

PART 4

RULES OF PROCEDURE

COUNCIL PROCEDURE RULES

ACCESS TO INFORMATION PROCEDURE RULES

BUDGET AND POLICY FRAMEWORK PROCEDURES

FINANCIAL PROCEDURE RULES

CONTRACT PROCEDURE RULES

OFFICER EMPLOYMENT PROCEDURE RULES

ANTI-FRAUD AND CORRUPTION STRATEGY

1. COUNCIL PROCEDURE RULES

1. Meetings of the Council
2. Election of Chairman and Vice-Chairman of the Council
3. Quorum
4. Order of Business
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Questions by the public
9. Voting
10. Motions with notice
11. Motions without notice
12. Motions and amendments
13. Questions by Members
14. Minutes
15. One Member at a time
16. Speeches
17. Points of Order
18. Respect for Chair
19. Attendance and conduct at meetings
20. Rescission of Preceding Resolution
21. Suspension and amendment of Council Procedure Rules
22. Record of attendance
23. Exclusion of public
24. Appointment of Committees etc, Substitute and Co-opted Members of Committees and Sub-Committees
25. Referral-Up
26. Council Call-In
27. Application to Committees and Other Member Bodies
28. Member Body Motions without Notice
29. Location of Member Body Meetings

1. MEETINGS OF THE COUNCIL

- 1.1 The Annual Meeting of the Council is held at The Council Chamber, The Grange, Ely on a date and time determined by the Council and published on the Council's website and on agenda published no less than five working days prior to each meeting. In a year of ordinary election of Councillors the Annual Meeting is held either on the eighth day after the retirement of Councillors or such other day (determined by the Council) within twenty-one days immediately following that day.

The Council shall at the Annual Meeting appoint such Committees, Sub-Committees, Working Parties or other bodies, as they are required to appoint by or under any statute or under this Constitution and may at any time appoint such other Committees, Sub-Committees, Working Parties or other bodies as are necessary to carry out the work of the Council.

Subject to any statutory limitation, such appointments shall not be for any longer period than 2 years. (This does not prevent a Member from being re-appointed at the end of that term).

Council may at any time dissolve a Committee, Sub-Committee, Working Party or other body or alter its membership.

Ordinary meetings of the Council are generally held at 6.00pm on a Tuesday or Thursday (unless the Council agrees an alternative day or time for any meeting or meetings). Council meetings (other than the Annual Meeting) may be held at The Grange or at suitable venues elsewhere in the District.

Extraordinary meetings of the Council – The Chief Executive may call or those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- 1.1.1 the Council by resolution;
- 1.1.2 the Chairman of the Council;
- 1.1.3 the Monitoring Officer; and
- 1.1.4 any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within eight working days of the presentation of the requisition.

2. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

The Council at the Annual Meeting elects a Chairman and Vice-Chairman. Nominations for these offices are to be duly proposed and seconded and delivered to the Chief Executive not less than fourteen days before the date of the Annual Meeting (except in the year of District Elections, when they must be delivered not less than five days before the meeting).

3. QUORUM

No business can be transacted at a meeting of full Council unless at least 10 Members of the Council are present. If there are less than 10 Members present (not including those who have declared an interest and left the Chamber for any item) the Chairman will adjourn the meeting. No business can be transacted at a meeting of the Council's committees and other Member bodies unless there are present

sufficient Members to form a quorum. The quorum figure for each Committee and other Member body is set out in Section 1 of Part 3 of this Constitution.

Any business not transacted up to the time of that adjournment stands over to a date and time fixed by the Chairman at the time the meeting is adjourned, or if no such date or time is fixed, to the next ordinary meeting of the Council.

4. ORDER OF BUSINESS

4.1 The order of business at meetings of the Council is:

4.1.1 ANNUAL COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered, whichever is the sooner).

- (i) Election of Chairman
- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) Election of Vice Chairman
- (v) Chairman's announcements
- (vi) Receiving petitions (in accordance with the Petitions Scheme)
- (vii) Motions
- (viii) Questions under Council Procedure Rules
- (ix) Presentations by invited guests
- (x) Names of the Leaders and Deputy Leaders of declared political groups (and where applicable, Leader and Deputy Leader of Council)
- (xi) Any change to the political proportionality of the Council
- (xii) Appointment of Policy Committees, Regulatory Committees (and any Sub-Committees of these bodies) via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiii) Appointment of other Member bodies or Working Parties if necessary via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiv) Appointments to Outside Bodies if necessary, via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xv) Recommendations from Committees and other Member bodies
- (xvi) Any items, which have not been through Committees and other Member bodies etc but which require a resolution of Full Council
- (xvii) Confidential items.

4.1.2 ORDINARY MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner)

- (i) Election of Chairman (if the Chairman and Vice-Chairman are not present)
- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) Chairman's announcements
- (v) Receiving Petitions (in accordance with the Petitions Scheme)
- (vi) Motions

- (vii) Questions under Council Procedure Rules
- (viii) Presentations by invited guests/Committee Chairpersons
- (ix) Recommendations from Committees and other Member bodies
- (x) Any items which have not been through Committees and other Member bodies, etc but which require a resolution from full Council
- (xi) Any changes to the political proportionality of the Council, its effect on Committees, etc and to Leaders and Deputy Leaders of declared political groups.
- (xii) Confidential items

4.1.3 EXTRAORDINARY (OR SPECIAL) MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner).

- (i) Election of Chairman (if the Chairman and Vice-Chairman are not present)
- (ii) Chairman's announcements
- (iii) Consideration of the matter in respect of which the EGM has been called (where exempt/confidential information may be discussed, it may be necessary to exclude the press and public for all or part of the item)

Minutes of the last Council meeting will not ordinarily be received at any Extraordinary Council meeting.

4.2 The election of a Chairman (as necessary) and anything required to be done prior to the formal business of the meeting commencing must be done before any other items. The order of the remaining business may be varied:

4.2.1 by the Chairman at his/her discretion;

4.2.2 by a resolution passed on a motion (which need not be in writing) duly moved and seconded (which is to be moved and put without discussion).

5. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. **NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUESTIONS FROM THE PUBLIC

8.1 To give the public a more direct role in the Council and Committee meetings, the Council has a public question time before the formal start of business.

8.1.1 there is up to 15 minutes public question time immediately prior to each Council or Committee meeting, which does not form part of the formal business of Council (in that resolutions and decisions cannot be immediately taken from it).

8.1.2 any member of the public (excluding a Member of the Council) can ask a question or make a statement on any topic. As long as there is no suspicion that the question/statement is improper (for example, it must not be offensive, slanderous or disclose information that the Council should keep confidential), the Chairman will invite the questioner to read out their question/statement. No other statements should be made by the questioner unless at the Chairman's invitation.

8.1.3 Questions/statements are to be given in writing and placed in a box provided for the purpose prior to commencement of the public question time. Questions are drawn out one at a time. Any questions not answered at the end of the 15 minutes will receive a written reply.

8.1.4 the question is to the Chairman of the Council or the Chairman of the relevant Committee. They may give a verbal answer or undertake to provide a written answer to the question as soon as possible (such reply to be circulated to all Members) or they may decline to answer (for example, on the grounds that the information requested is confidential).

9. VOTING

9.1 General

9.1.1 Voting at a meeting of the Council its Committees and other Member bodies is by show of hands, unless a motion is passed to the contrary or unless otherwise stated in this Constitution.

9.1.2 At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the motion or amendment or abstained from voting.¹

9.1.3 With the exception of Rule 9.1.2, when there is a request for a recorded vote (prior to the vote being taken) the voting on a motion or amendment is recorded to show whether each member present voted for or against the motion or amendment or abstained from voting.

9.1.4 In the case of an equality of votes, the Chairman shall have a second or casting vote providing the Chairman has already voted.

9.1.5 Any Member present at the meeting may, immediately after a vote is taken, request that his/her vote (for or against) or abstention be recorded in the minutes of the meeting.

¹ In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

9.2 On Appointments

9.2.1 If contested, the appointment of the Chairman and Vice-Chairman of the Council will be by secret ballot.

9.2.2 Appointment of Members to:

- Chairmanships and Vice-Chairmanships of Committees
- Sub-Committees, Working Parties
- Outside Bodies

shall be by a show of hands, or by secret ballot on the passing of a motion to allow such a ballot.

10. MOTIONS WITH NOTICE

10.1 A Council Member may, upon prior written notice, put a motion in writing to Council under this Council Procedure Rule. Notice of every motion (other than a motion which under Council Procedure Rule 11 may be moved without notice) must be given in writing, signed by the member or members of the Council giving notice, and delivered to the Chief Executive eight clear working days (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered. On receipt it will be dated, numbered in order in which it is received, and entered in a book open to the inspection of every Member of the Council.

10.2 The summons for every meeting of the Council will include in full all motions of which notice has been duly given in the order in which they have been received (unless the member giving such a notice has indicated in writing, when giving it, that he proposed to move it at some later meeting, or has subsequently withdrawn it in writing).

10.3 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it will, unless deferred by the consent of the Council, be treated as withdrawn and may not be moved without fresh notice being given.

10.4 If the subject matter of any motion comes within the terms of reference of any Committee, Sub-Committee, etc it will, upon being moved and seconded, stand referred without discussion to such Committee, Sub-Committee, etc or to such other Committee, Sub-Committee, etc as the Council decide, unless the Chairman shall decide that it is more convenient and efficient to allow the motion to be dealt with at that Council meeting.

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

11. MOTIONS WITHOUT NOTICE

The following motions and amendments may be moved without notice at a meeting of the Council:

11.1 Appointment of a Chairman of that meeting.

11.2 Motions relating to the accuracy of the minutes of the previous meeting.

11.3 That an item of business listed in the summons be brought forward.

11.4 Reference back of a recommendation to a Committee, Sub-Committee, etc.

11.5 Appointment of Members to a Committee, Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.

- 11.6 Receipt and adoption of reports and recommendations of committees, sub-committees etc.
- 11.7 That leave be given to withdraw a motion.
- 11.8 Extending the time limit for speeches.
- 11.9 Amendments to motions.
- 11.10 That the Council proceed to the next business.
- 11.11 That the question should now be put.
- 11.12 That the debate should now be adjourned.
- 11.13 That the Council should now adjourn.
- 11.14 Suspending the Constitution or any part of it (in accordance with these Council Procedure Rules).
- 11.15 Motion under section 100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).
- 11.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.
- 11.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.
- 11.18 Voting on appointments in accordance with these Council Procedure Rules.
- 11.19 Recorded votes in accordance with these Council Procedure Rules.

12. MOTIONS AND AMENDMENTS

12.1 Procedure

A motion or amendment will not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with these Council Procedure Rules) it will, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

12.2 Secunder's Speech

A Member when seconding a motion or amendment may, if he/she at that time declares his/her intention to do so, reserve his/her speech until a later period of the debate.

12.3 Amendments

An amendment must be relevant to the motion and should either:

- 12.3.1 refer a subject of debate to a committee, etc for consideration or re-consideration;
- 12.3.2 leave out words;
- 12.3.3 leave out words and insert or add others;
- 12.3.4 insert or add words;

An amendment which has the effect of negating the motion before the Council will not be accepted as an amendment.

12.4 One Amendment at a Time

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. A Member may not move more than one amendment relating to the same matter.

However, two or more amendments may be discussed (but not voted on) together if in the Chairman's opinion this would facilitate the proper conduct of the Council's business.

12.5 Further Amendments

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried the motion as amended takes the place of the original motion and shall become the motion upon which any further amendment may be moved.

12.6 Alteration of Motion

A Member may with the consent of the Council (without debate):

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

12.6.2 with the further consent of his Secunder alter a motion which he/she has moved, if (in either case) the alteration is one which could be made as an amendment thereto.

12.7 Withdrawal

A motion or amendment may be withdrawn by the mover with the consent of his/her Secunder and of the Council (without debate), and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused by the Chairman.

12.8 Closure Motions

A Member may move without comment at the conclusion of a speech of another Member, "That the Council/Committee proceed to the next business", "That the question should now be put", "That the debate should now be adjourned", or "That the Council/Committee should now adjourn", on the seconding of which the Chairman shall proceed as follows:

12.8.1 on a motion to proceed to next business: unless in his opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business;

12.8.2 on a motion that the question should now be put: unless in his opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 12.9 of this Council Procedure Rule before putting his motion to the vote;

12.8.3 on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

12.9 Right to Reply

The mover of a motion (but not an amendment) has a right to reply at the close of the debate on the motion, immediately before it is put to the vote, but such debate must be relevant to the motion. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment, but may not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

12.10 Motions which may be moved during Debate.

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

12.10.1 to amend the motion;

- 12.10.2 to adjourn the meeting;
- 12.10.3 to adjourn the debate;
- 12.10.4 to proceed to the next business;
- 12.10.5 that the question should now be put;
- 12.10.6 that a Member should not be further heard;
- 12.10.7 by the Chairman under these Council's Procedure Rules that a Member should leave the meeting;
- 12.10.8 a motion under Section 100(A) of the Local Government Act 1972 (as amended) to exclude the public;
- 12.10.9 that leave be given to withdraw a motion or amendment.

