

Part 4

The Council's Rules Of Procedure

The Council has established or adopted the following Rules of Procedure (sometimes called Standing Orders) in connection with the exercise of its powers and duties.

- A. Declarations of Interests
- B. Access to Information Procedure Rules
- C. Budget and Policy Framework Procedure Rules
- D. Cabinet Procedure Rules
- E. Scrutiny Procedure Rules
- F. Financial Regulations
- G. Standing Orders relating to Procedure (Council and other formal meetings)
- H. Standing Orders relating to Contracts
- I. Officer Employment Procedure Rules
- J. Petition Scheme



A. Declarations Of Interest/Gifts and Hospitality

There is a standing item on every Council agenda headed 'Declaration of Interests'. This item reminds members of their responsibility to declare any interest which they may have in item of business on the agenda either at the beginning of the discussion or when the interest becomes apparent and, in the case of disclosable pecuniary interests (subject to certain exceptions in the Council's Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.

The Council maintains a formal electronic Register of Member's Interests and gifts and hospitality. The Register contains details of all registerable financial and other interests relevant to individual members and gifts and hospitality above £25 received or declined.

If a member's interest changes it must be recorded on the register within 28 days of the change.

The Register is maintained by the Monitoring Officer and is available for public inspection by contacting the Democratic Services Team Town Hall, Bolton, BL1 1RU. Telephone 01204-331036.

Further provisions as to interests and declarations are set out in the Council's Code of Conduct for Members, included in Part 5 of this Constitution.

B. Access To Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, Scrutiny Committees, Area Fora, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called meetings).

2. Additional Rights To Information

These rules do not affect any, more specific, 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. Notice Of Meetings

The Council will give at least five clear days notice of any formal meeting (unless called as an urgent meeting) by posting details of the meeting on the Council's website (the designated office) and at the local authority offices.

5. Access To Agenda And Reports Before The Meeting

The Council will make copies of the agenda and reports available and open to the public for inspection at the designated office and on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda and report will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Proper Officer will make each such report available to the public as soon as the report is completed and sent to councillors.

Further provisions apply in the case of 'key decisions' - see paragraphs 13-17 (inclusive) 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 forming part of the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item;

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

7. Access To Minutes, 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 or records of decisions taken - together with reasons - for all meetings of the Cabinet, Executive Cabinet Member meetings and Officers (taking executive decisions), excluding any part of the minutes of proceedings when

the meeting was not open to the public or which disclose exempt or confidential information (as defined in Rule 10);

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

The officer compiling the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her 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 will not include published works or those documents 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 at the local authority offices and the Council's website for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

9. Exclusion Of Access By The Public To Meetings

9.1 Confidential Information – Requirement to Exclude the 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.

9.2 Exempt Information – Discretion to Exclude the 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 persons 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 of that Act

9.3 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 or under any enactment.

9.4 Meaning of Exempt Information

Exempt information means information falling within any of the following 7 categories, subject to relevant condition(s):-

Category	Condition
1. Information relating to any individual.	
2. Information that is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be 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 Act 1965 – 1978 (e) The Building Societies Act 1986; or (f) The Charities Act 1993
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.	

7A. Information which is subject to any obligation of confidentiality.	
7B. Information which relates in any way to matters concerning national security.	

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulations (3) of the Town and Country Planning General Regulations 1992.

Information which –

- (a) falls within any of paragraphs 1-7 above; and
- (b) is not prevented from being exempt by virtue of the conditions attached to paragraph 3 and to regulation 3 of the Town and Country Planning General Regulations 1992, 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.

In these circumstances, the Borough Solicitor shall determine the “public interest case.”

10. Exclusion Of Access By The Public To Reports

If the Borough Solicitor 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 this rule, 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. In accordance with Regulation 5 of Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012, the Council will give 28 days’ notice of its intention to hold a meeting of the Cabinet in private and the reasons why. Representations can be made to the Monitoring Officer as to the meeting being in private which will be given due consideration and a further statement issued 5 days before the meeting detailing a statement of the Council’s response to such representations. Please see the Council’s Forward Plan on the Council’s website as to how representations may be made.

11. Application Of Rules To The Cabinet

The powers and duties relating to the Cabinet are set out in Part 7 of this Constitution.

Rules 12 – 23 apply to the Cabinet and its committees. If the Cabinet (or any of its committees) meets to take a key decision then it must also comply with Rules 1 – 10 unless Rule 14 (General Exception) or Rule 15 (Special Urgency) apply. A key decision is as defined in Article 12 of this Constitution.

12. Procedure Before Taking Key Decisions

Subject to Rule 14 (General Exception) and Rule 15 (Special Urgency), a key decision may not be taken unless:-

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question 28 days before the matter is considered;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan; and

- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

Procedure

1. The Chief Executive and the Monitoring Officer will compile a register of all key decisions which will be kept in the Democratic Services Unit of the Chief Executive's Department and published on the Council's website. Written statements will be completed and will be published 48 hours after the decision is taken on the Council's website.

The statement (minutes) will include:-

- (i) The decision;
 - (ii) Reason for the decision;
 - (iii) Relevant interests of members involved;
 - (iv) Any consultation undertaken, including named officers from whom advice was taken and the advice given;
 - (v) Dispensations granted;
 - (vi) The date the decision is to become effective (which will normally be 3 days after the meeting has taken place).
2. The statement will be publicly available.
3. A notice of key decisions to be taken will include:-
- (i) a short description of matters under consideration and when key decisions are expected to be taken;
 - (ii) who is responsible for taking the decision and how they can be contacted;
 - (iii) what relevant reports and background papers are available;
 - (iv) if the item is to be considered in the confidential part of the meeting (see para. 10 for procedure to make representations as to why an item is confidential).

13. The Notice of Key Decisions (The Council's Forward Plan)

The Notice will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a sub-committee of the Cabinet, Executive Cabinet Members, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

- (a) that a key decision is to be made on behalf of the relevant local authority;
- (b) the matter in respect of which the decision is to be made;

- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

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

14. **General Exception**

If a matter which is likely to be a key decision has not been included in the Notice of the intention to take key decisions (the Council's Forward Plan), then subject to Rule 15 (Special Urgency), the decision may only be made: -

- (1) Subject to 15 below, where the publication of the intention to make a key decision under Section 13 is impracticable, that decision may only be made –
 - (a) where the proper officer has informed the Chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the local authority for inspection by the public and published on the local authority's website, a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
- (2) As soon as reasonably practicable after the proper officer has complied with the above, he or she must –
 - (a) make available at the offices of the local authority a notice setting out the reasons why compliance with Section 13 is impracticable; and
 - (b) publish that notice on the local authority's website.

15. **Special Urgency**

- (1) Where the date by which a key decision must be made, makes compliance with Section 14 impracticable, the decision may only be made where the decision maker has obtained agreement from –
 - (a) the Chairman of the relevant overview and scrutiny committee; or
 - (b) if the Chairman of the relevant overview and scrutiny committee is unable to act, the Mayor; or
 - (c) if the Mayor or the Chairman of the relevant scrutiny committee is unavailable then the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

- (2) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –
- (a) make available at the offices of the local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
 - (b) publish that notice on the local authority’s website.

16. Councillor Call for Action

The Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 (and amended by the Localism Act 2011) introduced the Councillor Call for Action (CCfA) which enables any Councillor to refer matters of community concerns within their ward or a local crime and disorder matter of concern to the relevant Scrutiny Committee as long as not an excluded matter.

Excluded matters are issues relating to individuals concerning planning and licensing and issues which are defined as vexatious, discriminatory or not reasonable to be included in the agenda for, or discussed at an overview and scrutiny committee. It is intended that the CCfA will be a measure of ‘last resort’, with issues being raised at the relevant committee with overview and scrutiny powers, after other avenues have been exhausted. Matters raised as a possible CCfA will be determined by the Borough Solicitor.

17. Report To Council

17.1 When a Scrutiny Committee can require a report

If a Scrutiny Committee thinks that an executive decision has been taken and was not treated as being a key decision, the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee but is also delegated to the Proper Officer.

Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

17.2 Executive report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council must include:-

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

The Leader will submit quarterly reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Record Of Decisions

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. Notice Of Meetings Of The Cabinet

Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

20. Attendance At Executive Cabinet Member Meetings

- (a) Executive Cabinet Member meetings will take place at a fixed time in the meeting cycle in the presence of such officers nominated by the relevant Director, the Monitoring Officer and the Chief Finance Officer.
- (b) The relevant opposition spokespersons have a right to attend and observe Executive Cabinet Member meetings (See Principle 2(H) for exceptions).

21. Decisions By Individual Members Of The Cabinet

The Powers and Duties relating to Executive Cabinet Member portfolios are set out in Part 7 of this Constitution.

21.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after receipt of that report.

21.2 Record of individual decision

As soon as reasonably practicable after an executive decision (including key decisions by individual members) has been taken by an individual member of the Cabinet or by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 (Access to Minutes etc. after the meeting) and 8 (Background Papers) will also apply to the making of decisions by individual members of the Cabinet.

22. Scrutiny Committees' Access To Documents**22.1 Rights to Copies**

Subject to Rule 23.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees which contains material relating to:-

- (a) any business transacted at a public or private meeting of the Cabinet;
- (b) any decision taken by an individual member of the Cabinet; or
- (c) any decision that has been made by an officer of the authority in accordance with executive arrangements.

Any document requested under the above should be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the report. Where the Cabinet determine that a member of a Scrutiny Committee is not entitled to the document (as it discloses exempt information as defined by Schedule 12A to the 1972 Act, subject to exceptions relating to paras. 3 and 6 of such Act) the Cabinet must provide the Committee with a written statement setting out its reasons for that decision.

22.2 Limit on Rights

A Scrutiny Committee will not be entitled to:-

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise and is contained in any programme of work of the committee;
- (c) or any document containing advice by a political advisor or assistant.

23. Additional Rights Of Access For Members

23.1 Material Relating to Previous Business

Any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any decision shall be open to inspection by any Member of the Council unless it appears to the Borough Solicitor that it discloses exempt information.

Notwithstanding paragraph 23.1, the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of Schedule 12A to the Local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract).

23.2 Material Relating to Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 23.1 above applies.

23.3 Nature of Rights

These rights of a member are additional to any other right he/she may have.

C. Budget And Policy Framework Procedure Rules

1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 3. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

The process by which the Budget and Policy Framework shall be developed is:

- (a) At least three months before a plan/strategy/Budget needs to be adopted, the Cabinet will publish initial proposals (in the form of a draft plan, strategy or Budget) for the Budget and Policy Framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be published at the Council's designated office. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.
- (b) The Cabinet's initial proposals shall be referred to the relevant Scrutiny Committee for further advice and consideration. The proposals will be referred by sending a copy to the Proper Officer who will forward them to the Chair (or in his/her absence, the Vice-Chair) of the relevant Scrutiny Committee. If there is no such Chair or Vice-Chair, a copy must be sent to every member of that committee. The Scrutiny Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations. The Scrutiny Committee shall have four weeks to respond to the initial proposals of the executive unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Scrutiny Committee of the time for response when the proposals are referred to it.
- (c) Having considered the report of the Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Scrutiny Committee.
- (d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any relevant Scrutiny Committee.
- (e) The Council's decision will be publicised in accordance with the Access to Information Procedure Rules and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without objection or amendment) or (if the Cabinet's proposals are not accepted without objection or amendment), that the Council's decision will become effective on the expiry of a period (specified on the notice) of at least five working days after the publication of the notice of decision, unless within that period the Leader either (i).submits a revised version of the proposals of the Cabinet, with the Cabinet's reasons for any amendment, to the Council for consideration; or (ii) informs the Council that the

Cabinet disagrees with the Council's objection to or proposed amendment of the proposals of the Cabinet.

