4 Virement is the legitimate transfer of available resources from a budget head to another budget head (e.g. subsistence to office equipment). Use of virement must not create additional overall budget liability, and the detailed controls within the scheme are designed to prevent that occurring.

12.5 Virement within the same service can be exercised by Heads of Service on budgets under their control subject to the prior agreement of the Head of Finance and subject to the restrictions in this code.

12.6 Virement of amounts greater than £50,000 must be subject to the agreement of the Head of Finance and relevant Service Manager, in consultation with the relevant portfolio holders. Details of these virements should be reported to the Cabinet for information. Such a report must also cover any future year's implications.

12.7 Virement of amounts greater than £100,000 will require approval of the full Council following approval of the Head of Finance prior to the amendment being recommended to Members

12.8 The following budget heads may not be the subject of virement without the prior approval of the Head of Finance

- Capital Financing Charges (except subject to 12.13 below)
- Budgets controlled or contracted centrally (e.g. rates, insurances, postages)
- Support Services costs (recharges)
- Additional resources granted during the year especially when the additional budget is for a specific purpose. including "earmarked reserves"
- Any budgets which alter the Council's financial position as determined by the

Head of Finance (e.g. expenditure budget between Housing Revenue Account and General Fund, expenditure between revenue and capital)

12.9 Underspends in salary budgets may be used to deliver the same service by alternative means, subject to the prior approval of the Head of Finance. Any implications for the approved Staffing Establishment will need to follow the process agreed by HR and the Employment Committee.

12.10 The Council's General Fund Corporate Repairs and Maintenance budget is the responsibility of the Head of Housing and Property Services and is overseen by the Asset Management Group. Prior to each financial year the Head of Housing and Property Services will present to the Cabinet the proposed allocation of the budget over the specific projects for approval. Further updates are presented to the Cabinet for approval as necessary. The responsive element of the budget will be managed by the Head of Housing and Property Services in accordance within approved protocols. The allocation of the Corporate Repairs Budget may impact upon the Capital Programme, but this should always have a neutral impact with the funding matching the expenditure. Where the Capital Programme needs to be amended, this should be reported upon, and addressed along with the project approvals.

12.11 The Council holds some earmarked reserves and a Contingency Budget. These are held as good financial practice, with each reserve/budget being assigned for a specific purpose. The use of each reserve/budget, and the mechanism for accessing the funding will be agreed by the Cabinet and be reviewed at least annually.

12.12 In managing their budget, all managers will manage their service within the agreed budget for the year. In doing so, they must account for all controllable income and expenditure, closely monitoring areas which may be affected by external factors. When procuring and agreeing contracts, managers must refer to the Code of Procurement Practice to ensure annual increases and variations will not jeopardise their budgets. Support service recharges and capital charges are excluded from these directly controllable budgets that managers are responsible for) and closely managed. Nonetheless, managers should have regard to levels of Support Service resources consumed by their services and the cost of Capital Investment in their assets.

12.13 Budget Managers will have freedom to move budgets within individual services as described in this section. There may be occasions where responsibility for a service or part thereof is transferred from one Service Area to another. The associated budget must be transferred subject to approval of the Head of Finance.

12.14 Where additional income is received, or expenditure is below budget due to circumstances not under their direct control, the benefit of these savings will not automatically accrue to the benefit of the service. These savings must be reported to the Head of Finance so as to be reported to the Cabinet, and to be used corporately.

12.15 Where Service Managers believe it will not be possible to accommodate the cost of a particular service within the agreed budget, this must be reported to the Head of Finance at the first opportunity. Appropriate action will then need to be agreed (see section 13.5 below).

12.16 In managing budgets, the overall priority is to ensure that the overall net expenditure on a specific service is within the overall budget for that service. Managers must take appropriate actions to ensure that this is complied with.

Accordingly, whilst there may be variances alongside individual component budgets, managers need to take a strategic view of their budgets. This will entail them proactively viring between individual budget lines within a service budget. An overspend on one budgethead should be compensated by an underspend on another, where this is not possible section 13.5 may apply.

12.17 Where a saving is identified by a Head of Service (outside of those in 13.5,where the monies will be required to compensate for other unmet demands), this must be reported to the Head of Finance. The Head of Finance will make the necessary budget reduction, so reducing the Council net total budgeted expenditure. Details of this should be reported to the next appropriate Cabinet meeting. These reductions may be on a recurrent or non-recurrent basis. Should the Service Manager subsequently find this budget is still needed for its original purpose, this should be reported to the Head of Finance who will agree the appropriate action to be taken.

13. SUPPLEMENTARY REVENUE BUDGET REQUESTS

13.1 The Cabinet will have the responsibility of overseeing the management of in year adjustments (Supplementary Budgets), as defined in the Council's Budget Framework.

13.2 The Cabinet can approve requests for Supplementary Budgets up to a total of £300,000, in respect of the Housing Revenue Account, and £300,000 in respect of General Fund revenue, in any one financial year subject to each request not being for more than £50,000, and to the appropriate funding being available and agreed. 13.3 In cases of extreme urgency, the Chief Executive, with the agreement of the Head of Finance, after consultation with the Leader of the Council, and the relevant Portfolio Holder, may agree to a Supplementary Revenue or Capital Budget, along with the appropriate funding. As soon as possible afterwards, a full report must be issued to the Cabinet and Council explaining the reason for the Supplementary Budget and how it is to be funded. This is in accordance with paragraph G(17) within the Scheme of Delegation.

13.4 Where a Head of Service identifies a potential overspending (or shortfall in income) which cannot be dealt with under sections 11 and 12 above and falls outside the scope of 13.5 below, the Head of Service must report to the Head of Finance who will decide if further action to request a Supplementary Budget is justified in light of other Council priorities and available resources.

13.5 Where a Head of Service identifies a potential overspend that is totally unavoidable and for which there are no corresponding savings on other budget lines which may accommodate this overspend, the Head of Finance, in consultation with the Finance Portfolio holder, will consider a supplementary Budget (subject to a maximum of £50,000). Details of this and the associated financing must be reported to the next appropriate Cabinet meeting. Sums over £50,000 will need Cabinet approval in accordance with paragraph 13.2.

13.6 Where a saving is identified by a Head of Service (outside of those in 13.5) this should be reported to the Head of Finance. The Head of Finance may then make the necessary budget reduction, so reducing the Council net total budgeted expenditure. Details of this should be reported to the next appropriate Cabinet meeting. These reductions may be on a recurrent or non-recurrent basis. Should the Service Manager subsequently find this budget is still needed for its original purpose, the Head of Finance may approve that this is restored.

13.7 Where a Head of Service identifies a potential need, or a development that is not included within the Service Plan and budget (not covered by 13.5 above), that manager must prepare a report for the Senior Management Team to consider the implications.

13.8 The report must include the likely cost of the development in a format and degree of detail agreed by the Head of Finance.

13.9 If the Senior Management Team supports the development, then a report will be prepared for submission to the Cabinet, including a request for a supplementary Budget, and details from the Head of Finance on the means of funding the request.

13.10 On extremely rare occasions, it may be necessary for the Head of Finance to express a minority view that on financial grounds the request for a supplementary Budget should not be agreed. In such circumstances the Chief Executive will decide if the report requesting the supplementary estimate can be allowed to proceed to the Cabinet. If the Chief Executive does permit the submission of the report to the Cabinet, a separate report from the Head of Finance must be included for consideration at the same time. In these instances, it may be appropriate for the Head of Finance to utilise the provisions under S114 of the Local Government Act 1988.

13.11 There may be other circumstances where the Chief Executive believes that a request for a supplementary Budget is inappropriate, and in those circumstances the Chief Executive will decide whether or not a report be submitted to the Cabinet.