13. QUESTIONS BY MEMBERS

- 13.1 A Member of the Council may ask the Chairman of a committee any question upon any item in the minutes of a committee if those minutes are before the Council either for receipt or adoption.
- 13.2 A Member of the Council may also put a question before the Council either:
 - 13.2.1 by giving the question in writing to the Chief Executive not less than 24 hours before the Council meeting or
 - 13.2.2 with the prior permission of the Chairman at the meeting itself. (In this case Members should ensure that copies of the question are available for distribution at the meeting).

Provided always that such questions may be rejected by the Chief Executive or Chairman if they are matters for which the authority has no responsibility or which does not affect the District; is substantially the same as a question which has been put to Council in the past 12 months; or requires the disclosure of confidential or exempt information.

- 13.3 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- 13.4 An answer to a question asked as aforesaid may take the form of:
 - 13.4.1 a direct or oral answer; or
 - 13.4.2 where the desired information is contained in a publication of or document issued by the Council, a reference to that publication; or
 - 13.4.3 where the reply to the question cannot conveniently be given orally, a written answer circulated to all Members of the Council within seven days after the date of the meeting.

14. MINUTES

No discussion will take place upon the minutes of Council, its Committees and other Member bodies, except upon their accuracy, and any questions of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman will sign the minutes.

Any Member at a meeting of the Council or of a Committee, may request that a minute be taken of what either they or any other Member has said in that meeting. The minute will then be attributed to the Member making the comment as will all other comments made by Members, which are referred to in the minutes.

The text of all amendments, which are proposed and seconded, will be minuted in full.

15. ONE MEMBER AT A TIME

A Member when speaking should stand (unless the Chairman agrees they may remain seated) and address the Chairman. If two or more Members rise, the Chairman shall call on one to speak; the other or others must then sit. While a Member is speaking the other Members must remain seated, unless rising to a point of order or in personal explanation.

16. SPEECHES

16.1 Contents and Duration of Speeches

A speech should relate to the question under discussion or to a point of order or of clarification. No speech may be longer than five minutes, except by consent of the Council.

16.2 When a Member may Speak Again

A Member who has spoken on any motion may not speak again whilst it is the subject of debate, except:

16.2.1 to speak once on an amendment moved by another Member;

16.2.2 if the motion has been amended since he/she last spoke, to move a further amendment;

16.2.3 if his/her first speech was on an amendment moved by another Member (whether or not carried), to speak on the main issue;

16.2.4 in exercise of a right of reply given by these Council Procedure Rules;

16.2.5 on a point of order;

16.2.6 by way of personal explanation.

17. POINTS OF ORDER

17.1 A Member may rise on a point of order or of clarification, and is then entitled to be heard at that point. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provisions and the Members must specify both the Council Procedure Rule or statutory provision and the way in which he/she considers it has been broken. A point of clarification must be confined to some material part of a previous speech by him/her which may appear to have been misunderstood in the present debate.

17.2 The ruling of the Chairman on a point of order or point of clarification is final.

18. RESPECT FOR CHAIR

Whenever the Chairman requires it during a debate any Member then standing and/or speaking must resume his seat and all debate must cease.

19. ATTENDANCE AND CONDUCT AT MEETINGS

19.1 A Member of the Council is permitted to attend a meeting of any Committee, Panel or Working Party of which he/she is not a Member (subject to the rules relating to declarations of interest). A Member attending a meeting of which he/she is not a standing Member shall speak once only on any item but may speak again at the discretion of the Chairman (subject to any proposal to move to next business which would take precedence).

19.2 A Member of the Council who has moved a motion which has been referred to any Committee or other Member body shall have notice of the meeting of the Committee or other Member body at which it is proposed to consider the motion. He/she shall have the right to attend that meeting and if he attends he shall have an opportunity of speaking to the motion and exercising a right of reply.

19.3 Members' Conduct

19.3.1 If at a Council meeting the Chairman informs the Council of his/her opinion that a Member is misconducting himself/herself e.g.

- by persistently disregarding the ruling of the Chair;
- by behaving irregularly, improperly or offensively;
- by wilfully obstructing the business of the Council;
- because of the irrelevance or repetitious content or nature of
- his/her speeches;

the Chairman or any other Member may move "That the Member named be not further heard" and that motion if seconded shall be put and determined without discussion.

19.3.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chairman shall:

EITHER move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

19.3.3 In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his discretion shall consider expedient.

19.3.4 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Disclosable Pecuniary Interest as described at paragraph 7 (and Appendix A) of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place.

19.3.5 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Prejudicial Interest as described at paragraph 13 of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place **UNLESS** the Member is exercising a Speaking Right as described in paragraph 1.5 of the Member Code of Conduct. Such a Speaking Right shall be exercised in accordance with paragraph 13 of the Member Code of Conduct and once exercised the Member must retire from the Meeting until the discussion and vote on that item of business has taken place.

19.3.6 In the event that the Member with the Interest described in paragraphs 7 and 13 of the Member Code of Conduct, does not abide by Rules 19.3.4 and 19.3.5, the Chairman shall follow the procedure under Rule 19.3.2.

19.4 Disturbance by Members of the Public

If a member of the public interrupts the proceedings at any Council meeting the Chairman shall warn him. If he/she continues the interruption the Chairman shall order his/her removal from the meeting. In case of general disturbance in any part of the room where a meeting open to the public is held the Chairman shall order that part to be cleared.

[Note: A procedure following disruption to a meeting has been produced for Council/Committee Chairmen in accordance with this procedure rule].

19.5 Photography, Audio/Visual recording of Meetings and Blogging/Tweeting

Photography, filming/ audio recording of meetings and use of social media such as blogging/ tweeting during a meeting will be permitted provided that it is not disruptive and does not detract from the proper conduct of the meeting

20. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice is given under these Council Procedure Rules, signed by at least five Members of the Council. When any such motion or amendment has been dealt with by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

However, this Council Procedure Rule does not apply to motions moved in pursuance of consideration of a recommendation of a committee, or as a result of legislative change.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 9.1.4 and this Rule 21.1 may be suspended by motion with notice or without notice if requested by at least two thirds of Councillors present and voting. Suspension can only be for the duration of the relevant item at the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, if an item to make such an amendment has not appeared on the summons for the meeting.

22. **RECORD OF ATTENDANCE**

The Chief Executive as proper officer shall record the attendance of all Members present during the whole or part of every meeting of the Council or its committees, etc but the Chairman of any such meeting may, exceptionally, require all such Members to sign their names on attendance sheets before the conclusion of any meeting to assist with the record of attendance.

The timing of any Members late arrival or early departure from meetings will be recorded.

23. **EXCLUSION OF THE PRESS AND PUBLIC**

Members of the public and/or press may only be excluded either in accordance with the Access to Information rules in this constitution or Council Procedure Rule 19.4 (Disturbance by Members of the Public).

24. **APPOINTMENT OF COMMITTEES, ETC OF SUBSTITUTE AND CO-OPTED MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

24.1 Appointment of Committees, Sub-Committee, Panels

24.1.1 Prior to Annual Council, the leader of each political group shall notify the Chief Executive of the names of the Members of each group to be appointed to each Committee, Sub-Committee and Panel in accordance with the number of seats available to them on each such body.

24.1.2 Election of Chairman and Vice-Chairman of Committees, Sub-Committees, Panels and Working Parties

Every Committee, Sub-Committee, Panel and Working Party shall, at its first meeting after the Annual Meeting of the Council before proceeding to any other business elect a Chairman for the ensuing Municipal year, and may at any time appoint a Vice-Chairman. In the absence from a meeting of the Chairman (and Vice-Chairman if elected) a Chairman for that meeting may be appointed.

24.1.3 Special Meetings

The Chairman of the Committee, Sub-Committee, Panel or Working Party or the Chairman of the Council may call a special meeting of the Committee, Sub-Committee, Panel or Working Party at any time. A special meeting shall also be called on the requisition of half of the whole number of the Committee, Sub-Committee, Panel or Working Party, delivered in writing to the Chief Executive, but in no case shall fewer than four Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

24.1.4 Working Parties

Every Committee, Sub-Committee and Panel appointed by the Council may appoint Working Parties for purposes to be specified by the Committee or Panel.

24.2 **Substitutions**

24.2.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate Members in the same manner as substitute Members. The onus for nominating the respective substitute Member for each Member body rests with the appropriate political group. Nominations are to be made by the leader of each political group.

24.2.2 Number

For each relevant Committee or Sub-Committee, the Council will appoint up to two substitutes in respect of each group, either or both of whom may substitute for any Committee Member(s) in their group. All exceptions to this are specified in the Committees Terms of Reference and Licensing Committee.

24.2.3 Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Members of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

24.2.4 Substitution

Substitute Members may attend meetings in that capacity only:

- 24.2.4.1 to take the place of an absent ordinary Member for whom they are the designated substitute;
- 24.2.4.2 where the ordinary Member will be absent for the whole of the meeting;
- 24.2.4.3 (in the case of Planning Committee), where the substitute Member has attended training (and not until or unless such induction training has been undertaken, and thereafter any annual training arranged for Members);
- 24.2.4.4 (in the case of Planning Committee), where the usual Member of the Committee, or in his/ her absence, the Group Leaders (or his/ her Deputy) have given a minimum of one clear days notice to the relevant Democratic Services Officer that they are unable to attend, and the name of substitute Member attending; and

Provided the above conditions have been satisfied, the substitute Member shall retain the right to vote for the duration of the meeting and may not be replaced by the Member for whom he or she is substituting.

However, if the Member who is to be replaced ("the original Member") is present at the start of the meeting then the substitution shall not have effect for that meeting - so that the substitute may not speak and/or vote in that capacity at that meeting and may only otherwise speak with the prior consent of the Chairman. This will not apply where Planning Committee substitute Members have been nominated to attend.

Where the original Member is not present at the start of the meeting at which the substitute is present, but arrives later, the original Member may not speak and/or vote at that meeting as a member of that Member Body and may only otherwise speak with the prior consent of the Chairman.

24.3 Co-option of Non-Councillors onto the Council's Working Parties & Corporate Governance & Finance Hearings Sub-Committees (and Panel)

24.3.1 No more than two co-optees may be appointed to any individual Working Party.

24.3.2 The duration of the co-optees appointment should be a matter for the Working Party to make recommendations to Council in each instance, with the proviso that co-options would end at the end of each municipal year (requiring the co-optees to be formally re-appointed or new ones to be appointed at the first meeting of the Working Party) and that the Working Party should have the power to recommend to Council the termination of any co-option at any time.

24.3.3 Co-optees on Working Parties have voting rights.

24.3.4 Co-optees do not count for the purposes of the quorum.

24.3.5 It is a specific term of the appointment of co-optees that they do not make statements to the press on the business of or purporting to be on behalf of the Working Party.

24.3.7 There are no rights of substitution for co-opted Members.

24.3.8 If a Co-optee fails through a period of six consecutive months from the date of the last attendance to attend any meeting of the Working Party or Sub-Committee, they shall cease to be a co-optee of the authority, unless the failure is due to some reasons approved by the authority² before the expiry of that six month period. Any allowance payable under the Members' Allowance Scheme shall also cease as at that date, such allowance to be apportioned to that date.

25. REFERRAL-UP

25.1 If a Policy Committee/ Sub-Committee³ are unwilling or unable to make a decision⁴ on any matter within its Terms of Reference, the Committee/ Sub-Committee may resolve to refer the matter to Full Council for final determination.

25.2 The Council referral-up rule above shall not apply where the decision being taken by the Policy Committee/ Sub-Committee is urgent. Items leading to decisions likely to

² Namely that no meetings have been convened, or that the Co-optee has not been invited to attend that meeting.

³ This does not include regulatory matters, such as Licensing, Planning or Councillor conduct, unless in respect of Councillor conduct, a request is made to Full Council to censure a Councillor.

