

Part 4

Rules of Procedure

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1. ANNUAL MEETING OF THE COUNCIL

Timing and Business

1.1 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.

1.2 In the below order the Annual Meeting will:

- (i) Elect a person to preside if the Mayor or Deputy Mayor of Council are not present;
- (ii) Elect the Mayor of Council;
- (iii) Elect the Deputy Mayor of Council;
- (iv) Approve the minutes of the previous meeting;
- (v) Receive any announcements from the Mayor or Chair of the meeting;
- (vi) Note the decision of the Leader as to the number of Members of the Executive; who they have appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and Officers;
- (vii) Appoint at least one Overview and Scrutiny Committee, a Councillor Conduct Committee and such other bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) Agree the scheme of delegation;
- (ix) Approve a programme of ordinary meetings of the Council for the year;
- (x) Consider any urgent business requiring consideration at the meeting; and
- (xi) Agree the calendar for Council bodies for the year.

Selection of Councillors on Committees and Outside Bodies

1.3 At the Annual Meeting, the Council meeting will:

- (i) Decide which member level bodies to establish for the municipal year;
- (ii) Decide the size and terms of reference for those bodies;
- (iii) Decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) Receive nominations of councillors to serve on each council and outside body; and

- (v) Appoint to those council bodies and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

Role of Annual Council Meeting when there has been an ordinary election

- 1.4 At the first Annual Meeting after an ordinary election of councillors the following shall apply in addition to the above:
 - (i) Elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections;
 - (ii) Note appointment by the Leader of their Deputy Leader to serve for the four-year term;
 - (iii) Note the Leader's decision as to the number of Executive Members, their respective functions, and any other executive changes the Leader may have made.

2. ORDINARY MEETINGS

Frequency of Council Meetings

- 2.1 Ordinary meetings of the Council will take place in accordance with the calendar decided at the Council's Annual Meeting.

Order of Business

- 2.2 The order of business at ordinary meetings of the Council will be as follows:
 - (i) Elect a person to preside if the Mayor and Deputy Mayor are not present;
 - (ii) Apologies;
 - (iii) Mayor's announcements;
 - (iv) Receive any declarations of interest from councillors;
 - (v) Approve as a correct record and sign the minutes of the last meeting of the Council;
 - (vi) Deal with any business required by statute to be done before any other business;
 - (vii) Receive and consider any Petitions referred to Council;
 - (viii) Opposition Business in accordance with Rule 15;
 - (ix) Deal with any other business expressly required by statute or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committee, General Purposes Committee, Councillor Conduct Committee or other Joint Bodies and Partners;
 - (x) Consider motions;
 - (xi) Answer questions asked in accordance with Rule 10;

(xii) Other business, if any, specified in the summons.

2.3 Items 2.2(i) to (viii) above shall not be displaced, but items 2.2(ix) to (xi) above may be varied in accordance with Rule 4 below. A maximum of 15 minutes shall be set aside for items 2.2(i) to (iv).

Removal of Leader

2.4 The Leader can be removed by a majority vote of the Council. If such a resolution is passed the Council should elect a new Leader at the same meeting; otherwise, the Deputy Leader is to act in their place until a new Leader can be elected.

3. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

3.1 An extraordinary meeting may be called at any time by the Mayor of Enfield.

3.2 Extraordinary meetings of the Council may also be called by:

- (i) The Council by resolution;
- (ii) The Chief Executive;
- (iii) For the purposes of a statutory report the Monitoring Officer and/or the Chief Finance Officer; and
- (iv) Five Councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

3.3 The business to be carried out at an Extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting, unless the Mayor decides otherwise.

4. COUNCIL AGENDA TIMING

4.1 The timings set out below, and order of business will be adhered to during the Council meeting.

4.2 During the meeting, the Mayor may agree that amendment of the timings or the order of business is justified, a motion to vary them may be put to the meeting, subject to Rule 2.2, and in accordance with Rules 9.2 and 13.10. Such a motion shall specify how the remainder of the business is to be dealt with and may include an extension of the meeting under Rule 9.2.

4.3 When there is no Opposition Business:

- (i) 15 minutes allocated to in accordance with Rule 2.2;

- (ii) 60 minutes Reports;
- (iii) 50 minutes Motions;
- (iv) 20 minutes Council Questions;
- (v) 5 minutes Memberships and remaining items.

4.4 When there is Opposition Business:

- (vi) 15 minutes allocated to in accordance with Rule 2.2;
- (vii) 45 minutes Opposition Business;
- (viii) 60 minutes Reports;
- (ix) 50 minutes Motions;
- (x) 20 minutes Council Questions;
- (xi) 5 minutes Memberships and remaining items.

4.5 At the Annual and Budget meetings of the Council there will be no Opposition Business or Motions.

5. NOTICE OF AND SUMMONS TO COUNCIL MEETINGS

5.1 The time and place of meetings will be determined by the Monitoring Officer and notified in the summons. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by the relevant available reports.

5.2 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

5.3 At least five clear working days before a meeting, a summons signed by the Monitoring Officer will be issued to every councillor.

5.4 The summons will be issued in electronic format to councillors unless a councillor notifies the Monitoring Officer, they wish to receive a hard copy.

6. CHAIR OF MEETING

6.1 The person presiding at the meeting may exercise any power or duty of the Chair.

7. QUORUM

7.1 The quorum for any meeting of the Council is at least one quarter of the whole number of Members of the Council. Based on a current membership of 63 councillors, quorum is 16 councillors.

- 7.2 No business will be considered at a meeting of the Council unless there is a quorum present.
- 7.3 During any meeting if the Mayor, after counting the number of councillors present, declares that there is not a quorum present, the Mayor will adjourn the meeting. Any business not carried out will be adjourned to a time specified by the Mayor at the time the meeting is adjourned, or if a time is not specified, to the next ordinary meeting of the Council.

8. DURATION OF COUNCIL MEETINGS AND GUILLOTINE PROCEDURE

- 8.1 All Council meetings will start at 7.00pm, unless the Mayor decides otherwise, and will finish at the time specified in the agenda, which shall not be later than 10.15pm.
- 8.2 In exceptional cases and if agreed by Council, meetings can be extended for additional periods of no more than 30 minutes each.
- 8.3 If the business on the agenda has not been completed at the time the Council meeting is due to finish, the following procedure will apply:

(i) **Motions and Reports**

- Any motions or reports under debate (including any amendments) shall be voted upon without further discussion. Voting shall be by a show of hands and no roll call shall be taken;
- Motions not yet considered will lapse unless referred by the Mayor to another council body. A lapsed motion does not imply consent or dissent by the Council meeting;
- Any reports not yet considered, shall be deemed formally moved and seconded and then each report will be put straight to the vote by show of hands. No roll call shall be taken. No speeches, questions or debate shall be allowed on these items.

(ii) **Other Business on Agenda**

- The Mayor shall then put to the meeting, in sequence and without debate, each further remaining item of business on the agenda. No procedural or other motion, question, comment, or debate shall be permitted. Answers to questions not yet asked will be taken as printed on the agenda papers; and

(iii) **Nominations to Outside Bodies and Council Memberships**

- The Council will be deemed to have agreed memberships of Council bodies (except Cabinet appointments) and nominations to

outside organisations in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

9. QUESTIONS

General

- 9.1 All questions at the Council meeting must relate to the Council's powers or matters that affect the Borough. Questions will be put and answered without debate. The question must specify the relevant councillor who is being asked to respond. In the case of any doubt the Monitoring Officer, in consultation with the Mayor, will decide the appropriate councillor to respond.
- 9.2 The Monitoring Officer has the power to reject questions for the following reasons if it:
- (i) Does not relate to a matter about which the local authority has powers or duties, or which significantly affects the borough;
 - (ii) Is substantially the same as a question which has been put at a meeting of the Council in the past 6 months;
 - (iii) Requires disclosure of confidential or exempt information;
 - (iv) Relates to a specific planning or licensing application; and/or
 - (v) Is a matter subject to litigation or could place the Council at risk of litigation.

Questions requiring a written response

- 9.3 Councillors may ask questions at each Council meeting, which may be directed to:
- The Leader;
 - A Cabinet Member;
 - An Associate Cabinet Member;
 - The Chair of Overview and Scrutiny/Scrutiny Workstream; or
 - A Statutory Committee Chair.
- 9.4 Councillors can direct their question to a councillor appointed to an outside bodies.
- 9.5 The list of outside bodies will be kept under review by the Monitoring Officer and Party Whips and available to members on request.
- 9.6 There shall be a limit of 15 questions per party group and one question each for independent councillors.
- 9.7 Questions must be submitted in writing to the Monitoring Officer by noon 9 calendar days prior to the meeting in question.

- 9.8 All answers to questions will be in writing and will be published online and circulated to members by email during the working day before the relevant meeting. Questions to Cabinet Members will be listed first on Council agendas. One supplementary question will be allowed, which must relate to the subject matter of the written question. The answer to a supplementary question should preferably be given orally at the meeting. Written responses will be permitted if research is required, or the information is not immediately available, and should be circulated to all councillors by email within 12 working days of the Council meeting.
- 9.9 If the councillor to whom the question has been addressed is not present at the Council meeting, another councillor may answer any supplementary question in their place. If the councillor asking the question is absent, they may nominate another councillor to ask a supplementary question on their behalf.

Urgent Questions by Councillors

- 9.10 With the permission of the Mayor, questions on urgent issues may be tabled with the proviso of a subsequent written response.
- 9.11 An urgent issue is one which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council.
- 9.12 The reason for the submission of an urgent questions must be specified by the Councillor when submitting the question. This should include why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting.
- 9.13 Such questions shall, if possible, be delivered in writing to the Monitoring Officer by no later than 12 noon on the day before the meeting.
- 9.14 One supplementary question for oral response at the meeting will be allowed.

10. MOTIONS WITH NOTICE

- 10.1 Every motion shall relate to the Council's powers or duties, or an issue that affects the Borough. With the exception of those motions which may be moved without notice, notice of each motion shall be in writing. The notice shall be delivered to the Monitoring Officer at the latest by noon, 12 calendar days prior to the Council meeting.
- 10.2 Where a Group submits more than one motion at any one time, it shall indicate the order in which it wishes them to be considered.
- 10.3 The Monitoring Officer has the power to reject motions for the following reasons:

- (i) The motion does not relate to a matter about which the local authority has powers or duties, or which significantly affects the borough;
- (ii) It is substantially the same as a motion which has been debated at a meeting of the Council in the past 6 months;
- (iii) It requires disclosure of confidential or exempt information;
- (iv) It relates to a specific planning or licensing application; and/or
- (v) It is a matter subject to litigation or could place the Council at risk of litigation.

10.4 On receipt of a notice of motion, the Monitoring Officer shall arrange for it to be dated and numbered in the order of receipt. A record of these motions will be kept by the Monitoring Officer, which shall be open to inspection by every councillor

10.5 The Monitoring Officer shall set out in the summons for every meeting all motions of which notice has been given, in the order in which they have been received, unless the councillor concerned stated in writing, when giving it, that they propose to move it at a later meeting or has since withdrawn it in writing.

10.6 If a motion set out in the summons is not moved and seconded, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

10.7 If the subject matter of any motion comes within the remit of any appropriate Council body it shall, upon being moved and seconded formally without supporting speeches, be referred without discussion to such body. The Mayor however may allow the motion to be dealt with at the Council meeting at which it is moved, if they feel it is more convenient and conducive to the dispatch of business.

Urgent Motions

10.8 Any councillor may move an urgent motion relating to an urgent issue immediately prior to the commencement of Motions. The subject matter must relate to an issue to which the Council has powers, duties or which affects the Borough.

10.9 An urgent issue is defined as one which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of motions and which needs to be considered before the next meeting of the Council.

10.10 Any councillor intending to propose such a motion shall, if possible, deliver the text to the Monitoring Officer not later than 12 noon on the day before the meeting. The motion shall not be debated unless it is seconded, and the Mayor agrees that it involves an urgent issue which notice under Rule 10 of this Constitution could not reasonably have been given.

11. MOTIONS WITHOUT NOTICE

11.1 The following motions may be moved without notice:

- (i) To appoint a chair of the meeting at which the motion is moved;
- (ii) In relation to the accuracy of the minutes;
- (iii) To change the order of business in the agenda;
- (iv) To refer to the Cabinet, a committee/sub-committee/panel of the Council or to an external body;
- (v) To appoint to a council body or member arising from an item on the agenda for the meeting;
- (vi) To receive reports or adoption of recommendations of council bodies or officers and any resolutions following from them;
- (vii) To withdraw a motion (open only to the mover of the motion, or any other councillor authorised to do so on their behalf. This must be then agreed by the Council, without discussion, and the seconder, if seconded at the time of the request);
- (viii) To amend a motion;
- (ix) To proceed to the next business;
- (x) That the question be now put;
- (xi) To adjourn a debate or the meeting;
- (xii) To vary the timings set out in the agenda, to allow further time for debate on an item or order of business or to extend the meeting;
- (xiii) To suspend a particular Council procedure rule;
- (xiv) To exclude the public and press in accordance with the Access to Information Rules;
- (xv) To not hear further a councillor named under Rule 20.5 or to exclude them from the meeting under Rule 20.6; and
- (xvi) To give consent of the Council where its consent is required by this Constitution.

12. REPORTS TO THE COUNCIL

12.1 The Council will receive reports from the below of sources;

- (i) The Cabinet;
- (ii) Cabinet Portfolio holders;
- (iii) Proper Officers;
- (iv) Councillor Conduct Committee;
- (v) General Purposes Committee;

- (vi) Overview and Scrutiny Committee; and
 - (vii) Reports/Presentations by external agencies on matters considered to be important to Borough residents and/or specific communities of interest.
- 12.2 All reports will have officer advice stated fully and clearly in the reports before the Council. Councillors will lead debate in Council meetings.
- 12.3 The relevant councillors will be responsible for their recommendations to Council and for ensuring that necessary action flows from Council decisions.
- 12.4 Reports to the Council will be moved and seconded. The mover of a report and the first speaker for the Opposition may speak for 5 minutes. No subsequent speech may exceed 3 minutes without the consent of the Mayor. The mover of the report will have a right of reply at the end of the debate immediately before the report is put to the vote. A maximum of 2 minutes is to be allowed for the right of reply.
- 12.5 When moving the budget setting report the Leader of the Council or nominated representative may speak for a total of 10 minutes. The Leader of the Opposition or a nominated representative will also be allowed 10 minutes to respond following the budget setting report having been moved and seconded. Normal rules will then apply for the remainder of the debate.
- 12.6 On any new matters presented to Council by the public and any partner organisation, the Council will reserve its position subject to adequate consideration and advice from the Cabinet, the Overview and Scrutiny Committee, and relevant officer(s).

13. RULES OF DEBATE

- 13.1 The Mayor, subject to the rules of the Constitution, shall call any councillor to speak who has indicated their wish to do so, providing this is compatible with the agenda timing.

No speeches until motion seconded

- 13.2 No speeches may be made until a motion has been moved and seconded.

Right to require motion in writing

- 13.3 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the relevant Councillor before it is discussed.

Seconders' speech

- 13.4 When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

Content/length of speeches and Speakers

- 13.5 Speeches must be directed to the question under discussion, or to a personal explanation or point of order.
- 13.6 The mover of a motion and the first speaker in response may speak for 5 minutes. No subsequent speech may exceed 3 minutes without the consent of the Mayor. Speeches exercising the right of reply will be limited to 2 minutes.
- 13.7 When the time allotted for the debate on an item is within 5 minutes of its end, the Mayor shall invite, subject to no extension of time having been sought, the mover of the motion and of any amendments to exercise their right of reply prior to the question(s) being put to the meeting.

When a member may speak again

- 13.8 A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (i) To exercise of a right of reply and to sum up at the end of a debate;
 - (ii) On a point of order;
 - (iii) By way of personal explanation; or
 - (iv) In instances where an independent person presents a report to Council, they will also have the right to contribute to the discussion.

Amendments to motions, reports, or other business

- 13.9 An amendment must be relevant to the motion, report or other business being considered and will either be to:
- (i) Refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) Remove words;
 - (iii) Remove words and insert or add others; or
 - (iv) Insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion or recommendation being considered.

- 13.10 The text of any amendment shall, normally, be delivered in writing to the Monitoring Officer no later than 12 noon the day before the relevant meeting. The content of the amendment shall be shared with the other political groups.
- 13.11 Only one amendment may be moved and discussed at any one time. The substantive motion or recommendations must be moved and seconded before any amendment can be formally proposed. Amendments will be moved and seconded following the substantive motion, report or other business having been moved and seconded.

- 13.12 There will then follow a debate on the amendment only. The debate will finish with the right of reply for the mover of the amendment having 2 minutes as right of reply.
- 13.13 The amendment will then be voted upon.
- 13.14 Where there is more than one amendment they will be dealt with as set out above and in the order, they were received by the Monitoring Officer.
- 13.15 Where an amendment is carried, the motion, report or other item of business as so amended takes the place of the original motion, or recommendation(s) in the report or other item of business.
- 13.16 At the conclusion of the consideration of any amendments there will then be a debate on the substantive motion, report, or other item of business. The debate will finish with a 2 minute the right of reply for the mover of the original motion, report, or other item of business. The motion, report or other item of business will then be voted upon.

Alteration of motion

- 13.17 Only alterations which could be made as an amendment may be made. A councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 13.18 A councillor may alter a motion which they have moved without notice, with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Withdrawal of motion

- 13.19 A councillor may withdraw a motion which they have moved with the consent of both the meeting and the seconder. This consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Motions which may be moved during debate

- 13.20 When a motion, report or other item of business is under debate, no other motion may be moved except the following procedural motions to:
- (i) Withdraw a motion or recommendation;
 - (ii) Amend a motion or recommendation;
 - (iii) Amend the timings or the order of business under Rule 4 to allow further time for debate;
 - (iv) Proceed to the next business;
 - (v) Request the question be now put;
 - (vi) Adjourn a debate;

- (vii) Adjourn the meeting;
- (viii) Allow further time for debate on the item and to vary the timings set out in the agenda and/or to extend the meeting;
- (ix) Exclude the public and press in accordance with the Access to Information Rules; or
- (x) Not hear further a councillor named under Rule 20.5 or to exclude them from the meeting under Rule 20.6.

Closure motions

13.21 A councillor may move, without comment, the following motions at the end of a speech of another councillor:

- (i) To proceed to the next business;
- (ii) That the question be now put;
- (iii) To adjourn a debate; or
- (v) To adjourn a meeting.

13.22 If a motion to proceed to next business is seconded and the Mayor agrees the item has been sufficiently discussed, the procedural motion is put to the vote.

13.23 If a motion that the question be now put is seconded and the Mayor agrees the item has been sufficiently discussed, the Mayor shall first put the procedural motion to the vote. If the procedural motion is passed, the item under debate will be put to the vote.

13.24 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor agrees the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote.

13.25 If the procedural motion is passed, the debate or meeting shall stand adjourned to the next meeting, or a different date and time stated. If the debate is adjourned the Council will proceed to the next item of business. If the meeting is adjourned no further business will be transacted until the adjourned meeting is reconvened.

Point of order

13.26 A councillor may only raise a point of order at the end of the speech to which it relates. A point of order must relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

- 13.27 A councillor may only make a point of personal explanation at the end of the speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the councillor, which may appear to have been misunderstood in the present debate. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

14. OPPOSITION BUSINESS

- 14.1 The Council will, at alternate ordinary Council meetings (excluding the Budget meeting and the Annual Meeting), give time on its agenda to issues raised by the Opposition Party (second largest party). A minimum of 45 minutes will be set aside at each of the meetings.

- 14.2 All Council meetings will also provide opportunities for all parties and individual councillors to raise issues either through questions, motions or through policy and other debates.

- 14.3 The procedure for the submission and processing of such business is as follows:

- (i) The topic for discussion will be submitted to the Monitoring Officer no later than 21 calendar days prior to the Council meeting to allow the topic to be fed into the Council agenda planning process;
- (ii) The Monitoring Officer will notify the Mayor, Leader of the Council, the Chief Executive, and the relevant Executive Management Team member(s) of the selected topic(s);
- (iii) Opposition business must relate to the business of the Council, or be in the interests of the local community generally; and
- (iv) No later than 9 calendar days (deadline time 9.00 am) prior to the meeting, the Leader of the Opposition or their nominee must provide the Monitoring Officer with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed on the agenda will be in accordance with Council Procedure Rule 2.2 relating to the order of business at Council meetings.

- 14.4 If requested, briefings on the specific topic(s) identified will be available to the opposition groups from the relevant Executive Management Team member(s) prior to the Council meeting.

- 14.5 The discussion will be subject to the usual rules of debate for Council meetings, except as set out below.

- 14.6 The Opposition Business will be conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition, or nominated representative, who may speak for no more than 10 minutes;
- (ii) A nominated councillor of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes;
- (iii) The Mayor will then open the discussion to the remainder of the Council. Each councillor may speak for no more than 3 minutes but, with the agreement of the Mayor, may do so more than once in the debate;
- (vi) The issue paper should contain details of any specific actions or recommendations being put forward for consideration;
- (vii) Amendments to the recommendations within the Opposition Business paper may be proposed by the Opposition Group. They must be seconded. The Opposition will state whether the amendment(s) is/are to replace the recommendations within the paper or be an addition to them;
- (viii) Before the Majority party concludes the debate, the Leader of the Opposition will be allowed no more than 5 minutes to sum up the discussion;
- (ix) The Majority Group will then be given 5 minutes to say if, and how, the matter will be progressed; and
- (xi) If requested by the Leader of the Opposition or a nominated representative, a vote will be taken on whether to approve the Majority Group's response.

15. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 15.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 5 councillors.

Motion similar to one previously rejected

- 15.2 This rule will also apply to any other business (with the exception of items reserved to Council or which require Council approval under the Constitution Procedure Rules) in the same terms as ones that have been debated at a meeting of the Council in the past six months. This will exclude items dealt with under the guillotine or Council Questions.
- 15.3 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 7 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

Simple Majority

- 16.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

Mayor's casting vote

- 16.2 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise this vote.

Show of hands

- 16.3 Unless a roll call or recorded vote is demanded under Rule 16.4, the Mayor will take the vote by show of hands.

Roll Call

- 16.4 Before the vote is taken, any councillor may ask for a roll call. That councillor must be supported by 11 other councillors who show their support by standing in their places. The vote shall then be recorded to show how each councillor present cast their vote, or whether they abstained from voting. The Mayor will announce the numerical result as soon as it is known.
- 16.5 The Mayor shall have discretion to refuse a roll call if the Mayor considers the request to be abusive or unreasonably to impede the proper discharge of the business of the meeting.

Recorded vote

- 16.6 If 11 councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A request for a recorded vote will override a demand for a roll call.

Right to require individual vote to be recorded

- 16.7 Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Recorded voting at the budget decision meeting

- 16.8 At the Council's Budget Setting meeting the decision will be taken as a recorded vote.
- 16.9 For the avoidance of doubt, paragraph 16.8 applies to proposed amendments as well as to a substantive motion, and involves any decision:

Voting on appointments

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

vote taken. The process will continue until there is a majority of votes for one person.

17. MINUTES

- 17.1 Minutes must be kept to record all the decisions taken by meetings of the Council, its Committees and Sub-Committees. Minutes must also include a record of the names of all the Councillors present.

Signing the minutes

- 17.2 The Mayor will sign the minutes of the Council meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only points of accuracy can be discussed. Any question of accuracy shall be raised by motion, moved without notice. If no such question is raised or, if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 17.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes of the Local Authority (Standing Orders) Regulations 1993.

18. RECORD OF ATTENDANCE

- 18.1 A record of Member attendance at council meetings is maintained by the Governance Team.

19. EXCLUSION OF PUBLIC

- 19.1 Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and confidential or exempt parts.
- 19.2 Members of the public and press may only be excluded from the meeting either in accordance with the Access to Information Rules in Part 4 of the Constitution.
- 19.3 The specific reason for excluding the press and public will be set out on the agenda (if in accordance with the Access to Information Procedure Rules) and recorded in the minutes

20. MEMBERS' CONDUCT

- 20.1 No councillor shall impute unworthy motives to or use offensive or unbecoming words about another councillor or be guilty of tedious repetition.

Disclosable Pecuniary Interests

- 20.2 Any councillor who has a Disclosable Pecuniary Interest in any business being considered at a Council meeting must declare that item and leave the room where the meeting is being held whenever it becomes apparent that the business is being, or is about to be considered at that meeting, unless the councillor has obtained a dispensation under the Council's dispensation procedure.

Standing to speak

- 20.3 When a councillor speaks at full Council they must stand, unless unable to do so, and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.
- 20.4 When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

Councillor not to be heard further

- 20.5 If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

Councillor to leave the meeting

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

General disturbance

- 20.7 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

Mobile Phones

- 20.8 Members must keep their mobile phones and electronic devices set to silent during meetings.

21. DISTURBANCE BY MEMBERS OF THE PUBLIC

- 21.1 If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.
- 21.2 In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor shall order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in light of the disturbance, the Mayor may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

- 22.1 All of these Council Procedure Rules except 16.7, 16.8 and 17.3 may be suspended by motion on notice or without notice if at least one half of all councillors are present. Suspension can only be for the duration of the meeting.

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

- 23.1 All of the Council Rules of Procedure apply to meetings of full Council but not to Cabinet meetings. Rules 4-8, 11, 13, 16-21, 24, 29 and 31 will also apply to meetings of committees and sub-committees.

24. IMPLEMENTATION OF THE COUNCIL'S DECISIONS

- 24.1 All decisions of the Council will be implemented in the usual way on all matters within the Council's remit.
- 24.2 Matters outside the remit of the Council will be taken forward by the Cabinet and the Executive Management Team who will work with and make the necessary representations to outside bodies. The Council will be kept informed of any significant action arising out of these matters.

25. RECORDS OF COUNCIL DECISIONS

- 25.1 A brief record of the decisions made by the Council will be made public within 2 working days of each meeting. The record will be posted on the Council's web site. Minutes of the meetings will be available within 10 calendar days of the meeting.

26. PUBLICISING COUNCIL MEETINGS

- 26.1 The Council meetings will be publicised, and the public encouraged to attend.

27. APPOINTMENTS TO OUTSIDE BODIES

- 27.1 Where it is within its power, appointments decided by the Council, including those to outside bodies, will be for the duration of one year. The Council will exercise this power subject to the political balance regulations.
- 27.2 Where the Council is required to appoint to an outside body for a period of more than one year, the Council may at any time withdraw its recognition of the appointee as a representative of the Council.

28. PARTY LEADERS

- 28.1 Each party represented on the Council shall notify the Monitoring Officer of the name of the person selected as that party's leader and the names of all other members of that party group.

29. URGENT ACTION

- 29.1 The Leader (or in their absence the Deputy Leader) in consultation with the relevant Cabinet member, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council. This shall exclude any matter which the law reserves to the full Council. Decisions made under this provision will be reported to the next meeting of the Council.

30. COUNCIL SEATING PLAN

- 30.1 Councillors will be allocated designated places within the Council Chamber during Council Meetings. This seating plan must be adhered to at all times unless prior agreement is reached with the respective party whip, and this is notified to the Mayor and the Monitoring Officer prior to the meeting.

31. POLICY ON FILMING AT MEETINGS

- 31.1 The filming and recording of the public sessions of any Council, Cabinet, Committee, Panel or Ward Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- 31.2 The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment, or the behaviour of the person filming the meeting.
- 31.3 Subject to the above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Notice is not formally required by anyone

intending to film or record at a meeting is asked to contact the relevant meeting administrator in advance of the meeting, so that the Chair, other councillors, and any members of the public present can be informed, and the necessary arrangements made.

- 31.4 All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting.
- 31.5 Should any member of the public participating in the meeting object to being filmed then the Chair will make arrangements for that individual to be excluded from the recording.
- 31.6 If a meeting passes a motion to exclude the press and public, then all rights to record the part of the meeting to which the exemption applies will be removed.