13.12 The Head of Finance shall submit to the Cabinet, as soon as possible after the financial year-end, a statement summarising those accounts, together with such observations on variations between actual and estimated sums as appear necessary.

14. RISK MANAGEMENT AND INSURANCE

14.1 Risk management is an important element of corporate governance. An embedded risk management framework enables an organisation to consider the potential impact of all types of risks on its processes, activities, services and stakeholders.

14.2 The Audit and Risk Manager shall be responsible for the development, monitoring and review of the Council's risk management policy, which will be approved by Cabinet, and shall be the Council's principal risk management adviser and co-ordinator.

14.3 The Council shall nominate an officer as the Risk Champion who shall be responsible for promoting risk management within the authority and for ensuring that the council's risk management policy is adhered to by Heads of Service.

14.4 Risk Management Responsibilities of Heads of Service:-

a. To promote a culture of risk management awareness throughout the authority.

b. To take responsibility for managing risks, having regard to advice from the Head of Finance and Audit and Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, health and safety).

c. To adhere to the Council's Risk Management Strategy ensuring that strategic and operational risks are identified, managed and controlled within their services.

d. To notify the Head of Finance (or representative) promptly of all new risks, activities, properties, vehicles or other assets that require insurance and of any alterations affecting existing insurances.

e. To notify the Head of Finance (or representative) immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Head of Finance (or representative) or the authority’s insurers.

f. To maintain inventories of equipment.

g. To consult the Head of Finance (or representative) on the terms of any indemnity that the authority is requested to give.

h. To ensure that employees, or anyone covered by the authority’s insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

i. To adhere to the authority's Business Continuity Policy ensuring that adequate and effective Business Continuity Plans are in place within their services.

15. INTERNAL AUDIT

15.1 The Council shall maintain an adequate and effective Internal Audit Service in accordance with statutory requirements and in line with the CIPFA Code of Practice for Internal Audit in Local Government, CIPFA'S Statement on the Role of the Head of Internal Audit (HIA) in Public Service Organisations and professional auditing standards. In addition to the Council being required to “make arrangements for the proper administration of their financial affairs” under the Section 151 of the Local Government Act 1972, the Accounts and Audit Regulations 2011 specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.

15.2 **<u>The Powers and Duties of Internal Audit</u>**

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on its control environment by evaluating its effectiveness in achieving the organisation’s objectives and contributing to the proper, economic, efficient and effective use of resources.

15.3 Internal Audit has an unrestricted range of coverage of the Council’s operations. To fulfil its duties it has authority to:-

a. enter at all reasonable times, on any Council’s premises or land;

b. have access to all records, documents, correspondence and computer systems relating to the Council;

c. require and receive such explanations as necessary concerning any matter under examination;

d. require any employee of the Council to produce records, cash, stores or any other Council property under their control;

e. report direct to the Chief Executive, Section 151 Officer, Leader of the Council, Members or External Auditor.

15.4 Duties of Heads of Service:-

a. To cooperate with and assist internal auditors in the conduct of their audits and investigations.

b. To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

c. To ensure that internal auditors are provided with any information and explanations that they seek in the course of their work.

d. To notify the Head of Finance or the Audit and Risk Manager of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

e. To consider and respond promptly to recommendations in audit reports.

f. To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

g. To establish and maintain effective systems of control that prevent fraud and corruption.

15.5 For Internal Audit to fulfill its responsibilities effectively, it must be independent of the activities it audits. In order to achieve this, it should not be involved, as a matter of routine, in the operation of any procedures within the Council.

15.6 Internal Audit shall report any significant control weaknesses in systems to the appropriate Head of Service. If action is not taken within a reasonable time, escalation procedures will be commenced, including reporting the matter to the Chief Executive, the Monitoring Officer, the Section 151 Officer and/or the Council's Finance and Audit Scrutiny Committee.

15.9 **Fraud, corruption and other irregularities**

The Audit and Risk Manager shall develop and maintain an anti-fraud and corruption policy and whistle blowing policy.

15.10 Any officer who suspects that any council policy or code of practice has been breached, that any financial records may have been falsified or that resources of the Council have been stolen, must immediately notify the Head of Finance or the Audit and Risk Manager personally, and confirm this in writing.

15.11 The Audit and Risk Manager, in consultation with the Head of Finance, shall take such steps as considered appropriate by way of investigation and report, including the involvement of the police where necessary.

16. THE MONITORING OFFICER

16.1 As indicated in paragraph 2.6 the Deputy Chief Executive is the Council's Monitoring Officer under the Local Government and Housing Act 1989 (S5). The Monitoring Officer must be consulted by Heads of Service if proposed courses of action could lead to illegal or other inappropriate actions by the Authority.

16.2 The Monitoring Officer will then decide the appropriate course of action.

17. NON-COMPLIANCE WITH THE CODE

17.1 The Heads of Service should advise the Head of Finance immediately, should they become aware of any non-compliance with this Code of Practice or the Code of Procurement Practice.

17.2 The Head of Finance, on becoming aware of any non-compliance, shall notify the Monitoring Officer, and the Chief Executive of the circumstances. The Monitoring Officer, the Chief Executive and the Head of Finance will then decide the action required.

Warwick District Council
Code of Procurement Practice (The Code)

This Code sets out how Warwick District Council will procure goods, works and services and also how the Council will dispose of its surplus assets and sell its services to other organisations

This Code should be read in conjunction with the Council's Financial Code of Practice, the Council's Procurement Strategy and the following Council specific policies:

- Corporate responsible procurement policy
- Corporate responsible procurement guide
- Equality in Procurement Policy
- Ethical Procurement Statement
- SME Procurement Policy
- SME-Friendly Procurement Policy
- Social Value Policy
- Social Value Procurement Handbook
- Sustainable Procurement Policy
- Contract Management Framework

This Code includes the minimum requirements on Officers and Members when undertaking procurement. Officers and Members can exceed the minimum requirements detailed in this Code but must not go below the minimum requirements as stated.

This Code is not intended to be a detailed set of instructions on how to undertake the process of procurement. More detailed guidance on how to undertake the process of procurement is included on the Intranet.

The Code has the following objectives:

- To deliver Value for Money
- To ensure the highest standards of probity
- To ensure that the Council complies with all legal requirements.
- To protect against any allegation of acting unfairly or unlawfully
- To ensure that risks are managed
- To ensure openness, fairness and transparency.
- To support the Council's corporate aims, objectives and policies

SECTION ONE

Scope & Purpose

This Code aims to promote good procurement practice, public accountability, deter corruption and provide protection against allegations of impropriety.

This Code applies to;

1.1 All procurement undertaken by, or on behalf of the Council including where the Council is acting on behalf of other bodies. A relevant procurement for the purposes of this Code is any arrangement made by, or on behalf of, the Council for the carrying out of works, the supply of goods or services, the disposal of assets or the selling of Council services to other organisations. This includes contracts let as a 'Concession'

1.2 All procurements undertaken by, or on behalf of the Council irrespective of the method of funding e.g. capital, revenue, sponsorship, donations or grants from a third party unless excluded under Section 1, paragraph 2

1.3 All Officers of the Council including any temporary employees, agents and/or consultants etc. undertaking procurement on the Council's behalf.

1.4 All Members of the Council

Exclusions from this Code

The following contracts are excluded from this Code

1.1 Contracts of employment which make an individual a direct employee of the Council;

1.2 Agreements for the leasing or acquisition of buildings or land

1.3 Agreements for the disposal or transfer of land unless the Council exerts significant influence over what the land is used for;

2.4 Loans to banks or other financial institutions and investments made in accordance with the Council's Code of Financial Practice.