⁴ This does not include urgent decisions, which should be categorised on the Committee agenda and/or Decision Notice as such. A decision will be urgent if any delay is likely to cause serious prejudice to the Council or the public's interests. See Rule 26.6.

be categorised as urgent should be identified as such on the published agenda or, where not so practicable, at the meeting itself and on the Decision Notice. Any Member wishing to challenge that categorisation must do so prior to the consideration of the item by the Committee/ Sub-Committee. A decision will be urgent if any delay would seriously prejudice the Council's or the public's interests. 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 referral-up. The Leader of the Council (if any) and Chairman of the Committee/ Sub-Committee must agree to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

26. COUNCIL CALL-IN

26.1 Member Call-in should only be used in exceptional circumstances. The procedure for call-in will be as follows:

26.1 When a decision is made by a Policy Committee/ Sub-Committee, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council as soon as practicable after being made and within 3 working days of the meeting. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

26.2 That decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the 7th working day after the publication, **unless** any 5 Members call it in to Full Council within 5 working days of the meeting, excluding the day of the decision. Recommendations of the Policy Committee to other bodies (or to Council), or urgent decisions (see Rule 26.6) cannot be called-in. Receipt of the call-in suspends implementation of the decision, until confirmation of rejection of the call in/ or where accepted, final determination by Full Council (where appropriate).

26.3 A call-in of a decision should be made in writing to the Chief Executive on the specified call-in form. Where a decision is called-in during that period, the Chief Executive shall notify the Chairman of the relevant Committee or Sub-Committee that a call-in has been received (and any relevant officers). Copies of the call-in will be given to the Leaders of the Council's political groups as soon as possible.

26.4 Formal written acceptance or refusal of the call-in will be given to the Members calling in the decision within 5 working days of its receipt by the Chief Executive or in his absence Principal Democratic Services Officer. Any refusal must include the reasons for that refusal.

26.5 If a Call-in is accepted, it will then be considered by the next programmed meeting of Full Council or by a special meeting convened in accordance with this Constitution. No action on the decision will be taken until Full Council has considered the decision and shall make a final decision (and in doing so may resolve to uphold, amend or reject the previous decision). This decision shall then take effect from the date when made by Full Council.

26.6 **Council call-In and urgency:** The Council call-in procedure rules above shall not apply where the decision being taken by the Policy Committee/ Sub-

Committee is urgent. The process for challenging this categorisation and designation of a decision as urgent, as set out under Rule 25.2 above shall apply.

27. APPLICATION TO COMMITTEES AND OTHER MEMBER BODIES

- 27.1 All the Council Procedure Rules apply to meetings of full Council.
- 27.2 All the Council Procedure Rules with the exception of Rules 1, 2, 4, 10, 11, 13, 15, and 21.2 apply to meetings of the Council's Committees and other Member Bodies.
- 27.3 Committees may appoint and dissolve their Sub Committees, Working Parties and determine their Sub Committees terms of reference and appointment.
- 27.4 The Chief Executive may call or those listed below may request the Chief Executive to call Committee, Sub-Committee or Working Party meetings in addition to previously scheduled meetings:
- 27.4.1 the member body itself by resolution;
 - 27.4.2 the Chairman of the member body;
 - 27.4.3 the Monitoring Officer or Lead Officer(s) for the member body; and
 - 27.4.4 any three Members of Council, at least two of whom must be on the member body, if they have signed a requisition presented to the Chairman of the member body who has refused to call a meeting or has failed to call a meeting within eight working days of presentation of the requisition.

28. MEMBER BODY MOTIONS WITHOUT NOTICE

Amongst others the following motions and amendments may be moved without notice at a meeting of a member body:

- 28.1 Appointment of a chairman of that meeting.
- 28.2 Motions relating to the accuracy of the minutes of the previous meeting.
- 28.3 That an item of business listed in the summary be brought forward.
- 28.4 Reference back of a recommendation to a sub-committee or working party, etc.
- 28.5 Appointment of members to a Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.
- 28.6 Receipt and adoption of reports and recommendations of Sub-Committees etc.
- 28.7 That leave be given to withdraw a motion.
- 28.8 Extending the time limit of speeches.
- 28.9 Amendment to motions.
- 28.10 That the member body proceeds to the next business.
- 28.11 That the question be now put.
- 28.12 That the debate should now be adjourned.

- 28.13 That the member body should now adjourn.
- 28.14 Suspending the constitution or any part of it (in accordance with the Council Procedure Rules).
- 28.15 Motion under S100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).
- 28.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.
- 28.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.
- 28.18 Voting on appointments in accordance with these Council Procedure Rules.
- 28.19 Recorded votes in accordance with these Council Procedure Rules.

29. LOCATION OF MEMBER BODY MEETINGS

- 29.1 These will generally be at the Council Offices at The Grange but in consultation with the Chairman of the relevant body, the lead officer for that body may arrange a particular meeting at an alternative venue if appropriate. The final decision on location will be taken when the agenda for that meeting is finalised.

2. ACCESS TO INFORMATION PROCEDURE RULES

1. These rules apply to all meetings of the Council, Committees, Area Committees (if any), and Sub-Committees. Agenda and reports may be available for Working Parties and Panels (together called meetings of the Council).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Reception area, the Council Offices, The Grange, Nutholt Lane, Ely.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports, which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item;

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES, ETC AFTER THE MEETING

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

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonable fair and coherent record;

- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

Every report will include a list of those documents (called background papers) relating to the subject matter of the report which in the lead officer's opinion:

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

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC RIGHTS

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at and be available to the public at the Council's Offices at The Grange.

10. EXCLUSION OF THE PUBLIC FROM MEETINGS

The Council will endeavour to conduct its business in public. However:

10.1 Confidential information - requirement to exclude public

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

10.2 Exempt information - discretion to exclude public

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

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

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within any of the following 7 categories:

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

10.5 Qualifications relating to exempt information

10.5.1 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is registered under:-

- a) the Companies Act 1985;
- b) the Friendly Societies Act 1974;
- c) the Friendly Societies Act 1992;
- d) the Industrial and Provident Societies Acts 1965 to 1978;
- e) the Building Societies Act 1986; or
- f) the Charities Act 1993.

10.5.2 Information falling within any of the paragraphs 1-7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10.5.3 Information which:-

- a) falls within any of paragraphs 1 to 7 above; and
- b) is not prevented from being exempt by virtue of paragraph 10.5.1 or 10.5.2 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

[Note: paragraph 10.5.3 above establishes a 'public interest' test both in relation to the original application of the exemption and the length of time that the information remains exempt.]

11. EXCLUSION OF THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. INSPECTION OF DOCUMENTS BY MEMBER

- 12.1 A Member of the Council may inspect such reports (including exempt reports) or minutes and obtain a copy prior to the matter being considered by a Committee, Sub-Committee or Working Party. Exempt reports and papers will be circulated in advance of a Committee, Sub-Committee or Working Party meeting to the Members of that body, or substitute Members or any other Member that requests a copy. Further copies of exempt reports will be available at the meeting.
- 12.2 Otherwise, a Member of the Council on application to the Monitoring Officer may inspect any exempt document (background or otherwise) which is to be or has been considered by the Council or any Committee, Sub-Committee or Working Party etc and if copies are available shall on request be supplied for the like purposes with a copy of such a document which was consulted, referred to or used by any officer in pursuance of the execution of powers delegated to him by the Council Committee, provided the Member demonstrates that this is necessary to enable the Member to properly perform his/her duties as a Member of the Council and provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he has a Disclosable Pecuniary Interest (DPI) or prejudicial interest within the meaning of the Members Code of Conduct from time to time in force.

13. INSPECTION OF LANDS, PREMISES, ETC BY MEMBERS

- 13.1 Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

3. BUDGET AND POLICY FRAMEWORK PROCEDURES

1. The framework for decision making

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

2. Process for developing the framework

- (a) The Council will produce annually a programme for establishing the budget and policy framework for the following year.
- (b) The policy and budget framework presented to Council will be available for public consultation. As part of this public consultation, the Council will hold, e.g. parish forums; & budget consultation meetings with local businesses
- (c) In approving the policy and budgetary framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework, which may be undertaken by Policy Committees, in accordance with its Financial Regulations. Any other changes to the policy and budgetary framework are reserved to the Council.

4. FINANCIAL PROCEDURE RULES

1.0 INTRODUCTION

- 1.1 The purpose of the Council's Financial Regulations is to provide the framework for managing the Council's financial affairs. They apply to every Member and officer of the Council and anyone acting on its behalf.
- 1.2 Every officer has a responsibility to read and be familiar with these regulations. Non compliance may be considered to be a disciplinary offence and will be dealt with in accordance with the Council's Disciplinary Policy and Procedure.
- 1.3 It is the responsibility of the Chief Executive or Directors (to ensure that all staff under their control are aware of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. They shall also ensure that an adequate number of copies are available for reference within their departments.
- 1.4 The Financial Regulations identify the financial responsibilities of the Council, the Corporate Governance & Finance Committee, the Chief Executive as Head of Paid Service, the Monitoring Officer, the Financial Services Manager and Service Lead. The Council shall maintain a written record where decision-making has been delegated to members of staff, including seconded staff.
- 1.5 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.6 The Financial Services Manager shall maintain a continuous review of the Financial Regulations and submit any additions or changes necessary to the Council for approval. The Financial Services Manager shall also report, where appropriate, breaches of the Financial Regulations to the Council.
- 1.7 Detailed Financial Procedures setting out how the Financial Regulations will be implemented/applied are contained as an appendix to these Regulations (to follow).
- 1.8 The Financial Services Manager will also issue advice, guidance and procedures to underpin the Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow.

2.0 FINANCIAL MANAGEMENT

2.1 Introduction

- 2.2 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

3.0 THE COUNCIL

- 3.1 The Council is responsible for adopting and approving the budget within which the Council operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control.

4.0 THE STATUTORY OFFICERS

4.1 Head of Paid Service

The Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 is the Chief Executive.

4.2 Monitoring Officer

The Monitoring Officer, together with the Financial Services Manager is also responsible for advising the Council whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- (i) initiating a new policy
- (ii) committing expenditure in future years to above the budget level
- (iii) incurring interdepartmental transfers above virement limits
- (iv) causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

4.3 The Financial Services Manager has statutory duties in relation to the financial administration and stewardship of the authority. This is a statutory responsibility and cannot be overridden. The statutory duties arise from:

- (i) Section 151 of the Local Government Act 1972
- (ii) The Local Government Finance Act 1988
- (iii) The Local Government and Housing Act 1989
- (iv) The Accounts and Audit Regulations 2003 (SI 2003/533)

4.4 The Financial Services Manager is responsible for:

- (i) the proper administration of the authority's financial affairs
- (ii) setting and monitoring compliance with financial management standards
- (iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- (iv) providing financial information
- (v) preparing the revenue budget and capital programme
- (vi) treasury management.

4.5 In accordance with Section 114 of the Local Government Finance Act 1988 the Financial Services Manager shall report to the Council and the external auditor if the Authority or one of its officers:

- (i) has made, or is about to make, a decision which involves incurring unlawful expenditure
- (ii) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- (iii) is about to make an unlawful entry in the authority's accounts.

4.6 The Financial Services Manager shall in accordance with Section 114 of the 1988 Act nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

- 4.7 The Financial Services Manager shall report to Council where insufficient staff, accommodation or other resources, including legal advice where necessary, are provided for him to properly carry out his duties under section 114.
- 4.8 The Chief Executive and the Services Lead shall ensure that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Financial Services Manager
- 4.9 These officers shall consult with the Financial Services Manager and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

5.0 OTHER FINANCIAL ACCOUNTABILITIES

- 5.1 The Council may agree procedures for virement of expenditure between budget headings.
- 5.2 There is to be a presumption against additions to the budget being made other than through the annual budget round as described below at 6.1. In the normal course of events, the only such supplementary estimates that would be approved would be to meet the costs arising from unforeseen and/or unavoidable eventualities that cannot be accommodated by the normal virement process. The approval by Corporate Governance & Finance Committee of such supplementary estimates would be conditional on the formulation of an appropriate recovery plan to protect the overall financial position of the Council.
- 5.3 Without the prior approval of Corporate Governance & Finance Committee:
- (a) In the normal course of events it is recognised that spending commitments may be entered into that cause a budget to become overspent due to a necessary response to emergencies, statutory requirements, statutory entitlements, or other imperatives of the service. Such variances, however, must be reported to the Chairman and Group Spokespersons of the relevant Policy Committee and Corporate Governance & Finance Committee at the earliest opportunity and brought to the next relevant Policy Committee meeting and subsequent Corporate Governance & Finance Committee meeting for confirmation of the corrective action proposed.
 - (b) Any savings arising from the late or delayed start of new projects or initiatives are to be returned to the central contingency fund.
 - (c) Unforeseen savings against budget (through unexpected reductions in cost or non-volume driven increases in income) are to be returned to the central contingency fund.
- 5.4 With Corporate Governance & Finance Committee's prior approval, 50% of planned, or engineered, savings against budget can be used to support non-recurring budgets elsewhere within a Policy Committee's remit; the balance shall be returned to the central contingency fund.
- 5.5 Service development proposals exceeding £25,000, including improvement and change options arising from service plans, must be accompanied by a detailed financial appraisal setting out any external funding streams and the long-term financial implications for the Council.