32. PETITIONS

- 32.1 In accordance with the Council's Petition Scheme, if a petition is received which contains at least 1% of the assessed population figure from the 2021 Census (3,300) as published by the Office of National Statistics it will be referred for debate by the full Council, unless it is a petition asking for a senior council officer to give evidence at a public meeting.
- 32.2 The Head of Governance, Scrutiny and Registration Services will advise the petition organiser of the date for full Council and the time allowed for presentation of the petition in addition they will seek to clarify the remedy being sought and advise that a councillor can present the petition on their behalf. A report will then be prepared detailing the subject of the petition and what action the Council and/or partner organisations are being asked to take and arrange for this to be included on an appropriate Council agenda that suits all parties.
- 32.3 The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.
- 32.4 The Council will decide how to respond to the petition at this meeting. They may decide to:
 - (i) Take the action the petition requests;
 - (ii) Not to take the action requested for reasons put forward in the debate;
 - (iii) To commission further investigation into the matter, for example by a relevant committee; or
 - (iv) Where the issue is one on which the council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

32.5 After the meeting, the petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Enfield Council website.

33. INTERPRETATION OF RULES

33. The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

Chapter 4.2 – Scrutiny Rules of Procedure

1. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Planning and Timetabling of Meetings

- 1.1 Overview and Scrutiny Committee meetings will be forward planned and timetabled regularly in accordance with the work that the Committee undertakes.
- 1.2 This will be agreed at the first meeting in the new municipal year and updated where necessary throughout the year.
- 1.3. Overview and Scrutiny Committee meetings may be called by any 3 members of the Committee or by the Director of Law and Governance if it is considered necessary or appropriate.

Annual Work Programmes

- 1.4 The Overview and Scrutiny Committee will forward plan their work to carry out their annual programme agreed by Council taking into account of their other work in responding to consultation by the Cabinet and commenting/making recommendations to the Council on Cabinet recommendations.
- 1.5 The work of the Committee will be phased over the municipal year to match staff support.
- 1.6 Meetings will also be arranged to ensure the Overview and Scrutiny Committee's involvement in the Council's budget setting.

Business to be Considered at Meetings

- 1.7 The Overview and Scrutiny Committee shall consider the following business at their meetings:
 - (i) Minutes of the last meeting;
 - (ii) Declarations of interest including whipping declarations;
 - (iii) Consideration of any matter referred to the Committee for a decision in relation to the call in of a decision;
 - (iv) Responses of the Executive to reports of the Committee; and
 - (v) Consideration of the Key Decision List, identification of issues to be scrutinised and carrying out of hearings/reviews.

Public Rights of Access to Meetings

- 1.8 Overview and Scrutiny Committee meetings will be open to the public. There will be provision for confidential and exempt agenda items, reports, and debates where the principles of the relevant access to information provisions

apply. Members of the public will not be permitted to remain for these items. At the start of meetings, the Committee will decide whether any items on the agenda fall into this category. All confidential and exempt agenda items will be referred to in the minutes of the meeting.

- 1.9 Subject to the above, public attendance and the organised involvement of residents, customers, partner bodies and staff will be encouraged.

Private Meetings

- 1.11 It will be necessary from time to time for Overview and Scrutiny Committee members, to have the opportunity of private discussion. Provision is made for this on the understanding that such meetings will be infrequent, will involve all of the Committee or panel members, and that no conclusions are reached without the subsequent benefit of discussion in public.

Notice of Meetings

- 1.10 Public notice will be given in advance of individual meetings and of the work to be done at those meetings.

Substitutions

- 1.11 Substitutions for members unable to attend a scrutiny panel must notify the Monitoring Officer of this. Notification must come from the Group Whips. This applies to all scrutiny panels.

Evidence Sessions

- 1.12 Where Scrutiny may ask people to attend to give evidence meetings.
- 1.13 These will be conducted in accordance with the following principles that:
- (i) The meeting be conducted fairly, and all members of the Committee/panel be given the opportunity to ask questions of attendees, and to contribute and speak; and
 - (ii) Those assisting by giving evidence be treated with respect and courtesy.
- 1.14 Following any investigation or review, Scrutiny shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

Overview and Scrutiny Committee and Panel Agendas

- 1.15 Detailed agendas and reports for meetings will be circulated to Overview and Scrutiny Committee/Panel members and made public in accordance with the provisions of the access to information requirements of the Local Government Act 1972 (as amended).
- 1.16 The Governance and Scrutiny Team will be responsible for arranging the issue of notices, agendas, and reports.

Minutes of Overview and Scrutiny Committee and Panel Meetings

- 1.17 Minutes of all open meetings will be made public within 10 working days. These will include a record of confidential and exempt items considered at the meeting, which respects the confidentiality of the information in question.
- 1.18 A confidential record will also be made of all proceedings at private meetings.

Policy on Filming at Meetings

- 1.19 Please see Chapter 4.1, Rule 31.

2. QUORUM

- 2.1 The quorum for the Overview and Scrutiny Committee shall be 3 members.

3. MEMBERSHIP OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 The membership of the Overview and Scrutiny Committee will comprise of 9 members, proportionately allocated, appointed by the Council. The Chair and Vice Chair of the Committee will be confirmed by Council.
- 3.2 The use of substitute members will be permitted for Overview and Scrutiny Committee in the following circumstances:
 - (i) To take the place of the ordinary members of the Overview and Scrutiny Committee where the member will be absent for the whole of the meeting such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or
 - (ii) Where a member of the Overview and Scrutiny Committee has signed a call-in request to be determined by the Committee, or has a disclosable or other pecuniary interest, and cannot take part in the decision making. In this case a member may be appointed to act as a substitute, but the appointment will only apply to consideration of that item.
- 3.3 The member who wishes to appoint a substitute must notify the Monitoring Officer in writing, prior to the meeting of the intended substitution. The appointment of the substitution will be reported to the meeting at the commencement of business.
- 3.4 Once notification of a substitute member has been received unless it is withdrawn prior to the meeting, the appointed member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the Committee.

4. STANDING SCRUTINY PANELS

- 4.1 There will be four standing panels comprising of 7 members, proportionally allocated, appointed by Council. The Chair and Vice Chair of each Panel will be a member of the Overview and Scrutiny Committee.
- 4.2 The four Panels are:
- (i) Culture & Environment
 - (ii) Healthy & Safe Communities
 - (iii) Thriving Children & Young People
 - (iv) Housing & Regeneration
- 4.3 The terms of references for the above scrutiny panels can be found at **Appendix 1**.

5. MEMBERSHIP OF THE SCRUTINY STANDING PANELS

- 5.1 Each member of the Overview and Scrutiny Committee will either act as Chair or Vice Chair of OSC or one of the panels. The Chairs and Vice Chairs of Scrutiny will be appointed by Council annually.
- 5.2 Membership for the standing panels will be agreed annually.
- 5.3 Membership of the scrutiny panels will be cross party and will reflect political proportionality.
- 5.4 Panels will generally meet in public at least four times a year but will reserve the right to have private sessions when the need arises. They will also have the right to co-opt non-councillors as and when required. These co-optees will not have a formal vote but will play an important part in bringing knowledge and expertise to the issues under discussion.
- 5.5 The Chair of a scrutiny panel will:
- (i) Seek to facilitate the Panel towards the achievement of its terms of reference;
 - (ii) Respect the confidentiality of information that comes into his or her possession; and
 - (iii) Not seek to embarrass the Council or the Majority Party with such information for political gain.

6. WORK PROGRAMME

- 6.1 The Overview and Scrutiny Committee and its standing panels will be responsible for proposing and prioritising their own work programme.
- 6.2 At the beginning of the municipal year, the Overview and Scrutiny Committee and Panels will hold work planning sessions, members will devise their work programmes for the year.
- 6.3 The programme will be adopted by the Council on the recommendation of the Overview and Scrutiny Committee following consultation with the Cabinet and the Executive Management Team (and local NHS bodies in respect of the Health Scrutiny Panel). The Committee will be assisted in this by the Governance and Scrutiny Team.
- 6.4 In recommending their annual work programme, the Committee will take account of the community's views on priorities.
- 6.5 In making their recommendations, the Overview and Scrutiny Committee will take explicit account of the Council's plans and priorities plus the workload implications for councillors and staff through.
- 6.6 Each of the scrutiny Panels will be able to hold two additional meetings per annum if the need arises. Additional meetings will have to be agreed by the Monitoring Officer prior to being arranged in order to ensure there is sufficient resources available to support the meeting.

7. AGENDA ITEMS

- 7.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Director of Law and Governance that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Overview and Scrutiny Committee, or the relevant panel. On receipt of such a request, the Director of Law and Governance will ensure that it is included on the next available agenda.
- 7.2 The Overview and Scrutiny Committee, or the relevant scrutiny panel, shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where it does so, the Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report within one month of receiving it.
- 7.3 The Council will consider and decide those recommendations on services, policy or performance that were not accepted in whole or in part by the Cabinet, in light of the reasoned responses to them made by the Cabinet at the time.

9. TIME LIMIT OF MEMBERS' SPEECHES AT MEETINGS

- 9.1 Speeches must be directed to the question under discussion. The time limit for a speech to introduce an item should be no longer than 10 minutes with a 5 minute time limit in all other instances, with any additional time required being at the discretion of the Committee Chair.

10. SCRUTINY ENQUIRIES

- 10.1 The Overview and Scrutiny Committee may also appoint independent experts to advise either themselves or any scrutiny panel.
- 10.2 The Committee or its panels will have the power to recommend the carrying out of research to the Executive Management Team and the Cabinet and will receive reasoned responses. This power also applies to the direct commissioning of research in consultation with the Cabinet and Executive Management Team.

11. RECOMMENDATIONS TO COUNCIL

- 11.1 Overview and Scrutiny Committee recommendations to Council will be in the form of reports prepared in accordance with the approved format. Relevant officer advice to the Council will be shown fully and distinctly in these reports, as well as the observations of the Cabinet.
- 11.2 The Scrutiny Officer supporting the Overview and Scrutiny Committee/its panels is responsible for ensuring the preparation of reports to Council in consultation with the relevant officers and the Chief Executive.

12. REPORTS AND RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 12.1 In discharging their scrutiny functions, the Chairs of the Overview and Scrutiny Committee and the Scrutiny Panels will be entitled to report, with recommendations as appropriate to the Cabinet or Full Council.
- 12.2 When recommendations have been formed and agreed by the committee/panel, a formal report will be prepared by members and agreed by the committee prior to consideration by the Cabinet or to the Council as appropriate.
- 12.3 The Council or Cabinet shall consider the report within 12 weeks of it being submitted to the Proper Officer.
- 12.4 Scrutiny recommendations are addressed to the Cabinet, the Executive Management Team or, through the Committee's annual reports, to the Council. It is then for these bodies to decide if the representations or

recommendations are to be made to outside bodies. Scrutiny will not have the ability to make representations or recommendations direct to other bodies.

13. REPORTS CONSIDERED BY CABINET AND/OR COUNCIL

13.1 The agendas for Cabinet meetings will include an item entitled 'Issues Arising from the Overview and Scrutiny Committee'. The reports referred to the Cabinet by the Committee shall be included at this point unless covered elsewhere on the agenda.

13.2 Once the Committee has completed its deliberations on any matter it will forward a copy of its final report to the Director of Law and Governance. They will allocate it to either the Cabinet or the Council (or both) for consideration, according to whether the contents of the report has implications for the Council's budget and policy framework. If the Director of Law and Governance refers the matter to Council, they will also give a copy to the Leader of the Council with notice that the matter is to be referred to Council.

13.3 When the Council does meet to consider such a report, which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Committee's proposals.

13.4 The Overview and Scrutiny Committee will in any event have access to the Key Decision List and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Committee following consideration of possible policy/service developments, they will be entitled to respond in the course of the Cabinet's consultation process in relation to any key decision.

14. RIGHTS OF SCRUTINY MEMBERS TO DOCUMENTS

14.1 In addition to their rights as councillors, scrutiny members have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules.

14.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee members as appropriate depending on the particular matter under consideration.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

15.1 The Overview and Scrutiny Committee and scrutiny panels 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, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before them to explain in relation to matters within their remit:

- (i) Any particular decision or series of decisions;
- (ii) The extent to which the actions taken implement Council policy; and/or
- (iii) Their performance

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

- 15.2 Where any member or officer is required to attend the Overview and Scrutiny Committee or scrutiny panel under this provision, the chair of the Committee/panel will inform the Director of Law and Governance. The Director of Law and Governance shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the meeting. Where the account to be given to the meeting 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.
- 15.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then that member or officer may nominate a substitute to attend on their behalf. The councillor attending as substitute should be a member of the Cabinet.
- 15.4 The Scrutiny Officer to the Committee/Panel will attend and give advice at all meetings including those held in private.
- 15.5 The Committee/panel Scrutiny Officer or a member of the Executive Management Team may request the participation of the Council's Monitoring Officer in a Committee/Panel meeting.

16. REPORTS

- 16.1 Reports to the Overview and Scrutiny Committee/panel may come from a number of sources including members of the Executive Management Team, the Cabinet, external bodies, those submitting evidence in enquiries or the chair of the Committee/panel.
- 16.2 It will also be open to independent expert advisers to prepare reports for the Committee/panel.
- 16.3 Where appropriate, reports will include clearly identified officer comments and advice. The Committee/panel will obtain the factual comments and opinions of relevant members of the Executive Management Team on matters of dispute or controversy included in reports from external bodies and independent expert advisers before reaching conclusions.

- 16.4 Reports prepared by members of the Executive Management Team for the Committee/panels will comply with the Council's existing rules for preparation of and consultation on Committee reports.

17. ATTENDANCE BY OTHERS

- 17.1 Each Overview and Scrutiny Committee and Scrutiny panels may invite people other than co-optees or independent experts to address it, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders, members, and officers in other parts of the public sector and shall invite such people to attend.

- 17.2 Attendance is entirely optional.

18. CALL-IN

General Procedure

- 18.1 When a decision is made by the Cabinet or a sub-committee of the Cabinet, an individual Cabinet member, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, and shall be available at the main offices of the Council normally within 2 working days of being made. Copies will be sent to all members of the Council.
- 18.2 That notice will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 7 or more councillors call it in.
- 18.3 If an Overview and Scrutiny Committee member is a signatory to the call-in request; then a substitute must be notified to the Monitoring Officer in advance of the call-in meeting.
- 18.4 A valid request for call-in is one which is submitted to the Monitoring Officer in writing within 5 working days of the date of publication of the decision by at least 7 members of the Council.
- 18.5 The Monitoring Officer will deem valid a request that fulfils all of the following 5 criteria:
- (i) It is submitted by 7 Members of the Council;
 - (ii) It is received by the Monitoring Officer by 5pm on the fifth day following publication;
 - (iii) It specifies the decision to which it objects;
 - (iv) It specifies whether the decision is claimed to be outside the policy or budget framework; and
 - (v) It gives reasons for the call-in and outlines an alternative course of action.

- 18.6 In relation to the reasons for call-in, the Monitoring Officer has a discretion, having consulted with the Chair of the Overview and Scrutiny Committee, to refuse any reasons which are in the view of the Monitoring Officer, requests for information, expressions of opinion or are not directly relevant to the decision being called in.
- 18.7 The Director of Law and Governance shall notify the decision-taker of the call-in and call a meeting of the Overview and Scrutiny Committee as soon as possible after consultation with the Chair of that Committee, and in any case within 14 working days of the relevant call-in period. The relevant Cabinet Member should attend the Overview and Scrutiny Committee if available. If he/she cannot attend the Cabinet will make every effort to ensure that another Cabinet Member attends instead. Executive Directors or their representative will be expected to attend the meeting.
- 18.8 Having considered the called-in decision the Overview and Scrutiny Committee have the following options:
- (i) Take no further action, meaning the original decision can be implemented;
 - (ii) Refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns; or
 - (iii) Refer the matter to full Council for consideration.
- 18.9 If referred back to Cabinet as the decision maker they shall then reconsider at the next scheduled meeting if the timescale for the decision allows, amending the decision or not, before adopting a final decision.
- 18.10 If the matter is referred to Full Council it will be dealt with at the next scheduled meeting, subject to the Access to Information Act requirements, unless there are grounds for urgency which require an extraordinary meeting.
- 18.11 If the Overview and Scrutiny Committee does not meet within the 14-working day period required, the decision will take effect on the expiry of that period.
- 18.12 If the Overview and Scrutiny Committee meets but does not refer the decision back to the decision taker or onto Council, then that decision will take immediate effect after the meeting of the Committee.
- 18.13 If the decision is referred to full Council and the Council:
- (i) Does not object to the decision which has been made, then no further action is necessary, and the decision will be effective immediately after the meeting; or
 - (ii) Objects to the decision it will be referred back to the decision-making person or body, together with the Council's views on the decision. Where the decision was taken by the Cabinet as a whole or its sub-

committee, it must meet within 7 working days of the Council request/or at its next scheduled meeting, whichever is the sooner, to reconsider the decision.

- 18.14 The wishes of the Council must be complied with.
- 18.15 If the Council does not meet within the period required in paragraph 18.11 above the decision will become effective on expiry of that period.
- 18.16 For the avoidance of doubt, if either the Overview and Scrutiny Committee or the Council refer a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working days of the reference back
- 18.17 A flow chart of the call-in procedure is listed at **Appendix 2**.

Exceptions

- 18.18 Non-key Executive decisions taken by officers, as defined in this constitution, cannot be called-in under these procedures, although they may be reviewed as part of any review of service plans.
- 18.19 In addition, Council decisions, decisions taken under the Rule 16 Urgency Procedure and decisions by Council Regulatory bodies will not be subject to call-in.
- 18.20 A decision cannot be called in more than once.

Call-In and Urgency

- 18.21 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 18.22 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 18.23 The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the consent of the Vice Chair shall be required. In the absence of both, the Mayor or the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

18.24 If no agreement is given to the item being treated as a matter of urgency shall not be dealt with under the urgency procedure.

18.25 The use of the provisions relating to call-in, and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19. SCRUTINY AND THE PARTY WHIP

19.1 When considering any matter where a member of the 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 meeting in question. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19.2 The party whip' is defined as "Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before an Overview and Scrutiny Committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner".

20. RELATIONSHIP BETWEEN THE OVERVIEW AND SCRUTINY COMMITTEE, THE CABINET AND THE EXECUTIVE MANAGEMENT TEAM

20.1 The Overview and Scrutiny Committee will conduct its relationship with the Cabinet and the Executive Management Team within the following principles:

- (i) It will comply with the requirements of the Council's aims as stated from time to time in its corporate priorities.
- (ii) It will ensure adequate consultation with the Cabinet and the Executive Management Team in the formulation of their recommendations to those bodies. The Cabinet and the Executive Management Team will respect the confidentiality (Part 2 status) of draft reports from the Committee put to them for comment.
- (iii) The minimum time allowed by the Committee for consultation with the Cabinet and the Executive Management Team on draft reports will be 30 calendar days.
- (iv) The Overview and Scrutiny Committee will respond to requests from the Cabinet and the Executive Management Team for comments on draft policy, other proposals, and Council activity, and will do so within the requested timescale (subject to satisfaction of the minimum time allowance of 30 calendar days).
- (v) The Overview and Scrutiny Committee are able to share matters on a confidential basis with the Cabinet or the Executive Management Team who will, where they agree it with the Committee, respect the

confidentiality. The justification for confidentiality must be demonstrated by the Committee within the access to information provisions of the Local Government Act 1972 (as amended).

- (vi) A proposal by the Cabinet or the Executive Management Team to make public information shared with them by the Overview and Scrutiny Committee in confidence shall be the subject of prior consultation with the Committee. In cases of disagreement the matter will be decided by the Council's Monitoring Officer or, if the Monitoring Officer so wishes, by the Council.
- (vii) The Executive Management Team will conduct their relationship with the Overview and Scrutiny Committee within the principles laid down for the Cabinet.
- (viii) The Cabinet and the Executive Management Team will afford all reasonable co-operation in reviews and hearings undertaken by the Overview and Scrutiny Committee. Where appropriate, this will include direct participation in these reviews and hearings by themselves or their representatives.
- (ix) Where the Overview and Scrutiny Committee wish to ask questions of Cabinet or Executive Management Team members or their representatives during the course of reviews or hearings, reasonable notice will be given of the likely topics and areas of questioning. Notice will usually be not less than two weeks.
- (x) Detailed information requests by Overview and Scrutiny Committee will usually be answered in writing in the first instance rather than through personal participation in meetings.
- (xi) The Executive Management Team shall arrange discussions with the Overview and Scrutiny Committee from time to time to:
 - Help plan the work of the Committee;
 - Assess priorities;
 - Monitor progress; and
 - Assess the effectiveness of working arrangements.

20.1 The Chief Executive will be available to Committee Members and will be the first point of contact for them on matters concerning the Executive and officer support to the Committee.

21. COUNCIL CONSULTATION AND INVOLVEMENT

21.1 In addition to its power to carry out enquiries and seek public involvement, comment and views, the Overview and Scrutiny Committee is able to undertake public consultation. This must be done as part of the Council's agreed public consultation and involvement programme.

21.2 The provisions for the Cabinet in this Constitution provide for consultation with the Overview and Scrutiny Committee on the Council's consultation and involvement programme before the Cabinet decides its recommendations to Council.

22. COUNCILLOR CALL FOR ACTION (CCFA)

Process

22.1 Individual Councillors will be required to submit a request for a CCfA in writing (or via e-mail) to the Head of Governance and Scrutiny. The request will include:

- Who the request is being submitted by;
- Details of the issue;
- A full summary of action undertaken by the Councillor or community to resolve the issue;
- Clarity on definitive resolution sought by Councillor; and action the Councillor is looking for as a result of CCfA to resolve or move forward the issue raised.

22.2 It should be pointed out that discussions at scrutiny will not necessarily resolve the issue immediately but may allow members and officers and/or partners to overcome the problem.

22.3 Once received, the Head of Governance and Scrutiny will check that the CCfA request complies with the basic requirements, as set above, and if so, will then undertake an initial investigation and prepare a report for consideration by Overview and Scrutiny Committee (OSC).

22.4 The report will be placed before OSC within 15 working days of the initial investigation being completed or the next available OSC meeting. OSC will consider the summary report and determine whether the issue should be treated as a CCfA. The member who has submitted the CCfA will be invited to attend the OSC meeting considering their issue.

22.5 If OSC decide not to treat the issue as a CCfA, the Head of Governance and Scrutiny will write to the member concerned confirming the decision with reasons.

22.6 If OSC decides to treat the matter as a CCfA the committee will deal with the issue.

22.7 Once OSC has reached a decision, this will be a final decision with no formal right of appeal to the executive arm of the Council.

22.8 For partner organisations scrutiny will be able to:

- Request information and attendance; and

- Review decisions made/action taken by the Safer Stronger Communities Board in connection with discharge of their crime and disorder functions(Police and Justice Act 2006).

Issues referred to these bodies will require a response time of 28 days.

Gate keeping process

- 22.9 During the initial investigation phase every attempt will be made to either resolve the issue or to signpost the Councillor to those who may be able to resolve the issue, so that the CCfA request is withdrawn and/or requires no further action.
- 22.10 The 'gate keeping' process will, therefore, consist of a Ward Councillor demonstrating what efforts have been made to resolve the matter before referral to OSC for consideration.

Excluded items

- 22.11 The following issues will be excluded from being dealt with as a CCfA:
- Any matter deemed vexatious or discriminatory;
 - Individual complaints which relate to an individual service provided or a report written about them;
 - Planning or licensing applications or appeals; and
 - Areas where a Councillor has an alternative avenue to resolve an issue through for example complaints or a service request.

23. TASK & FINISH GROUPS

- 23.1 Provision will be made for any task and finish group the council deems necessary at its Annual Meeting
- 23.2 The Task & Finish Groups will undertake and report back to the Overview and Scrutiny Committee on specified investigations or reviews as agreed by Council.
- 23.3 Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

OVERVIEW AND SCRUTINY COMMITTEE
Appointed by: Chair and Vice Chair appointed by Council
Proportionality: Applies
Membership: 9
Public/Private meetings: Public
Quorum: 3
Frequency: minimum of 4 meetings per annum
<ul style="list-style-type: none"> • To scrutinise service provision, policies and strategies developed by the Council and its partners, including, but not limited to, finance, corporate performance, customer service, communications, and Equalities. • Development and co-ordination of the overall scrutiny annual work programmes for all scrutiny panels. • Reviewing executive decisions as part of the call-in procedures. • Leading consultation on the Councils Budget. • Review council performance and make suggestions for improvement; • To receive pre-decision scrutiny in relation to policy development. • To receive petitions as set out in the Constitution. • Ratify reports of Panels, prior to submission to Cabinet etc. • Consider issues that are borough wide/cross cutting topics. • Receive updates from scrutiny panels. • To drive improvement and provide constructive challenge. • To represent the voices and concerns of residents and users of services. <p>The overview and scrutiny committee and its Panels have the authority to require attendance by members of the executive, and officers of the authority, to attend before it to answer questions.</p>

CULTURE AND ENVIRONMENT

Appointed by: Chair and Vice Chair appointed by Council
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Proportionality: Applies

Membership: 7

Public/Private meetings: Public
--

Quorum: 3

Frequency: Minimum of 4 meetings per annum

- | |
|--|
| <ul style="list-style-type: none">• To scrutinise service provision, policies, and strategies in relation to Culture and Environment, including but not limited to, Highways and transport, waste, recycling, street cleansing, parking, Parks & Green spaces, Leisure, sports, and culture.• To drive improvement and provide constructive challenge.• To represent the voices and concerns of residents and users of services. |
|--|

HEALTHY AND SAFE COMMUNITIES

Appointed by: Chair and Vice Chair appointed by Council
--

Proportionality: Applies

Membership: 7

Public/Private meetings: Public
--

Quorum: 3

Frequency: Minimum of 4 meetings per annum

- | |
|--|
| <ul style="list-style-type: none">• To scrutinise service provision, policies and strategies of the Council, local health services, and the police, including, but not limited to, Health, Public health, Adult social care, Adults Safeguarding, Mental Health, Acute services, Primary Care, emergency services, Crime and Community Safety.• Respond to consultations by NHS bodies.• Receive notifications from the NHS bodies in relation to proposals for substantial variations to service provision.• To drive improvement and provide constructive challenge.• To represent the voices and concerns of residents and users of services. |
|--|

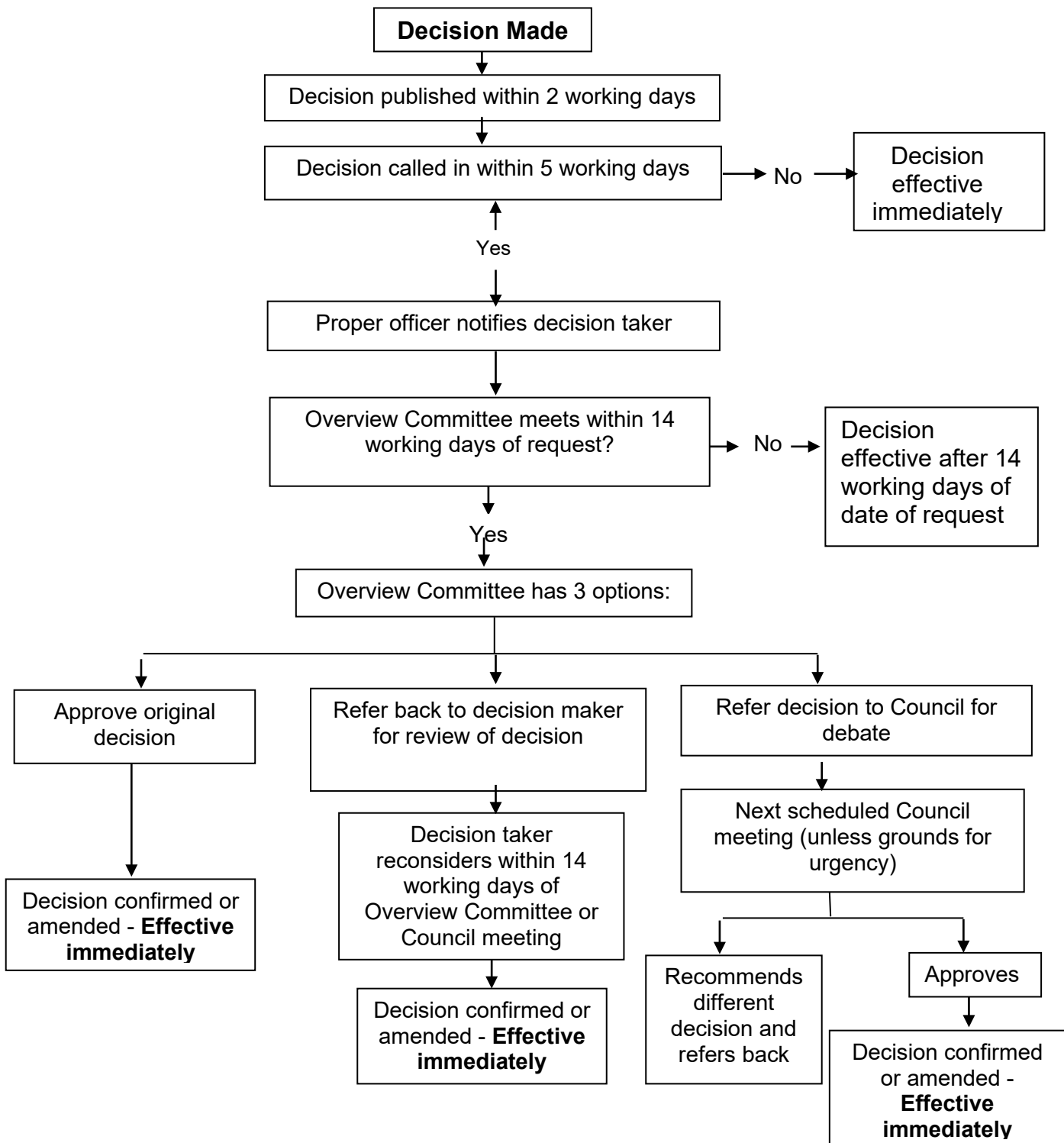
HOUSING AND REGENERATION SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum of 4 meetings per annum

- To scrutinise service provision, policies, and strategies in relation to housing and regeneration including, but not limited to, Temporary Accommodation, Estate management, Meridian Water, Strategic Planning, Public transport, Town centres, Night economy.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

THRIVING CHILDREN, YOUNG PEOPLE & EDUCATION SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum of 4 meetings per annum**Terms of reference:**

- To scrutinise service provision, policies, and strategies as they impact on children and young people in the borough, including, but not limited to Childrens Services, Education, Safeguarding, School places, Youth Services, Special Education Needs, Looked after Children, and School meals.
- To promote the participation, engagement and influence of children and young people in the services which affect them.
- To receive the monitoring and progress reports as they relate to children and young people in the borough.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

ENFIELD CALL- IN PROCEDURE FLOWCHART



Chapter 4.3 – Cabinet Rules of Procedure

1. Frequency

- 1.1 The Cabinet will determine the pattern and frequency of its meetings.