- (f) If the Leader submits to the Council revised proposals or objects to the decision of the Council, he/she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is otherwise to be effective. The written notification must state the reasons for any such objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place within ten working days of the receipt of the Leader's written notification. At that Council meeting, the decision of the Council shall be reconsidered in the light of any revised proposals or objection made by the Cabinet, and the reasons given by the Cabinet therefor, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with the Access to Information Procedure Rules and shall be implemented immediately.
- (i) In approving the Budget and Policy 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 the Cabinet, in accordance with paragraphs 5 (Virement) and 6 (In-Year Adjustments) of these Rules. Any other changes to the Budget and Policy Framework are reserved to the Council.
- (j) For the purposes of these Rules, 'Budget' shall include, in relation to proposals made by the Cabinet in any financial year, for consideration by the Council in respect of the following financial year: -
 - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such calculation;
 - (c) estimates of such a calculation;
 - (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992; and
 - (e) any other relevant amount, estimate, provision or calculation but shall not include: -
 - (i) calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; nor
 - (ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act

3. **Decisions outside the Budget or Policy Framework**

- (a) Subject to the provisions of paragraph 5 (Virement), the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, Area Forum or joint arrangement discharging executive functions, may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.
- (b) If the Cabinet, committee of the Cabinet, individual members of the Cabinet and any officers, Area Forum or joint arrangement discharging executive functions, want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to or outside the Policy Framework or contrary to, or not wholly in accordance with, the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (Urgent Decisions outside the Budget and Policy Framework) shall apply.

4. **Urgent Decisions outside the Budget or Policy Framework**

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officer, Area Forum or joint arrangement discharging executive functions, may take a decision which is contrary to or outside the Council's Policy Framework or contrary to, or not wholly in accordance with, the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair (or in his/her absence the Vice-Chair) of a relevant Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair (or Vice-Chair) of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair or Vice-Chair of a relevant Scrutiny Committee, the consent of the Mayor or, in his/her absence, of both the Deputy Mayor will be sufficient.

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

5. **Virement**

See the Financial Procedure Rules also set out in Part 4 in this Constitution.

6. **In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officer, Area Forum or joint arrangements discharging executive functions must be in line with it.

7. Call-in of Decisions outside the Budget or Policy Framework

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

D. Cabinet Procedure Rules**1. How Does the Cabinet Operate?****1.1 Who may make Cabinet decisions?**

The arrangements for the discharge of executive functions are set out in the Council's Standing Orders, Scheme of Delegation, Powers and Duties relating to Cabinet and Cabinet portfolios and Powers and Duties of Committees and Area Fora which form Part 7 of this Constitution.

In the absence of a specific delegation in the above documents, executive decisions will only be made by the Cabinet.

At the first meeting of the Cabinet, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation and set out in Part 7 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:-

- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Executive Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area Fora, any other authority or any joint arrangements and the names of those Executive Cabinet Members appointed to any joint committee for the coming year;
- (vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made; and
- (vii) the portfolios assigned to members of the Cabinet.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an Area Fora, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Executive Functions

Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet Meetings

- (a) The Cabinet will meet at least six times per year at times to be agreed by the Leader. The Cabinet will meet at the Council's designated office or another location to be agreed by the Leader.
- (b) The Cabinet will meet in public subject to the Access to Information Procedure Rules in Part 4 of this Constitution.
- (c) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

1.7 Quorum

The quorum for a meeting of the Cabinet or a committee of the Cabinet will be two Executive Cabinet Members, including the Leader of the Council, if present.

2. How Are Cabinet Meetings Conducted?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or committee of the Cabinet at which he/she is present, or in his/her absence the Deputy Leader will preside. In the absence of the Leader/Deputy Leader, the Leader may appoint another person to do so.

2.2 Who May Attend?

With respect to public meetings of the Cabinet, opposition spokespersons and other non-executive members appointed by the Council, members of the press and public may attend subject to the provisions of the Local Government (Access to Information) Act 1985 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In relation to private meetings of the Cabinet, any member may attend only if invited to do so.

2.3 What Business?

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

- (i) consideration of the minutes of the last meeting;

- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

The Cabinet has to consider the report and recommendations and to respond indicating what (if any) action the Authority/Cabinet proposes to take and to provide the response (if the original scrutiny report has been published by the scrutiny committee). If a matter considered by a scrutiny committee is via a member's request then the member should receive a copy of the response.

- (iv) consideration of reports from Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, which shall indicate those that are key decisions and those that are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of what consultation has or is planned to take place.

2.5 Who can put items on the Cabinet Agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of the Cabinet, any member of the Cabinet or an officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Cabinet may ask the Leader to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

The Proper Officer will make sure that an item is placed on the agenda for the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council has resolved that an item be considered by the Cabinet and the Cabinet will respond within two months of the request being made.

The Head of Paid Services, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

E. Scrutiny Procedure Rules**1. Number and arrangements of Scrutiny Committees**

The Council will have at least 1 Scrutiny Committee which will perform the overview and scrutiny functions on behalf of the Council. Members will be appointed to them as it considers appropriate from time to time. Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they will cease to exist.

2. Scrutiny Committees

The Scrutiny Committees will perform all overview and scrutiny functions on behalf of the Council. The committee membership will be determined by the Council and when education matters are being discussed will include 2 religious representatives and 2 parent governor representatives as well as non-voting co-optees, as approved by the Council/Cabinet.

The terms of reference of the Scrutiny Committees (except the Health Overview and Scrutiny Committee whose role it is to undertake the statutory functions of scrutiny in accordance with the Health and Social Care Act 2001 and the Health and Social Care Act 2012 and relevant regulations) and the Corporate and External Issues Scrutiny Committee which will consider crime and disorder issues as defined in the Local Government and Public Involvement in Health Act 2007, will be in accordance with Article 5 of the Articles of Governance

- 2.1 To receive representations, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Cabinet/Council as appropriate.
- 2.2 To consult with the public where appropriate in relation to Council services that fall within the terms of reference of the Scrutiny Committee.
- 2.3 To review any area of income and expenditure that falls within the remit of the Scrutiny Committee.
- 2.4 To make recommendations to the Cabinet on the financial aspects of the proposals that fall within the remit of the Scrutiny Committee.
- 2.5 To approve an annual overview and scrutiny work plan for the Committee to ensure that the Committee's time is effectively and efficiently used.
- 2.6 To be instrumental in consulting with the public and other stakeholders in relation to the Council's policy framework. The Scrutiny Committee will consult with the public and other stakeholders and Area Forums in relation to the policy framework.
- 2.7 To require partner authorities to provide information and requiring them to consider a report/recommendation of the Committee relating to the functions of a partner authority which affects the authority's area or its inhabitants
- 2.8 Where an executive decision has been made and was not treated as a key decision and the relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as such the Committee may require the Cabinet to submit a report to the Council setting out the decision and reasons for the decision; the decision maker and the reasons why the Cabinet was of the opinion that the decision was not a key decision.
- 2.9 To consult with the Cabinet on any plan or strategy, including Strategic Policy.
- 2.10 To provide informed input in response to requests from the Cabinet for advice, options and appraisals on matters falling within the remit of the Scrutiny Committee.

2.11 Where matters fall within the remit of more than one Scrutiny Committee, the Cabinet will determine which of those Scrutiny Committees will assume responsibility for any issue.

3. Membership

All Councillors, except members of the Cabinet, may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which they have made or participated in making (except as a member of a Policy Development Group). For the avoidance of doubt every Executive Cabinet Members should attend a meeting of the Scrutiny Committee which is considering a matter falling within their portfolio.

4. Co-optees

Each Scrutiny Committee or sub-committee of a Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Council is empowered to allow co-optees to have a vote which must be in accordance with a scheme as such being made by the Council.

5. Education representatives

Each relevant Scrutiny Committee or sub-committee of a Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative.
- (b) 1 Roman Catholic diocese representative.
- (c) Representatives of other faiths or denominations if the Council so determines.
- (d) 2 Parent Governor representatives

If the Scrutiny Committee or sub-committee of a Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and may speak.

6. Meetings of the Scrutiny Committees

There shall be at least four ordinary meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair (or in their absence the Vice-Chair) of the relevant Scrutiny Committee or by any five members of that Committee or by the Head of Paid Service, if they consider it necessary or appropriate.

7. Quorum

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules.

8. Work Programme

The Chair and Vice Chair of each Scrutiny Committee shall prepare a work programme with the relevant Director(s) at the beginning of each municipal year (and any sub-committees or panels of the Scrutiny Committees) to be agreed by their Scrutiny Committee and in so doing will take into account the wishes of members on that committee who are not members of the largest political group on the Council.

9. Agenda items

- (a) Any member of a Scrutiny Committee shall be entitled to give notice to the Head of Paid Service that s/they wish an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Head of Paid Service will ensure that it is included on the next available agenda.
- (b) A Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee within one month of receiving it.

11. Policy review and development

- (a) The role of the Scrutiny Committees in relation to the development of the Council's Budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and Budget framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Scrutiny Committees may hold Inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. Reports from a Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, Scrutiny Committee will prepare a formal report and notice and submit it to the Head of Paid Service for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and policy framework).
- (b) If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet along with the majority report.
- (c) The Council or Cabinet shall consider the report of the Scrutiny Committee, and any minority report, within two months of it being submitted to the Head of Paid Service.

13. Making sure that Scrutiny Committee reports are considered by the Cabinet or policy committees

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny'. The reports of Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within 2 months of the Scrutiny Committee completing its report/recommendations.

14. **Rights of Scrutiny Committee members to documents**

- (a) In addition to their rights as councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and a Scrutiny Committee, as appropriate, depending on the matter under consideration.

15. **Members and Officers giving account**

- (a) Any Scrutiny Committee (or sub-committee of a Scrutiny Committee) may scrutinise decisions made, or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service, and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any decision or series of decisions.
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

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

- (b) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that committee will inform the Head of Paid Service. The Head of Paid Service shall inform the member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee.

Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

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

16. **Attendance by others**

A Scrutiny Committee or an Executive Cabinet Member may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17. **Call-in**

- (a) A decision of the Cabinet or an Executive Cabinet Member may be called in by any individual member present at the time when the decision was taken or on receipt of a request, submitted in writing to the Chief Executive, by any 6 members of the Council not later than 5.00 p.m. on the second full working day following the publication of the minutes of the meeting at which the decision was taken.
- (b) Call-in should be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget.
- (c) When asking for a decision to be called in for consideration by a Scrutiny Committee, members must give their reasons for the decision for call-in.