5.6 Policy Committees shall receive quarterly budget monitoring reports with a requirement to consider outturn projections including virements approved under the mechanisms set out above.

5.7 Corporate Governance & Finance Committee shall be responsible for the management of the liabilities and duties arising under section 106 agreements. Regular reports will be submitted to the Committee detailing those commitments and the relevant available funds.

5.8 Accounting Policies

The Financial Services Manager shall select appropriate accounting policies and ensure that they are applied consistently.

5.9 Accounting Records and Returns

The Financial Services Manager shall determine the accounting procedures and records for the authority.

5.10 The Annual Statement of Accounts

The Financial Services Manager]shall ensure that the annual statement of accounts is prepared in accordance with relevant legislation and the Codes of Practice. The Corporate Governance & Finance Committee shall approve the annual statement of accounts.

6.0 **FINANCIAL PLANNING**

6.1 **Preparation of the Revenue Budget**

The September meeting of the Corporate Governance & Finance Committee will set the parameters for each Committee's budget including:

- (a) provision for increases in cost for inflation
- (b) provision to cover specific volume changes in services caused directly by population changes
- (c) efficiency cost reduction targets
- (d) variations in budget to be delivered through service adjustments

The December meeting of the Corporate Governance & Finance Committee will agree the funding of service development proposals arising from the Service Plan process.

6.2 **Preparation of the Capital Programme**

The Financial Services Manager]shall ensure that a capital programme is prepared on an annual basis for consideration by Corporate Governance & Finance Committee before submission to the Council.

6.3 **Budget Monitoring and Control**

It is the responsibility of the Chief Executive and Directors Regulatory or Service Lead to control income and expenditure within their area and monitor performance, taking account of financial information provided by the Financial Services Manager. They shall report on material variances within their own areas. They shall also take

any action necessary to avoid exceeding their budget allocation and alert the Financial Services Manager to any problems.

The Financial Services Manager shall provide appropriate financial information to enable both revenue and capital budgets to be monitored effectively. The Financial Services Manager shall also monitor and control expenditure against budget allocations and report to Corporate Governance & Finance Committee on the overall position on a regular basis.

6.4 **Guidelines**

Guidelines on budget preparation shall be issued to Members and Officers by the Financial Services Manager following agreement with the Corporate Governance & Finance Committee.

The guidelines shall take account, as appropriate, of:

- (i) available resources
- (ii) legal requirements
- (iii) medium-term financial planning prospects
- (iv) the corporate plan
- (v) spending pressures
- (vi) best value and other relevant government guidelines
- (vii) other internal policy documents
- (viii) cross-cutting issues.

Maintenance of Reserves

The Financial Services Manager shall advise the Corporate Governance & Finance Committee and the Council on prudent levels of reserves for the Council.

7.0 **RISK MANAGEMENT AND CONTROL OF RESOURCES**

Introduction

- 7.1 The Council will develop and maintain robust, integrated systems for identifying and evaluating all significant operational risks to the Council. This will include the proactive participation of all those associated with planning and delivering services.

Risk Management

- 7.2 The Corporate Governance & Finance Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Financial Services Manager shall ensure that the Council has proper arrangements for insurance.
- 7.3 The Chief Executive shall prepare the Council's risk management policy statement, and promote it throughout the organisation.

Internal Control

- 7.4 The Financial Services Manager shall advise on effective systems of internal control. These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They shall ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

- 7.5 The Chief Executive or Directors or Service Lead shall establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

- 7.6 The Accounts and Audit Regulations 2003 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit. The Council has designated responsibility for this function to the the Financial Services Manager
- 7.7 The Internal Auditor, in consultation with the Financial Services Manager shall maintain a three year Strategic Plan from which an Annual Plan will be prepared detailing the areas of audit coverage for the following year.
- 7.8 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- 7.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

Preventing Fraud and Corruption

- 7.10 The Financial Services Manager, in consultation with the Principal Audit Officer, shall develop and maintain an anti-fraud and anti-corruption policy.

Assets

- 7.11 The Chief Executive or Directors or Service Lead shall ensure that records and assets are properly maintained and securely held. They shall also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

Treasury Management

- 7.12 The Council shall adopt the key recommendations contained in CIPFA's Treasury Management in Public Services: Code of Practice 2001.
- 7.13 To ensure effective treasury management the Council shall maintain:
- (i) a treasury management policy statement, stating the policies and objectives of its treasury management activities
 - (ii) treasury management practices, setting out the manner in which the Council will seek to achieve the policies and objectives and how it will control activities
- 7.14 The Corporate Governance & Finance Committee shall receive reports on its Treasury Management and Annual Investment strategy policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the treasury management practices, such Strategies to be approved by full Council.
- 7.15 The Financial Services Manager shall have delegated responsibility for the execution and administration of treasury management decisions in accordance with the policy statement, treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.

Treasury management practices have been issued Financial Services Manager under delegated powers.

8.0 SYSTEMS AND PROCEDURES

Introduction

- 8.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- 8.2 The Financial Services Manager is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. No changes may be made by the Chief Executive or Directors or Service Lead to existing financial systems or new systems established without the approval of the Financial Services Manager. The Chief Executive or Directors or Service Lead are responsible for the proper operation of financial processes within their areas of responsibility.
- 8.3 The Chief Executive or Directors or Service Leads shall ensure that their staff receive relevant financial training as may be approved from time to time by the Financial Services Manager.

Income and Expenditure

- 8.4 The Chief Executive or Directors or Service Lead shall ensure that a proper scheme of delegation has been established within their areas of responsibility and that it is operating effectively. The internal schemes of delegation shall identify members of staff authorised to act on the behalf of the Chief Executive or Directors or Service Lead behalf, or on behalf of the Council, in respect of payments, income collection and placing orders, together with the limits of their authority. The Corporate Governance & Finance Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

- 8.5 The Chief Executive or Directors or Service Lead shall approve all payments relating to salaries, wages, travelling expenses etc. of their staff in accordance with the approved list of authorised signatories.
- 8.6 The Financial Services Manager shall make all payments of salaries, wages, travelling expenses etc. to staff, and payments of allowances to members.

Taxation

- 8.7 The Financial Services Manager shall advise the Chief Executive or Directors or Service Lead in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues which may affect the Council.
- 8.8 The Financial Services Manager shall maintain the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

- 8.9 The Financial Services Manager shall give advice on the operation of existing trading accounts and business units. No changes may be made to existing trading accounts and business units without the approval of the Financial Services Manager.

- 8.10 No new trading accounts or business units may be established by the Chief Executive or Directors or Service Lead without the approval of the Financial Services Manager.

9.0 EXTERNAL ARRANGEMENTS

Partnerships

- 9.1 The Chief Executive or Directors or Service Lead shall not enter into any partnerships or joint ventures without first consulting the Financial Services Manager.
- 9.2 The Financial Services Manager shall ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. The Financial Services Manager shall also consider the overall corporate arrangements and legal issues when arranging contracts with external bodies, and shall ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 9.3 The Chief Executive or Directors or Service Lead shall ensure that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

- 9.4 The Financial Services Manager shall ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.

10.0 FINANCIAL PROCEDURES

Introduction

- 10.1 Financial Procedures set out in detail the requirements of the Council's financial systems and are intended to support the Financial Regulations.
- 10.2 These procedures are working documents and therefore they will develop/change as good practice determines. The Financial Services Manager shall periodically issue an updated copy of the procedures.
- 10.3 The Chief Executive or Directors or Service Lead are required to ensure that all staff adhere to the Financial Procedures, and are responsible for ensuring that staff are adequately trained in their application. A current version shall also be placed on the Council's intranet site.
- 10.4 The Financial Procedures cover guidance in the following areas:
- Financial Management Standards
 - Managing Expenditure
 - Scheme of virement
 - Treatment of year-end balances
 - Accounting Policies
 - Accounting Records and Returns
 - Annual Statement of Accounts
 - Service Plans
 - Budgeting
 - Format of the budget
 - Revenue budget preparation, monitoring and control
 - Budgets and medium-term planning
 - Resource allocation
 - Capital programme

- Risk Management
- Internal Controls
- Audit Requirements
 - Internal Audit
 - External Audit
- Assets
 - Security
 - Inventories
 - Stocks and stores
 - Intellectual property
 - Asset disposal
- Staffing
- Financial Systems General
- Income and Expenditure
 - Income
 - Ordering goods and services
 - Payments to employees and members
- Taxation
- Trading Accounts and Business Units
- Partnerships
- External Funding
- Work for Third Parties

TREASURY POLICY STATEMENT

This statement sets out the Authority's policy concerning all of its funding or borrowing from external sources and the lending or investment of surplus balances.

This statement also sets out how compliance with the Local Government Act 2003 (which requires certain fundamental items of financial policy to be determined by the Authority annually) will be achieved and the scheme adopted by the Authority for the delegation of its powers in relation to treasury management.

This statement meets the recommendations set out in the Code for Treasury Management in Local Authorities issued by The Chartered Institute of Public Finance and Accountancy . The Code and this Policy Statement have been adopted by the Authority as part of its Financial Regulations.

Approved Activities

This Council defines its Treasury Management activities as:

The management of the Council's cash flows, its banking, money market and capital market transactions; the effective control of risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

The Authority may be both a borrower and a lender, for example if it has a temporary cash surplus but is a net borrower over the medium or long term.

All treasury management activities involve risk and potential reward. This Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation.

This Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the

principles of achieving best value in treasury management, and to employing suitable performance management techniques, within the context of effective risk management.

The policy of the Authority in the case of lending is to achieve a satisfactory return while minimising risk; the overriding principle is to avoid risk rather than to maximise return. In the case of borrowing, the objective is to minimise cost consistent with ensuring the stability of the Authority's financial position by sound debt management techniques.

The Authority and, subject to the delegated authorities set out below, its committees and officers are authorised subject to the provisions of this Policy Statement to deposit the surplus funds of the Authority with and purchase Certificates of Deposit issued with institutions in accordance with the Annual Treasury Management Strategy and Annual Investment Strategy adopted by the Council each year, and to borrow monies within the limits established annually by the Authority for its various categories of borrowing.

The Authority will not undertake currency risk and accordingly will not borrow or deposit funds denominated in foreign currencies.

Formulation of Strategy

The Authority's strategy for the application of its treasury policy as set out in this statement is the Annual Treasury Management Strategy and Annual Investment Strategy prepared by the by Financial Services Manager and approved by full Council.

The Financial Services Manager prepares for the approval of full Council, annual forecasts of surplus funds and borrowings for the ensuing financial year. He also prepares for the approval of the Corporate Governance & Finance Committee a strategy for funding the Authority's borrowing requirements or lending surplus cash for the period covered by the forecast. In preparing the strategy he has regard to the maintenance of the stable financial position of the Authority, to ensuring that the Authority has sufficient and appropriate facilities available to it to meet both its long term borrowing requirements and its planned short term borrowing requirements, and funding needs arising from uncertainties inherent in the planning process in the timing and amount of cash flows. The Financial Services Manager also has regard to the current levels of short term and long term interest rates and to forecasts of future changes in interest rates and prepares a recommendation for consideration by the Corporate Governance & Finance Committee and approved by the Council of the total and short term borrowing limits and the maximum proportion of interest on borrowing which is subject to variable rates of interest. More detailed guidance on the matters to be included in the Annual Treasury Management Strategy and Annual Investment Strategy is set out in Appendix A of this statement. Matters to be considered in determining the strategy for interest rate exposure are considered further below.

In preparing the Annual Treasury Management Strategy and Annual Investment Strategy the Financial Services Manager will consider in the aggregate all of the funds, borrowings and accounts operated by the Authority.

Based on the annual forecast the Financial Services Manager prepares monthly for the ensuing 12 months rolling forecasts of the short term surplus cash and borrowings of the Authority for purposes of applying the strategy on a day to day basis, of reporting the results of applying the strategy to the Corporate Governance & Finance Committee and where applicable during the course of the year, of recommending amendments to full Council.

The Financial Services Manager has delegated powers to carry out the Authority's strategy for borrowing, depositing surplus funds and managing the cash flow of the Authority. In exercising these powers he has regard to the perceived credit risk associated with the approved institutions with which funds may be deposited or invested, to the effect of possible

changes in interest rates on the cost of borrowing and the return from investing and the need to maintain adequate liquid funds to meet the Authority's obligations.