2. Conduct of Business

- 2.1 Cabinet meetings will generally be open to the public and other councillors except where:

- (i) They are discussing exempt information;
- (ii) They are discussing confidential information; or
- (iii) The Cabinet decides to meet in closed session.

- 2.2 With regard to the closed sessions in (iii) above, the following conditions apply:

- (i) No key decisions can be taken;
- (ii) The sessions must be properly minuted;
- (iii) The Director of Law and Governance (or their representative) must be in attendance; and
- (iv) Members of the Cabinet will be entitled to receive a minimum of 5 clear working days notice of such meetings unless the meeting is convened at shorter notice due to urgency.

- 2.3 Any member of the Council may attend open meetings of the Cabinet and speak at the discretion of the Chair. Such requests should be notified to the Leader of the Council or the Governance and Scrutiny Team in advance of the Cabinet meeting for the Leader's consideration/approval.

Agendas and notice of meetings

- 2.4 There will be formal agendas and reports which will be circulated at least five working days in advance of meetings.

Exempt and confidential items

- 2.5 There will be provision for exempt or confidential agenda items and reports where the principles of the relevant access to information provisions of the Local Government Act 1972 (as amended) apply.

Reports

- 2.6 Reports for the Cabinet will usually be prepared by the relevant officer or Cabinet member. Budget recommendations to the Cabinet by officers will usually be Executive Management Team recommendations.

- 2.7 Reports will be presented by the appropriate Cabinet member, and must include advice from relevant officers, including finance and legal implications.
- 2.8 A list of decisions made by Cabinet, a sub-committee of Cabinet or by a Cabinet member will be published within 2 working days of the decision to be taken.

Minutes of decisions made at Cabinet meetings

- 2.9 Minutes will be made public within 10 calendar days of each meeting. They will include a brief statement of the reasons for decisions.
- 2.10 The public and other councillors will have access to the reports on which those decisions were based within the access to information provisions of the Local Government Act 1972 (as amended).
- 2.11 Minutes will not be reported to Council.

Officer advice

- 2.12 Officer advice will be stated fully and clearly within reports to the Cabinet. The Chief Executive and Executive Directors are responsible for ensuring that this is the case. The Cabinet will support the Chief Executive and Executive Directors in carrying out this responsibility.

Decisions

- 2.13 Decisions taken by Cabinet or individual Cabinet members will be within the Council's Scheme of Delegation.

1. QUORUM

- 3.1 The quorum for Cabinet shall be three members.

4. CABINET AND EXECUTIVE MANAGEMENT TEAM

- 4.1 The Cabinet and the Executive Management Team will meet jointly from time to time to:
- (i) Plan Council business;
 - (ii) Review priorities;
 - (iii) Monitor performance; and/or
 - (iv) Assess the effectiveness of working arrangements.

5. CABINET AND KEY DECISIONS

- 5.1 Key decisions to be taken by Cabinet or individual Cabinet members will be included in the Council's Key Decision List. Key decisions are defined as 'a proposal' which:

- (i) Involves expenditure/savings of £500,000 or above including proposals phased over more than one year and match/grant aided funding, with a total of £500,000 or above; or
- (ii) Has significant impact on the local community in two or more wards.

5.2 A quasi-judicial decision taken by the Planning Committee/Panel or Licensing Committee is not a key decision.

6. CABINET AND COUNCIL CONSULTATION

6.1 There will be a programme of consultation, involvement, and participation for the Council as a whole. The Cabinet will contribute to the formulation and delivery of this programme. Consultation by the Cabinet must be done as part of the Council's agreed programme.

6.2 The programme will be proposed to the Cabinet by the Executive Management Team and will be decided by the Council on the Cabinet's recommendation after consultation with Overview and Scrutiny Committee. The Executive Management Team will be responsible for arranging implementation of the programme.

7. CABINET AND ASSOCIATE CABINET MEMBERS

7.1 Associate Cabinet Members are accountable to Cabinet and will be invited to attend Cabinet meetings in a non-voting capacity.

7.2 They will be required to produce an annual work programme which will be presented to Cabinet every autumn, followed by regular updates throughout the municipal year. Progress updates on the work programme will be provided to Cabinet on a 6-monthly basis.

8. DEPUTATIONS AND PETITIONS

8.1 The public may present the Cabinet with deputations (with or without petitions) which must be sponsored by a named councillor. Council have agreed a protocol for the public to present deputations and petitions to Cabinet. All requests for deputations are subject to the approval of the Leader of the Council.

8.2 Where possible, the Cabinet will respond to the deputations and petitions at the meeting. However, if this is not possible, it may refer the subject matter to the relevant Executive Director, Director, Cabinet member, or Overview and Scrutiny Committee for further consideration. The Cabinet may also decide to debate the matter at a future meeting after further information is available.

8.3 Petitions without deputations will be dealt with in accordance with the Council's Petitions Scheme.

9. USUALLY CONSULTED BODIES

- 9.1 The Cabinet is responsible for consulting within the Council's consultation strategy and the requirements of the Key Decision List.

10. CONSULTATION BY OTHER BODIES

- 10.1 The Cabinet or the Executive will be the first point of contact for consultation initiated by other bodies and will be responsible for arranging appropriate responses.
- 10.2 In carrying out this responsibility the Cabinet and the Executive Management Team will ensure that relevant councillors and staff contribute to the Council's response. Where a matter referred to the Council for consultation falls within the remit of Scrutiny, there will be consultation with the Chair of the Overview and Scrutiny Committee. The Chair will decide whether and how to consult other committee members.

11. REPRESENTATIONS TO OTHER BODIES

- 11.1 The Cabinet or the Executive Management Team will be responsible for arranging representations or recommendations on behalf of the Council to other bodies. Such representations or recommendations will only be made through either the Cabinet or the Executive Management Team.
- 11.2 In carrying out this responsibility the Cabinet and the Executive Management Team will ensure that relevant councillors and staff contribute to the formulation of the representations or recommendations to be made on behalf of the Council. Where a matter that is to be the subject of a representation or recommendation falls within the remit of Scrutiny, there will be consultation with the Chair of the Overview and Scrutiny Committee. The Chair will decide whether and how to consult other committee members.
- 11.3 Where the Cabinet thinks appropriate, the Cabinet will recommend representations or recommendations to the Council. Alternatively, the Cabinet may arrange a debate of the issue by the Council. This will be done in consultation with and, where appropriate, the participation of the body(ies) concerned.

12. URGENT ACTION IN RELATION TO CABINET

- 12.1 The Leader of the Council, or in their absence the Deputy Leader, shall be able to take decisions on any matter of immediate urgency, which cannot await the next Cabinet meeting. These decisions must be taken only after relevant officer advice has been received. Decisions made under this

provision shall be reported to the next meeting of the Cabinet, with reasons for the urgency included.

12.2 This procedure must have regard to the urgency provisions for call-in in relation to key decisions and the Key Decision List.

12.3 This procedure must have regard to the procedure urgent action in relation to Full Council.

13. Policy on Filming at Meetings

13.1 Please see Chapter 4.1 paragraph 31.

Chapter 4.4 – Ward Forum Rules of Procedure

1. WARD FORUM MEETINGS

- 1.1 Ward Forums will comprise all the councillors for the ward in question.
- 1.2 The forums will be member led and will provide local councillors with a positive and influential role in their wards.
- 1.3 Ward Forums will enable members to supplement their surgery work and engage local people on strategic issues that matter to them. In the case of mixed wards, ward members will hold them jointly.

2. FREQUENCY & TIMING OF MEETINGS

- 2.1 The Forums will be arranged by ward members and meet as and when required. The frequency and timing will be at the discretion of the ward councillors.

3. CHAIRING

- 3.1 Chairing of the ward forum will be agreed amongst all three ward councillors themselves (in mixed wards this should normally rotate, at up to annual intervals).

4. VENUES

- 4.1 Where possible the forums will be held in venues selected from the directory of council buildings. The venue will meet the following criteria:
 - Accessible to the local area;
 - Have disabled access;
 - Well known to local people;
 - Adequate parking facilities, including spaces for disabled people;
 - Reasonably near a local transport route; and
 - Meet fire and health & safety regulations.
- 4.2 Members wishing to use a venue in their ward should contact officers in Governance and Scrutiny Team to arrange a booking. They will also book additional equipment, if appropriate.

5. PUBLICITY

- 5.1 Meetings will be publicised on the Council Website.

6. ATTENDANCE AT MEETINGS

- 6.1 Ward Forums should be attended by all the ward councillors. Local groups will also be encouraged to attend.
- 6.2 Council officers will not routinely attend Ward Forum meetings, but may, exceptionally, do so where a request has been submitted and agreed in advance by the relevant Head of Service (or more senior officer) in the light of the importance of the issue(s) to be considered.
- 6.3 Cabinet members can also be invited to attend Ward Forum meetings to explain particular strategies, policies, or decisions.
- 6.4 Given their spatial remit and focus on cross cutting issues across their areas, Associate Cabinet Members will also be notified of Ward Forums and the business to be considered and may choose to attend.

7. CONDUCT OF BUSINESS

- 7.1 Ward Forum meetings will be open to the public. Agendas will be put together and agreed by all three ward members and should be made public before each meeting.
- 7.2 Ward Forums are part of the Council's governance arrangements. Therefore, they will operate following the Council's health and safety guidance, and within the policy framework and the rules adopted by the Council, including the Constitution and the Councillors' Code of Conduct.
- 7.3 They have been established for the purpose of:
 - (i) Creating greater local relevance;
 - (ii) Enhancing local accountability; and
 - (iii) Connecting members more closely to their residents on matters of strategic importance to them.
- 7.4 The Forums will be able to feed views and refer matters of local relevance to Cabinet Members, Overview and Scrutiny and the Associate Cabinet Members for consideration and review.

Chapter 4.5 - Operating Rules for Committees

The following rules apply to all committees/sub-committees/panels/etc established by the Council, excluding the Cabinet.

1. STATUTORY AND OTHER COMMITTEES

- 1.1 The Council, at its Annual Meeting, will appoint such committees, sub-committees, and Panels (known as committees for the purposes of this Procedure Rule) as required by statute, together with any others thought necessary to carry out its functions. Subject to any statutory provision, the Council may at any time also dissolve a committee or alter its membership.
- 1.2 The composition and terms of reference of these bodies are set out in Part 2, Chapter 7.
- 1.3 Members of committees shall be those whose names have been notified to the Director of Law and Governance in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and have been appointed by the Council or committee as appropriate. At the same meeting, the Council will appoint (where appropriate) a Chair and a vice-chair for each of the above committees.
- 1.4 If the chair and vice-chair are absent from any meeting of the committee, a chair for that meeting will be elected by the body concerned from amongst its remaining members.
- 1.5 If the chair and/or vice-chair cease, for any reason, to hold such office, a successor for the remainder of the year will be elected from among the other members of the committee.
- 1.6 The Council's Procedure Rules in relation to rules of debate shall apply equally to committees. The only exceptions to this are those relating to standing whilst speaking and speaking only once during a debate as these do not apply at committee meetings.

2. SUBSTITUTES

- 2.1 The Monitoring Officer is authorised to make changes in the standing appointments to committees and sub-committees on the instruction of the political groups, through the use of substitute members as and when required for particular meetings. The use of substitutes does not apply to meetings of the Cabinet, where substitutes are prohibited under the Local Government Act 2000 Nominations.

- 2.2 Substitute members will need to be received by the Monitoring Officer or the Governance and Scrutiny Team prior to the meeting concerned. The period to be covered by the substitution must be clearly set out.

3. TIME OF COMMITTEE MEETINGS

- 3.1 The Committees will determine their own starting times. This should be no later than 8.00pm. At 10.00pm, meetings, with the exception of the Cabinet, will stand adjourned unless otherwise agreed, after being proposed, seconded, and put without debate.

4. EXTRAORDINARY MEETINGS OF COMMITTEES

- 4.1 The Chair of a committee, or the Mayor, may call an extraordinary meeting of a committee at any time. An extraordinary meeting can also be called if requested by a quarter of the whole number of the members of a particular committee which shall be no less than two. The request must be made in writing to Director of Law and Governance.
- 4.2 The summons for the extraordinary meeting shall set out the business to be considered. No other business shall be dealt with at the meeting.

5. QUORUMS OF COMMITTEES

- 5.1 Unless specified by statute or agreed by the Council, no business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than two members.

6. VOTING IN COMMITTEES

- 6.1 Voting at committee meetings shall be by a show of hands. Where immediately after a vote is taken, any member of the Council makes such a request, the minutes will include a record of how the member concerned cast their vote.

7. MEMBERS' RIGHTS TO ATTEND MEETINGS

- 7.1 All Members of the Council shall have the right to attend any meeting of a committee of which they are not a member and may with the permission of the Chair or other person presiding at the meeting address the committee.
- 7.2 However, it would be open to any committee to exclude from the meeting any councillor who is not a member of that committee where it thinks fit.
- 7.3 A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is

proposed to consider that motion. The Councillor shall have the right to attend the meeting and an opportunity of explaining the motion.

8. TIME LIMIT OF MEMBERS' SPEECHES AT MEETINGS

- 8.1 Speeches must be directed to the question under discussion. The time limit for a speech to introduce an item should be no longer than 10 minutes with a 5 minute time limit in all other instances, with any additional time required being at the discretion of the Committee Chair.

9. POLICY ON FILMING AT MEETINGS

- 9.1 See Chapter 4.1 paragraph 31.

Chapter 4.6 – Access to Information Rules of Procedure

1. INTRODUCTION

- 1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committee and its Panels, other committees, sub committees and Forums along with public meetings of the Cabinet (together called meetings).
- 1.2 Certain rules will also apply to Executive decisions taken by individual Cabinet members and officers.
- 1.3 The rules set out below are in addition to any rights which members of the public may enjoy under the Freedom of Information legislation.
- 1.4 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. RIGHT TO ATTEND MEETINGS

- 2.1 Members of the public may attend all public meetings subject only to the exceptions in these rules or specified elsewhere in this Constitution.

3. NOTICE OF MEETING

- 3.1 The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Civic Centre and on the Council's website. The five clear working days will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.
- 3.2 Where, it is likely that the Cabinet or one of its Committees will need to meet in private to take a decision which involves exempt or confidential information, the meeting may only take place if:
 - (i) A notice has been published at the Civic Centre and on the Council's, website setting out the reasons why the meeting is to be held in private, and at least 28 calendar days have elapsed since the publication of the notice. This notice will be included as part of the Key Decision List;
 - (ii) A further notice is issued at the Civic Centre and on the Council's website at least 5 clear days before the meeting setting out the reasons why the meeting is to be held in private, details of any representations received by the Council about why the meeting should be open to the public and the Council's response to any such representations; and
 - (iii) If the date by which a private meeting of the Cabinet or its Committees must be held makes compliance with (ii) above impracticable, the meeting may only be held, and any decision taken if:

- a) Agreement is obtained from the Chair of the Overview & Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chair, or if the Chair of the Overview & Scrutiny Committee is unable to act, then the agreement of the Mayor, or in their absence, the Deputy Mayor will suffice; and
- b) A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred is published at the Civic Centre and on the Council's website as soon as reasonably practicable after such an agreement has been obtained.

4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 4.1 All agendas and reports will be published at least five clear working days before the meeting at the Civic Centre and on the Council website unless the report relates to a confidential matter or is exempt under these Access to Information Rules.
- 4.2 If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports listed on an agenda are prepared after the summons has been sent out, the Proper officer will make each report available to the public and Councillors as soon as the report is completed.
- 4.3 Subject to 4.4 below no decision shall be taken at a meeting unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or Cabinet Member. Where the report is from a Cabinet member, it must clearly state any advice received from officers.
- 4.4 If notice of a report is not published with the agenda five clear days before a meeting, the item to which it relates may not be considered at that meeting unless the Chair of the meeting agreed that, by reason of special circumstances, the item should be considered as a matter of urgency. Where this is the case, the special circumstances requiring the item to be considered urgently shall be specified in the minutes of that meeting.

5. SUPPLY OF COPIES

- 5.1 The Council will supply copies of any:
 - (i) Agenda and reports which are open to public inspection;
 - (ii) Further statements or particulars, which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda;
 - (iii) Minutes and records of decisions;

- 5.2 If the Monitoring Officer thinks appropriate, copies of any other documents supplied to councillors in connection with an item for which the right will be reserved to charge for postage and any other reasonable costs.

6. ACCESS TO DOCUMENTS AFTER THE MEETING

- 6.1 The Council will make available for public inspection copies of the following for six years after a meeting or decision has been taken:
- (i) The minutes of the meeting and records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (ii) 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;
 - (iii) The agenda for the meeting; and
 - (iv) Reports relating to items when the meeting was open to the public.
- 6.2 These documents will be available via the Council's website or during normal business hours for inspection at the Civic Centre.

7. BACKGROUND PAPERS

List of background papers

- 7.1 The Council will set out in every report provided for a meeting or Executive decision a list of those documents, and where possible their location, relating to the subject matter of the report which in the author's opinion:
- (i) Disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) 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, and in respect of executive reports, the advice of a political advisor.

Public inspection of background papers

- 7.2 Background papers referred to on the list in a report for a meeting of the Cabinet or its Committees or an Executive decision made by an individual Cabinet member or officer, will be made available on the Council's website at the same time as the report to which they relate is published under Rule 5 above, apart from those which disclose exempt or confidential information as defined in Rule 10.

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

8. SUMMARY OF PUBLIC'S RIGHTS

- 8.1 The rules are the written summary of the public's right to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Civic Centre and on its website.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential information - requirement to exclude public

- 9.1 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 in breach of the obligation of confidence.
- 9.2 Non-Executive members of the Council shall be entitled to remain at Executive meetings where decisions are being taken, unless the Proper Officer advises that this would be inappropriate.
- 9.3 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.
- 9.4 The meeting will pass a resolution to exclude the press and public during discussion of items which are confidential. The resolution will identify why such items are to be treated as confidential.

Exempt information - discretion to exclude public

- 9.5 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.
- 9.6 Exempt information means information falling within one or more the following 7 categories:
- (i) Information relating to any individual.
 - (ii) Information which is likely to reveal the identity of an individual.
 - (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information). However, information falling within this paragraph is not exempt if it is required to be registered under:
 - The Companies Act as defined in section 2 of the Companies Act 2006;

- The Friendly Societies Act 1974;
 - The Friendly Societies Act 1992;
 - The Co-operative and Community Benefit Societies and Credit Unions Acts 1965 to 1978;
 - The Building Societies Act 1986; or
 - The Charities Act 1993.
- (iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.
- (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

9.7 The meeting must pass a resolution to exclude the press and public during discussion of items which are exempt. The resolution will identify why such items are to be treated as exempt.

9.8 Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

10.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports (or parts of reports) which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely to be held in private. Such reports (or parts of reports) will be marked "Not for publication" together with the category of information likely to be disclosed.

11. APPLICATION OF RULES TO THE EXECUTIVE

11.1 If the Cabinet or its Committees meet with an officer present (other than a political assistant) to discuss a matter relating to a key decision, then it must comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

11.2 This requirement does not include meetings whose sole purpose is for officers to brief members.

12. PROCEDURE BEFORE TAKING KEY DECISIONS

- 12.1 Subject to Rule 15 and Rule 16, a key decision may not be taken unless:
- (i) The Key Decision List has been published at the Civic Centre and on the Council's website as set out in Rule 14.1;
 - (ii) At least 28 calendar days have elapsed since the publication of the Key Decision List, not including the day of publication or the day the decision is to be taken; and
 - (iii) 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 or if the meeting is convened at shorter notice, at the time the meeting is convened.

13. THE KEY DECISION LIST

Contents of Key Decision List

- 13.1 The Key Decision List will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Forward Plan.
- 13.2 Key decisions are defined as 'a proposal' which:
- (i) Involves expenditure/savings of £500,000 or above – this includes proposals phased over more than one year and match/grant aided funding, with a total of £500,000 or above; or
 - (ii) Has significant impact on the local community in two or more wards.
- 13.3 Notice of a key decision must be included on the Key Decision List not less than 28 clear days before the decision is to be made.
- 13.4 A quasi-judicial decision taken by the Planning Committee/Panel or Licensing Committee is not a key decision.
- 13.5 The Key Decision List will include the following as long as the information is available or might reasonably be obtained:
- (i) That a key decision is to be made on behalf of the relevant local authority;
 - (ii) The matter in respect of which the decision is to be made;
 - (iii) Whether the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and list of its members;

- (iv) The date on which, or the period within which, the decision is to be made;
- (v) A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (vi) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document(s) listed are available;
- (vii) That other documents relevant to those matters may be submitted to the decision maker; and
- (viii) The procedure for requesting details of those documents (if any) as they become available

13.6 Where any matter involves the consideration of exempt or confidential information a summary of the matter shall be included in the notice but the exempt or confidential information or the advice need not be included.

14. GENERAL EXCEPTION – RULE 15

14.1 If a matter which is likely to be a key decision has not been included in the Key Decision List, then subject to Rule 16, the decision may still be taken if:

- (i) It is impracticable to defer the decision until it has been included in a notice under Rule 14;
- (ii) The Chair of the Overview and Scrutiny Committee has been provided with written notice, or if there is no such person, each member of that Committee, of the matter to which the decision is to be made;
- (iii) A copy of that notice has been made available to the public at the offices of the Council and on the Council's website; and
- (iv) At least 5 clear days have elapsed since (ii) and (iii) have been complied with.

14.2 All Departments will be required to process requests for these exceptions through the Governance and Scrutiny Team who will then be responsible for supporting the Chair of the Overview and Scrutiny Committee throughout the process.

14.3 As soon as reasonably practicable after paragraph 15.1 above has been complied with a notice must be published at the Civic Centre and on the Council's website of the reasons why compliance with Rule 14 is impracticable.

15. SPECIAL URGENCY – RULE 16

- 15.1 If Rule 15 cannot be followed, then the decision can only be taken if the decision maker:
- (i) Obtains the agreement of the Chair of the Overview and Scrutiny Committee on the advice of the Monitoring Officer that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or the Chair is unable to act then the agreement of the Mayor (or in his/her absence the Deputy Mayor) will be required; and
 - (ii) Provides notice on the Council's website, as soon as reasonably practicable, after agreement has been obtained under (i) above of the reasons why the decision is urgent and cannot reasonably be deferred.
- 15.2 All service Groups will be required to process requests for these exceptions through the Head of Scrutiny, Governance and Registration Services who will then be responsible for supporting the Chair of the Overview and Scrutiny Committee throughout the process.

16. REPORTS TO COUNCIL

When an Overview and Scrutiny Committee can require a report

- 16.1 If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:
- (i) Included in the Key Decision List; or
 - (ii) The subject of the Rule 15 general exception procedure; or
 - (iii) The subject of an agreement with the Overview and Scrutiny Committee Chair, or Mayor/Deputy Mayor of the Council under Rule 16.

The Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.

- 16.2 If there is no Chair of the Overview and Scrutiny Committee, or the Chair is unable to act then the agreement of the Mayor (or in his/her absence the Deputy Mayor) will be required.

Executive's Report to Council

- 16.3 In response to a request made under Rule 17.1 above, the Executive will prepare a report for submission to the next available meeting of the Council.
- 16.4 However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

- 16.5 The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

Quarterly reports on special urgency decisions

- 16.6 The Leader will submit quarterly reports to the Council on the Executive decisions taken under urgency including the waiver of call in during the preceding three months. The report will include the subject and number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17. RECORD OF DECISIONS

- 17.1 After any meeting of the Cabinet or any of its committees, a record of every decision taken at that meeting will be produced within 2 working days of the meeting. The record will include:
- (i) The date on which the decision was made;
 - (ii) The reasons for each decision and any alternative options considered and rejected at that meeting;
 - (iii) A record of any conflict of interest in relation to the decisions and a note of any dispensation granted by the Councillor Conduct Committee or Monitoring Officer, including its duration and the reasons for it having been granted.

18. EXECUTIVE DECISIONS TO BE TAKEN IN PUBLIC

- 18.1 Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.
- 18.2 All meetings of the Cabinet and its Committees will be held in public unless the matter relates to exempt and confidential information and notice has been provided in accordance with Rule 5.

19. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

Provision of copies of reports to the Overview and Scrutiny Committee

- 19.1 On giving of such a report to an individual decision maker, the person who prepared the report will make a copy available to the Chair of the Overview and Scrutiny Committee as soon as reasonably practicable.

Record of individual decisions

- 19.2 As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Cabinet or an Executive decision has been taken by an officer, a record of the decision taken must be prepared which will include:

- (i) Details of the decision and the date it was made;
- (ii) A statement of the reasons for it and any alternative options considered and rejected,
- (iii) A record of any conflict of interest declared by any other member of the Executive who is consulted by the Executive Member and officer in relation to the decision and any note of dispensation granted by the Monitoring Officer or Councillor Conduct Committee, including its duration and the reason for it;
- (iv) This record will be available at the Civic Centre and on the Council's website; and
- (v) An Executive Decision by an officer is a decision which is a key decision, or a key decision which is delegated to an officer by the Executive.

20. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

Rights to copies

20.1 Subject to Rule 22.2 below, the Overview and Scrutiny Committee and its workstreams will be entitled within 10 clear working days of making the request to copies of any document which is in the possession or control of the Executive, or its committees, and which contains material relating to any:

- (i) Business transacted at a public or private meeting of the Cabinet or its committees; or
- (ii) Decision taken by an individual member of the Cabinet or Executive Officer decision

Limit on rights

20.2 The Overview and Scrutiny Committee and its workstreams will not be entitled to any document that:

- (i) Is in draft form;
- (ii) Contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing; or scrutinising or intend to scrutinise as part of their work programme; or
- (iii) Contains the advice of a political adviser.

20.3 With regard to (ii) above, the member will need to demonstrate to the Proper Officer that the information requested is relevant and the Proper Officer shall take a decision as to whether the information should be made available, supplying reasons as appropriate.

40. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

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

Material relating to business at public meetings

- 40.1 All members will be entitled to inspect, at least 5 clear working days before the meeting, any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business to be transacted at a public meeting of the Executive, unless:
- (i) It contains exempt information falling within paragraphs 1,2,3 (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), 4 and 7 the categories of exempt information;
 - (ii) It contains the advice of a political adviser (if any); or
 - (iii) The document is in draft form.
- 40.2 Where the meeting is convened at shorter notice, such documents will be available for inspection when the meeting is convened. Where reports already included on the agenda are prepared after the summons has been sent out, the proper officer shall make each such report available to members as soon as the report is completed.

Material relating to Executive decisions taken in private

- 40.3 Subject to paragraph 2.25 below all members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which contains material relating to:
- (i) Any business which has been transacted in a meeting or part of a meeting of the Cabinet; and
 - (ii) Any decision which has been made by an individual Cabinet member or by an officer as an Executive decision.
- 21.4 The right contained in paragraph 22.1 arises when the meeting concludes or, in the case of an individual Executive member or officer decision, immediately after the decision has been made and the document shall be made available within 24 hours
- 21.5 Members of the Council will not be entitled under this paragraph to:
- (i) Any document that is in draft form;
 - (ii) Any part of a document that contains exempt information falling within paragraphs 1,2,3 (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), 4 and 7 the categories of exempt information; or

- (iii) The advice of a political advisor or any person acting in that capacity (if any).

Chapter 4.7 - Budget and Policy Framework Procedure Rules

1. THE FRAMEWORK FOR CABINET DECISIONS

- 1.1 The Council will be responsible for the adoption of its Budget and Policy Framework as set out here. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.
- 1.2 Voting at the Council's budget setting meeting shall be recorded as set out in the Council's Procedure Rules.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1 The process by which the Budget and Policy Framework shall be developed is:
 - (i) At least 4 months before a plan/strategy/budget needs to be adopted, the Cabinet will publish initial proposals for the Budget and Policy Framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be included in relation to each of these matters in the Key Decision List. 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 the Overview and Scrutiny Committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.
 - (ii) The Cabinet's initial proposals shall be referred to the Overview and Scrutiny Committee for further advice and consideration. The proposals will be referred by sending a copy to the Director of Law and Governance who will forward them to the Chair of the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration and having regard not to duplicate any consultation carried out by the Cabinet. The Committee shall report to the Cabinet on the outcome of its deliberations. The Committee shall have 20 working days to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.
 - (iii) Having considered the report of the Overview and Scrutiny Committee, the Cabinet if it considers it appropriate, may amend its proposals before submitting them to the Council for consideration. It will report to Council

on how it has taken into account any recommendations from the Overview and Scrutiny Committee.

- (iv) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the Overview and Scrutiny Committee.
- (v) The Council's decision will be publicised in accordance with Chapter 4 and a copy shall be given to the Leader. 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 at least 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.

Conflict Resolution

- 2.2 The Leader must have a minimum of 5 working days in which to object to a decision of the Full Council which appears to be contrary to the recommendations of the Cabinet in connection with the setting of the Budget or any specific proposals or strategies, before the decision of the Council takes effect. The objection must be made in writing to the Director of Law and Governance prior to the date which the decision is to be effective. The written notification must state the reasons for the objection.
- 2.2 If the Leader registers a formal objection there must be a meeting of the Council to reconsider the decision in dispute and the decision shall not be effective pending that meeting. The Council must consider the grounds for objection. The Council meeting must take place within 14 working days of the receipt of the Leader's 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.
- 2.3 The Council may insist that its decision is to stand. This confirmation will be by formal resolution passed by a simple majority. The decision shall be made public and shall be implemented immediately.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1 The Cabinet, individual members of the Cabinet and any Officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

- b. If the Cabinet, individual members of the Cabinet, any Officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/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 below shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 The Cabinet, an individual member of the Cabinet or Officers, or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken if:

- (i) It is not practical to convene a quorate meeting of the Full Council;
and
- (ii) The Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

- 4.2 The reasons why it is not practical to convene a quorate meeting of Full Council, and the Chair of the Overview and Scrutiny Committee's consent, must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- 4.3 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.

5. IN-YEAR CHANGES TO POLICY FRAMEWORK

- 5.1 The responsibility for agreeing the Budget and Policy Framework lies with the Council. Decisions by the Cabinet, an individual member of the Cabinet or Officers, or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- (i) Which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (ii) Necessary to ensure compliance with the law, ministerial direction, or Government guidance; or

- (iii) In relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

6. CALL-IN DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

- 6.1 Where Overview and Scrutiny Committee has the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 6.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer and/or Chief Finance Officer's report shall be to the Cabinet and a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to:
 - (iii) Council in the event that the Monitoring Officer and/or Chief Finance Officer conclude that the decision was a departure; and
 - (iv) the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 6.3 If the decision is yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Committee may refer the matter to Council.
- 6.4 In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 14 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) Endorse a decision or proposal of the Cabinet decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, the decision of the Council be minuted and circulated to all Councillors in the normal way;
 - (ii) Amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

- (iii) Where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing Framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

Chapter 4.8 Financial Regulations

1. INTRODUCTION AND GENERAL PRINCIPLES

- 1.1 Financial Regulations provide the strategic and operational framework for the financial governance of the Council. Their objective is to enable officers to carry out their financial responsibilities in a manner that is consistent with good practice and sound financial management.
- 1.2 In addition, the Local Government Act 1972 (Section 151) requires that an employee of the Council is recognised as the responsible finance officer. In the London Borough of Enfield that officer is the Executive Director of Resources (Section 151 Officer). The Executive Director of Resources therefore has responsibility for the administration of the Council's financial affairs and for the preparation, review, and amendment of these Regulations. Any issues arising from the interpretation of these Regulations shall be resolved by the Executive Director of Resources.
- 1.3 Financial Regulations form part of the Council's Constitution. Their purpose is to regulate the ways money is spent and received and to provide a framework that ensures compliance with statutory and corporate requirements including the Accounts and Audit (England) Regulations 2015 (as amended) and Local Audit (Public Access to Documents) Act 2017. In these respects, all decisions and all actions of officers shall have regard to them.
- 1.4 Nonetheless, no financial regulation drafted by Council, save that backed or required by legislation, can constrain the responsible finance officer to ensure that the Council is a 'going concern'. Equally no Council regulation is permitted to prevent Council officers in a manner inconsistent with the law or to act without due regard of good financial management practice.
- 1.5 The Council's Scheme of Delegation to officers reflects a business-like approach to decision making, enabling the Council itself to concentrate on issues of wider strategic importance.
- 1.6 Each Department shall, therefore, have an up-to-date Scheme of Delegation in place that identifies the officers who are authorised to take decisions and sets out the scope and extent of their authority in applying these Regulations.
- 1.7 Each Director shall be responsible for ensuring that sufficient resources are allocated toward achieving sound financial administration in their Departments. It is the responsibility of each Director to ensure that his/her Department has adequate systems and procedures for effecting compliance with these Regulations and is organised in such a way as to enable his/her officers to fulfil the responsibilities that are delegated to them.

- 1.8 The Executive Director of Resources shall, after consultation with the Director concerned, report immediately to the Chief Executive and then to a subsequent meeting of the Audit & Risk Management Committee, any material non-compliance with Financial Regulations.
- 1.9 In applying these regulations, officers shall adhere to the Council's Employee Code of Conduct, in particular with regard to:
- (i) Acting with integrity and honesty in carrying out their duties and responsibilities and in the use of Council assets; and
 - (ii) Notifying management of any conflict of interest or pecuniary interest that may arise in connection with the Council carrying out its functions.
- 1.10 These regulations shall apply to all activities of the Council. There shall be separate Financial Regulations governing Council Maintained Schools and other entities controlled by the Council which shall be consistent with the principles and objectives of these regulations.
- 1.11 Where possible, these regulations will always try and delineate between the strategic and operational responsibilities. However, the Executive Director of Resources is required to maintain a scheme of delegation. All responsibilities for various functions noted in the following sections except those related to Property are at the discretion of the Executive Director of Resources, as Section 151 Officer, and can be adjusted at any point in time after the Monitoring Officer is informed.
- 1.12 The Executive Director of Resources is required to maintain a finance function with the capability and capacity to support the organisation to deliver on the responsibilities noted within the various sub-headings. That function shall include one designated Deputy Section 151 Officer (currently Director of Finance & Commercial), that is responsible for the Finance function, so that there is resilience within the function.
- 1.13 It is the role of budget holders to manage the budgets, not the finance function.

2. FINANCIAL RECORDS

- 2.1 The Director of Finance & Commercial shall have overall responsibility for establishing and maintaining appropriate systems and records for:
- (i) Compiling detailed accounting records;
 - (ii) Producing financial management information; and
 - (iii) Preparing the Council's Statement of Accounts.

- 2.2 The form of financial records maintained outside the Finance department is expected to be maintained in a state that is viewed acceptable by Finance.
- 2.3 All new financial systems and significant amendments to existing financial systems (manual or electronic) shall be approved by the Executive Director of Resources, who shall authorise their implementation.
- 2.4 All systems that have a financial module or reporting aspect must also meet the expectations of the Finance department.
- 2.5 Financial records shall not be disposed of other than in accordance with arrangements as specified in the Council's Document Retention Policy.
- 2.6 Finance shall make arrangements for co-ordinating, completing and certifying all grant claims and other financial returns as required by Government and other bodies. Service Managers shall maintain such records as necessary to enable such claims and returns to be made.
- 2.7 Finance shall keep a record of all reconciliations and details of the nominated officers responsible for completing them and for taking any further appropriate action to maintain the integrity of the relevant financial systems and procedures.
- 2.8 Finance shall keep a record of all journals with adequate supporting evidence that is easily accessible, even if individuals are unavailable.
- 2.9 All systems containing financial information and operating outside the Council's main accounting system shall be reconciled to it in a format as specified by Finance. The reconciliations shall be prepared to comply with the timetable as prescribed by Finance. Actions arising from such reconciliations shall be taken promptly to maintain the integrity of the relevant systems.

3. RESPONSIBILITIES OF COUNCIL OFFICERS

- 3.1 Service Managers shall ensure that Finance is supplied with such information as may be required for the purposes of closing the Council's accounts, compiling the Council's Statement of Accounts and the preparation of the Council's budget and financial monitoring statements.
- 3.2 Service Managers shall supply to Finance, in advance, details of any proposal that has financial implications, which their commissioning Director intends to take as a Director's, Cabinet Member, Cabinet, or Council decision. No report shall be submitted for decision or presented to the Executive Management Team (EMT) without a clear statement of the financial implications provided by Finance.

- 3.3 Service managers shall consult with the Service Finance Business Partner, and Legal Services where appropriate, in the preparation and acceptance of all bids to external funding bodies in order that proper consideration is given to the terms and conditions of such funding, the nature of the proposed expenditure and any requirement for council match funding. The submission and acceptance of all bids shall be approved by the Executive Director of Resources.
- 3.4 Where a matter within a Department arises which may affect materially the finances of the Council, the Director shall consult with the Executive Director of Resources before any further commitment is agreed. The Executive Director of Resources shall satisfy themselves that such information relating to the matter is accurate and otherwise appropriate before a report is finalised and published and a decision is taken.
- 3.5 It shall be within the discretion of the Executive Director of Resources, for the purposes of individual Regulations, to determine whether matters are material, significant or substantial but in practice discretion will be governed by the following principles:
- (i) Monetary value - increases in expenditure or reductions in income that cannot be contained within existing Department budgets;
 - (ii) Non-compliance leading to a finding by Internal Audit of “limited” or “nil” assurance;
 - (iii) Reputational impact on the Council.

4. FINANCIAL SUSTAINABILITY (BUDGETING, RESOURCES & RESERVE MANAGEMENT)

- 4.1 The Section 151 Officer is responsible for ensuring that the Council’s budget is prudent and that the Capital Programme is affordable and sustainable in current and future years.
- 4.2 Moreover, it is a legal requirement that the Council must not only set a prudent budget but one that is balanced.
- 4.3 The Section 151 Officer shall ensure that unallocated reserves are maintained and are sufficient to cover unforeseen emergencies and working capital requirements of the authority. They shall also ensure that a forward projection of earmarked reserves is produced to demonstrate the future position over the next 5 years, aligned with the next year’s revenue budgets to determine if the Council would move into using the unallocated reserves.
- 4.4 The Section 151 Officer shall report to the Cabinet and Council meetings that are considering and deciding upon the coming year’s revenue and capital budgets and council tax. The report shall deal with the robustness of the

estimates and the adequacy of the earmarked reserves and general balances allowed for in the budget proposals.

- 4.5 Where there are restrictions on the use of reserves, where specific conditions have to be met, or where there is a regulatory requirement, such balances will be kept in earmarked reserves, until such requirements are met.
- 4.6 The Cabinet shall agree and recommend to Council the revenue budget for the coming year and a Medium Term Revenue Plan that shall cover four additional years. This will cover estimates for the General Fund and HRA and recommendations on Council Tax and HRA rent levels for the forthcoming year.
- 4.7 The Cabinet shall agree, and recommend to Council for approval, the Capital Strategy and Ten Year Capital Plan. The Cabinet shall review and update the Ten Year Capital Plan each year, and Cabinet shall agree and recommend to Council a list of capital projects to be included in the capital programme. This budgetary framework is not a right to spend, except where specific projects are sufficiently detailed and appropriate delegations exist.
- 4.8 In accordance with legislation, the Cabinet shall agree and recommend to Council indicators as defined in the CIPFA Prudential Code or locally relevant ones as recommended by the Section 151 Officer. Cabinet shall at the very least include the setting of external borrowing limits, the estimated level of total capital expenditure and of the total capital financing requirement for the forthcoming year and for the following nine years.
- 4.9 In those instances, where the Council enters into an obligation in relation to receive grants and other contributions, if it fully funds a Capital Scheme, it may be deemed that a budget has been created to meet that obligation. This is most likely to apply to Planning section 106 obligations; however, the Section 151 Officer, with advice from the Monitoring Officer, shall review as to whether such an obligation automatically entails the creation of a budget.
- 4.10 The Council, and Cabinet, must also have due regard to regulations in relation to Capital Investment and Financing and CIPFA's Financial Management Code of Practice.
- 4.11 In making recommendations to Council, the Cabinet shall inform and consult with Scrutiny Panels and other consultative groups in a manner to be determined by Cabinet.
- 4.12 The Cabinet, when making its recommendations, and the Council, when making its decisions on the revenue and capital budgets, shall have regard to the reports and financial implications from the Executive Director of Resource and the Director of Finance & Commercial.

- 4.13 The details of the budget estimates for the coming year shall be established by the Chief Executive and Directors within the framework of the recommendations made by Cabinet and the subsequent decisions made by the Council.
- 4.14 The Head of Corporate Finance is responsible for ensuring that appropriate working papers and financial models exist behind all key budgetary assumptions.
- 4.15 While priorities are determined by Council and actioned by Cabinet, in line with their statutory responsibilities, the Section 151 Officer is responsible for ensuring that the financing of the capital programme is both prudent, legal, and efficient in its arrangements.
- 4.16 Equally, it is the responsibility of the Director of Finance & Commercial to ensure that Finance keeps the Executive Director of Resources kept up to date with any in-year changes in the underlying financial position of the authority, so that this can reported to Cabinet.
- 4.17 Corporate Finance shall maintain a register and listing of all existing and forecasted resources (Capital Receipts, Grants, and other Contributions). It will be the responsibility of Finance as a whole to maintain it.
- 4.18 All revenue income, capital grants and receipts shall be considered non-ring-fenced unless there is specific provision made for it in the terms and conditions covering said monies. This is to ensure that all resources are used in the most efficient manner in line with the Corporate Priorities.

5. FINANCIAL CONTROL

- 5.1 The Head of Corporate Finance is responsible for maintaining the system of financial controls across the authority. This system does not stand alone but is supported by adherence to HR regulations, procurement and contract management rules and especially is consistent with the Constitution and guidance provided by the Monitoring Officers. There are five key pillars of this system:
- (i) Revenue Budget Controls (Virements);
 - (ii) Adjustments to the Capital Programme;
 - (iii) Reconciliation Regime;
 - (iv) System controls; and
 - (v) Controls relating to individual officer responsibilities.

Virement Controls & Adjustments to the Capital Programme

- 5.2 The Council sets the annual revenue budget envelope for the Council. However, maintaining the split of budgetary allocation between the departments (Resources, Chief Executive's, Place and People) is maintained by Cabinet throughout the year after the original budget has been set.
- 5.3 The reallocation or redirection of existing resources within the revenue budget is subject to the Council's virement approval procedures unless the reallocation or redirection is in respect of a restructuring approved by Cabinet or Council or is necessary to accommodate the accounting requirements of the CIPFA Accounting Code of Practice.
- 5.4 A virement represents a change in how resources are agreed to be spent across the authority. It does not represent cleansing of budgets for spend categorisation purposes or replacing internal recharges with budget adjustments, as these are accounting adjustments. Equally, if the budgets have been set on a net basis (expenditure minus income), then adjusting to a gross basis or vice-versa does not constitute a virement. If, however, there is reason to believe that the expenditure is derived from greater growth in the activity, then that should be reported.
- 5.5 If the fundamental purpose of the expenditure has not changed, then moving budgets between services in the same department, does require Cabinet approval. If, however, the nature of the service has changed, then clarification needs to be sought from the Section 151 Officer as to whether a virement might be required. If this is the recommendation, then the limits in 5.6 would equally apply.
- 5.6 The limits between department budgets are as following:
- | | |
|------------------------------|---------------------------------------|
| up to £100,000 involved | Approval by the two or more Directors |
| up to Key Decision Threshold | Approval by Section 151 Officer |
| above Key Decision Threshold | Approval by Cabinet |
- 5.7 Corporate Finance shall maintain a control reconciliation of budgets and Finance Managers should look to continue the same for individual departments, as it supports good financial management.
- 5.8 The Council's budget includes a central contingency to cover additional expenditure arising from circumstances that could not be anticipated at the time the budget was set. Allocations from central contingency are subject to the following process:
- | | |
|--|---|
| Up to Key Decision Threshold Resources | Approval by the Executive Director of Resources |
|--|---|

- 5.9 Use of earmarked reserves shall set aside to fund future spending plans and proposals subject to the approval of the Executive Director of Resources, in consultation with EMT and with Cabinet as appropriate. Funding from earmarked reserves shall be drawn down in accordance with conditions that shall be specified at the time the reserve is created and shall depend on the purpose for which the reserve was established. The continuing need for existing earmarked reserves shall be reviewed annually. Earmarked reserves shall include the carry forward of any revenue grants or contributions receivable from external parties where there are no outstanding conditions that require the grant or contribution to be repaid to the awarding body and have not yet been applied in the funding of relevant expenditure.

Adjustments to the Capital Programme

- 5.10 Only Council can set the budgetary envelope for the various capital schemes. Budgets may be set at the Fund Level, as the HRA often does, on a rolling programme basis, as a programme of works (a number of smaller schemes) or on a scheme by scheme basis. However, it is good practice to set budgets in the latter two ways, wherever possible.
- 5.11 Annual budget setting will be where the overarching budget envelope is set but the Council reserves the right to bring adjustments to the Council programme to Council on a quarterly basis. Finance may need to provide revised Capital Financing implications if that has a material impact on the revenue budget or radically increases the debt levels or Capital Financing Requirement of the authority in future years.
- 5.12 Capital budgets cannot be reallocated except within rolling programmes and on a programme basis. If a project under or overspends this is a management responsibility to report and the related budget must be released annually to ensure there is transparency on spend.
- 5.13 An exception to this process exists where the Council has entered into an obligation that automatically creates a budget (Section 106 or Grant agreement). This is only true where the Grant or contributions fully funds the expenditure.
- 5.14 The budget envelope does not grant the right to spend. That is reserved for the Executive (either to Cabinet, Cabinet member or multiple Cabinet members, where the budget relates to three or more portfolios). Cabinet can then choose to delegate to any or all of the above, plus officers. Cabinet does not necessarily need to bring all reports to Cabinet as the Leader can approve all outside of this process.

- 5.15 The Key Decision Threshold is set at £500k which means that all reports above this level require a DAR, regardless of delegation and will be externally reported. The quality of financial implications should not change regardless of whether it is delegated or made at Cabinet.
- 5.16 All rolling programmes or programme of works can be delegated to a specific Cabinet Member, during Council, except where it crosses portfolio boundaries. Where individual schemes have individual components that relate solely to one portfolio or another, then individual spend items shall be treated separately. For the purposes of good governance, the rolling programme should be re-approved annually with delegations to a specific officer or Cabinet member.
- 5.17 It is important to recognise that even though Cabinet can delegate responsibilities, this is a political decision as transparency, public recognition, and the need to explain decisions to the public are key determinants. What may be administrative by office perspectives may not recognise the community interest in the decision-making process. The decision whether to delegate is the decision of Cabinet.

Reconciliation Regime

- 5.18 Finance shall keep a central record of all reconciliations, their regularity, and details of the nominated officers responsible for completing them and for taking any further appropriate action to maintain the integrity of the relevant financial systems and procedures.
- 5.19 Finance shall keep a record of all journals with adequate supporting evidence that is easily accessible, even if individuals are unavailable.
- 5.20 All systems containing financial information and operating outside the Council's main accounting system shall be reconciled to it in a format as specified by Finance. The reconciliations shall be prepared to comply with the timetable as prescribed by Finance. Actions arising from such reconciliations shall be taken promptly to maintain the integrity of the relevant systems.
- 5.21 This financial control regime shall be monitored and managed by the Head of Corporate Finance and all officers reporting to this individual, even if many of the reconciliations take place in another service.
- 5.22 A report reviewing all key reconciliations shall be prepared for the Director of Finance on a quarterly basis by Corporate Finance.

System Controls

- 5.23 Financial System control requirements shall be agreed with Corporate Finance, even though most system owners are likely to exist outside this service. All systems shall have a clear process for managing system access and responsibility levels that shall be reviewed at least quarterly.

- 5.24 Financial System Control requirements relate to any system that can produce outputs that have a financial impact on the Council, either in terms of budgets, expenditure, or income. Financial System Control requirements may cover systems for which the data is commercially sensitive, and the Section 151 Officer will be the arbiter of this decision.
- 5.25 The financial regulations do not cover non-financial systems, but it is expected that equally clear regulations shall cover them. All systems may be audited, either by Internal or External Audit.
- 5.26 Financial System hierarchies are the responsibility of Corporate Finance, even if the day-to-day maintenance takes place in another service.

Individual Officer Responsibilities

- 5.27 The Council shall maintain segregation of duties to prevent allowing a single individual the power to approve budgets, expenditure, invoicing, or cash transactions might cause financial damage to the authority.
- 5.28 It is the responsibility of the Director of Finance & Commercial to ensure regular training on financial implications, budget management and other financial matters takes place. This training is designed to ensure that officers are well equipped to manage budgets and that officers understand the financial regulations of the Council.
- 5.29 It is the responsibility of all Finance officers to signpost other officers to where they might seek the best financial advice. Where such advice needs to be externally provided, guidance should be sought from the Director of Finance.

6. BUDGET MANAGEMENT & FINANCIAL SUPPORT

- 6.1 It is the responsibility of the Director of Finance & Commercial to ensure the robust monitoring of all capital and revenue budgets and that there is regular reporting to Cabinet on the financial position of the Council. This report should contain details on the overarching Reserve position, debt collection and any relevant factors. These factors may but are not limited to changes in economic conditions and additional grants, to support Cabinet's ability to make effective and timely decisions.
- 6.2 It is the responsibility of the Head of Finance Business Partnering to ensure that budget managers are appropriately challenged, and that Finance staff act as a 'critical friend' on Revenue matters.
- 6.3 It is the responsibility of the Head of Capital & Projects to ensure that project managers and Directors are appropriately challenged, and that Finance staff act as a 'critical friend' on Capital matters.

- 6.4 It is the responsibility of the Head of Capital & Projects to ensure that the wholly owned companies of the Council have appropriate management accounting support, similar to that provided to managers of revenue budgets in the Council and that this is covered through a formal service level agreement. It is also necessary on said officer to ensure that their officers meet the external reporting duties, as covered by Companies Act and service level agreements with the companies.
- 6.5 It is the responsibility of the Head of Corporate Finance to ensure that all non-service and Capital budgets receive the necessary level of scrutiny.
- 6.6 It is the responsibility of budget holders to manage their budgets in an effective manner and in compliance with the Financial Regulations regardless of their budget.
- 6.7 It is the responsibility of budget holders to inform management and Finance of any concerns that may affect their budget position, for the current year and any future year. This may include past events that may have an impact on the present day or the future. As such all reports supporting decisions should have financial implications, agreed with by Finance.
- 6.8 It is the duty of Finance to provide financial modelling and analytical advice to the services or to procure it when it requires specialist skills.
- 6.9 Any external advice that has not been vetted by Finance cannot substitute for the approval of the Section 151 officer or those reporting to them.
- 6.10 All contracts funded from Revenue or Capital Budgets must be executed in accordance with Contract Procedure Rules.
- 6.11 The Cabinet, EMT and Service Managers within their respective areas of responsibility shall be accountable for the delivery of the Council's planned services and programmes within the budget approved by the Council, unless:
- (i) Otherwise directed by the Council; or
 - (ii) Expenditure on a project or service requires the approval of a Government department, or any other person or body, and that approval has not been received.
- 6.12 All budget adjustments must be made in line with the guidance in the Financial Control section.

Revenue

- 6.13 The following principles must be observed when incurring revenue expenditure during the year:
- (i) Departmental budgets are fixed. It is the responsibility of Service Managers to ensure that their detailed operational budgets are realistic,

achievable and are monitored to ensure expenditure can be contained within their approved budget; and

- (ii) Where it appears that any budget or estimate may be materially exceeded or where there is a need to incur expenditure for which there is no, or insufficient, budgetary provision it shall be the duty of the appropriate Director, in conjunction with the Departmental Management Team, to identify the management action that is required to keep within the Department's total approved budget:
- By meeting any additional sum or shortfall in income from savings made elsewhere from within the Department's approved budget; and
 - By meeting any additional sum or shortfall in income by transferring budget provision from one budget holder to another.

6.14 The Revenue Monitoring process shall consider and report on opportunities for achieving revenue savings and/or service developments as they are identified and can be quantified and implemented.

6.15 Internal recharges need to be proportionate and reflect the cost of activities. A clear explanation and if appropriate a model, shall be used as backing evidence if budgets cannot be moved, either for reasons of efficacy or regulation. As per regulation, neither shall the General Fund, Housing Revenue Account or Pension Fund be subsidised or over-charged unduly.

Capital

6.16 The following principles must be observed when incurring capital expenditure during the year:

- (i) Capital Budget envelopes are set by Council. It is the responsibility of project managers to ensure that expenditure is monitored and can be contained within approved budgets; and
- (ii) Where it appears that any estimate may be materially exceeded in-year or where there is a need to incur expenditure for which there is no, or insufficient, budgetary provision it shall be the duty of the appropriate Director or Programme Manager, in conjunction with either the Departmental Management Team or EMT, to identify the management action that is required to keep within the total approved project budget:
- By reconsidering whether costs can be reduced elsewhere within the project;
 - By considering whether it is an issue of delivering ahead of schedule and requesting to Council for future years' budgets; and
 - By informing the EMT that the budget requirement was insufficient and obtaining their advice as to whether to request Cabinet (and Council) for the right for additional budget or whether the scheme needs a fundamental rethink in light of the higher costs.

- 6.17 Capital Expenditure must be assessed against financing assumptions, investment returns and as such it is the duty of the Head of Capital & Projects to keep the Head of Corporate Finance apprised of any expectations of material changes to schemes. This is to ensure that the Council does not undertake any undue risk.
- 6.18 Capital Expenditure shall be assessed not just in-year but profiled against the lifetime of the scheme and the Head of Capital & Projects and Project Managers will be expected to maintain records to support such analysis and monitoring.
- 6.19 The Capital Monitoring process shall consider and report on opportunities for delivering the capital scheme in the most efficient manner.
- 6.20 Capital Monitoring shall include all relevant metrics to support management decision-making and oversight. The responsibility to set and review such metrics shall be the responsibility of the Head of Capital & Projects.
- 6.21 It is the duty of the Director of Finance & Commercial to ensure that an appropriate body exists within the Council for the monitoring of projects and to report upwards to the EMT and to the relevant Cabinet member any significant divergence from the planned expenditure. The body is presently called the Capital Programme Board.
- 6.22 Any additional capital funding sources shall be immediately reported to the Head of Corporate Finance, so that they can be added into the financing of the Capital Programme. Where it represents a new or extension to an existing project, it must also be reported to the Head of Capital & Projects. As noted in 4.15, capital financing decisions, except where specific conditions exist, are the responsibility of the officer in the statutory Section 151 role. Any accounting issues are dealt with under the Financial Reporting section.
- 6.23 Virement Controls and changes to capital schemes are dealt with under the Financial Control section.
- 6.24 Rolling block allocations shall be agreed on a rolling 10-year basis and detailed in the Annual Budget reports but reviewed annually. All sub-schemes within said allocations should re-approve the appropriate delegations annually. The project manager (and EMT) may still choose to produce formal reports for Cabinet if the amount is still deemed significant. However, all planned spend must be regularly reported to the relevant Cabinet member.
- 6.25 It is the requirement of the relevant director to report regularly on all departmental capital allocations to the relevant Cabinet member.