- (d) Any matter called in will be considered by the appropriate Scrutiny Committee. The Scrutiny Committee can:
- (i) note the decision, or,
 - (ii) If, having considered the decision, the Scrutiny Committee is still concerned about it, then the Scrutiny Committee may:
 - (A) refer the decision back to the original decision maker for reconsideration, setting out in writing the nature of its concerns, or,
 - (B) refer the decision on to full Council.
- (e) Save that in respect to (d) (ii) (B) above three members (comprising representatives of at least two political groups) who are members of the Scrutiny Committee present at the meeting may require that the matter be referred to the Council for consideration.
- (f) If a matter is referred to the Council it should take the form of a motion in the name of one of the three members who referred the item to Council, or, if the matter is referred to the Council by resolution of the Committee, the Chair of the Committee (or a member nominated by the Committee). The motion in turn can be subject to amendment by resolution of the Council in the normal way.
- (g) If the Council is considering a 'called in' matter, it can: -
- (i) note the report; or
 - (ii) refer the decision back to the Cabinet or Executive Cabinet Member, with or without comment.
- (h) Neither the Scrutiny Committee nor the Council can substitute its decision for that of the Cabinet or Executive Cabinet Member (unless, in relation to the Council, it is determined by the Monitoring Officer in accordance with Article 11 of this Constitution and with the Budget and Policy Framework Procedure Rules that the decision of the Cabinet/Executive Cabinet Member is contrary to or outside of the approved Policy Framework or Budget) or direct the Cabinet or Executive Cabinet Member as to the decision which should be made.
- (i) The 'call-in' procedure can be used only once in relation to a decision.
- Once a call-in application is made it cannot be withdrawn after the expiry of the call in period, namely after two full working days following publication of the minutes of the Cabinet meeting which decided the matter. A Member may withdraw their support to a call-in application at any time before expiry of that period. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive.
- (j) If a Member withdraws their support, the proposer(s) will be advised and will need to obtain any alternative signatures and notify the Chief Executive within the two full working day period.
- (k) The call-in procedure does not apply to decisions made by the Licensing and Environmental Regulation Committee, its Sub-Committees, the Planning Committee, Area Fora, the Personnel Appeals Panel or any other Council panel.
- (l) Decisions made by the Cabinet or by an individual Executive Cabinet Member will not normally be implemented or otherwise acted upon until the period for the submission of a call-in application has expired.
- (m) Decisions requiring immediate action and so specified in the minutes of the meeting of the Cabinet/Executive Cabinet Member will be excluded from call-in provided that appropriate

consultation has taken place with the Chair (or in their absence, the Vice-Chair) of the relevant Scrutiny as to the reasons for such urgency of action.

18. The Party Whip

The 'party whip' means -

“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”

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

19. Procedure at Scrutiny Committee meetings

- (a) Scrutiny Committees shall consider the following business:
- (i) minutes of the last meeting.
 - (ii) declarations of interest (including whipping declarations).
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision.
 - (iv) responses of the Cabinet to reports of the Scrutiny Committee.
 - (v) the business otherwise set out on the agenda for the meeting; and
 - (vi) issues raised via the councillor call for action route.
- (b) Where the Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly, and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted to maximise the efficiency of the investigation or analysis.
- (c) A Scrutiny Committee may delegate the investigation or review of any matter within the remit of the Committee to a panel comprising such members of the Committee and other persons as the Committee may agree (provided that any member of the Cabinet whose decision or action is the subject of such action or review shall not be a member of, but may be invited to attend any meeting of, such panel).
- (d) Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

20. Matters within the remit of more than one Scrutiny Committee

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the committee conducting the review shall invite the Chair of the other committee (or their nominee) to attend its meetings when the matter is being reviewed.

F. Financial Procedure Rules

1. Introduction

- 1.1 These financial regulations have been prepared to advise Members and employees of Bolton Council of the required standards which must be complied with in the management of the Authority's financial affairs.
- 1.2 The regulations define those financial elements that are to be managed by the Chief Finance Officer. The responsibility for other financial issues rests with Departmental Directors or those to whom responsibility is delegated under statute (e.g. Head teachers).
- 1.3 The Chief Executive's role in corporate and strategic management is recognised including the effective utilisation of the Council's resources in attaining its objectives is recognised.

The Chief Finance Officer is responsible under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 for the proper administration of the financial affairs of the Council. The regulations have been designed to meet these legal requirements whilst allowing decisions to be taken by service management wherever possible.

- 1.5 In order to meet statutory responsibilities, the Chief Finance Officer is to be the head of financial services within the Authority. This provides accountability to the Chief Finance Officer by all finance staff within the Authority to maintain and promote the highest standards of financial management, integrity and administration in line with these Financial Regulations, Accounting Standards and Codes of Practice.
- 1.6 All accounting and financial systems operated by the Council shall be subject to minimum standards laid down by the Chief Finance Officer. Any departure from using corporate financial systems must be justified on cost or service grounds and agreed by the Chief Finance Officer.

The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

In relation to support services and trading activities where departmental Directors wish to consider not using existing in-house services, then a full evaluation must be undertaken. Any decision to not use an "in-house" service must be on cost and service delivery grounds and the "in house" operation must have been given the opportunity to bid for the service. Any decision will be subject to approval by the Cabinet.

2. Financial Supervision

- 2.1 The Chief Finance Officer shall prepare a Financial Manual in relation to the corporate systems, with regard being had to the following objectives: -

Ensuring the separation, so far as is practicable, of cash and stores handling duties from the responsibility of accounting for those transactions.

Minimising the amount of cash handled.

Standardising the financial forms and procedures throughout the Authority.

The observance of the principles essential to ensure a sound system of financial administration and management.

That appropriate security measures are taken to ensure the safe custody of the Council's assets through the maintenance of appropriate records and periodic physical checks.

Where it is considered desirable to introduce an "administration manual" or similar instructions for a particular group of establishments, the Chief Finance Officer and the Borough Solicitor must be consulted to ensure that minimum standards are maintained.

3. Financial Management

3.1 Financial Advice – Corporate

The Chief Finance Officer is responsible for providing financial advice to the Council on all those issues where the Authority is regarded as one legal entity.

3.2 Financial Advice – Departmental

The Chief Executive has an overall responsibility to ensure the competent financial advice to an appropriate and reliable standard is provided to the Cabinet, Executive Cabinet Members, Cabinet Members, Committees and Departments. Departmental Directors are responsible for ensuring the arrangements are in place to provide the financial advice and support needed to meet their requirements and undertake necessary risk management appraisals.

3.3 Budget Setting – Corporate

The Chief Executive and Chief Finance Officer shall be responsible for designing and implementing the annual Corporate Business Planning Process. The Chief Finance Officer is responsible for the preparation of a corporate budget reconciling aggregate planned expenditure with anticipated income, advice on the setting of Council Tax and advising on the prudent levels of reserves for the Council.

3.4 Budget Preparation – Departmental

Detailed Departmental budget preparation will be the responsibility of individual Departmental Directors subject to complying with the Authority's Corporate Business Planning Process and guidance on price base assumptions. The Chief Finance Officer will determine the information, format and timetable.

3.5 Monitoring – Corporate

The monitoring of corporate expenditure, aggregate expenditure and cashflow management will be undertaken by the Chief Finance Officer who must be supplied with the information necessary to undertake this task.

3.6 Monitoring – Departmental

Departmental Directors are responsible for revenue budget management within the totals allocated in the corporate budget. Providing there is no specific direction from the Council to the contra, Departmental Directors may transfer budget allocations within their responsibility. Corporately managed budgets (such as capital financing) may not be redirected by Departmental Directors. Incurring of expenditure and monitoring against budgets will be the responsibility of Departmental Directors.

In managing within overall budget allocations, any transfer of resources from one budget head to another which would significantly impact on an existing Council policy must be submitted to the Cabinet for approval.

3.7 Closure of Accounts – Corporate

The Chief Finance Officer will effect the consolidation and production of the Authority's statutory accounts.

3.8 Closure of Accounts – Departmental

Departmental Directors will be responsible for the closure of their departmental accounts which must be in accordance with the standards, timetables and format set by the Chief Finance Officer. Accounts must also be prepared in accordance with the relevant statutory requirements.

3.9 Under/Overspends

All variations between actual expenditure and the departmental budget adjusted for corporately managed expenditure will be carried forward to the following year. An aggregate Departmental underspend of more than 5% will require a report to the Cabinet before carry forward is allowed. For an overspend of more than 2.5% a report to the Executive must explain why the overspend has arisen and the steps being taken to ensure it will not be repeated.

3.10 The Collection Fund

The Collection Fund is to be managed by the Chief Finance Officer.

3.11 Tax Accounting

The Chief Finance Officer will manage the Tax accounting requirements of the Authority. Departmental Directors are required to operate proper procedures for tax accounting within their departments and establish the VAT implications of all proposals (particularly Capital Expenditure on VAT exempt activities) prior to making policy proposals.

3.12 Grant and Statistical Returns

The Chief Finance Officer will make all necessary grant claims on behalf of the Council; Departmental Directors are responsible for providing such supporting information as is necessary. The completion of statutory statistical returns will be the responsibility of Departmental Directors with the exception of statutory returns requiring consolidation which will be the responsibility of the Chief Finance Officer.

3.13 Trading Accounts

The Chief Finance Officer will advise on the establishment and operation of Trading Accounts. Departmental Directors are responsible for preparing annual business plans and out-turn reports to demonstrate Trading Accounts have been managed as businesses in accordance with proper accounting principles.

Partnerships

Prior to entering into partnerships Departmental Directors shall undertake a risk management appraisal to identify and assess the risks associated with the proposed course of action and assess the viability of the partnership in terms of the resources available to it. An agreement should clearly specify the roles and responsibilities of partners and the communication mechanisms to be adopted. Where appropriate potential partners should be made aware of their responsibilities under the Council's Financial Regulations and Standing Orders.

4. Income

4.1 Prompt Collection and Recording

Given the financial importance of cashflow management, VAT requirements and statutory financial reporting, all income must be recorded promptly in a manner approved by the Chief Finance Officer. Steps should be taken to ensure early collection.

4.2 Collection Mechanisms (Invoice, Pre-payment, Receipt, Ticket)

Departmental Directors may choose from the approved mechanisms for collecting income and will bear the administration costs and consequences of lost income. Additional collection methods which meet the minimum standards set must be agreed by the Chief Finance Officer prior to implementation.

4.3 Bad Debt Provision

The Authority is required under statutory accounting practice to set aside a bad debt provision. Departmental Directors must make appropriate provision in respect of the income for which they are responsible. The Chief Finance Officer will monitor the overall situation.

4.4 Enforcement Procedures and Treatment of Irrecoverable Debts

Departmental Directors have the responsibility for enforcing debt recovery. The Executive Cabinet Member – Deputy Leader's Portfolio will make decisions on debt write off on the recommendation of the Chief Finance Officer in consultation with Departmental Directors. The Executive Cabinet Member must be advised of individual debts in excess of £5,000 when write-off is proposed.

4.5 Form of Receipt

Receipts or tickets must be of a form approved by the Chief Finance Officer.

4.6 Fees & Charges

Except where statutory requirements provide otherwise all fees and charges shall be increased by the Council's inflation "norm" annually as calculated by the Chief Finance Officer as part of the budget process. Where a service proposes a lower than inflation increase alternative budget savings should be advanced at the same time.