Approved Methods of Raising Capital Finance

The Financial Services Manager undertakes on its behalf the borrowing activities of the Authority. He is authorised by the Authority to undertake borrowings of the following types:

- (i) by overdraft or short term from authorised banks;
- (ii) from the Public Works Loan Board;
- (iii) by means of loan instruments;
- (iv) by other means as approved by the Secretary of State for the Department of Food & Rural Affairs (DEFRA) or departments replacing the same.

No borrowing may be undertaken of a type which is not included in the above list.

Investing and Depositing of Surplus Funds

The overriding principle guiding the investing of surplus cash balances is the preservation of the capital value of the Authority's resources. The Financial Services Manager has delegated authority to invest the surplus funds of the Authority in accordance with the Annual Treasury Management Strategy and Annual Investment Strategy and in accordance with the terms of this Statement. He is authorised to deposit or invest funds only with the institutions and subject to the limits set out in the agreed Annual Treasury Management Strategy and Annual Investment Strategy approved annually by full Council. The Financial Services Manager is responsible for monitoring the creditworthiness of approved deposit takers using

appropriate external sources of information including credit agency reports and limiting exposure below the approved limits where appropriate

Interest Rate Exposure

The Financial Services Manager is responsible for monitoring the Authority's interest rate exposure and for determining the interest rate exposure strategy within the limits set by this statement and by the Annual Treasury Management Strategy and Annual Investment Strategy.

The principal factor governing the exposure of surplus funds to interest rate movements is the Authority's liquidity forecast. Where surplus funds are required to meet possible cash outflows in the near future they will necessarily be deposited short term for periods which will ensure that funds are available when required. Where surplus funds are expected to be available for investment for longer periods the Annual Treasury Management Strategy and Annual Investment Strategy will give guidance on interest rate exposure policy. Where surplus funds are to be used to repay borrowings on maturity the maturity for which the funds are deposited should match as closely as possible the maturity of the related borrowings.

Appendix B sets out guidance on policy governing the exposure of borrowings to interest rate movements.

Legal Issues

Prior to entering into any borrowing or investment transaction it is the responsibility of the Financial Services Manager to satisfy himself by reference to the Monitoring Officer, the Authority's legal department and external advisors as appropriate, that the proposed

transaction does not breach any statute, external regulation or the Authority's Financial Regulations.

Delegation

The Authority has drawn up and approved a scheme of delegation for the operation of treasury policy, a summary of which is set out in Appendix C.

Review and Reporting

The Financial Services Manager reports quarterly to the Corporate Governance & Finance Committee and annually to the Council on treasury activities. An indication of matters to be included in the reports is set out in Appendix D to this statement. Other matters are drawn to the attention of the Council or the Corporate Governance & Finance Committee as appropriate.

Systems and Procedures

The Financial Services Manager maintains the Treasury Management Practices Schedules which sets out the detailed systems and procedures which are in place to ensure delivery of the approved policy.

APPENDIX A

Matters to be Included in the Annual Treasury Management Strategy and Annual Investment Strategy, covering:

- Treasury limits in force which will limit the treasury risk and activities of the Council;
- Prudential Indicators;
- The current treasury position;
- The borrowing requirement;
- Prospects for interest rates;
- The borrowing strategy;
- Debt rescheduling;
- The investment strategy; and
- Any extraordinary treasury issue.

APPENDIX B

Matters to be Considered in Establishing Interest Rate Exposure Policy

The current level and structure of interest rates

Current interest rates compared with the historical trend

Estimates of future movements in the level and structure of interest rates

The extent to which estimated movements in interest rates would effect the revenue account and the effect of estimated future movements in interest rates on the revenue account if all borrowings were to be converted to variable rates.

The sensitivity of the revenue account to fluctuations in future interest rates compared with estimate.

APPENDIX CScheme of Delegation for Treasury Policy
Delegated powerExercised by

Approval and amendment of Annual Treasury Management Strategy and Annual Investment Strategy	Full Council
Amendment of list of approved institutions	Account (Treasury Management)
Approval of Treasury Management Policy Statement & Practices	Financial Services Manager]
Application of approved strategy	Financial Services Manager]
Treasury dealing with counterparties	Account (Treasury Management)
Authorisation of cash transfers	Financial Services Manager or Principal Accountant
Borrowing and lending documentation & provision of guarantees to external bodies	Financial Services Manager or Principal Accountant
Bank and dealing mandates	Financial Services Manager under authority of Corporate Governance & Finance Committee
Recommend & approving selection of external service Providers & agreeing terms of appointment	Financial Services Manager under authority of full Council
Approval of segregation of responsibilities	Financial Services Manager
Reviewing external audit reports and making recommendations to Audit Committee	Financial Services Manager

APPENDIX DMatters to be included in Reports to the Corporate Governance & Finance Committee and the CouncilAnnual Report to the Council (as detailed in Appendix A and below):
Treasury operations for the year

In relation to the previous financial year:

- strategy
- economy
- borrowing and investment rates
- compliance with treasury limits and Prudential Indicators
- investment outturn and
- update on current year.

Matters for determination for next financial year under Local Government Act 2003, including, amongst other things

- Prudential indicators

Proposed amendments to the Treasury Policy Statement

Management Information Reports for Financial Services Manager

Analysis of currently outstanding borrowings, deposits and investments by instrument, counterparty, and maturity date

Cash flow and revenue outturn compared with budget and commentary on variances

Revisions to rolling 12 month cash flow forecast and to estimates of future interest rates; effect on revenue budget

Proposed amendments to list of approved counterparties and to limits

Proposed amendments to Treasury Management Policy Statement and Treasury Management Practices.

Matters in respect of which the Treasury Policy Statement, the Annual Treasury Management Strategy and Annual Investment Strategy or the Treasury Management Policy Statement & Practices have not been complied with.

5. CONTRACT PROCEDURE RULES

1. INTRODUCTION

- 1.1 The Contract Procedure Rules define the regulatory and legal framework for procurement. It has been adopted in accordance with the requirements of Section 135 (2) of the Local Government Act 1972. For the purposes of these Rules, the Council includes the Committees, Sub-Committees, Working Parties or other body or person(s) acting in accordance with delegated authority on behalf of the Council.
- 1.2 All procurements, commissioning, hire, rental or lease or sales (subject to 1.3) made by or on behalf of the Council, shall comply with these Rules.
- 1.3 The Rules apply to the sale of assets (*with the exception of the sale of land/ or interests in land – such as covenants or easements*) and goods by the Council where the appropriate Head of Service estimates that the assets, goods or services to be sold exceed £1000.
- 1.4 Throughout these Rules, reference to Contractor(s) or sub-Contractor(s) shall mean any person, company or supplier who has:
- requested to be on an approved or ad-hoc approved list of tenderers;
 - been approached to provide a quotation or tender;
 - provided a quotation or tender; or
 - been awarded a contract in accordance with the provisions of these Rules.

2. EUROPEAN UNION COMPLIANCE

- 2.1 The Public Contracts Regulations 2015 (hereinafter PCR2015) determine the required procurement process for contracts above a certain value which is set by the European Union on a bi-annual basis. The current EU thresholds are:

Threshold	Supplies	Services	Works
£ (Euros)	£ 172,514 (€207,000)	£ 172,514 (€207,000)	£ 4,322,012 (€5,186,000,

(Thresholds as at 1 Jan 2014)

The requirements of PCR2015 place a legal obligation on the Council and any provisions therein take precedence over the Council's own Contracts Procedure Rules. If there is any possibility that PCR2015 could apply, then officers must consult with the Council's Legal Team and / or seek specialist Procurement advice before proceeding to advertise or award any contract.

3. CONTRACTS RECORD

- 3.1 In accordance with Government requirements to publish Contracts and Tenders with a value of £500 and above monthly, officers shall (and shall ensure that their Officers) complete the Contract Register Form and forward this to Legal Services for:
- all contracts completed over £ 500;
 - all procurements where the Council is obliged, under these Rules to **tender** the Contract (see Rule 5.5).

Officers are required to send all Contracts above £5000 for signature or seal by Legal Services as per Rule 10.4. Legal Services will retain the original copy of any contract that has been signed or sealed.

4. **METHODS OF ORDERING**

- 4.1 All orders shall be placed through one of the following recognised methods -
- A Procurement / Purchase Card Order.
 - A Purchase Order.
 - An approved electronic purchasing system
- 4.2 Where there is an exception requirement and the Director (Commercial and Corporate Services) or Service Lead considers that the work is of an emergency nature and necessary to enable the service to continue, and none of the ordering methods are suitable, the Authorised Officer (Chief Executive shall record the details of the exceptional requirement and the action taken for future Audit). Copies of any exception records should be forwarded to the Director (Commercial and Corporate Services) for record purposes.

5. **'PROCUREMENT STRATEGY and PROCUREMENT PRINCIPLES'**⁵

- 5.1 The Council seeks value for money in all procurement activity. This means obtaining either better prices or improved services for the same cost. The Council will also seek to achieve this from the minimum possible procurement overhead and resource cost without compromising the need for
- Regulatory compliance.
 - Transparent and efficient procurement processes.
 - Achieving appropriate social, environmental and equality outcomes.

- 5.2 Sourcing policy is determined in the following order:

Up to £5,000:

- (a) District – based sourcing *where practicable*, for contracts with an estimated value of up to £5,000.

£5,001 and above:

- (b) Framework contracts and any adopted catalogues. An adopted catalogue or framework is the preferred contract for the Council's business within a defined category (a type or group of goods or services).
- (c) Collaborative procurements with other public bodies or authorities.
- (d) The Council's procurement of goods and services in accordance with these Rules.
- (e) *In respect of 5.2 (b) – (d) above, in the case where the aggregate value of the contract is below £75,000, then the Authorised Officer for the procurement exercise should obtain a quotation from a local supplier⁶, unless it is impracticable to do so.*

- 5.3 Any procurement estimated to exceed the EU thresholds which is not covered by the exceptions in Rule 5.7 below, must be referred to Legal Services before the procurement process is commenced. The discussion will cover:
- Scope and objectives of the procurement;
 - Budget and costing;
 - Tender methods;
 - Timescales; and Deliverables⁷.

⁵ See Procurement Strategy

⁶ Defined for this purpose as an individual/ sole trader or other business/ third sector with offices and billing address within the East Cambridgeshire District.

⁷ The proposed outcome of the procurement that needs to be delivered.

5.4 Where there is no adopted contract or framework, Officers shall seek to secure the lowest costs through the procurement process. The Council nevertheless wishes to balance the effort of going to the market with the effort and efficiency of the procurement. After determining the proposed contract's total value, Officers shall then follow one of the procurement procedures detailed below. These procedures shall be used in all procurements or sales, apart from those exceptions at Rule 5.7.

Estimated Total Value of Procurement	Requirement
Up to £1,000	JUST DO IT Estimates or offers shall be obtained and recorded to ensure the Service has obtained value for money. District – based sourcing where practicable
£1001 - £5,000	INFORMAL QUOTATION At least 3 written quotations or offers shall be invited (email or paper). District – based sourcing where practicable
£5,001 to £75,000	FORMAL QUOTATION At least 3 formal i.e. competitive written quotations or offers shall be invited (including a quotation or offer from a local supplier ⁸ , <u>unless</u> it is impracticable to do so).
£75,001 to European Union Procurement Threshold specified in Rule 2.1	COMPETITIVE TENDER Competitive Tenders shall be obtained using one of the tendering options in these Rules. <i>Officers must use the Council's Standard Terms and Conditions⁹ – changes or use of another contract form only with agreement of the Legal Services Manager or Director Commercial and Corporate Services</i>
Above the EU Threshold specified in Rule 2.1	EU PROCUREMENT PROCESS The appropriate EU procurement directive/ Regulations shall be complied with. <i>Officers must use the Council's Standard Terms and Conditions¹⁰ – changes only with agreement of the Legal Services Manager or Director Commercial and Corporate Services that an alternative Contract form is more appropriate. Officers must seek specialist procurement advice before commencing an EU Procurement Process</i>

⁸ Defined for this purpose as an individual/ sole trader or other business/ third sector with offices and billing address within the East Cambridgeshire District.