Companies

- 6.26 While it is the responsibility for the Head of the Capital & Projects to provide the agreed level of management accounting support to the companies as agreed under the relevant SLA, it is the responsibility of the Director of Law & Governance (not in their Monitoring Officer capacity) to keep Cabinet apprised on a regular basis on their financial performance.

7. FINANCIAL ACCOUNTING

- 7.1 Service Managers shall ensure such information as is required for the closure of the Council's accounts is provided in accordance with the closure of accounts timetable and the Council's accounting policies in compliance with the CIPFA IFRS Code of Practice, the Accounts and Audit Regulations and Capital Finance Regulations and subsequent amendments thereto.
- 7.2 All officers must recognise the statutory deadlines of May 31st for draft Accounts and producing unqualified and audited by July 31st as being key determinants of the Council's requirement to be a going concern in order to deliver its corporate goals.
- 7.3 Corporate Finance shall circulate annually detailed guidance to all service managers, budget holders and members of staff involved in the processing of income and expenditure transactions on the closure of accounts timetable and the information they are required to produce and the procedures they are required to follow at the financial year end – Closure of Accounts Guidance for Budget Holders and Service Based Staff.
- 7.4 Further guidance shall be circulated in respect of the valuation of Council assets – The Valuation Commissioning Document and The Accounting and Valuation Guide.
- 7.5 The Head of Capital & Projects shall ensure the production of the company accounts are compliant with the most recent Companies Act & Tax Act. The Head of Capital & Projects shall ensure that with the support of the Head of Corporate Finance that all inter-group transactions are eliminated. However, responsibility for the Group Accounts rests with the Head of, Corporate Finance, who is also responsible for the single entity Council Accounts alongside the Pension Fund Accounts.
- 7.6 All quarterly management accounts must be consistent with their financial accounting equivalents, where such exist.

8. PROCUREMENT & COMMISSIONING

- 8.1 The Head of Procurement is responsibility for ensuring that the Council's procurement strategies and contract procedure rules are efficient and compliant with all regulation. Equally, the Head of Procurement is responsible

for providing advice. The Head of Exchequer Services is responsible for the Procure-to-Pay cycle, as it links directly with the purchasing process.

- 8.2 All contracts entered into by the Council or on its behalf shall comply with EU and national legislation, the Council's Procurement Strategies, and Contract Procedure Rules, the Council's Financial Regulations, and associated procurement guidance manuals.
- 8.3 All procurement activity shall consider the potential social, economic, and environmental impact in accordance with the Council's Procurement Strategies and Sustainable and Ethical Procurement Strategy. It is a requirement that anyone who is not an officer of the Council but is authorised to carry out any of the Council's procurement functions shall comply with the Council's Contract Procedure Rules and these Financial Regulations as if they were an officer of the Council. Contracts with an estimated value above the EU threshold shall be approved by the relevant Departmental Procurement Board before entering into any procurement activity.
- 8.4 Where a corporate contract is in place for the provision of specified goods and services, this supplier shall be used in all circumstances unless the use of an alternative supplier has been approved by the Procurement Team. New supplier records shall only be created where it has been demonstrated that Contract Procedure Rules have been followed and where existing suppliers are unable to provide the specified goods and services.
- 8.5 Purchasing procedures shall:
- (i) Achieve best value for money;
 - (ii) Be consistent with the highest standards of integrity;
 - (iii) Ensure fairness in allocating public contracts;
 - (iv) Comply with all legal requirements;
 - (v) Shall take into account appropriate commercial and non-commercial considerations; and
 - (vi) Support the Council's corporate aims and objectives.
- 8.6 Service Managers shall ensure that adequate provision has been set aside in the Council's revenue or capital budgets as appropriate before proceeding to the invitation to tender stage in the process for the procurement of goods and services.
- 8.7 All contracts let by Departments shall be recorded in the Corporate Contract Register as specified by the Contract Procedures Rules and Procurement Manual.

- 8.8 Copies of each contract shall be stored in the Contract Register with supporting documentation as specified by the Contract Procured Rules and Procurement Manual.
- 8.9 No items of IT hardware or software shall be procured without approval of the Head of ICT.

9. PAYMENTS & PROCURE TO PAY CYCLE

- 9.1 The Head of Exchequer Services shall have responsibility for all duties in relation to contract payments, the purchasing cycle after the original procurement decision has been made.

Contract Payments

- 9.2 A register of contracts where payments are to be made by instalments and may be subject to variation shall be maintained by Exchequer Services in conjunction with a record of all payments made under each contract.
- 9.3 All contract payments on account shall be authorised by a certificate issued by an authorised officer. The certificate shall include the total amount of the contract, the value of work executed to the valuation date, the amounts already paid, retention money, the amount now certified and any other amounts to be deducted from the payment under the contract.
- 9.4 Variations within a contract in respect of a scheme in the capital programme shall be authorised by the certifying officer, provided that the total cost does not materially exceed the estimate provisions, including contingencies. See Regulation 5 where the cost is materially exceeded (Capital Expenditure).
- 9.5 This Regulation shall not apply to agency schemes unless there is an effect on any financial contribution by the Council, subject to the principal authority granting all necessary approvals.
- 9.6 On completion of the contract, the commissioning Director or authorised officer shall examine the final account with all relevant documents and ensure that it is complete and accurate, and that any necessary recoveries are executed in accordance with the terms and conditions of the contract.

Procure to Pay

- 9.7 Purchase orders shall be raised before any commitment with a supplier to purchase goods, services or works is made. A supplier submitting an invoice shall be issued with a purchase order number to quote on the invoice to enable a payment to be made. The only exceptions to this shall be suppliers paid via upload spreadsheet (where this method has been agreed with Exchequer Services), one-off vendors (AP1 form) and Purchase Card purchases.

- 9.8 All purchase orders shall be checked and approved by an authorised officer as specified in the Department's Scheme of Delegation.
- 9.9 Service Managers shall provide details to Exchequer Services of authorised approvers where payments are to be made to one-off vendors via the accounts payable process (AP1 form).
- 9.10 Before a transaction is goods receipted or a payment is approved to be made under the one-off vendor accounts payable process, the responsible officer shall ensure that:
- (i) The works, goods or services to which the payment relates have been received or carried out, examined and approved, except where payment is required in advance to secure services to be carried out; e.g. training courses and in the case of residential, day care, home care, fostering and adoption placements, where, for the purpose of processing an invoice, authorised officers may certify that the service has been received in advance of the end of the period to which the invoice relates, or
 - (ii) The prices, extensions, totals, trade discounts, other allowances, credits, and tax are correct, and in accordance with the order;
 - (iii) The relevant expenditure has been properly incurred and is within the relevant estimate provision, or contract pricing schedule;
 - (iv) Inventories, stores, or stock records are updated as required; and
 - (v) The item has not previously been passed for payment and is a proper liability of the Council.
- 9.11 Service Managers shall ensure that purchase order records raised on SAP/Neptune by their officers are correctly maintained in accordance with procedures approved by the Director of Finance & Commercial.
- 9.12 Suppliers shall submit their own invoice quoting their purchase order number either electronically or to the Council's scanning bureau. Invoices sent to the bureau shall be typed with no hand-written amendments; the supplier shall be requested to provide a correct invoice, issue a credit note or supplementary invoice as appropriate.
- 9.13 All discounts, rebates, commissions, and similar allowances offered by suppliers shall accrue to the Council.
- 9.14 Service Managers shall, as soon as possible after 31st March and not later than the date to be specified for each year, advise Finance of all outstanding revenue and capital expenditure liabilities and obligations that relate to the previous financial year.

Purchase Cards

- 9.15 Purchase Cards shall be used for low value (below £500) ad-hoc spend, except where rebates can be obtained corporately, and such an exception is agreed by the Executive Director of Resources. Purchase cards shall be used in accordance with the Corporate Purchase Card Guide and Policy and Contract Procedure Rules.
- 9.16 Cards shall be requested from Exchequer Services and the issue of cards shall be approved by the Executive Director of Resources. Card holders shall take all reasonable steps to ensure that they keep the card safe and shall adhere to the Council's IT internet policy when shopping online.
- 9.17 Purchase Cards shall be correctly reconciled by each cardholder each month and the expenditure approved by an authorised officer as specified in the Department's Scheme of Delegation.
- 9.18 Purchase Cards may be used to cover staff expenses but shall not be used to purchase alcohol, stationery, fuel, and IT equipment. Further details are contained in the Corporate Purchase Card Guide and Policy.
- 9.19 Cards shall be handed back when the card holding officer leaves the Council or goes on maternity leave. If the card holder is on long term sick leave, then the manager shall inform the Exchequer Services Corporate Procurement Team to suspend the card.

Payroll & pension payments

- 9.20 Exchequer Services shall be responsible for the payment of salaries, fees, allowances, pensions, PAYE related deductions, other approved deductions, and the reimbursement of expenses in line with corporate policy, conditions of service and statutory guidelines.
- 9.21 Specimen signatures of the officers authorised to approve payments to individuals via payroll shall be provided by each Service Manager to Exchequer Services.
- 9.22 Service Managers shall notify Exchequer Services, as soon as possible, of all matters affecting payments to individuals, in particular:
- (i) Appointments, resignations, retirements, dismissals, suspensions, secondments, and transfers;
 - (ii) Absences from duty due to sickness or other reasons, apart from approved leave, where managers do not have access to MI Portal.
 - (iii) Changes in salaries, fees, and allowances, other than normal increments and pay awards; and
 - (iv) Information necessary to maintain records of service for pension and PAYE related deductions as required by law.

- 9.23 All records or other pay documents shall be in a form prescribed or approved by Exchequer Services and shall be certified by, or on behalf of, the appropriate Director. The names of officers authorised to certify such records shall be provided to Exchequer Services by the relevant Director, together with specimen signatures, which shall be amended on the occasion of any change.
- 9.24 Payments to employees shall be made by an authorised officer of the Executive Director of Resources, or such other persons as the Executive Director of Resources shall authorise.
- 9.25 Claims for travelling, subsistence or other allowances shall be received by Exchequer Services within two months of when expenditure was incurred.

10. TAXATION

- 10.1 It is the role of the Head of Corporate Finance to ensure that the Council (and its wholly owned entities) to obtain appropriate Group Tax advice and to maintain appropriate records, so that the Section 151 Officer and their Deputy (Director of Finance and Commercial) have the full appreciation of the tax situation at any given point in time. Where it is unclear as to responsibility for taxation lies, residual responsibility including for record-keeping rests with the Head of Corporate Finance.

Corporation Tax

- 10.2 While it is the responsibility of the Head of Capital & Projects to provide Corporation Tax advice to the companies, it is the responsibility of the Head of Corporate Finance, to consider the Group Position.

Construction Industry Scheme (CIS)

- 10.3 The CIS shall be administered by the Head of Exchequer Services. Under the CIS, it is the responsibility of the Council to check whether each contractor used by the Council for repairs and maintenance works is registered under the Scheme and to make the appropriate deductions for taxation. Advice on whether a particular type of repair work is covered by the scheme can be obtained from the Head of Exchequer Services.
- 10.4 Where works are covered by the Scheme, the employing department shall check that the contractor is registered under the Scheme and obtain their unique reference number and company registration number (for limited companies) or National Insurance number (for individuals). The Head of Exchequer Services shall obtain a verification number from HMRC along with instructions for deducting taxation from payments to the contractor.
- 10.5 The Head of Exchequer Services is responsible for making monthly returns to HMRC on construction industry deductions.

10.6 The Head of Exchequer Services shall ensure that the HMRC guide to PAYE and further guidelines that are issued from time to time are adhered to at all times. Failure to operate PAYE at the correct time and in the correct situation may result in the Council:

- (i) Having to pay HMRC the tax that should have been deducted; and
- (ii) Being liable for penalties and interest.

PAYE

10.7 The Head of Exchequer Services shall decide with reference to HMRC guidelines whether a new 'employee' qualifies as self-employed or is trading as a Limited Company and therefore not subject to PAYE. Where in doubt, the Head of Exchequer Services shall operate PAYE.

10.8 The Head of Exchequer Services shall be consulted where a Service Manager is unsure as to the PAYE/NI treatment of a given payment.

10.9 In line with The Asylum and Immigration Act 1996, it is the responsibility of the Head of Exchequer Services to ensure that all new employees provide a National Insurance number.

10.10 The Head of Exchequer Services shall carry out negotiations with HMRC to obtain/maintain dispensations (i.e., routine expenses, payments and benefits that would involve no extra tax liability) granted by the HMRC and PSAs PAYE Settlement Agreements (PSAs) for items not covered by dispensation and where tax is paid by the Council rather than reported on a P11d.

10.11 Service Managers shall ensure that agreed criteria and limits included within the dispensation are not breached. Where the nature of the payment or benefit or level of payment is changed, details shall immediately be sent to the Head of Exchequer Services.

10.12 At the end of each tax year and within time limits set by the Head of Exchequer Services, each Director shall report to the Head of Exchequer Services all expenses payments/benefits not covered by a dispensation and made available to any employees during the previous income tax year.

10.13 Before introducing new benefits, the Head of Exchequer Services shall contact HMRC with details in order for the potential tax implications to be considered and appropriate action taken (e.g., dispensation or PSA).

VAT

10.14 Service Managers shall adhere to guidelines on specific supplies, which shall from time to time be issued by the Head of Corporate Finance.

- 10.15 Each Service Manager shall be responsible for applying VAT correctly and in a timely manner and coding it correctly on the Council's financial systems. Detailed guidance is available from the Head of Corporate Finance.
- 10.16 The Head of Corporate Finance shall be responsible for submitting all VAT returns to HMRC and to maintain the calculation of the Partial Tax Exemption.
- 10.17 The Head of Corporate Finance shall be responsible for advising on all matters in relation to VAT with respect to Capital Expenditure.

Stamp Duty Land Tax (SDLT)

- 10.18 It is the responsibility of the Director of Law & Governance to ensure that all appropriate Stamp Duty Land Tax is paid and that appropriate records of all payments are kept.
- 10.19 It is the responsibility of the Director of Law & Governance with support from the Head of Corporate Finance to obtain appropriate advice on SDLT.

11. TREASURY MANAGEMENT & BANKING

- 11.1 The Council shall adopt CIPFA's "Treasury Management in Public Services Code of Practice and Guidance Notes (2019)". The Head of Corporate Finance, under the guidance of the Section 151 Officer, will ensure that the Council adheres to all regulatory advice provided by Ministry of Housing Communities and Local Government or HM Treasury, with especial focus on Commercial Investment.
- 11.2 A Treasury Management Policy Strategy shall be agreed by the Council, stating the policies and objectives of its treasury management activities.
- 11.3 An Annual Treasury Strategy Statement setting out the Council's strategy and procedures shall be reviewed by the General Purposes Committee and adopted by the Council before the start of each financial year and thereafter its implementation and monitoring shall be delegated to the Executive Director of Resources.
- 11.4 The Capital Strategy shall be produced annually and shall link directly to the Treasury Management Strategy so that the two shall be viewed only in concert.
- 11.5 Suitable Treasury Management Practices (TMP) shall be in place, setting out the manner in which the Council shall seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 11.6 Full Council shall receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, and an annual report to the Council, and no later than the 30th September, in the form prescribed in its TMP.

- 11.7 Cabinet shall receive monitoring reports on Treasury Management through the revenue monitoring process.
- 11.8 All money (as defined in the Treasury Strategy Statement) in the hands of the Council shall be aggregated for the purposes of treasury management and shall be under the control of the Treasury Management Team, reporting through to the Head of Corporate Finance.
- 11.9 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet and for the execution and administration of treasury management decisions to the Executive Director of Resources who shall act in accordance with the Council's policy statement, TMP, CIPFA's Standard of Professional Practice on Treasury Management and CIPFA's Prudential Code.
- 11.10 Financing and re-financing of loans, management of investments shall not be considered to be payments.
- 11.11 Long-term loans to companies are items of capital expenditure and as such must be included in the Capital Programme. A planned schedule of payments must be included within the approval, whether in an original Cabinet Report or DAR. Once that decision has been taken, as long as there is sufficient evidence that the loan is still required and the company is meeting the terms of the business case, then the loan documentation is the same required as any other standard loan into which the Council would enter. It is important to note that short-term financing arrangements for working capital or bridging arrangements to companies that meet the approval of the Section 151 Officer are not deemed automatically to be items of capital expenditure.
- 11.12 All financing arrangements and changes to financing arrangements by the Council and its companies must be agreed by the Head of Corporate Finance. This requirement is not limited to loans but may include leases, guarantees and other agreements not explicitly mentioned in this paragraph.

Banking Arrangements

- 11.13 The Executive Director of Resources shall make recommendations to the Cabinet on banking terms and arrangements who shall approve such arrangements.
- 11.14 The Treasury Management Team shall be responsible for arranging the opening and conduct of all bank accounts of the Council. No other employee shall be permitted to open or close a bank account in connection with Council business or amend its management arrangements.
- 11.15 All electronic payments banking details held by the Council and subsequent changes thereto shall be independently verified.

- 11.16 All payments to be made by cheque greater than £500 shall be authorised by the Treasury Management Team. Cheques drawn on the Council's general bank accounts shall be signed by the Executive Director of Resources.
- 11.17 All direct debits and standing orders set up to make payments from the Council's bank accounts shall be approved by authorised bank account signatories.
- 11.18 The Council's bank account shall be reconciled to the Council's main financial records at monthly intervals throughout the year and at the end of each financial year.
- 11.19 Officers shall maintain a segregation of duties between inputting payments and approving payments. This will be included within the banking controls on any system that the Council uses, whether in-house or provided by a third party.

Imprest Accounts

- 11.20 Wherever possible, imprest accounts shall only be considered as a matter of last resort and shall only be used to pay low value expenses in support of service clients as approved by an authorised officer under the Department's Scheme of Delegation.
- 11.21 The account shall be kept on the imprest system and no money, other than reimbursements by Treasury Management, shall be paid into the account.
- 11.22 Payments made shall be supported by receipts containing details of the payment and shall be certified by an authorised officer under the Department's Scheme of Delegation.
- 11.23 Before leaving the employment of the Council, or otherwise ceasing to be entitled to hold an imprest account, an officer shall account for the amount advanced to them to Exchequer Services.

12. PENSION FUND

- 12.1 The Section 151 Officer has specific statutory duties attached to the London Borough of Enfield Pension Fund and its two main constituent parts: Pensions Administration and Investments.
- 12.2 Pensions Administration is managed by the Head of Exchequer Services and is responsible for maintaining the Pension Fund records of all the individual members. This service also ensures that all payments to members are made correctly, adjusting for any relevant taxes.
- 12.3 Pensions Administration also manages the transfers between Funds and responding to the actuary on data quality issues in relation to employee records.

- 12.4 The Pension Administration Team must report regularly both to the Pensions Policy & Investment Committee, Pensions Board and to the Pensions Regulator.
- 12.5 The Investment Team is managed by the Head of Corporate Finance and performs the function of managing the investments in line with the decisions of the Pensions Policy & Investment Committee.
- 12.6 The Pensions Investment Team is required to maintain a separation of duties from the rest of the Council, by acting on behalf on the Pension Fund, in their roles even if individual posts may occasionally be shared.
- 12.7 The Pensions Investment Team must also produce the Pension Fund Accounts and all relevant management reports when required by the Pensions Policy & Investment Committee (PPIC). The Head of Corporate Finance must also ensure direct support for both statutory committees (Pensions Board and PPIC) so that member can fulfil their statutory functions.
- 12.8 Appropriate Pensions advice in relation to contract decisions shall be provided or obtained by the Head of Corporate Finance.

13. INCOME & DEBT

- 13.1 While the Executive Director of Resources has strategic direction for Income and Debt Collection, operational responsibility is split between the Head of Exchequer services, the Head of Income & Debt, and the Head of Corporate Finance.
- 13.2 The Council's debt shall be managed in accordance with the Council's Debt Management Policy. The recording and collection of all income due shall be under the general supervision of, and in a form approved by, the Head of Exchequer Services.
- 13.3 Service Managers shall be responsible for ensuring the prompt transmission of all sums received to Exchequer Services or the Council's bankers. The receipting and banking of money shall be carried out in accordance with instructions issued by the Head of Exchequer Services.
- 13.4 All official receipt forms, ticket forms, cheques and other vouchers representing money or money's worth shall be controlled by Service Managers in a manner approved by the Head of Exchequer Services.
- 13.5 The Head of Revenue and Benefits has responsibility for both collecting the debt in relation to the Collection Fund and responding to all non-accounting matters in relation to local taxation (Council Tax and national Non-domestic Rates).
- 13.6 It is the responsibility for the Head of Corporate Finance to advise all accounting treatments in relation to income and debt collection.

Debt write off policy & procedures

- 13.7 Any write-off of income due must be valid and properly authorised.
- 13.8 The Executive Director of Resources is responsible for setting a Corporate Debt Policy which, for each type of debt:
- (i) Defines the billing, collection, and enforcement process for the efficient, effective, and economic collection of debt;
 - (ii) Defines the minimum levels of investigation of uncollected debts before write-off may occur; and
 - (iii) Places responsibility with each Director to ensure the Council's accounts reflect collectable debts by exercising a timely comprehensive write-off of uncollectible debts.
- 13.9 All debt write offs shall be executed in accordance with the Corporate Debt Policy. The authorisation of write-offs and limits are specified below:
- (i) Reports seeking approval to the writing off of debts shall be prepared each quarter.
 - (ii) Reports shall be prepared with separately identified elements including but not limited to the following:
 - Council Tax (including awarded costs);
 - NNDR (including awarded costs);
 - Housing Benefit;
 - HRA Property Rents and Service Charges (HRA);
 - Temporary Accommodation (General Fund);
 - General Fund Property Rents and Service Charges
 - Social Services Care Charges;
 - Parking Control Notices;
 - General Debtors
- 13.10 Debt write off limits (revised 2019):
- (i) Up to £2,500 Nominated officers as designated in the service Scheme of Delegation
 - (ii) Up to £10,000 Nominated Heads of Service as designated in the service Scheme of Delegation
 - (iii) Up to £25,000 Service Directors

- (iv) Up to Key Decision Limit Executive Director of Resources.
- (v) Unlimited authority in the case of bankruptcy, liquidation, deceased and no assets, including untraceable debtors rests with Executive Director of Resources.
- (vi) Unlimited authority in relation to discharging the duties of the Section 151 role to maintain the Council as a going concern and for the efficacy of general operations does not preclude the requirement for proper reporting. This is why this option is considered after option (vii) and only when all other options have been exhausted.
- (vii) Above Key Decision Limit or (iv), Cabinet Lead Member for Finance and Property unless covered by the authority of the Executive Director of Resources.

13.11 The reasons for write-offs shall be fully documented and justified.

13.12 Treasury Management shall arrange for the recovery of VAT that has been overpaid to HMRC as a result of debt deemed to be irrecoverable.

13.13 Appropriate provisions for bad debts (impairment of debt) shall be made and reviewed at least annually taking into account the nature and age of the debt and the likelihood of recovery based on expected collection rates, in line with accounting standards.

13.14 The writing off of bad debt and the determination of bad debt provisions including assumptions and judgements made are subject to annual review by external audit.

13.15 A summary report for all debt write offs shall be submitted to the Cabinet Lead Member for Finance and Property at least bi-annually.

14. RISK MANAGEMENT & INSURANCE

14.1 Risk Management is the responsibility of all officers within the Council, but it is the responsibility of the Director of Law & Governance to ensure that the Council has an appropriate Risk Management Framework, and that the authority is adequately ensured.

14.2 The Director of Law & Governance shall be responsible for approving a Risk Management Policy prepared by the Risk Management Officer and shall report on the Council's exposure to risk and the implications to the Audit Committee.

14.3 The Council shall maintain an appropriately detailed Corporate Risk Register that is reviewed regularly by EMT and the Audit and Risk Management Committee, with support from the Head of Internal Audit. It is the

responsibility of EMT to ensure it is kept up to date with appropriate plans in place to mitigate the risk.

- 14.4 It is the responsibility of all Directors and Heads of Service to both contribute to the departmental risk registers and also maintain business continuity plans.
- 14.5 The Head of Internal Audit shall be the Council's agent for effecting all insurance cover and for negotiating all claims in consultation with the relevant Service Managers.
- 14.6 Service Managers shall give prompt notification to the Insurance Manager of all new risks, properties or vehicles which require to be insured and the value, and of any alterations that may affect existing insurances. Whenever possible, notification should precede the acquisition of insurable items.
- 14.7 Service Managers shall within 21 days notify the Insurance Manager in writing of any loss, liability, damage, or other similar event likely to lead to a claim including providing evidence or proof of loss.
- 14.8 The Head of Internal Audit shall annually, or at such other time as is considered necessary, review all insurances in consultation with the relevant Directors.
- 14.9 Service Managers shall provide estimates of value of all items of property in their custody as required.

15. PROPERTY & ASSET MANAGEMENT

- 15.1 The Director of Property & Economy is responsible for ensuring that there is an asset management record-keeping framework and that there is an asset management plan supporting Capital budgeting and decision-making.
- 15.2 All property records and reconciliations of balances may be reviewed at any time by the Head of Internal Audit or the External Auditors of the Council.
- 15.3 Service Managers shall be responsible for the safe control of property, plant, machinery, vehicles, furniture, equipment, and other non-consumable property their care. They shall also maintain suitable records in a form approved by the Head of Corporate Finance and ensure that, as far as it is practical to do so, all items are effectively marked as Council property.
- 15.4 The Director of Property & Finance, supported by all relevant directors, heads of service and service managers shall maintain records of all land owned or controlled by the Council. This may mean the existence of multiple asset management systems.

15.5 Where non-current assets (assets with a lifespan over 1 year) and a value of £10k are maintained outside Property, directors shall ensure that the Heads of Property and Corporate Finance are kept informed of all significant changes in their value.

15.6 Property Services and Corporate Finance will produce documents before Year-End to confirm any impairments in the value of said assets.

Custody of Property under s.48 of the National Assistance Act 1948

15.7 The Custody of Property under s.48 of the National Assistance Act 1948 imposes a duty on Councils to provide temporary protection for property belonging to persons admitted to hospital or other similar accommodation and are as a result unable to protect their property.

15.8 The Executive Director of People shall make appropriate arrangements for the custody of property retained under this Act.

Inventory (including stocks & stores)

15.9 Service managers shall keep custody and adequate records for the safe custody of all assets anticipated to be consumed within one year or assets held for sale.

15.10 All balances that are over £10k must be recorded in the General Ledger without exception.

15.11 A proper reconciliation shall be regularly produced by service managers that will be reviewed by the Head of Corporate Finance.

15.12 Service Managers shall arrange that a stock take of the items of their inventory records is carried out so that all items in them are, so far as possible, checked at least once each year. The procedure for dealing with surplus, deficiencies and the disposal of obsolete items shall be determined by the Head of Corporate Finance.

15.13 The Council's property shall not be removed other than in accordance with the Council's business or used otherwise than for the Council's purposes, except in accordance with specific directions issued by the Director concerned.

15.14 Where the Director of Finance authorises temporary removal of property, a formal record shall be maintained indicating the location of the property so removed and shall be signed by the person or persons having custody of the property. Where there is private use of Council property, where permitted, employees shall notify the Head of Exchequer Services so that the appropriate HMRC Revenue rules can be applied.

15.15 Employees who are responsible for or are entrusted with Council assets have a duty of care and shall take all reasonable precautions to ensure their safe

custody. Failure to do so may result in personal liability for any loss or damage incurred.