Non Compliance with this Code

1.4 Any case of non-compliance with this Code must be reported immediately to the Head of Finance. Where the non-compliance results in identifiable additional cost to the Council or where the non-compliance places the Council under an identifiable increase in risk exposure or generally where the Head of Finance considers the non-compliance to be significant, a report will be submitted to the next available meeting of the Cabinet.

1.5 Failure to comply with this Code may result in disciplinary action.

4. Guiding Principles

4.1 All contracts must be let through a competitive process which meets the requirements of this Code unless an exemption has been granted or the arrangement is otherwise permitted by this Code

The following are excluded from the requirement for competition

i. Purchases made via a purchasing consortium (e.g. CCS, ESPO, YPO) catalogue or framework agreement (subject to the competition requirements associated with each individual framework agreement) accessible to the Council, however purchases above the UK Threshold will only be excluded if the purchasing consortium has let their contract in accordance with UK Procedures (where applicable) on behalf of the Council.

ii. Contracts entered into through joint working with other public bodies, where a competitive process has been followed that complies with the equivalent Code of Procurement Practice of the lead organisation provided the collaboration has let their contract in accordance with UK Procedures (where applicable) on behalf of the Council.

iii. Collaborative proposals for joint working or shared services with other public bodies. Where the aggregate contract value of the joint working or shared services arrangement is expected to exceed the relevant UK threshold, the following conditions must be satisfied: -

   i. The principal activity of the collaborative arrangement is the provision of services back to the participating bodies

ii. The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in- house service and

iii. There is no independent or private sector partner involved in the collaborative arrangement

4.2 Adequate staff resources should be identified to manage the procurement and any subsequent contracts awarded

4.3 Any contract which exceeds the relevant threshold set by the UK Government must comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government

4.4 Procurement should be undertaken using electronic procurement systems unless otherwise agreed by the Head of Finance. Only approved electronic procurement systems should be used and advice should be sought from the Head of Finance on their use. The use of electronic procurement systems does not negate the requirement to comply with all other elements of this Code.

4.5 Comprehensive and robust records of all stages of the procurement must be maintained which support the decision to award a contract.

4.6 Contracts will be awarded based on the most economically advantageous offer to the Council (MEAT). In appropriate circumstances the lowest price (for purchases) or the highest price (for disposals) alone may be considered the most economically advantageous solution for the Council. Where it is considered that lowest price (for purchases) is in the best interests of the Council, advice should be sought from the Head of Finance prior to quotation/tender documents being issued

4.7 All procurement must be appropriately authorised in accordance with the Council's Scheme of Delegation before a procurement process commences or a contract is awarded

4.8 Sufficient budget must be available to cover the initial procurement (including any associated costs such as professional support) and to cover the expected life of the contract.

4.9 All contracts must include appropriate terms and conditions that are acceptable to the Council.

4.10 All Contracts, irrespective of value, shall clearly specify:

- What is to be supplied i.e. the specification
- The price to be paid and when
- Appropriate information/indicators to enable effective management of contract performance
- Appropriate provision for contract termination

5. Responsibilities

5.1 General

Unless specifically excluded by this Code, anyone undertaking procurement or contracting on behalf of the Council must comply with this Code, the Financial Code of Practice and with all legal requirements. They must also comply with any other Codes of Practice, guidance or instructions relating to procurement or contracting issued by the Head of Finance from time to time.

Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal so high standards of conduct are obligatory. Anyone undertaking procurement or contracting on behalf of the Council must comply with the Council's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. Gifts and Hospitality should only be accepted in accordance with the Council's Gifts and Hospitality policy and it will be for the individual to show that anything received was not received corruptly.

5.2 Senior Management Team must in relation to their Service

- Declare any potential conflict of interest to the Head of Finance
- Be responsible for all procurement undertaken
- Ensure all Officers comply with this Code
- Ensure that any Officer delegated to undertake procurement is sufficiently skilled and competent and completes any required learning and development;
- Ensure that all procurement and delegated decision making is within approved budgetary limits and that there are effective systems in place to manage budgets on an on-going basis

- Ensure the procurement process and contract management aligns with Council policy, including Climate Emergency and Corporate Social Responsibility policies
- Ensure there are appropriate contract management arrangements in place for all contracts let
- Provide any information requested by the Head of Finance regarding their procurement and contracts.
- Ensure there is a comprehensive documentary record of all Quotation/Tender exercises which will include correspondence/documentation supporting the final award decision.
- Agree contract variations for their Service in consultation with the Procurement Service where required,
- Ensure that in any procurement process involving the transfer of staff into or out of the Council that all applicable statutory obligations regarding TUPE are complied with.
- Where a contract involves the transfer of staff between existing and new providers, for overseeing the TUPE process and supporting outgoing and incoming providers to ensure a smooth transition
- Ensure that all procurement and delegated decision making is within the Council's Scheme of Delegation.
- Consult with the Corporate Management Team as appropriate where any one of the following apply:
    - An innovative approach to procurement is proposed which is significantly different to current practice;
    - A proposed procurement is likely to have a significant impact on the Council's workforce;
    - A proposed contract exceeds the approved budget by £10,000 or more, exceeds the time for completion or is incurring significant risks not initially identified
- Maintain the master 'Contracts Register' on behalf of their Service which includes all live contracts with an aggregate value of £5,000 or above.
- When requested, provide the Head of Finance with details of all proposed contracts with an anticipated aggregate value of £25,000 or above

5.3 **The Head of Finance shall**:

- Declare any potential conflict of interest to the Chief Executive
- Maintain the Code of Procurement Practice and all supporting procurement related guidance;
- Provide appropriate professional advice, guidance, training and support to Officers and Members on all procurement related matters.
- Agree Exemptions up to the value of £50,000
- Report all agreed exemptions to the Cabinet on at least a 6 monthly basis
- Approve Procurement Initiation Documents (PIDs) where these are required by this Code
- Maintain and publish a forward contract plan showing all potential procurement opportunities with a total value of £25,000 or above
- Consider any declarations of interest and determine whether the individual making the declaration can continue to be involved in the procurement process or contract award
- Nominate other officers to exercise all or part of these powers on their behalf

5.4 **Officers shall**

- Declare any potential conflict of interest to the Head of Finance
- Comply with the requirements of this Code and observe any guidance or instructions relating to procurement or contracting issued from time to time by the Head of Finance
- Ensure that any procurement supports the Council's wider commissioning, business plan and policy objectives
- Ensure they have all necessary approvals before commencing any procurement process or awarding any contract;
- Ensure that where required, a PID is approved by the Head of Finance prior to any procurement activity commencing;
- Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged in good time;

5.5 **Elected Members shall**

- Declare any potential conflict of interest to the Head of Finance

- Consider initial business cases in relation to the Council's significant procurement projects
- Through effective scrutiny and review, ensure that significant procurement projects stay on track and deliver the Council's business case objectives and wider Council priorities
- Agree Exemptions with a value of £50,000 and above or below this value when referred by the Head of Finance
- Agree requests to supply services to other organisations with a value of £10,000 and above
- Agree the disposal of assets expected to be worth £50,000 and above,
- Consider reports relating to procurement and contracting submitted by the Head of Finance

6. Exemptions from this Code

6.1 Any requirement of this Code may be waived with the consent of the Head of Finance and where required, the Cabinet subject to any legal constraints

6.2 Obtaining an Exemption

- All requests for an exemption must be submitted on the Exemption Request form and be submitted in accordance with the Exemption process
- The Exemption request must clearly set out the reasons for requesting the exemption and include sufficient justification to support the request including how the proposal complies with any applicable law, demonstrates value for money and supports the Council's objectives
- Where the total contract value is below £50,000, the Head of Finance may agree the exemption with the exemption retrospectively reported to the Cabinet.
- Where the total contract value is £50,000 or above or where, in the opinion of the Head of Finance, the agreement of an exemption might increase the Council's risk profile to an unacceptable level, the Exemption must be agreed by the Head of Finance and the Cabinet, prior to any commitment being made to the supplier or any contract being entered into.