4.7 External Funding and work for third parties

Departmental Directors shall maintain records of all contracts entered into with external bodies in a form agreed with the Chief Finance Officer. Prior to entering in to such agreements a risk management appraisal should be conducted to ensure such arrangements do not adversely impact on the services provided by the Council.

5. Capital Expenditure

- 5.1 Annually the Chief Finance Officer shall prepare a Capital Programme ensuring all approved capital schemes match the financial resources available to the Council.

- 5.2 No capital expenditure shall be incurred unless approval has been given by the appropriate Executive Cabinet Member. Approvals will normally be given as part of the Council's Corporate Business Planning Process. In exceptional circumstances, the Executive may grant a supplementary capital approval outside the normal planning cycle, having established the scheme is of sufficient policy priority and there are resources available to fund the proposal.
- 5.3 Departmental Directors shall have responsibility for the Capital Expenditure incurred. They must ensure that all expenditure is funded from their approved capital resources or that additional resources are found from their Revenue budgets. Cost variations on individual capital projects in excess of 5% at any stage must be reported to and approved by the Executive Cabinet Member.
- 5.4 Schemes must be managed within the year. Departmental Directors shall submit quarterly monitoring reports to their Executive Cabinet Member showing the latest estimate of the total costs of approved schemes and the expenditure in the current year as compared with available resources.
- 5.5 Where scheme costs are reduced or schemes deleted, Departmental Directors can utilise the released capital resource in the year for other projects. However, this must not lead to any commitments for future years that cannot reasonably be accommodated by the Department within its likely allocation in the future year, without approval by the Cabinet.
- 5.6 Major projects are subject to the requirements of the Capital Project Management Handbook. The Chief Finance Officer and Borough Solicitor are responsible for maintaining that document. Departmental Directors are responsible for ensuring the principles of good project management adhered to, in particular that post project reviews take place.

6. Procurement

- 6.1 All contracts on behalf of the Council shall be let in accordance with the Council's Standing Orders. Where a contract price can be adjusted for inflation this must be reported at the time the placing of the contract is considered.
- 6.2 In house services, existing contracts and e-procurement will provide routine channels for legal and efficient procurement. Where the Chief Finance Officer agrees an exemption from the use of the e-procurement system official buying orders must be used and signed by designated officers.

7. Payroll

7.1 Employee Records

The maintenance of Member and employee payroll records are subject to statutory requirements and will be subject to minimum standards laid down by the Chief Finance Officer.

7.2 Pay Determination

Departmental Directors shall comply with corporate guidelines and salary scales. In particular the grading of all posts must be agreed with the Assistant Director for People and Transformation.

7.3 Retirement/Termination/Redundancy

The responsibility for ensuring any termination of employment is in accordance with corporate policy will be the responsibility of Departmental Directors. The financial consequences of any termination of employment will be met from Departmental Budgets unless part of a corporately approved scheme.

8. Banking

8.1 Treasury

The management of the Authority's cashflow, lending and borrowing will be the responsibility of the Chief Finance Officer in accordance with the code of practice approved by Council.

8.2 Disbursements

All disbursements will be made through the Authority's central bank account which will be the responsibility of the Chief Finance Officer, except when the Chief Finance Officer approves alternative arrangements. Where a School exercises its legal right to its own Bank Account the Chief Finance Officer will issue guidelines within which the Bank Account is to be operated.

8.3 Financing Arrangements

All forms of external financing including leasing and borrowing will be the responsibility of the Chief Finance Officer. No external funding arrangements shall be entered in to without the prior approval of the Chief Finance Officer.

8.4 Imprest Accounts

The operation of imprest accounts are the responsibility of Departmental Directors. The Chief Finance Officer must approve the establishment and management arrangements of all imprests.

9. Continuous Improvement & Value For Money

9.1 It is the responsibility of Departmental Directors to establish sound arrangements for planning appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving performance targets

10. Audit

10.1 The Internal Audit function operates under terms of reference agreed annually by the Executive Cabinet Member – Deputy Leader's portfolio. The Chief Finance Officer will be responsible for the internal audit of the Authority. Internal Audit shall have authority to visit all offices and other establishments, have access thereto and have access to all records, documents and explanations in connection with any matter under examination.

11. Irregularities

11.1 The Chief Finance Officer shall maintain an anti-fraud policy. Any suspected irregularity must be reported to the Chief Finance Officer who will provide any necessary advice to management and where appropriate arrange for any investigations to be carried out.

12. Risk Management & Business Continuity

The Chief Finance Officer shall be responsible for overseeing the Risk Management process, maintaining the corporate risk register and providing Risk Management advice effecting such insurance cover as shall be necessary. The responsibility for reviewing and notifying the existence of risk will rest with the Departmental Directors managing the asset or undertaking the activity.

Departmental Directors are responsible for Business Continuity planning in their areas. The Corporate Business Continuity plan shall be maintained and updated by the Director of Environmental Services

13. Voluntary Unofficial Funds

- 13.1 Voluntary unofficial funds held by an employee of the Council by reason of their employment shall be notified to the Departmental Directors concerned. Such funds are to be administered in accordance with the Code of Practice approved by the Council.

14. Review

- 14.1 The Chief Executive and Chief Finance Officer shall review the financial regulations at maximum intervals of five years and shall report to the Cabinet accordingly.

G. Standing Orders Relating To Proceedings Of The Council (And Other Formal Meetings)

Meetings of the Council

1. (a) The meetings of the Council during each year, other than the annual meeting and any meeting specially summoned, shall be held on such dates as may be fixed by the Council at the annual meeting.
1. (b) The Mayor shall preside at all meetings of the Council save that, in the event that the Mayor is unable for whatever reason to do so, the Deputy Mayor will so preside or, in the event that neither is able to preside, the Council shall appoint one of their number to preside as Chair for the purposes of that meeting only. All reference to “the Mayor” within these Standing Orders shall be construed as being reference also to the Deputy Mayor or other member appointed to preside at the meeting (see also Standing Order 28(c)).
1. (c) Minutes of the proceedings of the Council shall be prepared pursuant to paragraph 41 of Schedule 12 to the Local Government Act 1972 and shall be signed by the Mayor or Chair at the next following meeting, save that where the next such meeting shall be an extraordinary meeting called under paragraph 3 of Schedule 12 to the said Act, the next following ordinary meeting shall be treated as a suitable meeting for the purpose of the signing of minutes.

Time and Duration of Meetings

2. The Council shall normally be summoned to meet at 7.00 p.m. and finish no later than 10.30 p.m. unless the Mayor decides, it is reasonable or necessary, to extend. A meeting may be held at a different time if the Council or the Mayor so determine.

Order Of Business

3. (a) The Chief Executive shall, in the summons for each meeting of the Council, insert all business which in their judgement requires to be brought before the Council. The Chief Executive shall include such matters as may be ordered by the Mayor, any report by the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988, any report by the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, any report by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. All notices of motion which have been duly given as provided below will normally be considered in the order in which they are received.
3. (b) For the meeting of the Council to set its budget:
 - (i) the Chief Executive shall only include business at that meeting which directly relates to setting its budget. For the avoidance of doubt this means that no motions under Standing Order 4 may be considered nor any questions under Standing Order 9.
 - (ii) the time for submitting amendments to the motion proposing the budget shall be at 12 noon 3 working days before the meeting (normally 12 noon on the Friday the week before the meeting).
 - (iii) amendments to the motion proposing the budget will be considered by the Council in the following order:

- I. The Majority Opposition Group, and then,
- II. taken in the order of the size of the other political groups and if there are groups with the same number of members, in alphabetical order, followed by,
- III. Any independent members amendments, and,

in the case that any group wishes to put in more than one amendment this will apply to their first amendment. Any subsequent amendments will be treated as independent members' amendments.

- (iv) For the avoidance of doubt there will be one debate covering all amendments, then votes on each amendment taken in the above order.

Notices of Motion

4. Notices of motion shall be in writing, signed by the member or members giving the same and delivered to the Chief Executive. All such notices shall be entered in a book kept for that purpose and open to the inspection of every member of the Council. No notice shall be inserted in the summons for any meeting of the Council unless received by 10.00 a.m. six clear days prior to such meeting (i.e. if meeting on Wednesday evening, the Tuesday of the preceeding week). No amendment shall be moved to a motion of which notice is given under this Standing Order.
5. Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the district.
6. A motion of which notice has been duly given shall be formally moved and seconded.
7. Motions of which notice has been duly given and accepted shall have precedence according to the order in which the notices were given. Where a motion has been included in the summons but has not been moved 15 minutes before the scheduled end of the meeting in accordance with Standing Order 2 the mover of the motion may ask to have it voted on without debate, it being formally moved and seconded and then the vote held. If the mover of the motion does not choose to have a vote as set out in this Standing Order the motion will move forward to the next meeting of the Council unless the mover of a motion decides to withdraw it. If there is more than one motion to roll forward, the motions will be taken in the same order in which they had first been received.

The Taking Up Of Business Under Notice

8. The business under any notice upon the Council summons shall not be proceeded with in the absence of the member of the Council in whose name it stands, (or if signed by more than one member, by the member whose signature appears first on the notice) unless they have given to the Chief Executive in writing, their consent that it should be taken by some other member of the Council, or if it be business which, by law, the Council must transact.

Questions

9. (a) Members of the Council may ask any question or make brief comments on any matter relating to the business of the Council (other than business which appears in the Minutes of a Committee before the Council at that meeting) of any member of the Cabinet, the Chair of any Committee or the Chief Executive, through the Mayor, of which notice has been given to the Chief Executive in writing by 12.00 noon 3 working days preceding the meeting (for full council meetings this will normally be 12 noon on the Friday the week before the meeting is due to take place), but members shall confine themselves to asking the questions or making the comment as notified to a

maximum of two minutes and no discussion shall be permitted thereon.

9. (b) Members may also ask questions or make comments relative to any matter appearing in the minutes of any Committee, the Cabinet or Executive Cabinet Member meeting before the Council, or brought before any Committee since the previous meeting of the Council, if put before such minutes are approved, but members shall confine themselves to asking a question or making a comment to a maximum of two minutes. The Chair of the Committee, or other appropriate member as determined by the Mayor, may answer any such questions or respond to such comments without prejudice to their general right of reply.
9. (c) Members may ask questions or make brief comments relative to the discharge of the functions of the Greater Manchester Mayor and the Greater Manchester Combined Authority of the members nominated by those authorities for the purpose, of which notice has been given to the Chief Executive in writing by 12.00 noon 3 working days preceding the meeting (normally 12 noon on the Friday the week before the meeting is due to take place). Members shall confine themselves to asking the questions or making the comment as notified other than a brief explanation thereof and no discussion shall be permitted thereon.
9. (d) Where the end of the meeting is approaching at a meeting where motions under Standing Order 4 have been considered before questions under Standing Order 9 have been answered and, in exceptional circumstances, and in accordance with Standing Order 2, the Mayor may consider it appropriate to extend the meeting to answer a maximum of 3 questions, however, if there are more than 3 questions remaining unanswered written answers will be provided to all councillors and published on the Council's website by 5pm on the second working day following the meeting.