- 15.16 Service managers shall arrange regular independent stock taking. The Head of Finance Business Partnering will ensure that this is regularly reconciled and feeds into the accounting entries.
- 15.17 Internal Audit have no responsibility for stocks and stores but are responsible for the timing of the review of such assets.
- 15.18 Service Managers, in consultation with the Head of Corporate Finance, may dispose of scrap, obsolete or surplus stores that are of a value lower than £10k. For values greater than £10k but greater than £250k, the Director of Finance will need to be consulted and beyond that only the Executive Director of Resources may approve such a disposal. In no instance, does this preclude the reporting to the relevant Cabinet member, if such a matter is deemed material.

Disposal of Council Property

- 15.19 The Director of Property & Economy shall have sole responsibility for the acquisition and disposal of all Council land and buildings (which shall be carried out in accordance with the Council's Property Procedure Rules and the Council's Procurement Policies).
- 15.20 No property owned by the Council shall be disposed of or written off unless the Director of Finance & Commercial agrees that:
- It is no longer required;
 - Has reached the end of its useful life;
 - Needs to be replaced in order to maintain or improve efficiency; and/or
 - Does not have to be returned to an external party;
- And that Finance has certified that there are no further outstanding leasing or hire charges in respect of the property.
- 15.21 All buildings shall be reviewed annually to determine that they are not surplus to requirements or could be used for investment purposes.
- 15.22 The Director of Property & Economy shall keep a record and forecast of all property sales that they shall share with the Head of Corporate Finance to support long-term financial management.

Leases

- 15.23 The procurement of assets through leasing or similar agreements shall be in line with the contract Procedure Rules (before commencement of the procurement exercise) with regard to the approach and procurement strategy

and consideration of alternative funding arrangements including outright purchase and/or use of reserves.

- 15.24 The Director of Property & Economy shall negotiate and agree the terms of all leases of land or of land and buildings where the Council is the lessee or the lessor. Directors may enter into leases of moveable plant, equipment, and vehicles in accordance with the Council's Contract Procedure Rules subject to a formal financial assessment of the lease terms by Finance.
- 15.25 Finance shall also evaluate any contract before it is entered into for the provision of services that includes the use of assets to determine whether such agreements in substance constitute the direct acquisition of assets by the Council (embedded leases, PFI or similar agreements).
- 15.26 The occupation of Council owned premises by external parties shall be formalised on terms and conditions agreed by the Director - Property and Economy.
- 15.27 Service Managers are responsible for notifying Corporate Finance when entering into any leasing arrangement, even if business advice may come from Business Partnering.
- 15.28 All services (including Property) are required to maintain detailed records of all service leases and to update Corporate Finance with any changes.
- 15.29 Corporate Finance shall maintain a centralised summarised repository of all leases into which the Council has entered for reporting, no dissimilar to the Asset Register, to ensure the Council's Accounts meet the statutory requirements.

16. INTERNAL AUDIT

- 16.1 The objective of Internal Audit is to appraise, review and report on:
- (i) The efficiency, effectiveness, and economy of financial and other management controls;
 - (ii) The extent of compliance with relevance of and financial effect of established policies, plans and procedures;
 - (iii) The extent to which the Council's assets are accounted for and safeguarded against losses of any kind arising from fraud, waste, extravagance, inefficient administration, poor value for money or any other cause; and
 - (iv) The reliability and suitability of financial and other management control data used by the Council.
- 16.2 The purpose of Internal Audit is not to deliver or absolve management from any responsibility for internal controls, financial or otherwise.

- 16.3 Under Regulation 6 of the Accounts and Audit (England) Regulations 2011 the Council shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper internal audit practices. "Proper internal audit practices" are contained in "Code of Practice for Internal Audit in Local Government in the United Kingdom", issued by CIPFA. The Council's Internal Audit Function shall comply with these practices.
- 16.4 The Head of Internal Audit is a role supported in local government legislation and the officer and those reporting to them, regardless of management structure, is free to examine any and all records and procedures at any time.
- 16.5 The Director of a Department shall be notified immediately of any irregularity or suspected irregularity which affects the Council's finances by any person having knowledge of this. The Director shall immediately notify the Executive Director of Resources and investigate all such irregularities in consultation with him or her. Failure by any person with such knowledge to notify the Director will constitute a disciplinary offence.
- 16.6 The Head of Internal Audit shall report regularly to the Audit & Risk Management Committee on the audit work programme, work undertaken and the results. It is the responsibility of the Head of Internal Audit to ensure that they have an appropriately qualified staff and for the Section 151 Officer that the service is appropriately resourced.
- 16.7 The Audit & Risk Management Committee may receive reports on issues of probity or integrity relating to the Council's activities.
- 16.8 Upon production of proof of identity and authority, the authorised representative of the Head of Internal Audit, in consultation where necessary with the Monitoring Officer and/or Section 151 Officer shall have the right to:
- (i) Enter at all times upon any Council premises or land;
 - (ii) Have access to all financial and non-financial accounting records, documents and correspondence as appear necessary to internal audit for the conduct of the audit;
 - (iii) Require and receive such information and explanations as are deemed necessary concerning any matter under examination;
 - (iv) Require any employee or agent of the Council to demonstrate the existence of cash, stores, or any other Council property under their control; and
 - (v) On completion of an audit, a detailed report shall be issued to the appropriate Director showing the agreed management implementation plan for the recommendations made.

- 16.9 Internal Audit shall review the whole system of internal controls both financial and non-financial including:
- (i) Undertaking a continuous, systematic, and structured review to evaluate the soundness, adequacy, and application of the Council's internal control system;
 - (ii) Reviewing arrangements for securing economy, efficiency, and effectiveness the use of resources;
 - (iii) Advise and assist management in investigating suspected cases of fraud, corruption, and irregularity;
 - (iv) Review and advise on the development of systems;
 - (v) Provide advice on financial systems, procedures, regulations, corporate governance issues and risk management; and
 - (vi) Contribute to the Council's pursuit of best value.
- 16.10 The Head of Internal Audit shall be authorised to report to each Director as may be necessary, following their examination and audit of their accounts and the accounts of their officers. The Head of Internal Audit may include, in any such report, their observations on the arrangements for financial control and security in the Department under their control and their observations on the effectiveness with which they are carried out by, or under the supervision of, the officer designated for this purpose.

17. KEY OFFICERS, ROLES & RESPONSIBILITIES

Council

As elected members, to agree the Cabinet, to agree the budgetary framework & to hold the Executive (Cabinet) to account.

Cabinet

The Executive make all financial decisions except those that set or adjust the budgetary framework of the Council, or which are delegated to officers or below the Key Decision threshold.

Chief Executive (Head of Paid Service)

This officer leads Executive Management Team (EMT) that manages the Council budgets and staff. EMT, under this officer's guidance, also ensures that Cabinet and Council receive the appropriate advice to support their decision-making.

Executive Director of Resources (Section 151 Officer)

This officer is the statutorily financial responsible officer for the authority. They are responsible for ensuring that the Council is a 'going concern', both in the coming year and the years to come. They are the primary interpreter of

the financial regulations of the authority, and they are duty bound to keep a scheme of delegation in relation to this matter, even if much of this is kept within the Financial Regulations. They are also in post to ensure that Finance and related functions have the capacity and capability to support the operations of the authority and provide appropriate advice to support management decision-making.

Executive Director of People

This officer has specific responsibilities related to safeguarding of assets under the care of the authority.

Director of Law & Governance (Monitoring Officer)

This officer fulfils the Monitoring Officer role.

The Monitoring Officer has three main roles:

- To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration;
- To be responsible for matters relating to the conduct of Councillors and officers; and
- To be responsible for the operation of our Constitution.

In order to ensure separation of roles, the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.

Director of Finance & Commercial (Deputy Section 151 Officer)

This officer is deemed to be fulfilling the statutory duties of the Section 151 Officer if the Section 151 Officer is on leave or incapacitated. The Officer manages the Finance function.

Director of Property & Economy

This director holds responsibility for all Property related matters. However, they may choose to delegate this responsibility to the Head of Strategic Property Services.

Head of Corporate Finance

This officer is responsible for the financial accounting of the authority and advises on all technical accounting issues. They are also responsible for the financial systems. The officer manages Treasury, Pensions, financial accounting, capital financing and Medium-Term Financial Planning. The officer also responsibilities attached to Taxation.

Head of Capital & Projects

This officer holds responsibility for company accountancy support, Housing Revenue Account and capital business partnering. Most major projects will involve support from this officer's team.

Head of Finance Business Partnering

This officer provides all revenue business partnering support except for the Housing Revenue Account.

Head of Internal Audit

This officer manages Internal Audit, Risk Management and Fraud investigations. The post is shared between London Borough of Waltham Forest and the London Borough of Enfield.

Head of Exchequer Services

This officer is responsible for the Accounts Receivable function, Payroll and both the Accounts Payable function and the Procure to Pay responsibilities.

Head of Income & Debt

This officer is responsible for business rates and council tax collection.

Head of Procurement

This officer is responsible for ensuring that the Procurement function provides advice on procurement matters.

Budget Holders

These officers are responsible for managing their budgets in an efficient and economic manner. They are responsible for both forecasting their net expenditure through the relevant management tool provided and ensuring that they have the records to evidence the decisions they have undertaken.

All Officers

All officers must take due care with Council resources, whether they are responsible for budgets are not.

Chapter 4.9 - Contract Procedure Rules

1. INTRODUCTION

- 1.1 These Contract Procedure Rules (Rules) form part of the Council's Constitution. It is important that the Rules and the processes set out in the Procurement Manual are applied correctly to ensure value for money, protect the public purse and the Council from challenge.
- 1.2 The Procurement & Commissioning Hub (P&C Hub) must lead on all procurements over the EU Threshold.
- 1.3 The following principles should be followed by Service Departments in all procurements to ensure that contracts are entered in a compliant manner and deliver value for money (VFM) to the Council:
- (i) To protect the public purse all procurements must deliver VFM. Service Departments should demonstrate VFM by:
 - Carrying out some form of competitive tender and ensuring that the minimum number of quotes (including local Suppliers where appropriate) has been received in accordance with Rule 14.
 - Demonstrating the need for the Goods, Services or Works.
 - Considering alternative methods of delivery and what approach will deliver the best outcomes for the Council Service
 - Exploring opportunities to work collaboratively across the Council and take responsibility for the specification and ensure that it is neither over, or underspecified, meets the Service Department's needs and is clear and concise.
 - (ii) To ensure that the Council remains legally compliant, the procuring officer must ensure that Council governance and policy have been followed and that all procurement activity must follow these Rules and processes set out in the Procurement Manual and be compliant with Public Contract Regulations 2015. They should not expose the Council to risk of legal challenge, payment or compensation, fines or reputational risks.
 - Service Departments should not enter into a contract, nor any tender/quotation invited/received, unless provision is made in the annual budget or is otherwise agreed by the officer with appropriate delegated authority and is in accordance with the Financial Regulations; and
 - Savings and efficiencies will be explored both prior to and after letting or renewing the contract
 - (iii) To ensure all procurements have an audit trail all procurement over the EU threshold must be carried out by the P&C Hub. The council's E-

Tendering Portal must be used for all procurement projects over £25,000 including all communication with bidder's clarification questions, the usage of standard templates with all documentation relating to the process maintained and stored within the Portal (including an executed (signed) copy of the contract awarded) to ensure a clear audit trail and contract record.

- 1.4 Recognising that the Corporate Contract Register is within the Portal and the importance of maintaining information and promoting procurement projects to the Contract Register.
- 1.5 In all cases where there is uncertainty regarding the Rules contact the P&C Hub/Legal Services (where required) for clarification.
- 1.6 Additional information is available within the Procurement Manual which details the Operational Processes to be followed when procuring or entering into a Contract.

2. PURPOSE

- 2.1 These Rules apply to the procurement by the Council of Works, Supplies and Services and the granting of Concessions Contracts (as defined by Public Contract Regulations 2015 and Concessions Contract Regulation 2016). This includes where there may be no, or little monetary value to the contract or there is income or profit sharing. These rules may also apply to contracts that are entered via other mechanisms; such as but not limited to:
 - (i) Partnerships;
 - (ii) Shared working;
 - (iii) Consortiums of Councils;
 - (iv) Section 75 arrangements;
 - (v) Grant agreements;
 - (vi) Joint Ventures; and
 - (vii) Contracts via other councils.

Services should also refer to the Partnership Procedure Rules, when entering into any partnership arrangement.

- 2.2 To achieve these objectives, these Rules and operational procurement processes in the Procurement Manual must be followed every time the Council commences a procurement and/or enters into a contract. These Rules are made under section 135 of the Local Government Act 1972. Failure to comply with these Rules may lead to a disciplinary action when letting contracts. Council employees have a duty to report breaches of these Rules to an appropriate senior manager and the Director of Law and Governance under the [Council's Whistle-Blowing Policy](#).

3. EXEMPTIONS

- 3.1 The following types of procurement do not fall within the scope of the Rules, but Service Departments must still ensure VFM in these areas:
- (i) Contracts of direct employment;
 - (ii) Contracts solely for the sale or purchase of land, which are subject to the Property Procedure Rules. Although some property transactions may fall within the scope of the EU Procurement regime where works, supplies or services relate to the property transaction. Contact the P&C Hub and Legal Services for advice;
 - (iii) The instruction of barristers
 - (iv) Specialist professional services necessary for legal proceedings (including expert witnesses, experts, mediators, adjudicators, arbitrators, and costs draftsmen);
 - (v) Unconditional grants by the Council;
 - (vi) Genuine emergencies beyond the control of the Council. Lack of sufficient planning and/or internal process delays will not constitute special, exceptional, or emergency circumstances;
 - (vii) Individual care packages or education placements where it is considered in the Council's interest, or the Council is required to meet obligations under the relevant legislation
 - (viii) Adult social care service packages managed by the Council on behalf of a client under the personalisation agenda e.g., managed accounts & direct payments/individual budgets.

4. ROLES AND RESPONSIBILITY

- 4.1 Executive Directors, Directors, and Heads of Service are responsible for ensuring:
- (i) Procuring officers and service departments prioritise VFM when procuring, and that proper market engagement or market research has been carried out prior to the procurement to support VFM at the time of going to the market.
 - (ii) All relevant staff are familiar with the provisions of the Rules and compliance with any Operational Processes set out in the Procurement Manual and guidelines issued in respect of these Rules;
 - (iii) Immediate action is taken in the event of a breach of these Rules within their department or service area;
 - (iv) Their Departments contracts are recorded on the Corporate Contract Register (Portal), by maintaining proper records of all contractual and procurement documents over £25,000 within the [E-Tendering Portal](#); including minutes of tender evaluation panels and other meetings which

may be inspected by a member of the Council at any time during office hours and may need to be disclosed by law;

- (v) Supply to the P&C Hub information and resources to support procurement activity that is managed by the P&C Hub to ensure success of the project;
 - (vi) Effective contract management, contract reviews and monitoring during the lifetime of contracts in their areas ensuring KPIs are met; and carry out reviews where necessary to find savings, efficiencies, or innovation.
 - (vii) Records of waivers/exemptions/exceptions of any provision of these Rules are maintained; and
 - (viii) The standard templates and contracts in the [E-Tendering Portal](#) are used to support a robust procurement process.
- 4.2 No contract may be awarded unless there is sufficient budget available for the Goods, Supplies, Services or Works being procured and appropriate delegated authority to award the contract has been given.
- 4.3 The officer awarding the contract has a duty to ensure and demonstrate that Best Value is obtained, having regard to the appropriate balance between quality and price.
- 4.4 The P&C Hub must be notified of procurement projects over EU Threshold for goods and services and works.
- 4.5 References to officers or posts in these Rules include their authorised deputies or delegates, in accordance with the Council's Constitution and Council's Scheme of Delegation.
- 4.6 The Council recognises the benefits to be gained from e-tendering, e-auctions, e-reverse auctions, purchasing cards and e-purchase-to-pay software. For the purposes of the Rules, the term "contract" refers to both paper/hard copy documents and processes and their replication by electronic media. Only e-tendering systems approved by the P&C Hub may be used.
- 4.7 All contracts are awarded in accordance with these Rules, the Financial Regulations, and other relevant Council policies/governance.

5. RISK, INSURANCE AND OTHER FORMS OF SECURITY

- 5.1 The procuring officer must ensure that the risks associated with any procurement process and/or contract are assessed in line with the Council's Risk Strategy using the [Council's Corporate Risk](#) assessment template and must be documented on file. Appropriate actions should be taken to ensure that the Council's potential and actual exposure is managed or minimised, this includes Supplier's liability within the contract.

5.2 The procuring officer must check in the Procurement Manual for guidance on how to manage this. An issues log and estimated costs against any risks as contingency should also be kept. Risks should be set out in any Authority Report within the risk section where appropriate. Where there is a high risk, financial checks may need to be carried out and appropriate procedures followed.

6. INSURANCE

6.1 Service Departments should ensure that each contract includes adequate insurance requirements, seeking advice from the Council’s Insurance team and undertaking a risk assessment to ensure the levels of insurance are adequate.

6.2 All contracts are expected as a minimum to have employer’s liability insurance and public liability insurance. Contracts where there is direct advice and/or design services provided by a Supplier, including all consultancy and construction arrangements, must include a requirement for professional indemnity insurance.

7. FINANCIAL SECURITY

7.1 Where there is doubt as to the supplier’s financial viability, or no external report evidencing financial viability is available, then Financial Management Services shall provide expert advice during the procurement process and prior to any contract award.

7.2 Contracts over £500,000 must be treated as a Key Decision and the following rule must be applied:

£500,000 - £1,000,000	£1,000,000 and over
Sufficient security from the Supplier should be considered at this value to manage risk. Evidence of the form of security required, or why no security was required, must be stored, and retained on the E-Tendering Portal for audit purposes.	The Supplier must be required to provide sufficient security. Evidence of the form of security required, or why no security was required, must be stored, and retained on the E-Tendering Portal for audit purposes.

7.3 Sufficient security shall take one of the following forms:

- (i) Parent company, ultimate holding company or holding company guarantee where their finances prove acceptable;
- (ii) Director’s guarantee or personal guarantee where their finances prove acceptable;

- (iii) Performance Bond, retained funds or cash deposit; or
- (iv) Any other security as determined by Financial Management Services and/or Legal Services.

7.4 For contracts over £1,000,000 where the Supplier cannot provide Security, but the Council has no acceptable alternative provider or has decided to accept the level of risk, then the Executive Director of Resources must approve the financial risk prior to any award. The relevant Authority Report must set out the reason why it is proposed that the contract should be awarded despite absence of security and what measures are to be taken to manage this risk.

7.5 Security for performance should also be considered when looking at risk.

8. BUSINESS CONTINUITY

8.1 To minimise risk and improve service delivery resilience the Council has committed to implementing the London Resilience Standards. This means that suppliers must meet the Council's Resilience Requirements:

- Commissioning of public services must include a requirement that organisations tendering for contracts meet the council's resilience requirements and that providers share information and data on the impact of disruptions such as severe weather or industrial action; and
- Projects, contracts, initiatives and other organisational changes and developments always account for resilience to ensure that these enhance and do not weaken capability of the supplier.

8.2 In line with the Council's Business Continuity Policy; during the risk assessment, supplier failure or failure to deliver/perform should be assessed. Where delivery of the services is assessed as critical, or there would be major reputational damage in the event of a Supplier failure to supply; then Business Continuity Plans should be requested as part of the contract and services should build in contingency plans. These Suppliers must be identified in the service department's Business Impact Analysis Form and provided to the Emergency Planning Team. This should also be considered where the Supplier supports the Council in the event of an Emergency/Disaster Recovery.

9. GENERAL DATA PROTECTION REGULATIONS (GDPR)

9.1 Potential Suppliers must be assessed to ensure that they meet GDPR requirements. Specifically, regarding data storage and data handling. It is the responsibility of the procuring officer to ensure that any potential supplier is compliant to GDPR at the tendering stage.

10. APPROVAL TO PROCURE, AWARD AND VARY OR AMEND CONTRACTS

- 10.1 Authority to procure must be obtained for all procurement; and evidence uploaded onto the [E-Tendering Portal](#) for contracts over £500,000. It is the responsibility of the procuring officer to obtain the necessary authority/approval including sign off of any Authority Report where required seeking advice from Governance Services.

Level of Authorisation and Acceptance.	Contract Value*	
	Up to £500,000	£500,000 and Over
Authority to Procure	The procuring officer should seek some form of written approval at the appropriate level within their service area to start the procurement process.	Director/Cabinet Member via Authority Report Where the Council instructs a 3 rd party to manage the procurement process and costs are likely to be over £500,000 the Key Decision Process must be followed prior to starting the procurement process.
Authority to Award	The procuring officer should seek some form of written approval at the appropriate level within their service area to award the contract.	Director/Cabinet Member via Authority Report and Key Decision Process
Authority to Vary or extend contract	The procuring officer should seek some form of written evidence within their department at the necessary level of approval to vary the Contract. If over the EU threshold, then Legal advice should be sought.	Director/Cabinet Member via Authority Report and Key Decision Process

*Net of VAT and refer to Rule 12 – Calculating the Value of a Contract

- 10.2 The P&C Hub will not support any procurement project that cannot demonstrate approval to procure.
- 10.3 An Authority Report for award must be produced by the Service Department for all requirements with a contract value above the Key Decision threshold this includes any contract where the costs or the income is equal to or greater than £500,000. The Authority Report must be approved in accordance with the Scheme of Delegation and Council governance.

11. SPECIALIST PROCUREMENT

11.1 Where there is a requirement to undertake procurement and there is expertise and knowledge within a Council Hub/Service or centralised budget procurement should take place in consultation with the specialist department to ensure that existing contracts are maximised and consolidate where possible.

11.2 Specialist procurement in the Council includes but is not limited to:

- CCTV & Monitoring;
- Catering;
- Cleaning;
- Communications and Print Services;
- Corporate Maintenance and Construction Team;
- Financial Management Services & Pensions/Payroll;
- Fleet Services;
- Facilities Management/Corporate Landlord;
- Human Resources & Learning & Development;
- ICT;
- Insurance/Audit Services;
- Legal Services;
- Procurement Services;
- Property Services; and/or
- Temporary Accommodation.

11.3 To maximise value for money for the Council, procurement should be done in collaboration with other Council service areas or use or amend existing contracts where possible.

11.4 No external legal advice is to be instructed or sought without the prior approval of the Legal Services.

12. CALCULATING THE VALUE OF A CONTRACT

12.1 When calculating the value of the contract the following should be considered:

- (i) Values are total lifetime contract values, not annual values;
- (ii) Values exclude VAT;
- (iii) Values are to be aggregated, for example, if there is a recurring need on an annual basis for supplies;

- (iv) An estimate shall be made of the total purchasing requirement/whole life costing/financial implications. For example, including ongoing maintenance and support costs. If there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract for the purposes of these Rules;
- (v) The valuation shall include the value of possible contract extensions and possible additional options;
- (vi) Where a contract is of indeterminate length the value of the contract shall be monthly value multiplied by 48;
- (vii) Where a contract is for several organisations and the Council is the lead authority, then the value of the contract shall be the total value of the contract for all the organisations. If the Council is not the lead authority, then the value of the contract for the purposes of these Rules shall be the value of just this Council's proportion of the contract;
- (viii) if the value of the tender is less than 10% below the EU Thresholds, then officers must consider procuring in accordance with Public Contract Regulations 2015.

12.2 It is a breach of these Rules to deliberately divide up contracts to evade the need to follow a more complex/lengthy procurement procedure or evade the requirements of Public Contract Regulations 2015.

12.3 Where contract value may change, due to uncertainty of the project or slippage, then this must be factored into the costs to ensure sufficient budget is approved for the project. Additional questions in the Tender/Quotation may be necessary to cover the risk of additional costs.

13. ADVERTISING AND PUBLICATION

13.1 Where a competitive process is to be undertaken, quotations will, as a minimum be advertised as follows:

Advertising

Estimated Contract Value	Advertising of Opportunity
Contracts up to the EU Threshold*	No advertising needed.
Contracts above EU thresholds	<ul style="list-style-type: none"> • Publication in the Official Journal of the European Union (OJEU). • E-Tendering Portal • Contracts Finder (via the Council's e-tendering portal – www.londontenders.org), where applicable.

* Please refer to the Procurement Manual for a full explanation of advertising requirements.

Publication

- 13.1 Where a competitive process has taken place contracts to be awarded, as a minimum must be published as follows:

Estimated Contract Value	Publication of Award
Contracts over £25,000 up to the EU Threshold	<ul style="list-style-type: none"> • E-Tendering Portal • Contracts Finders step in the LTP
Contracts above EU thresholds	<ul style="list-style-type: none"> • Publication the OJEU. • E-Tendering Portal • Contracts Finder (via the Council's e-tendering portal – www.londontenders.org), where applicable.

14. PROCUREMENT THRESHOLDS

- 14.1 The procurement requirements in the table overleaf apply according to the estimated total value of the contract. The requirements below are minimum requirements. Services departments should consider market testing prior to inviting suppliers to bid and inviting more than the minimum number to cover for bidders dropping out.
- 14.2 The value of the contract is the total value over the whole contract including any potential extensions.
- 14.3 The P&C Hub reserves the right to bring any procurement into the P&C Hub to manage due to either risk to the Council (including reputational risk) or complexity.
- 14.4 Frameworks and other corporate agreements, where they exist, should be used (provided Best Value can be demonstrated) and managers must retain sufficient evidence to demonstrate compliance.
- 14.5 All quotations over £25,000 must be via the Council's [E-Tendering Portal](#). For quotations under £25,000, written evidence of expenditure must be retained e.g., invoice receipt etc.

Estimated Total Contract Value	Minimum No. of Quotations	Minimum No. of Local Quotations	Additional Requirements (if applicable)	Method of issuing a contract	Advertising or Publication	Responsibility for Procurement Process
Up to £25,000	1	Local in the first instance	Where possible Service Departments should seek out quotations from local Suppliers.	<ul style="list-style-type: none"> Use of Purchase Order for goods; or Standard contract for more complex requirements or where the level of risk needs to be addressed. 	Advertising not required.	Self-service in line with Rules and Procurement Manual.
Contracts from £25,001 to £100,000 for supplies and services. Or £25,001 to £500,000 for works:	3	2 Where possible	If less than three quotes are received the Service must seek the relevant level of approval within their service to award and demonstrate that VFM has been demonstrated/achieved. The decision must be recorded in writing and all documentation supporting the decision retained in the E-Tendering Portal .	<ul style="list-style-type: none"> Use of Purchase Order for goods; or Standard contract for more complex requirements or where the level of risk needs to be addressed. <p>Please also refer to Rule 25 for requirements for sealing.</p> <p>Ensure added to the Key Decision List if contract award is over £500,000 or procurement costs are over £500,000</p>	Refer to Procurement Manual for requirements	Self-service via the E-Tendering Portal and in line with the Rules and Procurement manual. Must be promoted to the contracts Register to create a Corporate Contract Register to meet the Council's transparency obligations. Must publish on Contracts Finder via the E-Tendering Portal for award.
Contracts above £100,000 to EU threshold * for supplies and services or above £500,000 for	5	2 Where possible	If less than five quotes are received the Service must seek the relevant level of approval within their service to award and demonstrate that VFM has been demonstrated/achieved.	<p>Up to £250,000:</p> <ul style="list-style-type: none"> Signature on standard contract or sealed by Legal Services if required <p>Over £250,000:</p> <ul style="list-style-type: none"> Standard contract sealed by Legal Services 	Refer to Procurement Manual for requirements	Self-service via the E-Tendering Portal and in line with the Procurement manual. Must be promoted to the contracts Register to create a Corporate Contract Register and

works			The decision must be recorded in writing and all documentation supporting the decision retained in the E-Tendering Portal .	Please refer Rule 25 (requirements for sealing) Ensure added to the Key Decision List if contract award is over £500,000 or procurement costs are over £500,000		meet the council's transparency obligations. Must publish on Contracts Finder via the E-Tendering Portal.
Above EU threshold for goods, services and works (including Light Touch Regime)	Follow EU procurement Process	Consider how to develop local market within the procurement and social value.	A fully compliant process must be carried out in accordance with the Public Contract Regulations 2015 Possible routes to market: <ul style="list-style-type: none"> • Open • Restricted • Negotiated • Competitive dialogue • Competitive procedure with Negotiation • Frameworks • DPS This must be led by the P&C Hub.	Signature on standard contract or sealed by Legal Services if required. Please refer Rule 25 (requirements for sealing). Ensure added to the Key Decision List if contract award is over £500,000 or procurement costs are over £500,000	Must follow EU directives	Project managed by the P&C Hub with cooperation from Legal Services as appropriate. All procurements over EU Threshold must have followed relevant processes set out in the Procurement Manual. Service departments are responsible for: <ul style="list-style-type: none"> • Specification • Governance & authority • Evaluation

*Refer to the Procurement Manual for EU threshold

14.6 When seeking quotes on a regular basis officers must ensure that they rotate those Suppliers invited to quote i.e., that different Suppliers are invited for each exercise. It is acceptable to invite a previously successful Supplier for a similar contract if that Supplier performed well.