⁹ See intranet

- 5.5 Total value is the cost of all elements of the procurement (e.g. installation, testing, training, maintenance, etc). The Director (Commercial and Corporate Services) or Service Lead (or Authorised Officer if otherwise) involved in the procurement shall ensure that a procurement is not split or otherwise disaggregated, particularly in order to avoid the need to undertake an EU Procurement Process. Officers *may choose* to undertake a Competitive Tender if the value is less than £75,000.
- 5.6 Achieving value for money needs effective competition and this is dependent on the existence of an 'open' market with the selected Contractors having the interest, capability and capacity for the work or business being offered. In selecting Contractors to provide a tender or quotation the Authorised Officers shall ensure that wherever possible:
- the selection process they are using is fair and equitable, and that no favouritism is shown to any one Contractor (e.g. the requirement is not an extract of a Contractor's product specification).
 - checks are made to ensure that Contractors are interested in this type of business.
 - repeat or 'automatic' invitations to the 'same' Contractor or group of Contractors are avoided, particularly where previously invited to bid and had failed to do so.
 - 'new' Contractors are sought and invited to tender or quote.
 - 'no-bids' are checked for the reasons for a Contractor's failure to bid

5.7 **Exceptions**

Nothing in these Rules shall require tenders to be sought: -

- for purchases made via a Central Purchasing Body (CPB)
 - where there is a single supplier 'call-off contract' or catalogue created with fixed prices (e.g. a Direct Supply catalogue), or
 - where there is a multi-supplier framework and further competition has been undertaken through competitive quotes.
- (b) for purchases¹¹ through local authority, government body or agency, police, health or other similar public authority, where the procurement rules of that organisation have been formally approved and the contract is created in co-operation, agreed joint requirements or partnership.
- (c) for purchases made at public auction;
- (d) where the Director (Commercial and Corporate Services) or Service Lead -
 - considers that the work is of an emergency nature or is necessary to enable the service to continue; or
 - with the Financial Services Manager's agreement, considers that it is in the Council's best interest in negotiating a further contract for works, supplies or services of a similar nature with a Contractor who is currently undertaking such work. The relevant Service Lead shall report details of all work awarded to the Chief Executive or Director (Commercial and Corporate Services) who shall retain this record for inspection.

¹¹ Not deemed to include service delegation requests

- However, no exemption under 5.7(d) can be claimed, where the total value of the contract is above the relevant European Threshold limit.

6. TENDER AND FORMAL QUOTATION PROCEDURES

6.1 Tendering and Formal Quotation Options

Officers shall select one of the following procedures. In selecting Contractors to invite to tender Officers shall comply with Rule 5.6.

Option	Requirement
(a) Quotations	£1000 to £5000, quotations or offers shall be sought from Contractors within the District if practicable. A Request to Quote (RFQ) to be sent for procurement with a value of between £5,001 - £75,000, with a quotation <i>from a local supplier</i> ¹² , <u>unless it is impracticable to do so.</u>
(b) Framework	The Council must adhere to any specific requirements placed upon it in order to use frameworks created by other contracting authorities, such as CPBs. Dependent on estimated total value of the procurement specified under Rule 5.4., Contractors on the framework (or lot if split into lots) shall all be invited to tender/quote and a mini-competition shall be run. A public notice is not required, any general Terms & Conditions are set out in the original framework contract should be used. Vetting (Rule 6.3) is not usually needed as the Contractor has been vetted as part of the original framework competition.
(c) Open Tenders with an aggregate value of £75,001 and above	Notice is required to be placed on the government's national procurement portal, "Contracts Finder", in accordance with PCR 2015 and must also be placed on the Council's own website. In addition, the Council may, if it so chooses, place a notice on other on-line portals (such as Source Cambridgeshire) or in one or more newspapers and/or in an appropriate trade journal. The notice shall state the nature and purpose of the contract, where further information and documentation can be obtained, and state the closing date for the process. An Invitation to Tender (ITT) should be sent to all Contractors expressing an interest. All ITTs shall include an appropriate questionnaire to permit vetting of Contractors in accordance with Rule 6.3 of these Rules. For EU Threshold value contracts, specified in 2.1, the appropriate EU procurement directive/ Regulations must be complied with. ¹³

¹² Defined for this purpose as an individual/ sole trader or other business/ third sector with offices and billing address within the East Cambridgeshire District.

¹³ Part A and Part B Service procedures to be dealt with as per the relevant procurement Regulations

<p>(e) Single Tenders / Quotations</p>	<p>The Chief Executive or Service Lead after consulting the Director (Commercial and Corporate Services) may obtain a single tender when:</p> <ul style="list-style-type: none"> • Prices are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available. • Work to be executed or goods, services or materials to be supplied consist of repairs to or the supply of parts of existing proprietary machinery, equipment, hardware or plant and the repairs or the supply of parts cannot be carried out practicably by alternative Contractors. • Specialist consultants, agents or professional advisers are required and <ul style="list-style-type: none"> ▪ evidence indicates that there is likely to be no genuine competition; or ▪ Products are sold at a fixed price, and market conditions make genuine competition impossible. ▪ The proposed contract shall form part of a serial/ repeat programme. The contract terms shall be negotiated with a Contractor, using as a basis for negotiation the rates and prices contained in an initial contract that was awarded following a competitive tendering process (no more than 2 years previously) so long as it complied with the Contract Procedure Rules in force at that time. No more than two serial contracts. ▪ A “ Call for Competition” has been issued via OJEU and only one “Expression of Interest” is received • No satisfactory alternative is available. <p>If the Single Tender option is used, the Service Lead shall:</p> <ul style="list-style-type: none"> ▪ notify the Director (Commercial and Corporate Services) ; ▪ retain records that demonstrate that the best price or value for money has been obtained
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6.2 Invitations To Tenders and Requests for Quotations

All Officers shall ensure that all ITTs and RFQs include:

- (a) approved contract terms in accordance with Rule 10 (which include anti-fraud and relevant equalities clause(s));
- (b) a statement regarding Freedom of Information Act 2000 (FOIA) compliance:

“All information supplied to the Authority will be subject to the provisions of the Freedom of Information Act 2000 and as such may be disclosed by the Authority when required to do so under the Act. When such disclosure is necessary the Authority shall use reasonable endeavours to consult with the provider of the information prior to disclosure”.

6.3 Vetting & Selection Criteria

- (a) Officers shall undertake sufficient vetting to ensure that all Contractors -
 - possess the experience and capacity required,
 - comply with minimum standards of Insurance;
 - are financially viable

and, where appropriate and relevant to the contract concerned, that they

- have the necessary Health & Safety policy and performance and (where applicable) membership of the Contractor's Health and Safety Scheme or equivalent health and safety standard;
 - have environmental policy

comply with equalities legislation and policy

6.4 **Evaluation Criteria**

All formal quotations or tenders that are being sought shall:

- (a) be based on a definite written specification, include any social, economic or environmental considerations as required under the Social Value Act 2012
- (b) include a mixture of cost and quality award criteria to determine the Most Economically Advantageous Tender - criteria shall be agreed by the Director (Commercial and Corporate Services) or Director (Commercial and Corporate Services) or Service Lead and included in the tender. Officers are encouraged to avoid issuing Tenders which are to be awarded solely on Lowest Price.
- (c) include specific weightings applied to individual award criteria.
- (d) if appropriate, include a requirement for a performance bond and liquidated damages.

7. **SUB-CONTRACTS AND NOMINATED SUPPLIERS**

- 7.1 The appointment of nominated sub-Contractors by a main Contractor to meet their contractual requirements must be done with the consent of the Council and should be notified to the Council at the soonest possible opportunity, including as part of a response to an Invitation to Tender where applicable.

8. **RECEIPT AND OPENING OF TENDERS AND QUOTATIONS**

- 8.1 Where paper tenders are invited in accordance with these Rules, the outside packaging of the tender should clearly bear the word "Tender" and the relevant Unique Reference Number (URN) followed by the subject to which it relates and addressed to the Authorised Officer. Where electronic tenders are invited, it is the responsibility of the Authorised Officer to ensure that the system in use meets any requirements for security, transparency and the equal treatment of suppliers.
- 8.2 Further to Rule 8.1 above, the envelope shall ideally not bear any distinguishing matter or mark intended to indicate the identity of the sender. Contractors shall be notified accordingly. Provided that any tenders received with an identifying mark are kept secure until the time appointed for their opening, then the presence of and identifying mark will not be sufficient to render that tender invalid. Such envelope shall be addressed impersonally to the Authorised Officer (as detailed in the tender/ quotation documentation).
- 8.3 All tenders received, whether paper or electronic, shall be kept securely and shall not be opened or accessed until the time appointed for their opening.
- 8.4 All tenders or formal quotations invited in accordance with these Rules shall be opened after the date and time detailed in the tender/ RFQ, one at a time and -
- in the case of tenders, they shall be opened by the Officer for the Contract or an Officers nominated by him/ her, a Democratic Services Officer and a Legal Officer (at a pre-organised tender opening meeting); and
 - in the case of quotations, by the Director (Commercial and Corporate Services) or Service Lead and/or his or her nominee(s) and one other officer.
 - In the case of electronic tenders, these can be opened by a single officer, provided that any system has an electronic audit trail in place which records the identity of the officer and the time of opening of each individual tender
- 8.5 All tenders shall be recorded in writing upon opening under Rule 8.4, on the tender opening record (the Register of Tenders), as is appropriate. The format of the

opening record shall have been previously agreed with the Legal Services Manager. The Form of Tender and any accompanying documentation shall be marked with the date of opening, and signed by all Officers present at the opening. All the Officers present at the opening shall sign the tender opening record. In the case of electronic tenders, the presence of an electronic audit trail would satisfy the requirements of this rule.

- 8.6 Any tenders or quotations received after the specified time shall be disqualified. The Authorised Officer shall return the late tender or quotation promptly to the Contractor. The tender or quotation may be opened to ascertain the name of the Contractor and a note taken that this has been returned, but no details of the tender or quotation shall be noted.
- 8.7 The original Tender opening record shall be retained by the Legal Services Manager in respect of tenders, and the Authorised Officer shall retain the quotations record.

9. ACCEPTANCE OF TENDERS AND QUOTATIONS

- 9.1 The Authorised Officer, in conjunction with their Head of Service, shall evaluate all the tenders or quotations received in accordance with the award criteria set out in the bid documentation and can accept those quotations or tenders received that are within the their Service areas approved budget, on the basis that they are -
- the lowest priced tender or quotation; or more usually
 - the most economically advantageous tender or quotation, as evaluated against the award criteria.

- 9.2 Tenders or quotations exceeding the approved budget may only be accepted if the Authorised Officer has sought approval for the further expenditure from the Corporate Governance & Finance Committee (or in case of urgency, having consulted with the Chairman or Vice-Chairman of that Committee).

9.5. Arithmetical Errors and Post-Tender Clarification:

- (a) Contractors can alter their tenders or quotations after the date specified for their receipt but before the acceptance of the tender or quotation, where examination of the tender or quotation documents reveals arithmetical errors or discrepancies which affect the tender or quotation figure. The Contractor shall be given details of all such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing his offer.
- (b) In evaluating tenders, the Authorised Officer (on instruction of their Head of Service) may invite one or more Contractors who have submitted a tender, to submit a revised offer following post-tender clarification.
- (c) **All post-tender clarification shall -**
- only be undertaken where permitted by law and where the appropriate Service Lead, Director (Commercial and Corporate Services) and Financial Services Manager consider additional financial or other benefits may be obtained which over the period of the contract shall exceed the cost of the post-tender clarification process;
 -
 - be conducted by an Officers or Third Party Consultant/ Agent approved in writing by the appropriate Service Lead or Director (Commercial and Corporate Services) and Financial Services Manager.
 -

- be conducted in accordance with any guidance issued by the Director (Commercial and Corporate Services) ; and
 -
 - not disclose commercially sensitive information supplied by other bidders for the contract.
- (d) Post-tender clarification shall not be used to degrade the original specification unless the capital or revenue budget is exceeded, or the Director (Commercial and Corporate Services) Service Lead considers other special circumstances exist, in which case all those Contractors who originally submitted a tender shall be given the opportunity to re-tender in accordance with the revised specification.
- (e) Following clarification but before the letting of the contract, amendments to the original tender submitted shall be put in writing by the Contractor(s) and shall be signed by him.