6.3 Obtaining an Exemption in an Emergency Situation

- Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services the Head of Service or Senior Management Team member may make all necessary and reasonable arrangements to manage the emergency, Full details must be reported to the Head of Finance as soon as practicable following the event.
- Any contract entered into under the emergency provisions should be for the minimum duration required to remove the immediate risk to persons or property or to reduce the disruption to Council services to a manageable level.
- Any contract awarded under the Emergency Exemption provisions must not be let for a term longer than 6 months without the prior approval of the Head of Finance and the Cabinet.
- Any contract entered into under the emergency provision must be reported to the Cabinet at the next available opportunity

SECTION TWO

PROCUREMENT PROCESS

The Council has 5 different levels of contract as detailed in the table below. Section 2 sets out in more detail the requirements when dealing with a specific procurement. Further guidance is available via the Intranet.

Contract Type	Estimated Contract Value
1	**£1 - £9,999**
2	**£10,000 - £24,999**
3	**£25,000 - £49,999**
4	**£50,000 – UK threshold for Goods and Services (Note – this includes projects covered by the Light Touch Regime and Works even though the thresholds for Light Touch Regime and Works are higher than the threshold for Goods & Services)**
5	**> UK threshold for Goods and Services**

1. Steps Prior to Purchase

1.1 Before commencing any procurement, Officers must

- Assess the need for the expenditure
- Define the objectives of the procurement
- Calculate the estimated Total Value of the contract
- Ensure that appropriate approval is in place to commence any procurement process
- Ensure there is sufficient budget available which covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
- Ensure the Council's requirements for IT system security and data security (GDPR) are satisfied where appropriate
- Ensure any necessary legal, procurement, finance, HR, ICT, risk management, technical support etc. is identified and engaged;

- Ensure resources with the necessary skills and capacity to manage the contract once it has been let;

1.2 For all contracts above the applicable UK threshold for Goods and Services (this includes any projects for 'Works' or projects covered by the 'Light Touch Regime') Officers must in addition to Section 2 point 1.1: -

- Comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
- Comply with the Council's Procurement Gateway Procedure
- Consider any contract management information and lessons learned from the previous contract where this exists
- Consult with stakeholders, users and the supply market (in accordance with Section 2 point 5 of this Code) where appropriate
- When procuring 'Services' consider whether and how through the procurement, improvements to the economic, social and environmental wellbeing of the area might be achieved and how the procurement can address the declared climate emergency (Social Value)
- Carry out an options appraisal to decide the best way to achieve the Council's objectives, including internal or external sourcing, partnering, collaborative procurement with another public body, recycling, reuse etc.
- Produce a business case and have this approved by a member of the Senior Management Team
- Assess the potential risks and how to manage them
- Submit a fully completed PID for approval by the Head of Finance
- Agree the form of contract to be used and the terms and conditions that are to apply to the proposed contract
- Consider the need for a performance bond and/or parent company guarantee.

1.3 All contracts or purchase orders issued by the Council shall:

- Be evidenced in writing;
- Refer to a contract reference number and/or contain a purchase order number
- Include appropriate Terms and Conditions

- Support the Councils wider priorities and policy objectives
- Include a requirement for the supplier to comply with all relevant statutory requirements

2 Declaration of Interest / Conflict of Interest

2.1 Officers and Members must declare any potential conflict of interest when requested to do so by the Head of Finance. This may take the form of an annual declaration and/or a project by project declaration. Failure to declare any potential conflict of interest will be taken seriously by the Council and in relation to Officers may lead to disciplinary proceedings and possible dismissal.

2.2 Any Officer or Member who has a direct or indirect interest in any procurement or proposed contract shall declare their interest in writing to the Head of Finance together with a recommendation about whether they consider they should or should not remain involved in the procurement or proposed contract.

2.3 The Head of Finance, having due regard to any recommendation in 2.2 and in relation to Officers, ensuring the availability of sufficiently skilled staff to undertake the evaluation of bids will confirm whether the reported interest is considered sufficient to exclude the individual from being involved in the procurement process or the awarding of any contract.

3 Contract Value

3.1 The procurement procedure will usually be determined by the estimated aggregate value of the contract. The aggregate value of the contract is calculated as follows

- Initial term of the contract plus any extension periods X estimated annual contract value or
- For one off requirements the available agreed budget
- For concession contracts the estimated value of the turnover of the concessionaire generated over the duration of the contract

3.2 Contract values must not be distorted or disaggregated in order to avoid the requirements of this Code or alter the procurement process.

3.3 Where the estimated aggregate value of the contract exceeds the relevant UK threshold, an UK compliant procurement process should be undertaken

4 Use of Existing Council Contracts

4.1 Before commencing a procurement process and/or seeking to let a new contract, Officers must check whether the Council already has a suitable contract in place which could satisfy the requirement. Where a suitable contract exists, that contract must be used unless agreed otherwise by the Head of Finance

5. Pre-Tender Market Engagement and Consultation

5.1 Officers may consult potential suppliers prior to the issue of an Invitation to Quote/Tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.

5,2 Officers must not, once any consultation period under 5.1 has ended seek or accept technical advice on the preparation of the actual Invitation to Quote/Tender from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential bidders and distort competition.

6. Framework Agreements

6.1 Contracts based on framework agreements may be awarded by either

6.1.1 Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or

6.1.2 Where the terms laid down in the framework agreement require the re-opening of competition or the terms laid down in the framework agreement are not precise enough, by holding a mini competition in accordance with the following procedure:

- Inviting all organisations within the framework agreement who are capable of delivering the contract to submit written quotations/tenders;

- Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract

7. Use of Existing Framework Agreements

7.1 Before undertaking a procurement process, Officers shall consider whether there is an existing pre-tendered framework agreement available. This may be a framework agreement let by another public body or by a purchasing consortium (e.g. CCS, ESPO, YPO). It may be necessary to examine a number of framework agreements to identify the best value solution for the Council

7.2 Existing framework agreements may be used where these have been established by an appropriate contracting authority and the Council can legitimately and legally access them

7.3 Where the use of an existing framework agreement is identified as the appropriate procurement route, the Officer will, in conjunction with the Procurement Service, agree the appropriate procedure for accessing the framework agreement

7.4 When using an existing framework agreement, Officers must not invite additional suppliers to bid which are not included on the Framework agreement

7.5 The use of an existing framework agreement does not remove the requirement to comply with all other elements of this Code

8. Creating Council Framework Agreements

8.1 Officers may establish framework agreements for goods, works or services. For any contracts where the aggregate contract value is likely to exceed the relevant UK threshold, the framework agreement must be established in accordance with the requirements of the Public Contracts Regulations. Where Services are considering establishing a framework agreement, they must seek advice from the Procurement Service, before commencing the procurement process

8.2 The duration of a framework agreement shall not exceed 4 years except in exceptional circumstances.

8.3 Where Services are considering establishing a framework agreement for longer than 4 years in duration, the Officer must seek advice from the Procurement Service and receive written agreement from the Head of Finance before commencing the procurement process

9. Awarding Contracts based on Framework Agreements

9.1 Contracts should be awarded to the bidder submitting the best quotation/tender on the basis of the award criteria set out in the framework agreement

9.2 Where the contract value exceeds £5,000 Officers should include details on the master 'Contract Register'

9.3 Where the contract value is £25,000 or above, a Contract Award Notice should be placed on Contracts Finder

9.4 Where the contract value exceeds the relevant UK threshold, Officers should observe a 'standstill period' before finalising the award of the contract

9.5 Where the contract value exceeds the relevant UK threshold a Contract Award Notice should be placed on the Find a Tender Service (FTS).