14.7 It is against the Rules to deliberately disaggregate the value of a contract and split the value up to reduce the number of quotes to be obtained or carry out multiple procurements to avoid the Rules.

14.8 The P&C Hub will monitor compliance with this requirement. Officers need to be mindful of aggregation of spend.

15. EXCEPTIONS TO COMPETITIVE TENDERING

15.1 Where competitive tendering is impossible then an exception can be used, but the Service Department, must demonstrate why they were unable to demonstrate VFM through a competitive process and that the use of this rule meets Council needs.

15.2 This Rule can be applied only where:

- (i) The procuring officer uses a legally compliant Framework which the Council has procured or has the right to access (subject to complying with the rules applicable to that Framework, including mini competition);
- (ii) A suitable corporate contract is in place for the Services/Supplies/Works being procured;
- (iii) Competition is prevented by government or statutory control;
- (iv) Repairs, services, works, parts, goods, or materials are required relating to existing machinery, vehicles, plant, or equipment of a proprietary nature, where no suitable alternative Supplier exists;
- (v) Ongoing maintenance, updating, licencing and support is required relating to existing ICT hardware and/or software that is proprietary in nature and no suitable alternative Supplier exists;
- (vi) The contract provides in writing for an extension to the length of the contract's term and the following conditions are met:
 - The extension is for substantially the same works, supplies and/or services provided in the original contract;
 - The financial terms for the extension are as agreed in the original contract;
 - The length of the extension is no longer than that permitted by the original contract;
 - Such extension would not breach the Public Contract Regulations 2015; and
 - The appropriate authority/approval is in place in accordance with the Scheme of Delegation.
- (vii) The contracts being procured are for special education needs or social care services below relevant EU Threshold and, in the opinion of the responsible officer it is considered in the Council's interest or is required to meet obligations under relevant

legislation. If above EU Threshold, officers are reminded that the Public Contract Regulations 2015 may apply.

- (viii) Upon evidence of extensive market testing and consultation with P&C Hub/Legal Services, the Goods, Services or Works are only available from a single Supplier and no suitable alternative is available.
- (ix) Contracts below EU Threshold being procured are for specialist professional services necessary to support children's or adult services where service users/clients select the Supplier, but the grant funding is via the Council.
- (x) Contracts are awarded between the Council and a 'Teckal Company'. Advice should be sought from Legal Services as to the application of the Teckal exception, and appropriate Council governance process should be followed.
- (xi) In relation to the exceptions, advice should be sought from the P&C Hub and (where applicable) Legal Services as to whether there is any risk of the Council breaching Public Contract Regulations 2015.
- (xii) Where a contract is entered into via any of the rules above then the contract must be recorded on the E-Tendering Portal.
- (xiii) Over £100,000 where no tenders, no suitable tenders, no requests to participate or no suitable request to participate have been received in response to a tender process, provided that the initial conditions of the contract are not substantially altered, then the Service Department can negotiate with a single Supplier. Refer to the Procurement Manual for the process to follow.
- (xiv) The aim of the procurement is the creation or acquisition of a unique work of art or artistic performance. Refer to the Procurement Manual for the process to use this, Rule.

15.3 In relation to the exceptions, the requirement to comply with the Public Contract Regulations 2015 remains. Officers should consider publishing a Voluntary Ex-Ante Transparency (VEAT) Notice for any exception granted that is higher than the EU Threshold and the procedures leading to the award under the Regulations must be followed. A VEAT Notice can only be issued with approval from the P&C Hub.

15.4 Any decision not to seek competitive tenders must fully comply with this Rule 15, be reasonable in all the circumstances and be in the best

interests of the Council. The decision must be recorded in writing and all documentation supporting the decision must be retained on the E-Tendering Portal.

- 15.5 Exceptions will be reported to the Executive Director of Resources on a quarterly basis. Application for an Exception must be made via the Exceptions and Waiver form for recording and ensuring that the Contract is entered onto the Corporate Contract Register.

16. EVALUATION CRITERIA AND GOING OUT TO THE MARKET

- 16.1 The award of all contracts shall be based on fair and appropriate evaluation criteria in accordance with these Rules and Public Contract Regulations 2015.
- 16.2 Full and complete written records of the evaluation process must be maintained by the service department and uploaded onto the E-Tendering Portal.

17. APPLICATION AND WAIVER OF THE RULES

- 17.1 These Rules apply to all contracts for Supplies, Works or Services entered into by the Council, except where a Waiver of all or part of the Rules is approved. Waivers should only be sought in *exceptional circumstances* given the general presumption that competition is the best way to demonstrate VFM.
- 17.2 It must be noted that where the value of the contract is over the EU threshold the Council must comply with the requirements of Public Contract Regulations 2015 therefore it is not possible to waive these requirements, and contracts let in this way will be in breach of the Regulations.
- 17.3 All Waivers are reported Council's Audit & Risk Management Committee on an annual basis by the P&C Hub.
- 17.4 The officer requesting the Waiver **must** keep a written record of any waiver of the Rules. Application of a waiver can be made via the [Exceptions and Waiver form](#) and will be reviewed and approved by the Executive Director of Resources.
- 17.5 Contracts let via a Waiver must have documentation held on the E-Tendering Portal to create a record on the Corporate Contract Register.
- 17.6 Waivers will only be issued for a period of 12 months, unless agreed otherwise by the Executive Director of Resources.

18. VARIATIONS TO CONTRACTS

- 18.1 The contract manager may agree with a Supplier to carry out additional Works or Services that were not included in the original contract but which, through change control or unforeseen circumstances have become necessary. Variations to existing contracts are generally not permitted except where various conditions are satisfied.
- 18.2 Please refer to the Procurement Manual for more guidance.

19. RECEIPT AND OPENING OF TENDERS AND QUOTES

- 19.1 The Council's E-Tendering Portal must be used in all procurements over £25,000, including those scenarios where arrangements are caught by the exceptions and some exemptions.
- 19.2 Permission from the P&C Hub not to use the E-Tendering Portal must be obtained and all paperwork will be managed by the P&C Hub. This includes submissions by post or where documentation/additional information in relation to the tender is sent via post and not the Portal. E-Tendering Portal is compulsory for EU Procurements.

20. ETHICAL AND SUSTAINABLE PROCUREMENT AND COUNCIL POLICY

- 20.1 At pre-procurement stage for the supply of Services, authorised officers must consider whether the Public Services (Social Value) Act 2012 applies to those Services. This means that officers must consider how the service they are procuring might improve the economic, social and environment well-being of the area and the procurement process should support Council outcomes to generate community benefits.
- 20.2 The Council's [Ethical and Sustainable Procurement Policy](#) recommends the inclusion of up to 10% evaluation weighting for sustainability in all procurements that are tendered through open competition. For procurements over the EU threshold, it is expected that this must be considered. Refer to the Procurement Manual to ensure the correct processes are followed for implementation.
- 20.3 All procurement should be in accordance with the Councils agreed policies including but not limited to:
- (i) Modern Slavery Charter;
 - (ii) Construction Charter; and
 - (iii) Health in Everything we do.

21. CONTRACT AWARD AND EXECUTION

- 21.1 All contract awards that are [Key Decisions](#) must be awarded in accordance with the Council's Constitution and must follow the Key Decision approval process, including any call-in periods, and 'stand still' periods.
- 21.2 Contracts can only be awarded by officers that have been delegated the power to do so under the Council's Scheme of Delegation or relevant [Authority Report](#), and executed in line with Rule 14.
- 21.3 All contracts must be awarded based on the advertised evaluation criteria included in the advert or invitation to tender documentation and cannot be changed after the receipt of submissions, unless in line with Public Contract Regulations 2015 or from advice from the P&C Hub.
- 21.4 For all Supplier relationships the requirements and specifics of each agreement must be formally documented prior to any work commencing.
- 21.5 All contracts awarded must be promoted through to the contracts register within the [E-Tendering Portal](#), and over £25,000 to Contracts Finder.

22. TERMS AND CONDITIONS

- 22.1 It is Council policy to use where possible the Terms and Conditions of the Council.
- 22.2 The Council has template Contracts available to be used.

23. POST-TENDER NEGOTIATIONS

- 23.1 Post-tender negotiations may only take place if the tender documents allow for negotiation, set out the basis for such negotiations and are permitted under Public Contract Regulations 2015.
- 23.2 In all other circumstances, all permitted bidders should be invited to re-tender on a revised specification.

24. PREVENTION OF CORRUPTION

General standards of conduct

- 24.1 All persons involved in the award of contracts shall comply with the Council's Code of Conduct and shall not invite or accept any gift,

reward or inducement which could influence them in any way in relation to the award or monitoring of any Council contract.

- 24.2 High standards of ethical conduct are mandatory. Staff shall take steps to ensure that their behaviour could not lead to accusations of corruption. Corrupt behaviour will lead to dismissal and is a crime under the [Bribery Act 2010](#) and Section 117 of the [Local Government Act 1972](#).
- 24.3 The Council requires Members, employees and Suppliers working on its behalf to act with honesty and integrity always, when dealing with resources owned by the Council or those for which it is responsible. This includes the responsibility for ensuring that assets are safeguarded and that procedures exist within areas of their responsibility to prevent and detect fraud.
- 24.4 The Council actively encourages the reporting of concerns about fraud and corruption through the [Council's Whistle-Blowing Policy](#).

Declaring an interest

- 24.5 Any employee who has a pecuniary or other interest in any actual or potential Council contract must declare it in writing to their Manager and where the contract/procurement is over EU threshold then this needs to be sent to the P&C Hub additionally. All hospitality, gifts or other inducements received shall be recorded in the Service Department's hospitality register.
- 24.6 Suppliers taking part in any procurement activity should be asked to declare any interest in writing to the procuring officer and where an interest is declared this should be reported to the Head of P&C Hub immediately. All declarations must be stored on the [E-Tendering Portal](#).

Organised Crime

- 24.7 The Council needs to protect itself from organised crime. Where it is suspected that there is organised crime within the industry that a Service Department is procuring in, the P&C Hub should be contacted, or the Whistle-Blowing policy used, to inform management. Officers need to be aware of the Council's Money Laundering Policy; and ensure that any procurement/contract award does not have implications for money laundering.

25. RECORD KEEPING

- 25.1 To ensure that there is a full audit trail of procurement activity and that the Council is open and transparent, Service Departments must refer to the Procurement Manual to ensure compliance with Council policy.

- 25.2 Ensure that awarded contracts are registered on to the Corporate Contract register, by 'promoting' within the E-Tendering Portal.
- 25.3 A contract must be sealed where:
- (i) The contract is over £500,000 in value;
 - (ii) The Council wishes to enforce the contract for a period of more than 6 years;
 - (iii) The price paid or received under the contract is a nominal price that does not reflect the value of the supplies or services;
 - (iv) It is required by the parties.
- 25.4 Legal Services are responsible for the process of sealing the contracts. The affixing of the common seal of the London Borough of Enfield is attested by an authorised officer from Legal Services, whose signature will be seen as executing the contract on behalf of the Council. The Supplier must validly execute the contract, and Legal Services should be consulted as to the appropriate execution clause'.
- 25.5 The Supplier must affix its company seal, which must be attested by two directors or one director AND a company secretary.

26. CONTRACT MANAGEMENT

- 26.1 To ensure VFM throughout the lifetime of the contract, and that the Council receives the goods, services, or works as procured, service departments are expected to carry out effective contract management.
- 26.2 Service Departments must ensure, specifically for high value, high-risk contracts and where contracts are registered on their Business Impact Analysis Form, a copy of the contract:
- (i) Is in the E-Tendering Portal;
 - (ii) Is on the Corporate Contract Register; and
 - (iii) Has performance Key Performance Indicator's and regular reviews, both for performance and commercial elements.
- Evidence of managing these contracts must be taken on an annual basis to the Departmental Procurement Board.
- 26.3 That each year services provide a report on off contract spend to the Overview and Scrutiny Committee.

27. IR35 RULES

- 27.1 The Council has a policy of ensuring that all temporary staff are engaged through the Council's Vendor Neutral Supplier Matrix unless

agreed with Head of HR or Director of HR and OD. Staff must be engaged through recruitment or through the Council’s Vendor Neutral Supplier Matrix. Procurement must only be used to procure services and not to provide individual staff members. Officers must refer to the Principles of Managing Agency Workers and IR35 HR guidance before proceeding to procurement where IR35 may apply.

- 27.2 The intermediaries’ legislation, known as [IR35 Rules](#) is designed to make sure Suppliers pay the required tax and National Insurance on earnings. From 6th April 2017, the responsibility for deciding the employment status of Suppliers to the public sector moved from the Supplier to the client. For provision of services or consultancy the procuring officer must ensure if the provision falls within the IR35 rules. Refer to the [HRMC site](#) to follow the online Employment Status Service test assessment process.
- 27.3 If a Supplier is contracted and later found that IR35 applied but was not considered, then back tax could be recovered from the Council for a period of up to 6 years. The employment check must be uploaded into the [E-Tendering Portal](#) as evidence where a consultant/individual has been procured. This is particularly important where the Supplier is a Personal Service Company.

28. CONSULTATION

- 27.1 For Housing procurement contracts the [Commonhold and Leasehold Reform Act 2002](#) (CLRA) may apply. Where applicable, officers must undertake the required consultation with leaseholders. Leaseholders can nominate Suppliers for inclusion on a tender list for specific, below EU Threshold, procurement projects. Officers must liaise with Home Ownership Services to clarify the requirements under the CLRA before commencing with any procurement likely to affect leaseholders.
- 28.2 For all other procurement’s officers shall ensure that where applicable consultation with stakeholders is undertaken within the appropriate period of the procurement process.

29. GLOSSARY OF TERMS

- 29.1 Where these Rules refer to approval required from a person in a specified role (e.g., Head of Procurement & Commissioning Hub) such approval may be delegated to another officer by that person.

Advertising	Where Tenders and Quotations are advertised for bidders
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Aggregation	Is the requirement to add together the estimated value of separate contracts for meeting a single requirement. EU procurement expressly prohibits the splitting of requirements into smaller units or orders in an attempt to avoid the application of EU procurement.
Best Value	Means the optimum combination of price and quality identified through the Most Economically Advantageous Tender (MEAT).
Business Impact Analysis Form	Business Continuity Form for emergency Planning.
Bribery Act 2010	Bribery Act 2010
Code of Conduct	The Councils code of Conduct and how officers must carry out their duties in terms of conduct.
Concessions	A type of contractual arrangement under which, rather than paying the Supplier to deliver a work or service, the Council grants the Supplier the right to exploit an opportunity and receive some or all of its income from third parties (e.g. the public), retaining the profit. Defined under the Concessions Regulations 2016
Consultation	A formal process to consult or discuss
Construction Industry Charter	The Construction Charter commits to working with Unite in order to achieve the highest standards in respect of direct employment status, health & safety, standards of work, apprenticeship training and the implementation of nationally agreed terms and conditions of employment
Contract	Means an agreement between the Council and any other organisation, including another public authority, made by formal agreement or by issue of a letter of acceptance or official purchase order for works, supplies or services.
Contract management	The management and monitoring of a contract to ensure delivery and performance; including commercial elements and payments.
Contracts Finder	Government site for advertising contract opportunities and awards.
Contract Templates	Standardised contracts to be used by Service Departments and procuring officers that have been drawn up by Legal Services for the contracting of goods, services and works.
Corporate Contract Register	Corporate Register of Contracts held by the P&C Hub within the London Tenders Portal
Council's Constitution	Documents (s) that sets out how the Council is governed.

DAR/Authority Report	Delegated Authority Report required by governance to record decision making and record approval from delegated authority. (See Other Authority)
Directors	Means Directors and Executive Directors of Enfield Council
E-Auctions/Reverse Auctions	The use of electronic media to conduct a tendering or bidding exercise where suppliers are able to bid, in secure, controlled conditions, for a contract.
E-Procurement	The electronic system used in the Council to electronically raise requisitions, purchase orders, supplies receipts and invoice payments.
E-Tendering	The carrying out of the tendering process using electronic means, such as the internet and specialist e-tendering software applications. It includes undertaking the tasks of advertising the requirements for supplies and services, registering suppliers, and issuing and receiving tender documents via the internet, as well as automating the evaluation of responses to a tender. Systems also incorporate contract management functionality.
E Tendering Portal	The E-procurement portal to be used to meet e procurement regulations.
EU	European Union.
EU Procurement	Procurement conducted in accordance with the relevant EU Directives and the corresponding UK legislation including in particular the Public Contracts Regulations 2015 as amended or replaced from time to time.
EU Threshold	Threshold set by the EU over which procurements must follow EU directives processes.
Exception	A procurement that is excluded from some part of the rules
Exemption	A procurement that is excluded from the Public Contract Regulations 2015
Financial Regulations	Financial regulations forming part of the Council's Constitution ; that set out financial management regulations for the council.
Framework Agreement	An agreement with suppliers which sets out the terms and conditions under which specific purchases can be made throughout the term of the agreement and which where necessary has been tendered in accordance with EU Procurement
Goods	Tangible products that can be consumable or non-consumable.
Health in Everything We	Council Policy to improve the health and wellbeing of staff and residents of the borough

do	
Hub	Team or group that provide centralised support for the Council
IR35	HRMC regulations regarding working regulations and TAX for agency workers, interims, and consultants.
Light Touch Regime	This is the procurement process set out in the Public Contract Regulations 2015 that cover areas in Schedule 3; namely Adult social care and other areas listed in schedule 3.
London Tenders Portal (LTP)	E-Tendering Portal used by the council to manage all procurement activity and contract register.
Modern Slavery Charter	Charter signed by the Council to support the eradication of Modern Slavery; specifically, within the Council supply chain.
OJEU	Means the Official Journal of the European Union or replacement publication system.
Other Authority	Where a DAR or Authority Report is not used within a service, the authority to procurement must be set out clearly in some other report, email, or policy etc. (See DAR/Authority Report).
Partnership Procedure Rules	Rules set out to govern Partnership arrangements and form part of the Constitution.
Performance Bond	A bond issued by an insurance company or a bank to guarantee satisfactory completion of a project by a Supplier.
Procurement Manual	Document that supports this document and sets out the processes and governance to be followed for all procurements. Provides more detailed information and links to supporting information to ensure compliance these rules.
Property Procedure Rules	Rules set out to manage property procurement and form part of the constitution
Public Contract Regulations Rules Public 2015	Means all relevant external procurement rules and regulations applying in England.
Quotation	A formal statement or promise usually submitted by a potential Supplier in response to a request for a quotation to supply specified Supplies, works or services required by a purchaser at specific prices within a specific time frame. (A quotation should be distinguished from an Estimate, which is not a fixed price). N.B. A contract arises on acceptance of a quotation. Unless otherwise specified a quotation may be subject to the supplier's terms and conditions of business and those

	terms and conditions become part of the contract. Therefore, a request for quotations should specify that the quotation is subject to the Council's terms and conditions.
Resilience Requirements	Resilience Requirements needed by the Council to mitigate risk in emergencies
Services	Services such as maintenance of equipment, transportation, consultancy, technical services. etc. as defined by the current Public Contract Regulations.
Service Department	Departments within the council.
Social Value Portal	The portal used to manage social value bids.
Supplier	A company that will provide goods, service or works to the Council after a competitive process.
Supplies	Can be tangible object delivered in relation to a contract. See also goods.
Strategic Delivery Board	Board to manage strategic Delivery of transformation and ICT transformation.
Teckal Company	A Council owned company meeting the conditions under Regulation 12 of the Public Contracts Regulations 2015 ('Award of Contracts to Controlled Persons') and thereby deemed to be akin to an in-house department of the Council.
Tender	A sealed bid submitted in response to an invitation to tender, which invitation contains detailed information on requirements including a specification and terms and conditions
Variation	Any alteration, modification, addition to or deletion of any requirement of the Contract terms or specification.
VEAT Notice	Voluntary Ex-Ante Transparency Notice as part of the EU regulations.
Vendor Neutral Supplier	HR supplier used to manage all Agency Workers and temporary recruitment processes.
Works	The outcome of building or civil engineering as defined under Schedule 2 of the Public Contract Regulations 2006, as amended

Chapter 4.10 - Partnership Procedure Rules

1. INTRODUCTION

Partnerships are an effective way for a large part of the way in which the Council to procure and deliver services. The nature of these partnerships and the manner in which partners are selected is diverse but they will each have similar characteristics.

Compliance with the Council's Constitution in all of these matters is an absolute necessity. The Constitution impacts on partnership processes primarily in two ways:

- It covers the decision-making process which includes the Key Decision process and the Forward Plan; and
- It includes Contract Procedure Rules that guide individuals through any procurement process that may be required.

These Partnership Procedure Rules are designed to set out some basic principles which need to be applied when a partnership is perceived as being the vehicle by which an objective is to be achieved.

In all cases Value for Money (VFM) must be considered and any Partnership must represent VFM.

In some cases, this will be in response to government funding initiatives or in other cases it may be that procuring services in this way is simply a better way to deliver those services.

It is the intention of these rules to provide guidance on the main characteristics of a partnership which will need to be considered and where advice may be sought.

These Partnership Procedure Rules shall be reviewed and updated on a regular basis by the P&C Hub in conjunction with Audit and Legal Services. in conjunction with Audit and the Corporate policy and partnership function. Amended partnership procedure rules shall be agreed and adopted by the full Council, as recommended by the Audit and Risk Management Committee.

Process

These rules set out the process of entering into a partnership and contain guidance on the following:

- Definition of a partnership
- Authority to enter into a partnership.
- Decision process.
- Selection of a partner.
- Partnership agreement.

2. DEFINITION

A partnership, within the terms of these rules, is defined as:

"An arrangement whereby the Council is seeking to enter into an agreement for either the delivery or procurement of services.

The agreement will provide for mutual benefit between the Council and the co-partner(s) included in the agreement.

The agreement may provide for direct participation in the venture by Council offices and members.

The arrangement will be the subject of an agreement (Contract, Funding Agreement, Memorandum of Understanding or Service Level Agreement) between the Council and the partnering organisation which sets out the terms and conditions between the two and the expectations of the partnership".

The agreement in whatever form should as a minimum provide details of what is expected of each partner and the degree to which the Council will monitor the performance and financial arrangements and what remedies are available to both parties for non-delivery by the partner. The agreement must be in a form approved by the Director of Law & Governance.

3. AUTHORITY

Before entering into a partnership there must be a clear decision taken at the appropriate level which gives authority to enter into a partnership. The decision will need to be fully compliant with the Constitution. In particular, the requirements regarding Key Decision and the Key Decision List must be met in full.

A record of the decision must be in writing and a permanent record maintained.

The Scheme of Delegation for each department must clearly state who can take this decision if it has not been taken by Members.

A permanent register of all partnership arrangements must be maintained in which the details of each arrangement are recorded. It is recommended that these arrangements are recorded on the Council's Contract Register. The P&C Hub will support this for services departments across the Council. In addition, Legal Services shall keep original physical contracts stored in its archives.

4. DECISION PROCESS

All partnerships will be the subject of a decision report prepared in accordance with the procedures set out in the Constitution. This ensures that the correct decision type, key, or non-key, will be taken and the decision will be taken at the correct level.

Before any partnership is entered into the decision report must be submitted to the below service departments for their comments which will include financial implications, legal implications, property implications and the adequacy of the monitoring arrangements.

The report should also take account of any commercial procurement processes as appropriate.

Financial Implications

These will be provided by Finance.

The decision report must contain a risk assessment based on the latest audited accounts of the proposed partner if it is an established organisation.

The decision report must indicate if the accounts of the organisation will need to be consolidated into the accounts of the Council.

The decision report must indicate the full financial exposure of the Council and the budget from which any Council expenditure is to be funded.

Legal Implications

These will be provided by Legal Services.

Property Implications

Any Council properties which are to be used as a part of the partnership must be clearly identified in the decision report.

The terms of any lease which is to be granted to the organisation must be fully described in the decision report. This must also include the financial impact of such arrangements in terms of the either the income which will be generated or the income which will be lost.

The basis of transfer of any other assets to the partnership must be fully evaluated and set out in the decision report.

The position relating to any assets or property should the partnership cease to exist for whatever reason must be fully stated in the agreement.

Procurement Implications

These will be provided by the Head of Service for the P&C Hub. Advice should be sought on any procurement process, or if the partnerships should be entered into via a procurement.

ICT Implications

The report must address any IT systems that are to be used by the partner, or any data sharing. If partnership staff are to be based on LBE site and have access to LBE ICT equipment, this is also to be addressed in the report, and consideration to funding of this must be made.

Value for Money

The council has a policy of obtaining for Value for Money, and therefore partnership agreements, must aim for VFM. All decision reports which record the decision to enter into a partnership must contain within them a description of how this arrangement will ensure that the Council receives value for money. It is important that this facet of the proposals is not overlooked.

The initial business case for the proposition will consider such matters.

5. SELECTION OF PARTNER

The Council will select partners in a number of ways. The method of selection will depend upon the nature of the partnership being proposed.

Set out below are the two main types of partnership which the Council may utilise.

European Union procurement rules and competition rules as described in the Contract Procedure Rules must be applied in appropriate cases.

Strategic Partners

The Council may be invited to join a group or will be actively looking for partners among other public authorities. Partners may include other local authorities, health authorities, the police, and any other organisation in the public /community/private sector.

The selection criteria and arrangements for this type of partnership will be on the basis of those organisations invited to join. The criteria must be clearly identified in any decision report.

Service Providers

The Council may be seeking to provide or procure a service through a partner. The partner may be in the voluntary sector or a commercial organisation.

The selection of providers for this type of arrangement will vary according to the precise nature of the project and the characteristics of the proposed partner.

For commercial arrangements the selection will be carried out in accordance with the Contract Procedure Rules.

For arrangements with the voluntary sector the selection will be from organisations within that sector who are active in the area of service delivery.

Where the Director responsible believes that the provider is the only organisation capable of delivering this service then the selection will not be based upon a tender process. However, in these circumstances he/she must keep a record of the decision and forward it to the Director of Finance, Resources and Customer Services who will report at six monthly intervals to the Audit and Risk Management Committee. This will be a similar process to waiving of Contract Procedure Rules.

Where there are many organisations that could provide the service then a tender process should be used to select.

Under these circumstances the Council must be very clear and precise in specifying its requirements and in stating how it will evaluate any bids from differing organisations when coming to a decision.

Status of Partner

The Council can only contract with corporate bodies and any organisation seeking to partner with the Council must be such a body.

The Council would need to have full details of their status including where appropriate details of their financial affairs. This is to ensure that the organisation has the resources to carry out the project to which they are about to commit.

Details of the officers of both organisations must also be fully documented and evidence of their authority to commit their organisation must also be provided.

6. PARTNERSHIP AGREEMENT

There are any number of vehicles which the Council may use to enter into a partnership arrangement.

In any event any partnership entered into can only be executed using documentation approved by Legal Services. .

All contracts or agreements for the creation of partnerships will be required to contain standard terms and conditions.

Any decision report put forward must contain the legal implications of using the proposed vehicle for contracting.

The agreement will cover as a minimum the following issues:

Member/Officer Participation

Members and officers may be invited to serve as representatives of the Council on these various partnerships there are rules which govern their conduct when they are working in this way.

Member participation. *This will be covered in the Members' code of conduct.*

When officers serve as representatives of the Council in partnership arrangements, they are still governed by their terms and conditions of employment with the Council.

Any conflict of interest actual or potential must be reported to their line manager immediately in order that the position can be clarified.

The code of conduct for officers still applies and their actions and activities must not be contrary to those that apply to all Council staff during their normal employment.