10. CONTRACT DOCUMENTS

- 10.1 For all procurements above the EC threshold, a statutory minimum “standstill” period of 10 calendar days is required, where notification of award of contract is delivered to the relevant tenderer by facsimile or electronic means, OR 15 calendar days if sent by other means, from the date that the decision is issued (to end at midnight on day 10 or 15 as applicable) to allow contractors an opportunity to challenge the decision. The Authorised Officer should not undertake any action in relation to the contract during this time, other than respond to relevant queries from tenderers
- 10.2 Every contract or orders placed that **exceeds £5,000** shall be on the Council’s Terms and Conditions (T&Cs), or if agreed by the Legal Services Manager, on an industry standard contract appropriate to that contract (such as those offered by JCT). The Authorised Officers shall not use Contractor’s documentation to order, acknowledge, instruct to proceed or make any other commitment where the documentation makes any reference to the Contractor’s T&Cs, without the agreement of the Legal Services Manager. Where a Contractor formally insists on trading on T&Cs other than the Council’s T&Cs, the Legal Services Manager shall be informed and agree, except –
- (for the sake of clarity) Any contract where the estimated total value is likely to be less than £5,000, in all other cases Rule 10.3 shall apply.
 - Any framework or contract formally adopted by the Council.
 - contracts and orders arranged by CPBs
 - Orders for software where the licence is for ‘standard’ product but not where customisation, development or on-site service is required for the ‘standard’ product.
- 10.3 Officers shall ensure that advice on the form of contract is sought from the Legal Services Manager as early as practicable (normally before the issue of a formal RFQ or Tender, so that the T&Cs or appropriate standard contract can be included with these document and sent to potential Contractors).
- 10.4 Anti-bribery and corruption: the terms set out under Rule 20.2 shall be a condition of every written contract.
- 10.5 Liquidated damages: Any contract with an aggregate value of £100,000 for works, or for the supply of goods or materials by a particular date or series of dates, shall

provide for liquidated damages. The amount to be specified in each such contract shall be determined by the Authorised Officer in consultation with the Legal Services Manager.

- 10.6 Performance Bonds/ Parent Company Guarantee: In the case of any contract for the execution of works or for the supply of goods, services or materials above £100,000, the Authorised Officer shall, after consulting with Financial Services Manager (or in her absence the Legal Services Manager) consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or shall set out in the specification of tender the nature and amount of the security to be given. In the latter event, the Council shall require and take a Performance bond or other sufficient security (such as a Parent Company Guarantee) for the due performance of the contract. Where contract payment is in arrears and a reasonable retention of at least 10% of the contract price is applied, Performance bonds will not usually be required.
- 10.7 Legal Services shall finalise/ review all contracts above £5000. All contracts above £5000 (or where the Authorised Officer has used the Council's T&Cs for below this amount) must be signed/ and sealed (as appropriate) by the Legal Services Manager the Chief Executive or Director (Support Services). Once signed by the Contractor, all original documents, including specifications, drawings, tender documents and correspondence relating to a contract shall be retained by the Legal Services Manager. Authorised Officers should then complete the Contract Register Form and forward this to Legal Services for publishing on the Council's website, as per Rule 3.1.

11. LETTERS OF INTENT

- 11.1 It is the Council's policy not to issue Letters of Intent. Any request from a Contractor for a Letter of Intent MUST be referred to the Legal Services Manager for consideration before any decision is made.

12. RETENTION OF CONTRACT DOCUMENTS

- 12.1 Contract documentation will be retained by Legal Services in accordance with retention periods, that are dictated by the Statute of Limitations and (where applicable) EU requirements.

13. VARIATION/ EXTENSION OF EXISTING CONTRACTS

- 13.1 An Authorised Officer (on instruction of the Service Lead for the area concerned) may, in consultation with the Chairman (or the Vice Chairman) of the Corporate Governance & Finance Committee vary the original price of any existing contract by up to 10% of the original tender price provided that all such variations shall be reported in full to the next available Corporate Governance & Finance Committee.
- 13.2 The Corporate Governance & Finance Committee must approve variations of contract price over 10% of the original tender price.
- 13.3 The Authorised Officer, in consultation with the Chief Executive or Director (Commercial and Corporate Services), may extend a contract subject to the extension being within the scope of the original scheme.
- 13.4 SAVE that in all cases, if the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the

original EU OJEU notice, or if the notice explicitly contained provision for an extension.

- 13.5 No other variations may be made to any existing contract save as may be provided above and Rules 13.1-13.2 do not authorise pre - or post clarification, which are to be dealt with in accordance with Rule 9.6.

14. POST CONTRACT MANAGEMENT/ MONITORING

- 14.1 During the life of the Contract, the Authorised Officer must monitor the performance of the contract and specifically consider:
- (a) compliance with specifications;
 - (b) cost and value;
 - (c) user satisfaction and risk management.
 - (d) Opportunities for continuous improvement
 - (e) Where appropriate, and Authorised Officer may be required to prepare a report for the relevant service area's Committee or Corporate Governance & Finance Committee on the above matters, although this will usually be towards the end of the contract, and as part of the consideration for the re-tendering for the contract.

15. CONSULTANTS

- 15.1 It shall be a condition of the engagement of any consultant, agent or professional adviser who is to be responsible to the Council for the management or supervision of a contract on its behalf, that in relation to that contract he shall -
- comply with these Rules as though he was an employee of the Council;
 - at any time during the carrying out of the contract shall, on request, produce all the records maintained in relation to the contract; and
 - on completion of the contract transmit all records that he has produced or received that relate to the contract to the appropriate Authorised Officer/Head of Service.

16. CLAIMS

- 16.1 Claims from or against any contractor must be referred immediately to the Chief Executive, the Commercial Services Manager and the Financial Services Manager for determination of appropriate action.

17. LOCAL GOVERNMENT LEGISLATION

- 17.1 Nothing in these Procedure Rules shall prejudice or limit in any way: -
- (a) Any powers, duties or obligations of any officer created by the Local Government Act 1972 or any other amending, substituting or replacement legislation.
 - (b) Any legislation (including subordinate legislation) or decision of any court of competent jurisdiction regulating or governing the conduct of business or financial affairs of the council or of local authorities generally.

18. BRIBERY & CORRUPTION

- 18.1 Council employees must comply with the Code of Conduct and the Council's Anti-Fraud and Corruption Policy. Employees must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are

obligatory. Corrupt behaviour will lead to disciplinary action and may be an offence under the legislation referred to in Rule 20.2 below.

- 18.2 The following clause must be put in every written Council contract:
" The Purchaser (the Council) may terminate the Agreement and recover all of its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:
- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Purchaser contract;
 - (b) commit an offence under Section 117(2) of the Local Government Act 1972 or Bribery Act 2010; and/or
 - (c) commit any fraud in connection with this or any other Purchaser contract whether alone or in conjunction with Members or employees of the Purchaser.
- Any clause limiting the Contractor's liability shall not apply to this clause."

19 BREACHES OF CONTRACT PROCEDURE RULES

- 19.1 Any breach of any of these Contract Procedure Rules must be reported immediately to the Chief Executive, Director (Commercial and Corporate Services) and the Financial Services Manager and no further action taken on the contract in question until the Authorising Officer has been advised to do so.

6. OFFICER EMPLOYMENT PROCEDURE RULES

1. Declaration and support for appointments

(a) Declarations

- (i) The Council requires any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner 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.

(b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor will seek support for any person for any appointment with the Council.

2. Appointment, disciplinary action or dismissal of Officers

2.1 In these Rules—

“the 1989 Act” means the Local Government and Housing Act 1989;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

“member of staff” means a person appointed to or holding a paid office or employment under the authority.

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

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Subject to Rules 7 – 9, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of Head of paid service), and in accordance with the Council's relevant Policies¹⁴, as the Head of paid service or by an officer nominated by him.
4. Rule 3 shall not apply to the appointment or dismissal of, or disciplinary action against—
 - (a) the officer designated as the Head of paid service; or
 - (b) a statutory chief officer the Chief Finance Officer and Monitoring Officer or any others within the meaning of section 2(6) of the 1989 Act.

5. Appointment of Head of Paid Service

Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him (in the latter case, only having followed Rule 9 below).

6. Nothing in Rule 5 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider an appeal by—
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

7. Appointment of Statutory Chief Officers

Appointment of the Chief Finance Officer and Monitoring Officer (or other Chief Statutory Officers as defined¹⁵, as may supplement or term replacing the same) shall be by Council on recommendation of the Head of paid service or his/ her nominee.

8. Other appointments
 - (a) **Appointment of other Chief Officers and other Officers/ Service Lead** is the responsibility of the Head of paid service or his/her nominee.
 - (b) **Officers below Chief Officer.** Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of paid service or his/her nominee.
 - (c) **Assistants to Political Groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

¹⁴ See Key documents

¹⁵ Under the Local Government & Housing Act paragraph (a), (c) or (d) of section 2(6), per Local Government (Standing Order Regulations 1993 No 202 as amended; & 2001 No 3384 as amended

9. Disciplinary action

9.1. In paragraphs 9.1 – 9.16--

- (a) "the 2011 Act" means the Localism Act 2011;
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

9.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

9.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel

9.4 In paragraph 9.3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

9.5 Subject to paragraph 9.6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 9.2 in accordance with the following priority order--

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

9.6 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 9.5 but may do so.

9.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.

- 9.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular--
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 9.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

7. **ANTI-FRAUD AND CORRUPTION STRATEGY**

1.0 INTRODUCTION

1.1 Good Corporate Governance requires that the Council must demonstrate that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators both from inside and outside the Council. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. This strategy will not compromise any Equalities legislation or any associated Council policies.

1.2 In addition by minimising losses through fraud it ensures that the scarce resources available are used for the purposes they were intended for i.e. to support the delivery of the Council's objectives as set out in the Corporate Plan.

1.3 This strategy document embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such an act occurs. For ease of understanding, it is separated into five areas:

- Culture Section 2
- Prevention Section 3
- Deterrence Section 4
- Detection and investigation Section 5
- Awareness and training Section 6

1.4 The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Audit Commission, inspection bodies, the Local Government Ombudsman, HM Revenue and Customs. These bodies are important in highlighting any areas where improvements can be made.

1.5 Fraud is defined by the Audit Commission as "*the intentional distortion of financial statements or other records by persons internal or external to the Council which is carried out to conceal the misappropriation of assets or otherwise for gain*".

In addition, fraud can also be defined as "*the intentional distortion of financial statements or other records by persons internal or external to the Council, which is carried out to mislead or misrepresent*".

The Fraud Act 2006 which came into effect on 15th January 2007 created a new general offence of fraud with three ways of committing it: -

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

It also created new offences of: -

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders

Corruption is defined by the Audit Commission as “*the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person*”.

In addition, this strategy covers “*the failure to disclose an interest in order to gain financial or other pecuniary benefit.*”

1.6 The Council also abides by the provisions of the Bribery Act 2010. The Council's Policy Statement covering the Bribery Act is included as an Appendix to this Strategy.

2.0 CULTURE

2.1 The culture of the Council has always been one of openness and the core values of fairness; trust and value support this. The Council's culture therefore supports the opposition to fraud and corruption.

2.2 The prevention/detection of fraud and corruption and the protection of the public purse are everyone's responsibility.

2.3 The Council's elected Members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence.

2.4 Concerns must be raised when Members or employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- a criminal offence
- a failure to comply with a statutory or legal obligation
- improper unauthorised use of public or other funds
- a miscarriage of justice
- maladministration, misconduct or malpractice
- endangering of an individual's health and safety
- damage to the environment
- deliberate concealment of any of the above.

2.5 Concerns should be reported either to the Council's Monitoring Officer or by using the Council's Whistleblowing Policy. However, the Council will ensure that any allegations received in any way, including by anonymous letters or phone calls, will be taken seriously and investigated in an appropriate manner, subject to the requirements of the Human Rights Act 1998.

2.6 The Council will deal firmly with those who defraud the Council, or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees raising malicious allegations) may be dealt with as a disciplinary matter.

2.7 When fraud or corruption have occurred because of a breakdown in the Council's systems or procedures, the Chief Executive and Financial Service Manager will

ensure that appropriate improvements in systems of control are implemented to prevent a reoccurrence.

3.0 PREVENTION

ELECTED MEMBERS

3.1 The Role of Elected Members

- 3.1.1 As elected representatives, all Members of the Council have a duty to citizens to protect the Council from all forms of abuse.
- 3.1.2 This is done through the anti-fraud and corruption strategy and compliance with the Code of Conduct for Members, the provisions of the Council's Constitution (including the Council's Financial Regulations) and relevant legislation.
- 3.1.3 Elected Members sign to the effect that they have read and understood the Code of Conduct when they take office. These conduct and ethical matters are specifically brought to the attention of Members during induction and include the declaration and registration of interests. The Monitoring Officer advises Members of new legislative or procedural requirements.

EMPLOYEES

3.2 The Role of Managers

- 3.2.1 Managers at all levels are responsible for the communication and implementation of this strategy in their work area. They are also responsible for ensuring that their employees are aware of Financial Regulations and the provisions of the Council's Constitution, and that the requirements of each are being met in their everyday business activities. In addition, managers must make their employees aware of the requirements of the Employee Code of Conduct through the induction process.
- 3.2.2 Managers are expected to strive to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures, they must refer to the information in the leaflet covering the Council's Whistleblowing Policy.
- 3.2.3 Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll, and the creditor payments systems. Managers must ensure that relevant training is provided for employees. Checks must be carried out at least annually to ensure that proper procedures are being followed.
- 3.2.4 The Council recognises that a key preventative measure in dealing with fraud and corruption is for Managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts. The Council's Recruitment & Selection Policy and Single Equality Scheme will be adhered to during this process.
- 3.2.5 The Council has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications

held. As with other public bodies, police checks are undertaken on employees working with children.