10. Inviting Quotations and Tenders (Contract Types 2 - 5)

10.1 All Invitations to Quote/Tender shall, as a minimum:

- Be conducted electronically using the Council's approved E-Procurement system or another E-Procurement system approved by the Procurement Service unless agreed otherwise by the Head of Finance
- Be advertised in accordance with the requirements of this Code
- Be issued to at least 3 potential suppliers unless: -
  - There are not 3 suppliers in the market or
  - Where required by the Public Contract Regulations to invite more than 3 suppliers
- Include clear instructions on how and where quotations/tenders are to be returned
- Include the date, time and process for the return
- Include appropriate terms and conditions

- Include a clear specification which describes the Council's requirements and expected levels of quality including setting out how any social value can be achieved in line with the Council's policies, such as addressing climate change impacts, sustainability issues or other Corporate Social Responsibilities associated with the contract.
- Specify the time limit (if any) for delivery;
- Describe the criteria and process that will be used to evaluate the bids including any question weightings and sub-criteria that apply ensuring that the Council's preference towards 'quality' criteria always has a combined weighting higher than that of financial or 'price' criteria
- Include Corporate Social Responsibility (CSR) Criteria (including addressing Climate Change) at a combined weighting of 5-15% within the 'quality' criteria, for all contracts over £50,000.
- Where relevant, consider whether an assessment of the foreseeable element of 'embedded carbon' contained within any tendered offer should be sought.
- Include a robust and proportionate framework for managing the performance of the contract capable of evidencing that the contract is delivering the required business benefits/outcomes, including performance in relation to carbon emissions.
- Include any supplementary information required by potential bidders to enable them to submit clear and concise bids,
- Require the completion and return of a Form of Tender and certificates relating to canvassing and non-collusion.
- When establishing a framework agreement, a clearly defined process shall be included outlining how call off contracts are to be awarded see Section 2 Point 8 of this Code

11. Advertising Requirements

11.1 All procurements with an estimated aggregate value below £25,000 are not required to be publicly advertised

11.2 All procurements with an estimated aggregate value of £25,000 or above must be advertised on the Council's E-Tendering portal and on Contracts Finder

11.3 All procurements expected to exceed the applicable UK threshold must be published on the Council's E-Tendering portal, Contracts Finder and in the FTS.

11.4 Advertisements for contracts exceeding the relevant UK threshold should not appear on the Council's E-Tendering portal or on Contracts Finder until after they have appeared in the FTS.

12. Management of Quotations and Tenders (Contract Types 2 - 5)

12.1 Bidders must be given an adequate period of time in which to prepare and submit a quotation/tender consistent with the complexity of the procurement. Where the contract value is expected to exceed the applicable UK threshold, the Public Contract Regulations require specific time periods to be observed depending on the procurement procedure being followed.

12.2 Providing clarification on any aspect of the quotation/tender to bidders during the bidding period is permitted. All clarification requests should be in writing and therefore Officers must not accept or respond to verbal clarification requests. The clarification questions asked (anonymised to ensure the integrity of the bidders) together with the Council's response must be made available to all bidders

12.3 Officers may extend the deadline for submission of quotations/tenders where it is considered appropriate to do so. Where the deadline for submission of quotations/tenders is extended, all bidders will be notified of the extension and any bidders that have already submitted a quotation/tender shall be given the opportunity to re-submit.

12.4 Quotations/Tenders will be submitted by bidders via the Council's approved E-Tendering portal unless alternative arrangements have been agreed by the Head of Finance.

12.5 A formal opening ceremony will take place and no quotation/tender submissions will be available to evaluate until after the opening ceremony

12.6 Late quotations/tenders will not normally be accepted. Officers must obtain the agreement of the Head of Finance prior to accepting any late quotations/tenders

13. Evaluation of Quotations/Tenders (Contract Types 2 - 5)

13.1 Officers are responsible for ensuring that all bids are suitably assessed. The assessment process shall, as a minimum, establish that all potential bidders have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the Council

13.3 Evaluation of bids must be undertaken in accordance with the evaluation methodology and evaluation criteria described in the quotation/tender document.

13.3 Evaluators are required to evaluate bids independently and provide comprehensive comments in support of their evaluation.

13.4 Where less than 3 quotations/tenders are returned, the evaluation can still proceed. Prior to awarding any contract in these circumstances, Officers should be confident that the bids received secure best value for the Council.

13.5 Where only one quotation/tender has been received, the Head of Service in conjunction with the Procurement Service will agree whether it is appropriate to award a contract or to abort the procurement and consider alternative options.

13.6 If the quotation/tender evaluation reveals any errors which affect the quotation/tender price, the bidder will be provided with the details of the error and given the option of confirming the price as submitted or withdrawing from the procurement process. If an Officer considers an alternative approach to be in the best interests of the Council, Officers must receive prior approval from the Head of Finance

13.7 Where information is missing from a quotation/tender, Officers may clarify the omission with the bidders with the prior agreement of the Procurement Service.

13.8 Seeking clarification of a submitted quotation/tender whether in writing or by way of a meeting is permitted. However, discussions with bidders after submission of a quotation/tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) must be the exception rather than the rule. In particular, such negotiations must not be conducted during an UK Procedure (other than within the provisions of the Competitive with Negotiation (CWN) and Competitive Dialogue (CD) procedures) without the prior agreement of the Head of Finance

13.9 If post tender negotiations appear necessary you should take advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those bidders who have met the selection criteria in the original procurement process. During negotiations, the Council's requirements set out in the original procurement process should not be substantially altered.

13.10 Apart from the debriefing required or permitted by this Code, the confidentiality of quotations/tenders and the identity of bidders must be preserved at all times and information about one bidders response must not be given to another during the evaluation process. Notwithstanding this, Officers should be mindful of the Council's duties under the Freedom of Information Act and in some circumstances some disclosure may be required to comply with those

14. Acceptance of Tenders

14.1 The table below sets out the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts intended to be awarded from collaborative procurement exercises or framework agreements including those let by organisations such as CCS, ESPO, YPO etc.

Contract	Approval To Award a Contract
1	**Commissioner or above**
2	**Commissioner or above and Procurement**
3	**Commissioner or above and Procurement**
4	**Commissioner, SMT member and Procurement**
5	**Commissioner, SMT member and Procurement**

14.2 Where external funding has being provided to support the budget for the procurement, e.g. ERDF, Heritage Lottery Fund, Friends Groups etc. acceptance of the award decision may need to be obtained from the external funder prior to a tender being accepted.

14.3 Tenders may be accepted provided that the tender sum and any on-going financial commitments can be met from within the available budget or in relation to capital expenditure, the tender sum together with any other scheme costs (e.g. fees, capital, salaries, post-contract services etc.) can be met from within the capital programme provision and that Cabinet approval for the capital expenditure has previously been granted,

14.4 Where a tender cannot be accepted because of budget limitations, a report should be submitted to the Cabinet outlining the circumstances and the possible options. It will then be a matter for the Cabinet to decide whether to proceed on a reduced basis, how the shortfall will be funded in line with the Financial Code of Practice, or not to proceed with the scheme.

15. Notifying Suppliers of the Outcome

15.1 Suppliers should be notified of the outcome of the procurement process as soon as possible after approval to award the contract has been obtained and should be notified in writing.