Rules Of Debate

Members Not To Speak More Than Once

10. (a) Except as provided in Standing Order 9(b) and Standing Order 21, no member shall address the Council more than once on each motion or amendment except in explanation or to raise a point of order, or as the mover of a motion in reply, or when the Council is in Committee. For the purposes of this Standing Order the moving or seconding of an amendment shall be construed as addressing the Council on a motion.
10. (b) The reply of the mover of the original motion shall conclude the discussion save that, in the case of a motion to approve the Minutes of a Committee, the Mayor may invite the mover of the original motion to reply to the debate on an identified item within those Minutes and thereby conclude the discussion on that item without concluding the discussion on the Minutes as a whole.

Points Of Order and Personal Explanations

11. (a) Following any member indicating a desire to raise a point of order, the Mayor shall instruct any member speaking at that time to take their seat so that the Mayor may determine the validity of the point of order.
- (b) The member wishing to raise the point of order must wait to be invited to speak by the Mayor before stating at the outset the Standing Order or rule of debate considered to have been infringed.
- (c) The Mayor/Deputy Mayor, or chair appointed in accordance with Standing Order 1 (b), shall determine the validity of the point of order before the debate proceeds and

their decision shall be final and cannot be discussed.

- (d) A member may be heard in explanation at any time during the debate but only in reference to some material part of their former speech which may have been misunderstood. A member wishing to be heard under this Standing Order should indicate their intention to the Mayor/Deputy Mayor or chair appointed in accordance with Standing Order 1(b).

Content and Length Of Speech

- 12. When a member speaks they must confine is remarks to the matter then under discussion and, except in the case of the mover of a motion in relation to the Budget or Policy Framework, shall speak for no more than five minutes except by consent of the Mayor. The 'five minute rule' shall apply to the mover of a motion notice of which has been given under Standing Order 4 and answers given under Standing Order 9.

Closure Matters

- 13. (a) A member may, at the conclusion of a speech of another member, move without comment (i) "That the question be now put": (ii) "That the debate be now adjourned": (iii) "That the Council proceed to the next business": or (iv) "That the Council now adjourn"; on the seconding of which the Mayor shall (if in their opinion the question before the meeting has been sufficiently discussed or the circumstances justify such a motion, and subject to any right of reply) put that motion to the vote.
- 13. (b) If it is carried (i) the question before the meeting shall be put to the vote; (ii) the subject of debate shall not be further discussed at that meeting; (iii) the subject of debate shall be deemed to be disposed of; or (iv) the meeting shall stand adjourned as the case may be.

Motions and Amendments

- 14. All motions and amendments (except a motion to vary the duration of the meeting under Standing Order 2 or a motion under Standing Order 13, Standing Order 22, Standing Order 23, Standing Order 25 or Standing Order 39) shall be reduced into writing, signed by the mover and delivered to the Mayor or to the Chief Executive, immediately upon being seconded, and after being seconded the same shall not be withdrawn without leave of the Council.
- 15. All amendments shall be:-
 - (i) To leave out words;
 - (ii) To leave out words and to insert or add others; or
 - (iii) To insert or add words.
- 16. When an amendment is moved and seconded, no other amendment shall be taken into consideration until the first amendment has been disposed of, unless it is related to the same topic in which instance the Mayor shall be empowered to decide whether to take all amendments, comments, questions as part of a single debate.
- 17. If an amendment be carried it displaces the original motion and becomes itself the substantive motion for consideration, whereupon any further amendment relating to any portion of the substantive motion may be moved, provided any such further amendment is not inconsistent with the alterations of the original motion made by the amendment that has been carried.

18. If the first amendment be not carried, then subsequent amendments may be moved to the original motion.
19. (a) Notice may be given to the Chief Executive prior to a meeting of the Council of an amendment which a member intends to move at that meeting. Without prejudice to the right of a member to ask a question under Standing Order 9(b), or to move an amendment without notice, or to discuss a subject upon the proceedings of a Committee, an amendment of which notice has been given as aforesaid shall take priority and shall be called immediately the motion has been duly proposed and seconded. If notice should be given of more than one amendment, such amendments shall be called in the order in which notice has been given to the Chief Executive.
19. (b) If the member who has given prior notice of an amendment is absent when the amendment is called such amendment may be moved by any other member of the Council.
20. A motion may be referred to Council by a Scrutiny Committee which has considered a Cabinet or Executive Cabinet Member decision that has been 'called in'. The motion must be in the name of the Chair of the Committee or a member nominated by the Committee or in the name of one of the three members who requested the matter to be referred to the Council under the Council's Constitution. If, upon being put to the vote at Council, the motion is defeated then the decision of the Cabinet or Executive Cabinet Member will be deemed to have been noted by the Council and thus can be actioned immediately.

The Standing Orders governing the debating of ordinary motions at Council will apply and the motion can be subject to amendment by resolution of the Council in the normal way.

Seconders Speech

21. A member may second a motion or amendment reserving their speech for a later period of the debate. On an amendment being moved and seconded, any member of the Council may speak thereon, and the mover of the original motion but not of the amendment shall have the right to reply.

Council in Committee

22. The Council may resolve itself into Committee upon a motion for that purpose (duly moved and seconded) being carried by a majority of those present and of which motion no previous notice shall be necessary. Any member may speak as often as they desire in Committee of the Council.

Exclusion of Press And Public

23. (a) The Council or the Cabinet or a Committee may, by a resolution exclude the press and other members of the public from a meeting (whether during the whole or part of the proceedings) upon a motion duly moved and seconded being carried by a majority of those present and of which motion no previous notice shall be necessary.
23. (b) Provided that, in accordance with Section 100(A) of the Local Government Act 1972 (as amended), such exclusion shall only be permissible:-
 - (i) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure of confidential information as defined in Section 100(A)(3) of the Local Government Act 1972 in breach of the Council's obligation of confidence; or

- (ii) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure to them of specified exempt information as defined in Schedule 12(A) to the Local Government Act 1972.

- 23. (c) Where members of the public are excluded by resolution in accordance with Paragraph (b)(ii) of this Standing Order, the resolution shall specify the particular items of business for which the public are to be excluded and shall specify the particular exempt information, of which disclosure is likely, by reference to the relevant paragraph of Schedule 12(A) to the Local Government Act 1972.

Voting

- 24. Except where otherwise expressly provided by law or these Standing Orders, every motion or amendment shall be put to the Council and shall be determined by a named vote or an electronic vote and recorded in the minutes of the proceedings of that meeting of the Council.

Disorderly Conduct

- 25. (a) If at a meeting any member of the Council, in the opinion of the Mayor notified to the Council, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- 25. (b) If the member named continues their misconduct after a motion under the foregoing paragraph has been carried the Mayor 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 they in their discretion shall consider expedient.
- 25. (c) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in them may, without question put, adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

Disturbance by Members of the Public

- 26. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn them. If they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

Respect For Chair

- 27. (a) Whenever the Mayor rises during a debate a member then standing shall resume their seat and the Council shall be silent.
- (b) A female Mayor may choose to be addressed as Madam Mayor or Mr. Mayor.

Appointment of Leader

28. (a) The Council shall appoint a Leader of the Council for a term to be determined by the Council or the balance of their term of office as a councillor. The Leader can be removed from office by resolution of the Council.
28. (b) The Council may also appoint other members to attend meetings of the Cabinet on the basis that such members shall have the right to speak but not to vote on matters before the Cabinet and shall not be or be deemed to be Members of the Cabinet.
28. (c) A Member of the Cabinet appointed in accordance with Standing Order 28 (a) may not be appointed to preside at a meeting of the Council pursuant to Standing Order 1(b).

Cabinet and Committees

29. The Mayor shall be entitled to attend meetings of the Cabinet and committees of the Council, but shall not be appointed a member of the Cabinet or of any committee (excluding Area Forums)

Chair and Vice-Chair

30. (a) At the first meeting of every Committee, the first business shall be to appoint a Chair and, if the Committee considers it appropriate, a Vice-Chair, unless such appointments shall already have been made by the Council.
30. (b) In the absence of the Chair at any Committee meeting, the Vice-Chair shall preside; and in the absence of both, a member appointed Chair for that particular occasion shall preside.

Voting

31. (a) Every motion or amendment at a meeting shall be determined by a majority of the votes of members present and voting on the question and in case of an equal division of votes, the Chair of the meeting shall have a second or casting vote.
31. (b) Where immediately after a vote is taken any member of a committee or sub-committee so requires, it shall be recorded in the minutes of the proceedings of that meeting whether that member voted for or against the question or whether the member abstained from voting.

Quorum

32. Except in the case of committees regulated by Act of Parliament or when otherwise expressly provided by the Constitution of this Council, five shall be the quorum at a meeting of any committee with a total membership greater than 10 members and three at a meeting of any committee with a membership of 10 or less members.

Powers And Duties

33. The powers and duties of each committee shall be as determined by the Council.

Matters Reserved To The Council

34. (a) Where the Council have delegated powers and duties to committees or to Chief Officers in consultation with the Leader of the Council or other designated member(s) the following matters shall be excluded from that delegation and reserved to the Council itself:

- (1) Electoral
 - (A) To make decisions in connection with the Council's functions in relation to Parishes and Parish Councils;
 - (B) To decide to dissolve small Parish Councils;
 - (C) To make orders for grouping parishes, dissolving groups and separating parishes from groups;
 - (D) To appoint a Returning Officer for local government elections;
 - (E) To divide the constituency into polling districts;
 - (F) To exercise powers in respect of holding elections;
 - (G) To declare a vacancy in office under the provisions of S80 Local Government Act 1972;
 - (H) To give public notice of a casual vacancy;
 - (I) To make temporary appointments to Parish Councils;
 - (J) To appoint an Electoral Registration Officer;
 - (K) To make decisions concerning district boundaries, electoral divisions, wards or polling districts;
 - (L) To undertake a Community Governance Review on a valid Community Governance Review Request.
 - (M) To agree a Scheme of Whole Council elections (see Article One of the Council's Constitution) or to revert back to partial council elections. To request the Electoral Commission to conduct an electoral review of the area with the aim of introducing single member wards (on the basis that the Council has introduced whole Council elections.)
- (2) Service Provision
 - (A) To be responsible for admissions to maintained schools of which the authority are the admissions authority;
 - (B) Authorising applications to the Secretary of State for transfer of housing land.
- (3) Financial Provision
 - (A) The adoption or approval of the Budget and supplementary estimates and any plan or strategy for the control of the local authority's borrowing or capital expenditure (the Capital Plan).
 - (B) Approval of capital programmes and revenue estimates.
 - (C) Setting Council Tax and tax bases..
- (4) Constitutional

- (A) To decide the general structure of the Council's decision-making process including the terms of reference of the Committees, area fora and working parties and making standing orders and financial regulations;
 - (B) The promotion of or opposition to any new legislation and the making or amendment of Byelaws;
 - (C) To consider any strategic plan or policy referral to full Council by the Cabinet;
 - (D) Determining the scheme and amounts of members allowances on recommendation from the Members Independent Remuneration Panel;
 - (E) To appoint to the position of Mayor/Deputy Mayor;
 - (F) To appoint the Leader of the Council who will determine the size of the Cabinet within the statutory framework and appoint members of the Cabinet.
 - (G) To appoint Members of the Scrutiny Committees, other committees, Area Fora and working parties;
 - (H) To adopt the Council's Constitution and any subsequent changes to it;
 - (I) Adopting the Council's code of conduct;
 - (J) Agreeing the Council's policy framework;
 - (K) Taking decisions in respect of functions which are the responsibility of the Cabinet which are not in accordance with the policy framework or Budget agreed by the Council;
 - (L) Taking decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by the Council to committees, sub-committees or officers;
 - (M) The making of arrangements for the discharge of any of the Council's functions by another local authority;
 - (N) To decide upon appointments to outside bodies.
- (5) Plans
- To be responsible for the approval of the following plans:
- (A) Bolton: Our Vision
 - (B) Joint Health and Wellbeing Strategy
 - (C) Community Strategy
 - (D) Community Safety Plan

- (E) Plans and Strategies which together comprise the Local Development Framework
- (F) Licensing and Gambling Policies
- (G) Local Transport Plan

(6) Reporting

- (A) Considering the Head of Paid Service's report in accordance with S4 of the Local Government and Housing Act 1989.
- (B) Considering the Monitoring Officers report in accordance with S5 of the Local Government and Housing Act 1989
- (C) To approve any draft plans and strategies which require ministerial approval.
- (D) Considering the Chief Finance Officer's report in accordance with S115 of the Local Government and Finance Act 1988.
- (E) Considering the External Auditors Public Interest Report.