Any Officer undertaking duties of this nature should inform HR at once and the details of his/her activity should be recorded on their file.

Monitoring performance

A clear basis for monitoring the performance of any partnership must be set up at the commencement. It is recommended that the partnership is managed in the same way as a contract.

This must include a statement of the expected outputs that the Council anticipates will be achieved. The actual outputs must also be recorded, and any shortfall noted and explained. This is to ensure VFM.

Any additional tasks added to the partnership must be noted along with the associated benefits which will accrue.

Audit/Compliance arrangements

The agreement should clearly set out the arrangements that the organisation has in place for auditing its financial statements and systems.

If the organisation is small, then less onerous but nonetheless important arrangements must be in place to monitor compliance and ensure that an acceptable form of governance is applied.

Duties and responsibilities of both parties

The agreement must set out clearly what the duties and responsibilities are for both parties. This will set out processes and procedures which will operate should either party does not deliver the agreed requirements and it will also contain remedies which are available to both parties.

Chapter 4.11 - Property Procedure Rules

1. INTRODUCTION AND PURPOSE

- 1.1. The Property Procedure Rules (the Rules) apply to all real property (property assets), whether freehold, leasehold, or other property interests (including licences and concessions) in which the Council has or proposes to have a legal interest, excluding highways and residential housing stock (which is governed by separate rules).
- 1.2. The Council, all of its employees and agents shall be aware of and comply with the Rules.
- 1.3. The Rules:
 - Set out mandatory procedures regarding the acquisition, management, and disposal of property assets;
 - Must be followed when transacting with another party using property in which the Council has an interest; and
 - Commit the Council to a rigorous and business-like approach to the management of its property assets.
- 1.4. The Rules are made under the Local Government Act 1972 which provide powers for the Council to arrange its functions and s.1 of the Localism Act 2011.
- 1.5. The Council owns all Council property assets corporately. Council services, or other occupiers of Council property, do so as tenants of the Council, managed by officers, in accordance with the Strategic Asset Management Plan and Corporate Landlord Policy.
- 1.6. Adherence to the Rules will:
 - Provide consistency in the application of the law and Council policy
 - Ensure that all Property Transactions are completed only in circumstances which can demonstrate a benefit to the Council or as are required by statute;
 - Provide a clear rationale for retaining an interest in a property asset including performance and return from investment;
 - Ensure a joined-up, systematic, corporate approach to property asset planning, acquisition, disposal, management, maintenance, and capital investment;
 - Meet probity and value for money requirements;

- Deliver high quality property records;
- Ensure that no legal interest or informal arrangement with a third party can be acquired, disposed of, granted, or relinquished without appropriate approval in accordance with the Council's Scheme of Delegation as required by these Rules; and
- Ensure no property asset (or part) is occupied without appropriate legal documentation authorising the occupation.

2. DEFINITIONS

“Asset Management Planning” means a structured approach to gathering and managing information about the condition, suitability, and sufficiency of property, to enable informed decisions to be taken about priorities, ensuring funding is targeted to those areas where it can have greatest effect in supporting service delivery or optimising investment returns.

“Acquisition” means the purchase of a freehold or leasehold interest in land pursuant to its powers under section 120 of the Local Government Act 1972.

“Best Consideration” means the best consideration reasonably obtainable by the Council. The only consideration that can be taken into account is that has commercial or monetary value to the local authority). The duty to obtain the best price does not require the highest offer to be accepted.

“CIPA” means Chartered Institute of Public Finance and Accountancy Property.

“Cabinet Member” means a Member of the Cabinet with particular responsibility for a service department Portfolio

“Concession” means a type of occupation arrangement (whether or not mobile) granting a benefit to provide a defined activity or trade from Council property. A concession must be procured in accordance with paragraph 9 of these rules.

“Disposal” means the sale or exchange of property assets but also includes the grant of a lease 7 years or more, rights of way, easements, and options to acquire freehold or leasehold titles.

“Disposal (minor)” means the granting of easements, rights-of-way, leases less than 7 years and licences, and other minor property transactions

“Freehold” means the permanent tenure (absolute or possessory) of land with or without buildings.

“HRA” means the Housing Revenue Account.

“Lease” means a contract granting exclusive use or occupation of a property asset for a specified period in exchange for a specified rent.

“Lease Assignment” means a disposal of a Leased-Out property by the tenant to a third party individual or organisation.

“Leased-In” means a property asset or part of a property asset that the Council leases in from an individual or organisation.

“Leased-Out” means a property asset or part of a property asset that the Council lease out to an individual or organisation.

“Licence” means a permission to use a property asset for an agreed purpose that does not benefit any interest (such as exclusive possession) in the property. A licence may include but is not limited to oversailing licences, investigation licences and building works licences.

“Market Rent” means the rent at which a Leased Out Property Asset might reasonably be expected to be let as a whole on the open market subject to the provisions of the Lease.

“Market Value” The definition of "market value" has become institutionalised by the International Valuation Standards Council (IVSC) and the Royal Institution of Chartered Surveyors (RICS).

To the IVSC, “market value” means “the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion. "The market value shall be documented in a transparent and clear manner". The IVSC make it clear that a “willing seller” in that context is simply a seller motivated to sell at the best price obtainable on the valuation date.

In the RICS manual for valuers, The Red Book, the market value is the best price obtainable in a transaction, completed on the valuation date, based upon the following assumptions:

- (i) A willing seller (a hypothetical owner who is neither eager nor reluctant i.e., not forced but not at a price which suits only them);
- (ii) Prior to the valuation, a reasonable period to market the property

- and complete all the necessary legal formalities was available;
- (iii) During this period, the state of the market was the same as at the date of valuation;
- (iv) Any bid from a special purchaser is excluded; and
- (v) All parties acted knowledgeably, prudently and without compulsion.

“Property Asset” means land and/or buildings and all improvements made to it or any right in on or over the same.

“Property & Economy Management Team” means the Director of Property & Economy and their Heads of Service.

“Property Transaction” means the transfer of rights in a property asset between two or more parties. For example, but not limited to the transfer of a freehold interest, the creation of a leasehold interest or the granting of a licence.

“Responsible Senior Officer” means the Executive Director for Place or equivalent senior post holder with ultimate responsibility for all the Council’s property assets, including HRA assets. The role of Responsible Senior Officer can be delegated in line with the Council’s Scheme of Delegation.

“Strategic Asset Management Plan (SAMP)” means a document that provides a strategic overview of the Council’s complete property portfolio which sets a broad direction for Enfield’s asset management over the medium term, enabling its property resource and professional support to be effectively coordinated to meet identified needs.

The plan supports the delivery of the Council’s corporate vision, aims and priorities. It also provides the basis against which the Council’s property related decisions are to be made. The SAMP will help plan and manage property utilisation in support of Council initiatives and service delivery.

The Plan is based on a recognised framework for this type of document derived from the CIPFA

“Surplus Property” means a property asset that is not required to meet the current or future programme or operational requirements of the Council and that has been declared by the Council or its delegated authority to be a “surplus asset” or an “asset held for sale” as defined by CIPFA.

“Unrestricted value” means the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2), except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). In general terms, unrestricted value is intended to be the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Apart from the inclusion of bids from a purchaser with a special interest it is defined in the same way as market value. For example, the valuer should take account of whatever uses might be permitted by the local planning authority insofar as these would be reflected by the market rather than having regard only to the use or uses intended by the parties to the proposed disposal.

“Voluntary conditions” means any term or condition of a proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose.

“Valuation” means a valuation confirming the Market Value of the Property Asset by an appropriately qualified (internal or external) valuer.

3. MANAGEMENT OF PROPERTY ASSETS

3.1. The Responsible Senior Officer must manage all property assets in accordance with the Strategic Asset Management Plan to ensure close alignment with the Council’s strategy, goals, metrics, and initiatives.

Responsibilities include but are not limited to:

- (i) Acquisition and disposal of freehold and leasehold property;
- (ii) Agreements regarding rights of way, easements and wayleaves with statutory undertakers, public utility and telecommunications companies and adjoining property owners;
- (iii) Performance monitoring and renewing of the Strategic Asset Management Plan;
- (iv) Planning and delivery of all regeneration and housing renewal and development programmes;
- (v) Assist with the preparation of departmental business plans when as these relate to property assets;
- (vi) Agreeing Concessions with the relevant Service department;
- (vii) Continuous improvement of processes, systems procedures, records, and methodologies necessary for effective control and management;

- (viii) Corporate Landlord responsibilities;
- (ix) Development options and appraisals;
- (x) Ensuring fairness, transparency and objectivity are the overriding principles in all tender exercises relating to the Rules;
- (xi) Lease issues such as new lettings, lease renewals, rent reviews, repairs, surrenders, assignments, sub-lettings, changes of use, alterations, dilapidations, collection of service charges and rents etc;
- (xii) Marketing activities in relation to Property Assets;
- (xiii) Planning applications for marketing or development purposes;
- (xiv) Repair and Maintenance of Property Assets;
- (xv) Restrictive covenants including the modification or release of restrictions in freehold titles and leases;
- (xvi) Property valuations including asset valuations, insurance valuations, Right to Buy valuations and valuations for appropriation, balance sheet, grant application, internal rate of return, statutory subsidy, stock transfer purposes;
- (xvii) Rates assessments;
- (xviii) Regular review of all Property Assets to ensure that underutilised property is managed effectively and, where appropriate, identified as potentially surplus;
- (xix) Undertaking Court of Protection transactions; and
- (xx) Any other arrangement that involves a Council Property Asset.

- 3.2 The Responsible Senior Officer may delegate the management of specific assets or asset portfolios to one or more other Council officers in compliance with the Council's Scheme of Delegation.
- 3.3 All such delegation must be recorded in writing and the Responsible Senior Officer must ensure adequate operating procedures setting out roles and responsibilities are in place.
- 3.4 All Directors will agree an asset management approach for their service with the Responsible Senior Officer for inclusion in the corporately held SAMP.
- 3.5 The Property & Economy Management Team will be responsible for commissioning, implementing, and monitoring the Strategic Asset Management Plan, and its sub-strategies (such as an operational asset strategy) and any related capital programmes.

- 3.6 Property Assets will be managed according, but not exclusively, to:
- (i) UK and EU law
 - (ii) Council policies and procedures including:
 - Contract Procedure Rules
 - Corporate Landlord Policy
 - Empty Properties Policy
 - Financial Regulations
 - Health and Safety instructions
 - Records Retention Policy
 - Scheme of Delegation for Property
 - (iii) Other such formal Council guidance as may apply or be issued or time to time.

4. ACQUISITION – GENERAL

- 4.1 The acquisition, by any means, of a freehold interest or a leasehold interest over one year in duration must:
- (i) Comply with powers granted to the Council under s.120 of the Local Government Act 1972;
 - (ii) Comply with principals on acquisitions contained in the Strategic Asset Management Plan; and
 - (iii) Have the approval of the relevant Director and the Responsible Senior Officer, unless the acquisition is:
 - Covered by the Property Scheme of Delegation
 - Vested by statutory authority
 - Owing to the Council acting as trustee
 - Made under planning and highways legislation as a condition of a planning permission or a planning obligation.
- 4.2 Every acquisition must be accompanied by the Director's report that states:
- (i) How the acquisition will help deliver the Council's strategy, goals, metrics, and initiatives
 - (ii) The life-cycle costs whereby the Council is able to demonstrate its ability to fund all costs (including running costs), expenses, impacts and risks and any other costs associated with the acquisition (for example allowed/required by legislation).
 - (iii) The report is approved by the Responsible Senior Officer and the Executive Director of Resources
 - (iv) The Responsible Senior Officer has approved the provisional terms for the acquisition

- (v) The Responsible Senior Officer has certified that the price and terms and conditions represent value and, in most circumstances, has obtained an independent valuation

5 ACQUISITION - COMPULSORY PURCHASE

- 5.1 A resolution to make a Compulsory Purchase Order must be made by Cabinet, following a recommendation by the appropriate Director and the Responsible Senior Officer.
- 5.2 Compulsory purchases or purchases by agreement prior to a Compulsory Purchase Order being confirmed, are considered as acquisitions and subject to these Rules.

6 ACQUISITION - EMPTY RESIDENTIAL PROPERTIES

- 6.1 Acquisitions under the Empty Property Policy shall also be in accordance with the Empty Property Policy Guidelines. For ease of reference, the Council may wish to purchase by agreement with the owner or may wish to consider using compulsory purchase powers in order to bring a property back into use. Where a Compulsory Purchase Order is recommended, then the Director of Housing, and Regeneration is to be responsible for seeking Cabinet approval. Such approval will sanction both the Compulsory Purchase Order and the recommended means of onward disposal.
- 6.2 An instruction shall be sent to Property Services to arrange onward disposal and assist with the negotiation of any compensation due under statute.

7 ACQUISITION - GIFT

- 7.1 The acceptance of a gift of a Property Asset to the Council requires:
 - (i) A report prepared by the Responsible Senior Officer stating the purpose of the gift, the value of the Property Asset and any rights, restrictions, or liabilities, including life cycle costs associated with the gift; and
 - (ii) Approval in line with the Council's usual governance processes.

8. APPROPRIATION

- 8.1 Appropriation decisions must be taken in accordance with the Council's governance processes, schemes of delegation and Key

Decisions thresholds and will be in accordance with legislation, any regulations in force at the time and may be subject to Secretary of States consent and/or statutory advertising requirements.

- 8.2 Any proposed appropriation of a Property Asset from one purpose to another including any proposed transfer of a Property Asset between the General Fund and the Housing Revenue Account, requires approval of the relevant Directors and a Valuation. The appropriating service is to transfer funds matching that Valuation to the budget under which the Property Asset was previously being held. If it is proposed that funds to be transferred would equate to an Undervalue justification would need to be set out in a report prepared by the Senior Responsible Officer.

9. CONCESSIONS

- 9.1 Where a Property Asset, or part of a Property Asset, is going to be let and the Council wants to either control an aspect of trade that is not normally part of a commercial lease, goes beyond what could be required through the planning regime, or wishes to use the Property Asset for community use, the transaction must be subject to the general principles of ensuring value for money, equal treatment, non-discrimination, and the obligation of transparency.
- 9.2 The opportunity to manage/operate a Concession with the type of restrictions set above must be run as a tender process in accordance with the Council's Contract Procurement Regulations.

10. DEMOLITION

- 10.1 Demolition of any building or part of a building is not permitted without the authorisation of the Responsible Senior Officer who is to ensure that the Council's Finance Team (for accounts purposes) and other appropriate officers are aware.
- 10.2 On completion of any demolition, the project owner must complete a "Demolition Completion Notice" and forward it to:
propertymatters@enfield.gov.uk

11. DISPOSAL - GENERAL

- 11.1 All disposals must be in compliance with:
- (i) Relevant legislation and in particular section 123 of The Local Government Act 1972;
 - (ii) If at less than best consideration than can reasonably be obtained the Local Government Act 1972: General Disposal

- Consent 2003; and
- (iii) principals set out in the Council's Strategic Asset Management Plan.

- 11.2 In circumstances where the Disposal is not in compliance with s.123 of the Local Government Act 1972 it will be referred to Cabinet for approval with a view to Cabinet determining whether the disposal complies with Paragraph 2(a) of the Local Government Act 1972: General Disposal Consent 2003. The Council must ensure that the nature and amount of any potential subsidy complies with State Aid Rules, as defined by Article 107(1) of the Treaty on the Functioning of the European Union, particularly if there is no element of competition in the sales/disposals process.
- 11.3 If a proposed Disposal requires specific consent from the Secretary of State a decision as to whether to proceed with the disposal must first be made by Cabinet.

The Responsible Senior Officer may grant any lease on a property shown in the Council's Asset Register as held for investment or other purposes, provided the relevant legislation is followed and they are acting within the necessary Schemes of Delegation and Key Decision governance system.

- 11.4 Any Property Asset owned by the Council that is defined by the Localism Act 2011 as an Asset of Community Value will be considered in accordance with the statutory framework.

12. DISPOSALS – MINOR

- 12.1 Decisions to approve Minor Disposals will be in line with Strategic Property Services' Scheme of Delegation, or other Schemes of Delegation as approved by the Senior Responsible Officer, core principles of the Strategic Asset Management Plan and will achieve Market Value or, in the case of a Lease, achieve Market Rent following an approved Valuation.

13. DISPOSAL – AUCTION

- 13.1 The appointment of an auctioneer shall comply with the Council's Contract Procedure Rules.

14. DISPOSAL - BY OFFERING ON THE OPEN MARKET

- 14.1 An offer on the open market is to be appropriately advertised using

more than one appropriate marketing channel that will reach a suitable audience.

- 14.2 The receipt and opening of tenders must be carried out in accordance with the Council's Procurement Rules.
- 14.3 If the Responsible Senior Officer is of the opinion that an offer other than the highest financial offer should be accepted, the reason must be fully documented. In respect of a Property Asset to be Leased Out this can be in the form of evaluation criteria that includes a 'quality' as well as a 'financial' assessment, which will be agreed prior to the disposal being marketed.
- 14.4 Negotiations with any interested parties are permitted after the closing date for offers has passed, providing they are open, transparent, and clearly documented. If such negotiations are considered to prejudice other persons who have made an offer, then in the interests of fairness and transparency a "call for best and final offers" should be made or the property re-marketed.
- 14.5 If the Responsible Senior Officer considers that offers received do not represent the best price which can be reasonably obtained, then the Property Asset should be re-marketed if the reasons for not attracting satisfactory offers can be addressed or withdrawn from the market.

15. DISPOSAL - OFF MARKET

- 15.1 The Responsible Senior officer may recommend an off-market sale where a Disposal by open market sale would not achieve the best consideration reasonably obtainable, such as (but not limited to) sales to a tenant, disposal to a development partner, disposal to an adjoining owner or where the disposal is considered justified for other reasons in order to achieve of Council objectives at less than best consideration.
- 15.2 Such disposals are subject to a report prepared by the Responsible Senior Officer, and approved by the relevant Cabinet member and must include:
 - (i) Justification for such a disposal as being in the best interest of the Council; and
 - (ii) Consideration of external valuation advice.

16. DISPOSAL - EMPTY PROPERTIES THAT ARE NOT COUNCIL ASSETS

- 16.1 Disposals under the Empty Properties Policy shall be dealt with in

accordance with the Empty Property Policy Guidelines. Such properties should be disposed of as soon as possible with a condition of sale that they should be improved to an acceptable standard and restored to full continuous occupation within a reasonable, specified period of time.

- 16.2 A disposal can be by auction or other means, including by agreement with a Registered Social Landlord/Registered Provider.

17. INTERPRETATION AND REVIEW OF THE RULES

- 17.1 Issues regarding interpretation of the Rules shall be referred in the first instance to the Responsible Senior Officer.
- 17.2 The Responsible Senior Officer shall regularly review the application and effect of these Rules in consultation with the Executive Director of Resources and the Director of Law & Governance and shall propose such amended Rules to the Council as they consider appropriate.

18. LEASED-OUT PROPERTY

- 18.1 All leased-out property must be granted in compliance with the relevant legislation and in particular section 123 of the Local Government Act 1972, and the Local Government Act 1972: General Disposal Consent 2003 which sets out parameters for the disposal of land for less than the best consideration that can reasonably be obtained.
- 18.2 Any Lease Assignment that does not, other than a change of nominated lessee, materially alter the terms of the existing lease agreement will not be deemed to be a Key Decision, regardless of the value of the lease, and can be approved within the appropriate Scheme of Delegation

19. SCHEME OF DELEGATION FOR PROPERTY

- 19.1 The Property Scheme of Delegation only grants authority to the Director of Property and Economy or their authorised officers, and to no other Directors. The Responsible Senior Officer can authorise other Schemes of Delegation to cover the delegation of the Property Procedure Rules as they see fit, such as a Housing Scheme of Delegation, or a Meridian Water Programme Scheme of Delegation.

20. VALUATIONS

- 20.1 In preparing for the Disposal or acquisition of a Council interest in

property, the Responsible Senior Officer shall ensure that a Valuation is provided for the property in question which will state the time period that the value can be considered current.

- 20.2 Where a Disposal or Acquisition has not reached completion within 6 months of the date of the corresponding valuation, an updated Valuation shall be prepared.

21. EDUCATION PROPERTY ASSETS

- 21.1 These procedure rules shall apply to Property Assets held for Educational purposes so far as they are relevant and practical.
- 22.2 Authority for officers to make any decisions in relation to Education Property Assets shall be with the approval of the Executive Director of People and in accordance with the Scheme of Delegation for the Education Directorate and with the approval of the Senior Responsible Officer. Any decisions taken will be in accordance with these Rules and the Council's governance processes.
- 21.3 In the event that a decision to dispose of an Education Department Property Asset is taken, the requirements of either the School Standards and Framework Act 1998 or the Academies Act 2010 (or such successor legislation) as appropriate shall be fulfilled.

22. HRA PROPERTY ASSETS

- 22.1 These procedure rules shall apply to Property Assets held as a HRA asset so far as they are relevant and practical.
- 22.2 In the event that a decision to dispose of a HRA Property Asset is taken the requirements of the Housing Act 1985 (or such successor legislation) shall be fulfilled.
- 22.3 In recognition of the consent provided at Paragraph A3.2 of The General Housing Consents 2013, if the HRA is considering of making a Disposal of vacant land it shall first offer the opportunity for the General Fund to appropriate the vacant land.
- 22.4 If the General Fund does not wish to appropriate the vacant land, the HRA must dispose of the vacant land in accordance with the processes and governance set out in these Property Procedure Rules, as they relate to General Fund disposals.

23. SURPLUS PROPERTY

23.1 When a corporate Property Asset or part of an asset is/are becoming surplus to Service needs, the Director of the occupying department shall:

- (i) Prepare a report in consultation with the Responsible Senior Officer declaring the asset surplus to their Service requirements providing reasoned justification. The report shall define the timescale to vacate/handover which shall be a minimum of 6 months.
- (ii) Arrange, prior to the vacant possession date, for the necessary appropriation reports to be completed as required, in the case of property assets held for specific purposes.
- (iii) Remain responsible for the management and all relevant running and other costs of the property during the notice period and up to the point of disposal or transfer to another Service.
- (iv) Remain responsible for ensuring vacant possession of the property prior to its transfer to the Responsible Senior Officer

23.2 On the expiry of the notice period in (i) above the Responsible Senior Officer will become responsible for maintaining, disposing, developing or transfer of the Property Asset for an alternative Service use, or re-purposing for investment income.

23.3 The Responsible Senior Officer will ensure that any subsequent Disposal of the Property Asset follows the rules set out above.

Chapter 4.12 - Officer Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT OF OFFICERS

1.1 Where the Council propose to appoint any Officer, the Council shall:

(i) draw up in accordance with the Council's Recruitment Policies and Procedures a:

- job description; and
- person specification

(ii) 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.

1.2 Where a post has been advertised as provided in paragraph 1.1(ii) above, the Council shall shortlist and interview all applicants who meet the requirements of the person specification.

1.3 Where no applicant meets the person specification, the Council shall make further arrangements for advertisement in accordance with paragraph 1.1 (ii) above.

1.4 The steps to be taken under paragraphs 1.1 and 1.2 above shall be taken in accordance with the Council's Recruitment Policies and Procedures and Policy on Appointment of the Head of Paid Service (Chief Executive), Executive Directors and Directors.

1.5 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, niece or close associate of an existing Councillor or Officer of the Council; or of the partner or spouse of such persons.

(ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer, or an Officer nominated by him/her.

1.6 Seeking Support for Appointment

(i) Subject only to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Enfield Councillor for

any appointment with the Council. The content of this paragraph will be included in any recruitment information.

- (ii) Subject only to paragraph (iii), no Enfield Councillor will seek to influence Panel Members to support one candidate over another and Panel Members should not take into account any such approaches in making their decision.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a Councillor or the Mayor from giving a written reference for a candidate for submission with an application for appointment.

1.7 Arrangements for Appointments

(1) Head of Paid Service:

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such appointment by an Appointments Panel.

The Panel will include the Leader and Deputy Leader of the Council, the Leader of the Opposition, and up to 3 other Councillors (split 2 Majority : 1 Opposition).

- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the executive within 7 days of notification.

(2) Executive Director and Director:

- (a) Appointment to be made by a panel of 5 Members of the Council (3 Majority and 2 Opposition Members).

- (b) An offer of employment as an Executive Director and Director shall only be made where no well-founded objection from any member of the executive has been received within 7 days of notification.

(3) Other appointments: To be made by officer panels convened in accordance with the Council's Recruitment and Selection Procedure.

1.8 Policy Framework

All appointments to be made in accordance with the Council's Recruitment Policies and Procedure and Selection Procedure. The quorum for a Member level appointment panel is a minimum of 3 Members which must always include a Member of the Cabinet.

1.9 Filling of Vacancies

All vacancies to be filled shall be publicly advertised except where the Council otherwise determine provided that where within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, the Council may appoint one of the former applicants.

All vacancies shall be advertised in one or more newspapers or journals circulating primarily among persons who may be expected to meet the person specification of the post.

2. STATUTORY OFFICERS (DISCIPLINARY ACTION)

2.1 No disciplinary action in respect of the Council's Head of Paid Service, Monitoring Officer, or Chief Finance Officer ("Statutory Officers") except action described in paragraph 2.2 below, may be taken by the Council, or any person acting on behalf of the Council, other than in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

2.2 The action mentioned in paragraph 2.1 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; any such suspension shall be on full pay and terminate not later than the expiry of two months beginning on the day on which the suspension takes effect unless notice is given to extend the period of suspension.

- 2.3 In this Standing Order “disciplinary action” in relation to a Statutory Officer means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded in that officer’s personal file, and includes any proposal for dismissal of the officer for any reason other than redundancy or permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

3. DISMISSAL

- 3.1 Subject to paragraphs 2 and 9, the body responsible for the dismissal of the Head of Paid Service, Chief Officer or Deputy Chief Officer shall be the panel convened under the provisions of Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 3.2 Councillors will not be involved in the dismissal of any Officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council’s disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

4. INTEREST OF OFFICERS IN CONTRACTS

The Director of Resources shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the Local Government Act, 1972, of a personal or prejudicial interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

5. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a Committee as to the appointment, promotion, contract of employment or conditions of service, or as to the conduct of any person employed or to be employed by the Council, such question shall not be the subject of discussion until the Council, Committee as the case may be, has decided whether or not the power of exclusion of the public under section 100A (4) of the Local Government Act 1972, shall be exercised.

6. RELATIVES OF MEMBERS OR OFFICERS

- 6.1 A candidate for any appointment with the Council who knows that they are related to any member or officer of the Council, as specified in “declarations” above, shall when making application disclose that relationship on the application form. A candidate who knowingly fails to

disclose such a relationship shall be disqualified from appointment and if appointed shall be liable to dismissal without notice.

- 6.2 Every member and senior officer of the Council shall disclose to the Head of Paid Service any relationship known to him or her to exist with any person who is a candidate for an appointment with the Council. The Head of Paid Service shall record in a register to be kept for the purpose any notice received under this standing order and the register shall be open during office hours to inspection by any member of the Council.
- 6.3 The purpose of this standing order shall be included in any form of application.
- 6.5 "Senior officer" means any full-time officer whose annual rate of remuneration equals or exceeds the amount that is for the time being fixed by the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services as that applicable to spinal column point 44, together with the amount of any Outer London Allowance, and any part-time officer whose annual rate of remuneration would equal or exceed that amount if the officer held a full-time post remunerated at the same rate as for the part-time post.
- 6.6 The approval of full Council must be given before the appointment or dismissal of the Head of Paid Service is notified to him or her.
- 6.7 An offer of appointment as Head of Paid Service, Chief Officer, or Deputy Chief Officer must not be made by the appointing person or body (appointor) until:
- (a) the appointor has notified the Director of Law and Governance of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the Director of Law and Governance has notified every member of the Executive of the authority of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Director of Law and Governance; and
 - (c) either:

- (i) the Executive Leader of the Council has, within the period specified in the notice under sub-paragraph 1.7 notified the appointor that neither he nor any other member of the Executive has any objection to the making of the offer;
- (ii) the Director of Law and Governance has notified the appointor that no objection was received by him within that period from the Leader of the Council; or
- (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.8 Notice of dismissal of the Head of Paid Service, Chief Officer or Deputy Chief Officer must not be given by the person or body responsible for discharging the function of dismissal on behalf of the Council (“the dismissor”) until the provisions outlined in Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have been adhered to.