15.2 For contracts below the applicable UK threshold (Types 1-4), the winning bidder should be advised of the outcome prior to communicating with any unsuccessful bidders. Unsuccessful bidders should be advised of the outcome once the successful bidder has indicated their willingness to deliver the contract

15.3 Contracts that are subject to the UK procedure or any UK replacement procedure must be awarded in accordance with the requirements of the Public Contract Regulations: -

15.3.1 Intention to award letters should be issued simultaneously to all bidders (successful and unsuccessful) advising them of the intention to award the contract and providing them with a 'standstill period' of at least 15 calendar days (or 10 calendar days if notification letters are sent electronically via the Council's approved E-Tendering portal).

15.3.2 The Council's standard Intention to Award letter must be used and must include the following debriefing information: -

i. The criteria for the award of the contract;
ii. The name of the successful bidder(s);
iii. The score of the bidder, together with the score of the successful bidder/s;

iv. The reason for the decision, including the characteristics and relative advantages of the successful bidder/s; and
v. Confirmation of the date before which the Council will not enter into the contract (i.e. the date the standstill period finishes).

15.4 Unsuccessful bidders wishing to formally challenge the award decision are initially required to do so during the standstill period and before the contract award is confirmed. If an award decision is questioned in writing or formally challenged by or on behalf of an unsuccessful bidder after the issue of an Intention to Award letter and during the standstill period, the Officer shall not proceed to award the contract but shall immediately inform the Head of Finance and seek the advice of Legal Services on next steps.

15.5 Subject to no formal challenges being received during the standstill period, the Officer may confirm the award of the contract to the successful bidder using the Council's Confirmation of Award letter template

16. Publication of Contract Awards

16.1 The award of all contracts with a value of £5,000 and above must be published on the Council's website

16.2 <u>In addition</u>, the award of all contracts with a value of £25,000 and above must be published on Contracts Finder

16.3 <u>In addition</u> the award of all contracts above the relevant UK threshold must be published in the FTS.

17. Contract Signing and Order Authorisation

17.1 All contracts should be in written form and the written formalities should be completed before the contract is due to start except in exceptional circumstances and only then with the prior approval of the Head of Finance

17.2 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

17.3 Contracts over the sums specified in the Public Contracts Directive must be signed or sealed in accordance with the Council's Scheme of Delegation by the Chief Executive or their Deputies.

17.4 All other contracts may be signed by Chief Officer as defined under Article 12 of the Constitution or their duly authorised nominated officer- The Officer signing the contract on behalf of the Council must ensure that he/she has the relevant authorisation to sign the contract.

17.5 Contracts under Seal - Contracts under Seal can only be signed by a member of the Corporate Management Team. A contract must be sealed where:

- The Council wishes to extend the liability period under the contract and enforce its terms for up to 12 years;
- The price to be paid or received under the contract is a nominal price and does not reflect the value of the goods or services;

17.6 Order Authorisation - Orders can only be placed by approved Officers. Senior Management Team members will authorise the Officers allowed to place orders on behalf of the Council, along with each individual's authorisation limits.

18. Document Storage & Document Retention

18.1 All signed contracts must to be stored in the Deed Store or within the electronic contract folder

18.2 Appropriate documents and records must be retained for all contracts. In particular

18.2.1 <u>Documents or records relating to successful quotations/tenders</u> - The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract was let or is interpreted) must be kept for at least 6 years after the contract comes to an end. If the contract is made as a deed/under seal the records must be kept for a minimum of 12 years.

18.2.2 <u>Documents or records relating to unsuccessful quotations/tenders</u> must be kept for at least 24 months from the date the contract starts.

19. Form and Conditions of Contract

19.1 The contract terms and conditions used must be the most appropriate for the procurement and can be the Council's pre-agreed standard terms and conditions, industry standard terms and conditions such as JCT, NEC etc. or bespoke terms and conditions written specifically for the particular procurement.

19.2 Contracts will clearly state:

- The Services/Works to be carried out or the goods to be supplied
- The price to be paid including any discounts
- The mechanism for managing any changes or variations to the contract during its life
- The mechanism by which price adjustments (e.g. for any agreed contract changes or contract variations, any additional payments for over performance, any payment deductions for under performance, any general efficiency (cost management) initiatives and the mechanism for any inflationary increases etc.) will be managed;
- The time by when (or during which) the contract is to be carried out;
- Appropriate performance management provision to allow for effective contract management
- Powers for the Council to cancel the contract and recover any resulting losses from the contractor
- Appropriate provision for information sharing to support the Council in meeting its statutory duties
- Appropriate contract termination provisions

20. Managing Contracts

20.1 A Contract Manager will be appointed to act on behalf of the Council for all type 3, 4 and 5 contracts.

20.2 For all type 5 contracts, a member of the Senior Management Team will be appointed to the contract governance structure.

20.3 Contract Managers must manage contracts in accordance with the Councils Contract Management Framework

21 Extending Contracts

21.1 Type 1 and 2 contracts can be extended by a Commissioner if the original contract included the provision to extend (an 'option period')

21.2 Type 3, 4 and 5 contracts can be extended by a member of the Senior Management Team if the original contract included the provision to extend (an 'option period'). Before activating any option period, an Extension Approval Request form must be completed and submitted to Procurement Services in order that an appropriate level of due diligence and a value for money assessment can be undertaken.

21.3 Officers wishing to extend a contract where the original contract did not include the provision to extend (an 'option period') must follow the Exemption process

21.4 When negotiating a contract extension Officers must make all reasonable efforts to secure improved contract terms for the Council

22 Changes to Contract

22.1 Changes (variations) to requirements and/or contracts are likely to occur throughout the life of a contract. Each individual contract should describe the specific process to be adopted to manage any change however all changes are subject to the following

- The value of any changes and/or any resulting changes to the performance management framework etc. required as a consequence of the change should be fully understood by the Council and documented prior to the change being agreed/implemented.
- Contract variations not provided for within the awarded contract should only be agreed in writing and must be approved by a member of the Senior Management Team following consultation with Procurement and if appropriate, Finance, Legal, HR etc.
- If a specific change, or cumulative changes significantly increase or decrease the scale or scope of the contract this may constitute 'Material Change'. Changes or variations to contracts that are considered material changes must not be agreed without the prior approval of the Head of Finance
- Any agreed change or modification will take effect on the date of signature

- The Council’s ‘Forward Contract Plan’ and the master ‘Contract Register’ must be updated to reflect any changes/variations agreed

23 Reviewing Contractual Arrangements

23.1 Existing contracts must (as a minimum) be reviewed in accordance with the following requirements:

Total Contract Value	Review Date
£1 - £9,999	**At least 3 months before a break clause, the end of the initial contract term and the final contract end date.**
£10,000- £49,999	**At least 6 months before a break clause, the end of the initial contract term and the final contract end date.**
£50,000 - UK threshold for Goods & Services	**At least 9 months before a break clause, the end of the initial contract term and the final contract end date.**
UK threshold for Goods & Services and above	**At least 12 months before a break clause, the end of the initial contract term and the final contract end date.**

24 Concession Contracts

24.1 Concessions are a specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity must pass to the supplier.

24.2 Where Services are considering establishing a Concession contract, they should seek advice from the Procurement Service before commencing the procurement process

24.3 Where the Council seeks to grant a Concession, the Officer should follow this Code as though it were a procurement, having regard to the various thresholds, need to advertise and other matters to ensure an open, transparent and competitive process

24.4 Where the Council seeks to grant a Concession contract, the Officer should consider the potential to secure future income streams or other non-cost benefits to the Council

24.5 Where the value of a Concession contract to be awarded is above the threshold set in the Concession Contracts Regulations 2016, Officers must follow the process identified in those Regulations.

25 Appointment of Consultants

25.1 Consultants are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with this Code.

25.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the deliverables expected, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment.