(7) Staffing

- (A) To appoint or confirm the appointment of the Chief Executive
- (B) To deal with all aspects of discipline and dismissal of the Chief Executive, Chief Finance Officer and Monitoring Officer in accordance with statutory provisions.

- 34. (b) The Council shall have power to give directions to any Committee in relation to the future exercise of delegated functions and may themselves exercise any function included in the delegation to the Committee.
- 34. (c) Any Committee may submit a matter to the Council for decision notwithstanding that it falls within the powers delegated to the Committee.
- 34. (d) The minutes of any decisions of the Committee taken pursuant to delegated powers shall be available for inspection by members of the Council and any member may ask a question of the Chair of the Committee on any matter included in those minutes.

Deputies

- 35. Deputies may be drawn from any Councillor suitably trained for the Planning; Licensing and Audit Committees. In respect of meetings of outside bodies, any member attending in the place of the appointed member shall have the full authority to act on behalf of the Council as would the appointed member. Any member of the Council (with the exception of Executive Cabinet Members) can deputise for any member of a Scrutiny Committee.

Members Business At Committee

36. In addition to normal debate and discussion on agenda items, any member of a committee may ask the Chair any question relating to the business of the committee, of which notice has been given to the nominated representative of the Chief Executive's Department by 12 noon at least three working days before the committee meets. Members shall confine themselves to asking the question as notified and giving a brief explanation of the question; any further discussion arising from the question shall take place at the discretion of the Chair. The Chair may, at their discretion, reply or arrange for any other member or an officer to reply to such question.

Officers

37. No officer who is employed in the whole time service of the Council shall hold any other paid office or paid appointment without the consent of the Council and shall not undertake any activity which in the opinion of the Council conflicts with their duty as an officer of the Council.

Common Seal

38. (a) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, an Executive Cabinet Member or of a Committee or by a decision of a Chief Officer in consultation with a member of the Cabinet to which the Council has delegated its powers in that respect, but a resolution of the Council, an Executive Cabinet Member, or of a Committee or Chief Officer exercising delegated powers as aforesaid authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the making of any compulsory purchase order, the issue of any stock, the making of any rate or contract or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
38. (b) The affixing of the Common Seal to any document shall be attested by the Borough Solicitor or a solicitor nominated by the Borough Solicitor and, that where practical the Mayor or Deputy Mayor be also requested to attest to the Common Seal and shall be registered in a book kept for that purpose and open to the inspection of every member of the Council.

Suspension Of Standing Orders

39. Any one or more of the Standing Orders (except Standing Order 37) may be suspended at any meeting of the Council upon a motion duly moved and seconded being carried by a majority of the members then present and voting, of which motion no previous notice shall be necessary.

H. Standing Orders Relating To Contracts

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1. INTERPRETATION & ABBREVIATIONS

In these Contract Standing Orders the following terms have the following meanings:-

Acquisition of Land	The purchase or entry into a lease or sub-lease or rental of land by the Council.
Best Consideration	The best consideration that can reasonably be obtained for the land as required by Section 123 of the Local Government Act 1972.
Bidder	A person, company or firm, who has made an offer by way of quotation or tender to supply the Council with works, supplies or services.
The Chest	North West England's local authority procurement e-portal.
Chief Officer	Chief Executive, Directors and Assistant Directors or any delegated officer authorised to act on their behalf.
Contract	Any agreement for the execution of works or the provision of supplies or services, or the disposal of assets.
Contracting Authority	As defined in the Public Contract Regulations 2015 (as amended or replaced).
Contractor	A party to an agreement with the Council to provide works, supplies or services to the Council or to acquire assets from the Council.
Contracts Finder	a web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office
CFO	Chief Finance Officer.
CPS	Corporate Property Services.
CSO	Contract Standing Order(s).
Disposal of Land	The sale of land, or the grant of a lease, sub-lease or development agreement for land by the Council.
Estimated Value	This is the total estimated value of the contract net of VAT, over the full term of the proposed contract including any possible extensions. Contracts shall not be split to avoid compliance with these CSOs.
Land	Any interest in land (freehold, leasehold, right or easement) including any buildings or premises on the land.
Law	any applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, rule of court or directives or requirements of any Regulatory Body, delegated or subordinate legislation or notice of any Regulatory Body
Partnering	A form of collaborative working between the Council and a Contractor, based upon a formal contract. Usually this is a long-term arrangement.

Procurement Legislation	The Public Contracts Regulations 2015, the Concession Contracts Regulations 2016, the Utilities Contracts Regulations 2015 and any other legislation governing public procurement.
EU Threshold(s)	The financial thresholds which apply to the application of procedures for the award of a Contract under the Procurement Legislation.
Purchasing Guide	The Council's internal guide to purchasing works, supplies and services published on the Council's Intranet.
Procurement	The acquisition of supplies, works and services which meet the Council's and service user's' needs, whilst ensuring value for money throughout the life of the product including disposal.
Quotation	A submission by a contractor for the execution of works or for the provision of supplies or services under the quotation procedures below £50,000.
Sale Tender	A submission by a contractor to acquire assets from the Council.
Scheme of Delegation	This is the part of the Council Constitution, which sets out the delegated powers of Executive Members and officers. A copy of the scheme is available on the intranet.
Tender	A written submission by a contractor for the execution of works or for the provision of supplies or services above £50k under the tender procedures outlined.

2. INTRODUCTION

- 2.1 It is the responsibility of Chief Officers to ensure that all procurement activity within the Council (and bodies where the Council is the accountable body) complies with these CSOs.
- 2.2 The CSOs apply to all Council Directorates, Schools (via the Scheme of Delegation), Executive Partnerships, and External Agencies where the Council is the accountable body.

Procurement Plan

- 2.3 The Council has a responsibility to maintain a central register of contracts, which is available for scrutiny by officers and members, and which is published on the Authority's website.
- 2.4 Prior to the start of each financial year, each Chief Officer shall prepare a procurement plan setting out the Contracts which their departments anticipates it will procure during that financial year, and where possible forthcoming years. This information should be passed to the Corporate Procurement team.

2.5 Pre-Purchase steps to be followed

The Council's Purchasing Guide must be followed. Lead officers should consider the complexity and value of the proposed works supplies or services and the period over which they are required (include any possible extension period), and undertake the following steps:

- 2.5.1 Satisfy themselves that they have the necessary authority to deal with the purchase and that there is budget provision for the purchase.

- 2.5.2 Authority is obtained under the Scheme of Delegation or by an approved report to the relevant Executive Cabinet Member of the Cabinet (as appropriate).
- 2.5.3 Identify the purchasing objectives, including internal and external sourcing or partnering/collaborative procurement arrangements.
- 2.5.4 Take into account the requirements from any Best Value review and the best value duty to consult on continuous improvement in the delivery of Council functions under section 3 Local Government Act 1999.
- 2.5.5 Take into account the requirements of The Public Services Social Value Act 2012.
- 2.5.6 Assess the risks (if any) associated with the proposed purchase and how to manage them.
- 2.5.7 Consider which procurement method would be most appropriate, in accordance with CSO4 below.
- 2.5.8 Contact the Council's Corporate Procurement team or inspect the current list of Corporate contracts, which is available on the Council's website, in order to establish whether there is an existing contract available for use.
- 2.5.9 Where relevant, draft a detailed specification for the works, supplies and services required. Advice on drafting a specification can be obtained from the Corporate Procurement team or Legal Services.
- 2.5.10 Undertake a Data Protection Impact Assessment, where required.
- 2.5.11 Inform the Corporate Procurement team about the proposed contract and request Corporate Procurement and/or Legal Services to advise, where appropriate. All advertised proposed contracts with an estimated value/amount of £30,000 or over must be advertised by the Corporate Procurement team on Contracts Finder and those with a contract value/amount of £50,000 or over must be advertised by Corporate Procurement (via the Chest using the Council's standard tender documentation) and managed by the relevant department and Corporate Procurement.

3. LEGAL REQUIREMENTS AND RESPONSIBILITIES OF CHIEF OFFICERS

- 3.1. These CSOs are issued in compliance with Section 135 of the Local Government Act 1972.
- 3.2 Every tender, quotation and contract shall comply with these CSOs as a minimum requirement, provided always that:
 - (1) Where there are additional requirements for example under some Grant regimes, then these should be adopted; and
 - (2) Contracts subject to Procurement Legislation must comply with that legislation.
- 3.3 The Council is committed to promoting Equality and Diversity, which it regards as being fundamental to its activities. Throughout its contractual and partnership working, the Council shall ensure that equality and diversity are appropriately integrated into the procurement activity and the proposed contract and that it shall implement the principles of non-discrimination, equal treatment and transparency in accordance with the Law and EU Procurement Legislation.
- 3.5 Guidance on Equality and Diversity can be obtained from the Chief Executive's Department.

4. COMPLIANCE WITH STANDING ORDERS

BEFORE LETTING A CONTRACT IN COMPLIANCE WITH THESE CSOs CHIEF OFFICERS MUST IDENTIFY THEIR AUTHORITY TO TENDER UNDER:

- (a) **THE SCHEME OF DELEGATION; OR**
- (b) **AN APPROVED REPORT TO THE RELEVANT EXECUTIVE CABINET MEMBER OR THE CABINET.**

Contracts may be for supplies, works or services.

Supply Contracts - contracts for the purchase or hire of goods, and for any siting or installation of those goods.

Service Contracts - contracts under which the purchaser engages a contractor to provide a service. This includes the provision of consultancy services.

Works Contracts - contracts for the carrying out of civil engineering or building works.

The procedure to be followed is dependent on the estimated aggregate value/amount of the contract (including any potential extension), as set out in the table below.