3.3 Responsibilities of Employees

- 3.3.1 Each employee is governed in their work by the provisions of the Council's Constitution, the Financial Regulations and other codes of conduct and policies (e.g. Human Resources policies and procedures, the email and internet code of practice, and Information Security Policy). They are also governed by the Employee Code of Conduct. Included in the Code are guidelines on gifts and hospitality and codes of conduct associated with professional and personal conduct and conflicts of interest. These are issued to all employees when they join the Council and are available on the Council's intranet and website.
- 3.3.2 In addition to paragraph 3.3.1, employees are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Council. These will be included in induction training and procedure manuals.
- 3.3.3 Employees who hold professional, trade or other appropriate qualifications are expected to comply with codes of conduct issued by the organisations of which they are members.
- 3.3.4 Employees are expected always to be aware of the possibility that fraud, corruption, bribery or theft may exist in the workplace and be able to share their concerns with management. If for any reason, they feel unable to speak to their manager they must refer the matter to one of those named in paragraph 3.3.5 below.
- 3.3.5 Concerns must be raised, in the first instance, directly with the supervisor or direct line manager or, if necessary, anonymously (by letter or phone), and via other routes, in accordance with the Council's Whistleblowing Policy:
- directly to the Principal Auditor
 - to the External Auditor, who, depending upon the nature of the concern, will liaise with the Principal Auditor.

3.4 Conflicts of Interest

- 3.4.1 Both elected Members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues, etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

3.5 Official Guidance

- 3.5.1 In addition to Financial Regulations and the provisions of the Council's Constitution, individual service areas may have their own procedures to prevent and detect fraud. There may also be audit reports that recommend methods to minimise losses to the Council. Managers and employees must be made aware of these various sources of guidance and alter their working practices accordingly.

3.6 **Role of Internal Audit**

3.6.1 Under the Accounts and Audit Regulations 2011, the Council has the responsibility for reviewing, appraising and reporting upon the extent to which the Council's assets and interests are safeguarded from losses due to fraud and other offences; this function is performed by the Internal Audit section. Internal Audit investigates all cases of suspected irregularity, except benefit fraud investigations (see below), in accordance with the requirements of the Human Rights Act 1998. They liaise with management to recommend changes in procedures to prevent further losses to the Council.

3.7 **The Role of the Anglia Revenues Partnership**

3.7.1 The Anglia Revenues Partnership is responsible for all benefit fraud investigations, in accordance with the requirements of The Regulation of Investigatory Powers Act 2000, the Human Rights Act 1998 and its own Counter-fraud Strategy and Policies. In cases where Council employees are involved, they will work with Internal Audit, Human Resources and appropriate senior management to ensure that correct procedures are followed and that this strategy is adhered to.

3.8 **The Role of External Audit**

3.8.1 Independent external audit is an essential safeguard in the stewardship of public money. This role is delivered through the carrying out of specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems, and arrangements for preventing and detecting fraud and corruption. The detection of fraud is not the primary role of the auditor, but it is to draw attention to the weaknesses or threats identified in the course of their duties to enable management to take appropriate action.

3.8.2 External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The external auditor has a responsibility to review the Council's arrangements to prevent and detect fraud and irregularity, and arrangements designed to limit the opportunity for corrupt practices.

3.9 **Co-operation with Others**

3.9.1 Internal Audit has set up, and will keep under review, procedures and arrangements to develop and encourage the exchange of information on national and local fraud and corruption activity in relation to local authorities with external agencies such as:

- police
- county, unitary and district groups
- external audit (The Audit Commission)
- Benefits Agency
- government departments.

4.0 **DETERRENCE**

4.1 **Prosecution**

4.1.1 The Anglia Revenues Partnership has adopted a benefits prosecution policy and the Council will review the need for a corporate policy. Such a corporate policy would encompass the public, elected members and employees, and would be designed to clarify the Council's action in specific cases and to deter others from committing offences against the Council. However, it should also recognise that it may not always be in the public interest to refer cases for criminal proceedings.

4.2 **Disciplinary Action**

4.2.1 Theft, fraud and corruption are serious offences against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner, after consultation with Chief Executive and Directors and Service Lead (The police will pass valid cases to the Crown Prosecution Service).

4.2.2 Members will face appropriate action under this strategy if they are found to have been involved in theft, fraud or corruption against the Council. Action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner including possible referral to the police

4.3 **Publicity**

4.3.1 The Council's public relations unit will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. It will also try to ensure that the results of any action taken, including prosecutions, are reported in the media.

4.3.2 In all cases where financial loss to the Council has occurred, the Council will seek to recover the loss and advertise this fact. In addition to demonstrating the action the Council takes, to prevent and detect fraud, it protects itself and the services it provides against the results of fraud within the organisation by obtaining Fidelity Guarantee Insurance.

4.3.3 All anti-fraud and corruption activities, including the update of this strategy, will be publicised in order to make the employees and the public aware of the Council's commitment to taking action on fraud and corruption when it occurs.

4.3.4 Regular reports will be made to the Audit & Budget Monitoring Sub-Committee about counter fraud and corruption activities and their success.

5.0 **DETECTION AND INVESTIGATION**

5.1 Internal Audit plays an important role in the detection of fraud and corruption. Included in their three-year plan are reviews of system financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

- 5.2 In addition to Internal Audit, there are numerous systems controls in place to deter fraud and corruption, but it is often the vigilance of employees and members of the public that aids detection.
- 5.3 In some cases frauds are discovered by chance or ‘tip-off’ and arrangements are in place to enable such information to be properly dealt with, in accordance with the requirements of the Human Rights Act 1998.
- 5.4 All suspected irregularities are required to be reported (verbally or in writing) either by the person with whom the initial concern was raised or by the originator, as per paragraph 3.3.5 (the Council’s “whistle-blowing” policy). The Audit Commission will also be notified of all frauds involving sums over £1,000 and any corrupt acts. This is essential to the strategy, and:
- ensures the consistent treatment of information regarding fraud and corruption
 - facilitates a proper and thorough investigation by an experienced audit team, in accordance with the requirements of the Human Rights Act 1998.
- 5.5 This process will apply to all the following areas:
- a) fraud/corruption by elected members
 - b) internal fraud/corruption
 - c) other fraud/corruption by Council employees
 - d) fraud by contractors’ employees
 - e) external fraud (the public).
- 5.6 Cases under a), d) and e) would normally be referred directly to the District Auditor, Ombudsman or the police.
- 5.7 If the initial investigation reveals that a full investigation is warranted the Council will follow the procedures set out in its Disciplinary Policy.
- 5.8 Any decision to refer a matter to the police will be taken by the Chief Executive in consultation with the Principal Auditor, the relevant Service Lead, Financial Services Manager and the Monitoring Officer. The Council will normally wish the police to be made aware of, and investigate independently, offenders where financial impropriety is discovered.
- 5.9 Depending on the nature of an allegation under b) to e), the Internal Auditor will normally work closely with the Chief Executive or Financial Services Manager to ensure that all allegations are thoroughly investigated and reported upon.
- 5.10 The processes as outlined in paragraph 4.2.2 will cover Members.
- 6.0 **AWARENESS AND TRAINING**
- 6.1 The Council recognises that the continuing success of this Strategy and its general credibility will depend in part on the effectiveness of programmed training and awareness provided to elected Members and employees throughout the Council.
- 6.2 To facilitate this, positive and appropriate provision has been made via the induction programme, staff development plans, the Core Brief and other staff briefings. This includes specialist training for certain elected members and employees.

6.3 A leaflet on the Council's Whistleblowing Policy is distributed to all employees and members, and full copies of all relevant policies and strategies are available on the Council's Intranet.

7.0 **CONCLUSION**

7.1 The Council has always prided itself on setting and maintaining high standards and a culture of openness, with core values of fairness, trust and value. This Strategy fully supports the Council's desire to maintain an honest organisation, free from fraud and corruption.

7.2 The Council has in place a network of systems, policies and procedures to assist it in dealing with fraud and corruption when it occurs. It is determined that these arrangements will keep pace with any future developments in techniques to both prevent and detect fraudulent or corrupt activity that may affect its operation.

7.3 The Council will maintain a continuous review of all these systems and procedures through Internal Audit. This Strategy will be reviewed periodically.

Appendix

BRIBERY ACT 2010 - POLICY STATEMENT

Bribery is a criminal offence. We (East Cambridgeshire District Council) do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, neither do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have a zero-tolerance towards bribery. We aim to maintain anti-bribery compliance "business as usual" rather than as a one-off exercise.

Objective of this policy

This policy statement provides a coherent and consistent framework to enable East Cambridgeshire District Council employees to understand and implement arrangements to comply with the requirements of the Bribery Act 2010. In conjunction with other related policies and key documents it will also enable employees to identify and effectively report a potential breach.

We require that all employees, including those permanently employed, temporary agency staff and contractors: -

- act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible
- comply with the spirit, as well as the letter, of laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

Scope of this policy

This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the Council. It does not rest solely within assurance functions, but in all service area and functions.

This policy covers all staff, including all levels and grades, those permanently temporary employed, temporary agency staff, contractors, agents, Members (including independent members), volunteers and consultants.

The Council's commitment to action

The Council commits to: -

- setting out a clear anti-bribery policy and keeping it up to date
- making all employees aware of their responsibilities to adhere strictly to this policy
- training all employees so that they can recognise and avoid the use of bribery by themselves and others
- encouraging employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all employees to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery.

Definition of bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to: -

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy

Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and hospitality

The Council's policy regarding the acceptance of gifts or hospitality from a third party is set out in the Employee Code of Conduct and the Members Code of Conduct.

Public contracts and failure to prevent bribery

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts and so the Council has the discretion to exclude organisations convicted of this offence.

The Bribery Act

There are four key offences under the Act: -

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)
-

The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

Is the Council a “commercial organisation”?

The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made”. There are circumstances in which we will be a commercial organisation for the purposes of section 7. This policy is intended to ensure that we have in place the necessary procedures to act as a defence to a section 7 offence.

Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable: -

- On conviction in a magistrates court, to imprisonment for a maximum term of twelve months, or to a fine not exceeding £5,000, or both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations guilty of an offence under section 7 are liable to an unlimited fine. In addition a public exposure, or even an allegation, of bribery would entail severe reputational damage.

Bribery is a serious offence and employees will face disciplinary action if there is evidence following an investigation that they have been involved in this activity whilst undertaking work for and on behalf of the Council, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken by the Council against the employee in addition to any separate criminal proceedings, which may be brought against the individual, depending on the circumstances of each individual case.

Adequate Procedures

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the Council. The Government considers that procedures put in place by commercial organisations wishing to prevent bribery being committed on their behalf should be informed by six principles: -

- Proportionality
- Top level commitment
- Risk assessment
- Due diligence
- Communication (including training)
- Monitoring and review

These principles are not prescriptive, but are intended to be flexible and outcome focussed, allowing for the different circumstances of organisations. For example, small organisations will face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

The Council is committed to proportional implementation of these principles.

ANTI BRIBERY PROCEDURES

The Council's Anti Bribery procedures cover the six principles detailed above: -

Proportionality – The Council is in the process of reviewing a number of its policies to ensure that it has in place procedures to prevent bribery by persons associated with it. These will be proportionate to the bribery risks faced by the Council and to the nature, scale and complexity of the Council's activities.

Top level commitment – The Chief Executive and Directors and Service Lead are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

Risk assessment – The nature and extent of the Council's exposure to potential external and internal risks of bribery by persons associated with it will be periodically assessed. This includes financial risks but also other risks such as reputational damage.

Due diligence – The Council takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

Communication (including training) – The Council will seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal communication, including training that is proportionate to the risks it faces.

Monitoring and review – Procedures designed to prevent bribery will be monitored and reviewed and improvements made where necessary.

Staff and Members responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches the policy.

You must therefore: -

- ensure that you read, understand and comply with this policy
- raise concerns as soon as possible if you believe or suspect that a conflict with the policy has occurred, or may occur in the future

As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in summary dismissal for gross misconduct.

Raising a concern

If you have a concern regarding a suspected instance of bribery or corruption then you can report this through the Council's whistle blowing procedure where concerns can be made anonymously. In the event that an incident of bribery is reported, we will act as soon as possible to evaluate the situation.

If you have any questions about these procedures, please contact Trevor Bowd, Principal Auditor on 01353 616219 or email trevor.bowd@eastcambs.gov.uk