25.3 Records of consultancy contracts shall be maintained in accordance with this Code

25.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Council's Insurance Manager for the periods specified in the respective agreement.

26 The Council as a Supplier of Works, Goods or Services to External Organisations

26.1 The Head of Finance must be consulted where contracts to work for organisations other than the Council are proposed in order to: -.

a) Confirm the Council can legally enter into the contract;
b) Confirm the legality of the charging arrangements; and
c) Approve the terms and conditions of the proposed contract.

26.2 Officers shall produce a robust business case for the Council acting as a supplier which fully takes into account the costs to the Council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the Head of Finance.

26.3 Officers shall liaise with the Council’s Insurance Manager to ensure any potential liabilities are sufficiently covered by the Council’s insurance policies.

26.4 Prior to signing any agreement to supply services to another organisation, Officers must get the necessary approval. For contracts with a value less than £10,000 approval can be obtained from the relevant member of the Senior Management Team. For contracts with a value of £10,000 and above approval must be obtained from the Cabinet

27 Disposal of Assets

27.1 The following requirements apply to all disposals

- Any asset considered to be available for disposal should be offered for re-use within the Council prior to being disposed of externally.
- Assets should not be sold without competition unless agreed by the Head of Finance
- For assets expected to be worth £50,000 and above, Cabinet approval should be sought prior to commencing the disposal process
- Officers should use best endeavours to secure at least two written quotations
- Quotations can be obtained in the form of formal bids (the Council’s E-Tendering portal can be used for this purpose) or by public auction (e.g. EBay, property/land auction etc.).
- In the event that an online auction (e.g. EBay) is used then the auction must be conducted using a Council account and under **NO** circumstances should personal accounts be used
- If a low value asset cannot be sold then consideration should be given as to its suitability to support local charities, voluntary groups, parish councils etc.
- In considering the proposal to dispose of land or property it is necessary to follow the Code of Financial Practice. Disposal of land and buildings are not normally covered by the Public Contracts Regulations or this Code. However, if the disposal is linked to further outputs or developments then there may be a requirement to comply with the Public Contracts Regulations. In these circumstances, Officers must seek advice from Procurement Services.

DEFINITIONS

Word	Definition
Agent	A person or organisation acting on behalf of the Council.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected
Bidder	Any person or organisation submitting a Quotation or Tender
CCS	The Crown Commercial Service
Code of Conduct	The 'Officers Code of Conduct'
Commissioner	Those officers within the Council responsible for identifying a business need and through the process of procurement securing that need on behalf of the Council
Concession	A specific type of contractual arrangement under which the Council will grant the supplier the right to exploit an opportunity and receive some or all of its income from third parties. The operating risk which comes from exploiting the opportunity must pass to the supplier
Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.
Contract Manager	Those officers carrying out post award monitoring and management of a contract in accordance with the Council's contract management framework.
Contracts Finder	A Government portal for the advertisement of central and local government contract opportunities and contract awards (https://www.contractsfinder.service.gov.uk/Search)
Contract Register	The Council's internal record of all contracts awarded with a value of £5,000 or above
Councils E-Tendering Portal	CSW-JETS (https://in-tendorganiser.co.uk/csw-jets/aspx/ITLogin.aspx)
ESPO	The Eastern Shires' Purchasing Organisation
Existing Council Contract	A contract entered into directly by the Council that can be utilised by all Services for the supply of the goods, works or services specified within its terms.
Existing Framework Agreement	An existing contract let by another public body or purchasing organisation such as CCS, ESPO, YPO that may be legally utilised by the Council
UK Procedure	The procedure required by the Public Contract Regulations (2015) where the Total Value exceeds the UK Threshold
UK Threshold	The contract value at which the UK public procurement directives must be applied
Forward Contract Plan	The Council's internal record of all existing or potential contracts with a value of £25,000 or above

Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the main terms governing call off contracts to be awarded during a given period.
Freedom of Information	The Freedom of Information Act 2000 is an Act of Parliament that creates a public "right of access" to information held by public authorities.
Head of Finance	The Head of Finance or his/her specified nominee
Invitation to Tender	A document issued to bidders inviting competitive bids for works goods or services
JCT	Joint Contracts Tribunal standard building contract designed for large or complex construction projects
Material Change	Substantial changes or variations (individual or cumulative) that result in the agreement being “materially” different in character from the original agreement
MEAT	(Most Economically Advantageous Tender) A method of assessment that allows the contracting party to award the contract based on aspects of the tender submission other than just price.
NEC	The New Engineering Contract (NEC), or NEC Engineering and Construction Contract, is a formalised system created by the Institution of Civil Engineers that guides the drafting of documents on civil engineering and construction projects for the purpose of obtaining tenders, awarding and administering contracts.
FST	The Official Find a Tender Service of United Kingdom
Officer	A person employed by or acting on behalf of the Council
PID	The Council’s internal Procurement Initiation Document
Procuremen t Service	The centralised procurement service for Warwick District Council
Purchasing Consortium	Two or more independent organisations that join together, either formally or informally for the purpose of combining their individual requirements for purchased goods, services and works
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Scheme of Delegation	The Council’s internal arrangements delegating responsibility and accountability to take decisions and commit expenditure
Selection Criteria	The criteria by which Bidders are chosen to have their Award criteria evaluated or to submit quotations or tenders
Substantial Procuremen	Procurement exercises equal to or above the values defined as a Key Decision in Article 13 of the Constitution
SMT	The Council’s senior management team
Standstill Period	A legal requirement imposed through the Public Contract Regulations which provides for a short (at least 10 calendar days) pause between the point when the contract award decision is notified to Bidders and the final contract conclusion during which time the decision can be challenged.

TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246] Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a 'contracting-out' or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
YPO	The Yorkshire Purchasing Organisation

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Chief Officer of the Council, as defined in Article 12; or the partner of such persons.

(ii) No candidate so related to a Councillor or Chief Officer will be appointed without the authority of the relevant Chief Officer or the Head of Paid Service (especially if the identity of the related Chief Officer and relevant Chief Officer coincide).

(b) Seeking support for appointment.

(i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service, Statutory Officers and Chief Officers

Where the Council proposes to appoint such an officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

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

(c) make arrangements for a copy of the statement mentioned in paragraph 1 and 2 to be sent to any person on request.

3. Appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

(a) The appointment of the Head of Paid Service will be recommended by the Employment Committee to Council and no offer will be made until Council has made this decision.

(b) No appointment will be made to the post of the Head of Paid Service, Monitoring Officer or Chief Finance Officer where the Leader of the Cabinet advises the proper officer appointed for the purpose that the Cabinet have a well-founded and material objection to the appointment of that person.

4. Appointment of Chief Officers as defined in Article 12 (excluding the Head of Paid Service, Monitoring Officer and Chief Finance Officer)

The appointment of Chief Officers will be made by an interviewing panel which will be the Joint Appointments Committee.

5. Other Appointments

Councillors will not be involved in the appointment of any officer below Chief Officer level. The responsibility for these appointments will be with the Head of Paid Service in liaison with the relevant Chief Officer.

Disciplinary Action

(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer

Statutory Officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.

In an emergency, the Head of Paid Service or the Monitoring Officer may suspend a Statutory Officer. In other cases, only the Employment Committee may suspend a Statutory Officer, or extend the suspension. No disciplinary action may be taken in respect of a Statutory Officer except in accordance with a recommendation in a report made by a designated independent investigator.

A politically balanced Sub-Committee of no fewer than four members and no greater than six will be appointed by the Employment Committee to consider any allegations of discipline.

(b) Chief Officers

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer, a Sub Committee of no fewer than four elected members will be established by the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in disciplinary action against any Officer below a Chief Officer.