Estimated Value/Amount	Contracts	Invitation	Method / Process
Up to £15,000	Supply Contracts Service Contracts Works Contracts	Decision whether to invite tenders/quotations to be made by Chief Officer, or designated officer. No company should be awarded business in excess of £75k by the Council in any one year, unless this has been subject to quotation or tender exercise, as relevant.	Purchasing decision to satisfy Best Value criteria.
£15,001-£49,999	Supply Contracts Service Contracts Works Contracts Concession Contracts	Requirements should be specified in writing, and wherever possible, a minimum of three written quotations obtained, by a specified time and date.	Quotations should remain sealed until after the closing time and date. Electronic quotations may be acceptable, at the discretion of the relevant Chief Officer. Quotations shall be kept for 3 years for audit purposes. All advertised requests for quotations with a value of £30,000 or

			more should be published on Contracts Finder by the Corporate Procurement Team.
Over £50,000 Threshold	Supply Contracts Service Contracts Works Contracts Concession Contracts	Tenders must be invited - by advertisement via the Chest and Contracts Finder	Request Corporate Procurement to invite tenders. A tender notice providing at least 10 days' notice for suppliers to request tender documents should be published on the Chest and Contracts Finder. The tender process should follow set out in these CSOs.
Procurement Thresholds under Procurement Legislation and above	Supply Contracts Service Contracts Works Contracts Concession Contracts	Where the estimated expenditure of the total contract, is likely to exceed the relevant Procurement Threshold, the Council shall procure in accordance with Procurement Legislation and procedures Where intention to tender is identified at the start of the year, then Chief Officers must inform the Corporate Procurement team, so that a Prior Information Notice may be published.	Request Corporate Procurement to invite tenders in compliance with Procurement Legislation and these CSOs.

The above does not apply in respect of Supply Contracts, Service Contracts and Works Contracts in the following circumstances, although Officers should note that the Council cannot be exempted from compliance with Procurement Legislation.

- Where the Council joins a framework agreement procured by another Contracting Authority (such as the Crown Commercial Service, ESPO, the YPO or an AGMA authority) provided there is delegated authority or an approved report to the relevant Executive Cabinet Member or the Cabinet authorising the Council to join the framework agreement and the Contracting Authority procured the framework agreement in compliance with its own procurement rules and, where applicable, the Public Contracts Regulations 2015.
- Where supplies/services/works are purchased under a framework agreement which was procured in accordance with these CSOs.
- Where tenders have been invited by any consortium, or similar body, of which the Council is a member, in accordance with any method adopted by such a body provided the proposed purchase is authorised under the Scheme of Delegation or an approved report of the Executive Cabinet Member or the Cabinet.

- Where the contract is for the purchase or production of a work of art, or a museum specimen.
- Where the contract is for the engagement of external solicitors or barristers and is procured or approved by Legal Services.
- Where the contract is for the engagement of an artiste or performing company.
- Where the contract is for personal services for individuals assessed as requiring services under the National Assistance Act 1948, the NHS and Community Care Act 1990, the Children Act 1989, the Care Act 2015 or under any other relevant legislation.

5. WAIVING STANDING ORDERS

A CSO may be waived by:-

- The appropriate Chief Officer where the estimated aggregate value/amount of the proposed contract (excluding VAT but including any extension to the initial term of the proposed contract) does not exceed £50,000.
- The Cabinet / relevant Executive Cabinet Member, where the estimated aggregate value/amount of the proposed contract (excluding VAT but including any extension to the initial term of the proposed contract) exceeds £50,000.

Exemptions may only be sought in special circumstances as determined by the Borough Solicitor in consultation with the Head of Internal Audit.

All exemptions to these CSOs for Contracts valued above £50,000 shall be reported to the next formal meeting of the appropriate Executive Cabinet Member and the decision recorded.

Exemptions may not be sought where the estimated value of the proposed contract will exceed the relevant Procurement Threshold.

6. POWERS OF CHIEF OFFICERS - Opening and acceptance of Tenders

- 6.1 Save where a tender has not been advertised on the Chest and Contracts Finder and opened in accordance with CSO14, Chief Officers shall have the power to open tenders and quotations (requested in accordance with these CSOs) where the estimated aggregated value/amount of the proposed contract (including any extension) does not exceed £50,000 and,
- (1) in respect of items of revenue expenditure where budget provision has been made in the current financial year; and
 - (2) in respect of items of capital expenditure where particulars are shown in the approved capital programme for the current financial year provided the CFO confirms the capital expenditure and provided that in the exercise of this power the Chief Officer complies with all relevant CSOs.
- 6.2 The process to be followed when opening tenders is set out below.

7. POWERS OF EXECUTIVE CABINET MEMBERS - Opening and acceptance of tenders

Save where a tender has been advertised on the Chest and opened in accordance with CSO 13, Executive Cabinet Members, in the presence of an officer of Legal Services, and the officer leading the tender, have the power to open tenders and quotations and to accept tenders and quotations for the provision of supplies and/or services, or the execution of any works over a value of £500,000. Contracts of this value should be under seal and copies held by Legal Services.

8. CAPITAL EXPENDITURE

8.1 Before incurring capital expenditure the relevant Chief Officer must ensure that:-

- (1) Save where there is delegated authority under the Scheme of Delegation, the appropriate Executive Cabinet Member has approved the capital expenditure.
- (2) An estimate of the capital expenditure has been prepared, including any revenue implications.
- (3) The approved funding is identified in the Capital Programme. If the proposed capital expenditure is more than the Capital Programme provision, or there is a fundamental change in the proposed financing of the capital expenditure, the approval of the relevant Executive Cabinet Member, and the CFO, must be obtained by the relevant Chief Officer, prior to awarding the contract.

9. DISPOSAL OF LAND

9.1 CPS shall take the following steps:-

- (i) produce a qualified valuer's certificate as to the best consideration, or
- (ii) where it is not proposed to obtain the best consideration ensure that:
 - the General Disposal Consent 2003 relating to Part II of the Local Government Act 2003 applies or
 - the Secretary of State's specific disposal consent has been obtained.
- (iii) where a disposal for less than best consideration is proposed, there is a report to the Executive Cabinet Member for decision.
- (iv) without prejudice to the Council's duties as Local Planning Authority, obtain the most valuable planning permission that can be obtained, prior to disposal.
- (v) where there have been negotiations with several prospective purchasers of the land, properly document discussions and meetings and provide all parties with the same information.
- (vi) where land is to be sold by auction, an appropriate reserve price is attached to it.
- (vii) where a sale is by private treaty make a record of all negotiations.

Method of Disposal

9.2 CPS shall identify the most appropriate method of disposal. Sealed bids may still be used.

Procedure for Sealed Bids

9.3 The disposal of the land shall be advertised in one or more local newspapers. Where the estimated value of the land exceeds £100,000 the land shall also be advertised in the

property pages of appropriate newspapers or journals.

- 9.4 The advertisement shall give at least 14 days' notice and shall state the nature of the contract, where further details may be obtained, invite offers and state the last date and time when sealed bids may be received.
- 9.5 Details of the disposal and the conditions of sale shall be made available to all bidders, on application to CPS. The conditions of sale shall include the criteria approved by the Executive Cabinet Member for evaluating sealed bids.
- 9.6 Sealed Bids shall be opened at one time and in the presence of the appropriate Executive Cabinet Member (over £500,000), or in the presence of the Chief Officer and representative of the CFO where the value is below £500,000. There may be exceptional circumstances when the highest bid is not acceptable, e.g. bids are below an undisclosed reserve figure, or the highest bidder cannot perform a key covenant.

Acceptance of Sealed Bids

- 9.7 A sealed bid for the disposal of land may be accepted by CPS if it accords with the conditions of sale. If it does not accord with the conditions of sale CPS shall consult with the Executive Cabinet Member before accepting the bid.
- 9.8 Reports on the sealed bids accepted shall be submitted to the Executive Cabinet Member at regular intervals either specifically or as part of an operational review report.

10. FRAMEWORK AGREEMENTS

- 10.1 Save where stated to the contrary in these CSOs, Framework Agreements must be let in accordance with CSO4.
- 10.2 The Corporate Procurement team must be informed of an intention to let a Framework Agreement or to purchase supplies, works and services under a framework arrangement.
- 10.3 Unless otherwise agreed by the Borough Solicitor, the term of a Framework Agreement must not exceed four years.
- 10.4 A Framework Agreement shall contain the terms under which Contractors will provide services, supplies or works, if and when clients order these subsequently.
- 10.5 The Crown Commercial Service provides centralised commercial and procurement services for Government and the public sector. For more information on the products and services available via the Crown Commercial Service please contact the Corporate Procurement team.
- 10.6 Where the Council concludes a Framework Agreement the Council must comply with the terms and conditions of the Framework Agreement when calling off contracts under the agreement.

11 TENDER DOCUMENTS

- 11.1 Where the anticipated aggregate value/amount of the proposed contract exceeds £50,000 (and a suitable Framework Agreement is not in place) the business opportunity must be tendered in accordance with these CSOs and, where appropriate the Public Contracts Regulations 2015.
- 11.2 The steps to be followed are detailed in CSO 2.4 above.
- 11.3 The tender documentation to be issued includes the following:

- Introduction (including Bolton’s priorities)
- Brief description of the contract, including the contract term
- Bidder Questionnaire covering the following:
 - Bidder details
 - Financial Information
 - Technical Capacity
 - Health and Safety
 - Equality
 - Environmental Issues
 - Business Continuity
- The price schedule on which bids will be submitted
- A specification for the required works, supplies or services
- Details of the evaluation process to be carried out, including the criteria, sub-criteria and weightings to be applied
- Details of the closing date and time of the tender
- Either the Council’s standard terms and conditions of contract , which are available from Corporate Procurement or the Council’s bespoke form of contract which is available from Legal Services Contact details for the lead officer taking responsibility for queries
- Form of tender

11.4 The Council’s standard terms and conditions of Contract shall be used (available from Legal Services) unless overridden by other relevant forms approved by professional bodies or bespoke terms and conditions are required.

11.5 Corporate Procurement will advertise the tender in accordance with these CSOs and the Procurement Legislation.

11.6 All tender documentation will be supplied electronically to bidders.

12. SUBMISSION AND RECEIPT OF TENDERS

12.1 All tenders must be submitted in electronic format via The Chest and in accordance with the tender documentation.

12.2 All tenders are to be treated as an “offer” to deliver works supplies or services to the Council.

13 OPENING QUOTES AND TENDERS

13.1 All submissions made by the advertised closing date and time in response to an invitation to quote or an invitation to tender which was advertised via the Chest will be opened at the same time by the nominated officer (as nominated by the CFO).

- 13.2 All submissions made by the advertised closing date and time in response to an invitation to quote which was not advertised via the Chest will be opened by the nominated officer as nominated by the CFO.
- 13.3 All documentation submitted by unsuccessful bidders shall be retained by the Council for a period of 3 years from the relevant closing date.
- 13.4 All documentation submitted by successful bidders shall be retained by the Council in accordance with the Council's Corporate Records Management Policy and the relevant limitation period under the Limitation Act 1980 (as advised by Borough Solicitor).