7. **Dismissal**

(a) Head of Paid Service, Monitoring Officer & Chief Finance Officer

The dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer must be recommended by Employment Committee and ratified by Council.

Where a Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least a member of the Cabinet.

When a recommendation to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer is made by a Sub-Committee, the Head of Paid Service or the Monitoring Officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Sub-Committee prior to any recommendation for dismissal being made to Council.

The committee or sub-committee must be appointed at least 20 working days in advance of the scheduled hearing.

In cases where dismissal is recommended the final decision will be taken by council, who must consider any advice, views or recommendations from the committee or sub-committee, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

Notice of dismissal of a Statutory Officer shall only be given where no well-founded objection has been received from any member of the Cabinet. This shall be provided by the Leader to the officer appointed for the purpose of this procedure.

No notice of dismissal of a Statutory Officer may be given by the council before the proposal has been considered by an Independent Panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

(b) Chief Officers

The dismissal of Chief Officers will be made by a Sub Committee of Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

8. **Appeals**

The Council's disciplinary capability and related procedures, as adopted allow the right of appeal to a sub-committee in respect of disciplinary matters.

If the Sub-Committee takes action short of dismissal, the Statutory Officer may appeal to a Sub-Committee of the Employment Committee. The Sub-Committee (or no less than four Councillors who have not previously considered the case) will consider the report of the Independent Investigator and any other relevant information considered by the Disciplinary Sub-Committee, e.g. new information, Cabinet objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of this Sub-Committee will be final.

NB. Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to Information procedure rules of the Constitution.

Warwick District Council
Local Code of Corporate Governance

Warwick District Council subscribes to the *Delivering Good Governance in Local Government: Framework*, produced by CIPFA in association with SOLACE.

In doing so, the Council subscribes to the seven core principles of governance set out in the Framework with these forming the basis of its Local Code of Corporate Governance.

The Council therefore commits to:

- **Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law.**
- **Ensuring openness and comprehensive stakeholder engagement**
- **Defining outcomes in terms of sustainable economic, social, and environmental benefits.**
- **Determining the interventions necessary to optimise the achievement of the intended outcomes.**
- **Developing the entity's capacity, including the capability of its leadership and the individuals within it.**
- **Managing risks and performance through robust internal control and strong public financial management.**
- **Implementing good practices in transparency, reporting, and audit to deliver effective accountability.**

Applying the core principles and sub-principles of good governance set out in the *Delivering Good Governance in Local Government: Framework* the Council's Local Code of Corporate Governance is set out overleaf.

In high-level terms the Council commits to:	In specific terms the Council commits to:
A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law *Explanatory Notes: Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.*	A1. Behaving with integrity • Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the Council. • Ensuring members take the lead in establishing specific 'standard operating principles' or values for the Council and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles). • Leading by example and using the above standard operating principles or values as a framework for decision making and other actions. Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.
	A2. Demonstrating strong commitment to ethical values • Seeking to establish, monitor and maintain the Council's ethical standards and performance • Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the Council's culture and operation • Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with ethical standards expected by the Council.
	A3. Respecting the rule of law • Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. • Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements. • Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders. • Dealing with breaches of legal and regulatory provisions effectively. Ensuring corruption and misuse of power are dealt with effectively.

In high-level terms the Council commits to:	In specific terms the Council commits to:
B. Ensuring openness and comprehensive stakeholder engagement *Explanatory Notes: Local government is run for the public good; Councils should therefore ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.* *NB: institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.*	B1. Openness • Ensuring an open culture through demonstrating, documenting and communicating the Council's commitment to openness. • Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided. • Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear. Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.
	B2. Engaging comprehensively with institutional stakeholders • Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably. • Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively. • Ensuring that partnerships are based on: – trust – a shared commitment to change – a culture that promotes and accepts challenge among partners and that the added value of partnership-working is explicit. NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.
	B3. Engaging with individual citizens and service users effectively • Establishing a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes. • Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement. • Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. • Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account. • Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity. Taking account of the impact of decisions on future generations of tax payers and service users.

In high-level terms the Council commits to:	In specific terms the Council commits to:
C. Defining outcomes in terms of sustainable economic, social, and environmental benefits *Explanatory Notes: The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.*	C1. Defining outcomes • Having a clear vision that provides an agreed formal statement of the Council's purpose and intended outcomes, containing appropriate performance indicators, and which provides the basis for the Council's overall strategy, planning and other decisions. • Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer. • Delivering defined outcomes on a sustainable basis within the resources that will be available • Identifying and managing risks to the achievement of outcomes. Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.
	C2. Sustainable economic, social and environmental benefits • Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. • Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints. • Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs. Ensuring fair access to services.

In high-level terms the Council commits to:	In specific terms the Council commits to:
D. Determining the interventions necessary to optimise the achievement of the intended outcomes *Explanatory Notes: Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.*	D1. Determining interventions • Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided. Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.
	D2. Planning interventions • Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets. • Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. • Considering and monitoring risks facing each partner when working collaboratively, including shared risks. • Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. • Establishing appropriate key performance indicators as part of the planning process in order to identify how the performance of services and projects is to be measured. • Ensuring capacity exists to generate the information required to review service quality regularly. • Preparing budgets in accordance with objectives, strategies and the medium term financial plan. Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.
	D3. Optimising achievement of intended outcomes • Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints. • Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term. • Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage. Ensuring the achievement of ‘social value’ through service planning and commissioning.

In high-level terms the Council commits to:	In specific terms the Council commits to:
E. Developing the entity's capacity, including the capability of its leadership and the individuals within it *Explanatory Notes: Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.*	E1. Developing the entity's capacity • Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness. • Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently. • Recognising the benefits of partnerships and collaborative working where added value can be achieved. Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.
	E2. Developing the capability of the entity's leadership and other individuals • Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained. • Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body. • Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority. • Developing the capabilities of members and senior management to achieve effective leadership and to enable the Council to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: – ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged – ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis – ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external. • Ensuring that there are structures in place to encourage public participation. • Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections. • Holding staff to account through regular performance reviews which take account of training or development needs. Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

In high-level terms the Council commits to:	In specific terms the Council commits to:
F. Managing risks and performance through robust internal control and strong public financial management *Explanatory Notes: Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.* *A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.* *It is also essential that a culture and structure for scrutiny are in place as a key part of decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.*	F1. Managing risk • Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making. • Implementing robust and integrated risk management arrangements and ensuring that they are working effectively. Ensuring that responsibilities for managing individual risks are clearly allocated.
	F2. Managing performance • Monitoring service delivery effectively including planning, specification, execution and independent post implementation review. • Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council's financial, social and environmental position and outlook. • Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council's performance and that of any organisation for which it is responsible. • Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision-making. • Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement. Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).

	F3. Robust internal control • Aligning the risk management strategy and policies on internal control with achieving objectives. • Evaluating and monitoring risk management and internal control on a regular basis. • Ensuring effective counter fraud and anti-corruption arrangements are in place. • Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor. • Ensuring the Finance & Audit Scrutiny Committee, which is independent of the Cabinet and accountable to the governing body: – provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment has its recommendations listened to and acted upon.
	F4. Managing data • Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data. • Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies. Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.
	F5. Strong public financial management • Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance. Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

In high-level terms the Council commits to:	**In specific terms the Council commits to:**
G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability *Explanatory Notes: Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.*	G1. Implementing good practice in transparency • Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate. Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.
	G2. Implementing good practices in reporting • Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. • Ensuring members and senior management own the results reported. • Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement). • Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate. Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations.
	G3. Assurance and effective accountability • Ensuring that recommendations for corrective action made by external audit are acted upon. • Ensuring that an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements, and ensuring recommendations are acted upon. • Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations. • Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement. Ensuring that, when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.