14 EVALUATING QUOTES AND TENDERS

- 14.1 All quotations opened in compliance with these CSOs shall be evaluated on price, fixed price and quality only or on a price / quality ratio in accordance with the award criteria, sub-criteria and weightings detailed in the invitation to quote or invitation to tender documentation.
- 14.2 All tenders opened in compliance with these CSOs shall be evaluated on fixed price and quality only or on a price/ quality ratio in accordance with the award criteria, sub-criteria and weightings detailed in the invitation to quote or invitation to tender documentation.
- 14.3 On completion of the evaluation, the results of the evaluation shall be reported to the relevant Executive Cabinet Member unless authority to appoint the highest scoring bidder has been delegated to an officer of the Council.
- 14.4 All successful and unsuccessful bidders shall be informed of the result of the tender/quotation exercise in writing and in compliance with these CSOs and, where appropriate, the Public Contracts Regulations 2015.

15 ERRORS IN TENDERS

- 15.1 Where a tender has an error or discrepancy which may affect the tender figures, the tenderer shall be given details of the error or discrepancy and be offered an opportunity to confirm or withdraw the offer. If the tenderer withdraws, the remaining tenders shall be considered for acceptance in the normal manner.
- 15.2 If the procedure mentioned in the previous paragraph is exercised, details shall be recorded within the decision notice accepting the tender.

16. AWARD OF CONTRACT

- 16.1 Once the winning quotation or tender has been selected, the relevant authority to award the contract should be sought and details of the contract should be sent to the Corporate Procurement Team to be published on the Council's Contracts Register via The Chest. The successful bidder/tenderer should be notified in writing.
- 16.2 If the successful tenderer chooses to withdraw before the contract is completed, they should be requested to confirm this in writing, and the next best tender may be selected. This requires the approval of the Executive Cabinet Member where the contract is above the value for which Chief Officers are authorised to accept tenders.
- 16.3 For Contracts governed by Procurement Legislation, there must be a standstill period of 10 working days between choosing the winning tender and awarding the contract.
- When the winning tender is selected, the successful tenderer must be informed that the award of the contract is conditional on there not being a successful challenge to it during the standstill period.

- The losing parties must also be notified in writing of the proposed award, and given any scores achieved in the tendering exercise. The losing parties are also entitled to a fuller debrief, if they wish.
- The standstill period must be at least ten working days, and may have to be extended if the losing parties request further information.

16.4 Officers should provide feedback to unsuccessful bidders if requested to do so.

17. THE FORM AND CONTENT OF CONTRACTS

17.1 Every contract with a value of £15,000 and over shall be in writing.

17.2 Subject to CSO 17.3 below, contracts with a value of £500,000 and over shall be in writing and expressly entered into as a Deed, and

(a) executed under the common seal of the Council.

(b) recorded in a register kept open for inspection by all members of the Council.

17.3 Contracts entered into with NHS bodies may be entered into as simple contracts under the hand of a Chief Officer where authorised by The Borough Solicitor.

17.4 Contracts which have standard conditions and where the value does not exceed £50,000 may be signed by officers so nominated by the appropriate Chief Officer.

17.5 Every contract in writing shall be entered into using the Council's standard forms of Contract which are available from Corporate Procurement Team (unless other relevant bespoke forms of contract have been agreed with Legal Services).

17.6 The Council will not require or take security for the due performance of any contract for the execution of works unless the responsible Officer, having regard to all the circumstances, considers it necessary and the Executive Cabinet Member has been informed.

17.7 The Council will enter into a collateral warranty, if the relevant Chief Officer, having regard to all the circumstances, considers it necessary and the approval of the appropriate Executive Cabinet Member has been sought.

17.8 Any contract entered into by the Council may be executed using an electronic Council seal and / or by way of electronic signature of an authorised Officer and these methods of execution / signature shall be conclusive of the Council's intention to be bound by the contract as if manually sealed and / or signed by an authorised Officer by way of manuscript signature.

18 VARIATION IN CONTRACTS

18.1 Contract variations shall only be made where permitted under the terms of the relevant contract and in relation to minor amendments.

18.2 The Council shall not agree a contract variation if it:

18.2.1 introduces conditions which, had they been part of the initial contract award procedure, would have allowed for the admission of contractors other than those initially admitted, or would have allowed for the acceptance of a quote or tender other than the one initially accepted; or

- 18.2.2 extends the scope of the contract considerably to encompass works, supplies or services not initially covered; or
- 18.2.3 changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the terms of the initial contract.
- 18.3 Some variations to contracts above the Procurement Legislation Threshold should be advertised on The Chest in compliance with Procurement Legislation. Legal advice should be sought.
- 18.4 Variations to contracts which result in material financial implications for the Council will require approval in accordance with authorised delegations.

19. EXTENSION OF CONTRACTS

Contracts may be extended beyond the contract term, providing that provision for such extension was included in the original tender documents, the contract and in the report detailing the recommendations for accepting the tender

20. MONITORING OF CONTRACTS

- 20.1 The lead officer will be the contract manager for all new contracts. All contracts must have a Council contract manager for the entirety of the contract. All Contracts shall be monitored throughout the period of the Contract, and the performance of suppliers/contractors should be reviewed regularly (the period to be determined based on the judgement of the officer responsible for the administration of the contract).
- 20.2 Contracts should be monitored against agreed price, performance criteria, which should include, sustainability, equality and diversity, and whole life costs.

21. PARTNERING ARRANGEMENTS

- 21.1 It may be appropriate to manage specific Contracts on a partnering basis. Approval should be obtained from the CFO and Borough Solicitor to ensure that the proposed form of partnering is appropriate, and that the partnering arrangements are robust.
- 21.2 Partnering may be suitable where
- it is difficult to specify requirements
 - cost is not the primary consideration
 - innovation is required, the future of the service is uncertain, or new methods of service delivery need to be developed
- 21.3 Unless otherwise agreed with the Borough Solicitor, partnering arrangements shall be tendered in accordance with these CSOs.
- 21.4 No partnering arrangements shall be finalised until approved by the relevant Executive Cabinet Member at a formal meeting.
- 21.5 Where a partnering approach is followed, an appropriate form of contract should be entered into. Standard forms of partnering contract should be used where possible.

- 21.6 In partnered projects, it is important to understand the cost structure, including the agreed level of contractors' profit and overheads. Target prices should be agreed, along with mechanisms for sharing savings and additional costs. Suppliers and sub-contractors should be managed to minimise costs to the Council. Arrangements for agreeing charges should be supported by open book accounting.

I. Employment Procedure Rules

1. The Council shall undertake, or shall delegate to a panel of members where appropriate ('the Panel') responsibility for the appointment or dismissal of, or the taking of any disciplinary action against: -
 - (a) the Chief Executive (Head of Paid Service);
 - (b) the Monitoring Officer or the Chief Finance Officer ("Statutory Officers")
 - (b) any non-statutory or deputy chief officer as defined in the Local Government and Housing Act 1989 (i.e. any director, deputy or assistant director, or any other member of staff who reports directly to the Chief Executive or a director); or
 - (c) any political assistant appointed under Section 9 of the Act;

provided that:-

 - (a) the appointment or dismissal of the Chief Executive (Head of Paid Service) be undertaken only by, or subject to the approval of, the Council;
 - (b) the dismissal of the Statutory Officers be undertaken only by, or subject to the approval of, the full Council; and
 - (b) no disciplinary action shall be taken in respect of the Chief Executive, or the Monitoring Officer or the Chief Finance Officer other than in accordance with the provisions under the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.
2. The Chief Executive or his/her nominee shall undertake, on behalf of the Council, the appointment or dismissal of, or the taking of any disciplinary action against, any member of staff of the Council other than those defined in paragraph 1(a), (b) or (c) above.
3. For the purposes of these rules 'member of staff' shall include any person appointed to or holding paid office or employment under the Council.
4. Where, in accordance with paragraph 1 above, the appointment or dismissal of any member of staff has been delegated to the Panel, membership of the Panel shall include at least one member of, but not be composed entirely of nor shall there be a majority of members of, the Cabinet.
5. In respect of the posts defined in paragraph 1(a), (b) and (c) above, no offer of appointment shall be made nor any notice of dismissal be given, until every member of the Cabinet has been notified of the name of the proposed appointee (or the person whose dismissal is proposed), any other relevant particulars and the period within which the Leader may, on behalf of the Cabinet, object to the proposed appointment or dismissal and either no objection is made within that period or the Panel (or other person(s) authorised by the Council to make the appointment or undertake the dismissal) are satisfied that any objection so made is neither material nor well founded.
6. These rules shall be construed and applied subject to and in accordance with any relevant statutory provision, regulation or other requirement of law, and such procedures with respect to employment (including recruitment and selection, disciplinary procedures, code of conduct for employees, public interest disclosure, and other relevant matters) as shall from time to time be approved by or on behalf of the Council.

J. Bolton Borough Council Petition Scheme

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

Members of the public can submit petitions on the following issues: -

- relating to the Borough Council's responsibilities
- which affect the Borough or communities in Bolton if the Council is in a position to exercise some degree of influence
- Anything relating to an improvement in the economic, social, or environmental wellbeing of the Borough to which any of the Council's partners could contribute.

The Council will respond to all petitions it receives. It will be as flexible as it can when handling your petitions, that it is considered quickly, and in the most appropriate way. Essentially, there are 2 types of petition:-

- **Ordinary petitions**
These must be signed by at least 100 people.
- **Petitions requiring debate**
Petitions which contain 2,500 signatures or more will normally be debated by the full Council.

How do I submit petitions?

Petitions can be either paper or electronic. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 2 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

We will treat as a petition for the purposes of this scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons. Paper petitions can be sent or e-mailed to Democratic Services, Bolton Council, Chief Executive's Department, Town Hall, Bolton, BL1 1RU or you can submit an [e-petition on-line](#).

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition. It should state:

- What action the petitioners wish the Council to take.
- The name, address and signatures of any person supporting the petition (the address can be an address where a signatory lives, works or studies). The Council will validate 10% of all signatures received by comparing signatures/addresses/e-mail addresses against records held by the Council.
- Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organisers.

Paper petitions must include a signature and a signatory's name and address. This can be an address where the signatory lives, works or studies.

Before submitting a petition, you should first check with your local councillor or with the Council, to see if the Council is already acting on your concerns and the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for another public body.

Who can submit a petition?

Anyone who lives, works or studies in Bolton including under 18s, can sign or organise a petition.

What will the Council do when it receives my petition?

We will acknowledge the petition within 2 working days of receiving it, and let the petition organiser know what we plan to do with the petition, and when they can expect to hear from us again.

If the petition needs more investigation, we will tell you the steps we plan to take. In the vast majority of cases your petition will be submitted to one of the Council's formal Member meetings where elected councillors will decide how to respond to the petition.

Full Council Debates

If a petition contains more than 2,500 signatures it will normally be debated by the full Council if deemed appropriate. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser (or a nominee) will be given up to a maximum of 5 minutes to present the petition at the meeting, and the petition will then be discussed by Councillors. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, refer the issue to the Cabinet or commission further investigation into the matter, for example, by a relevant Committee. Where the issue is one on which the Cabinet is required to make a final decision, the full Council should decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.

Petitions asking for a debate at Council will normally be considered at the next meeting of the full Council, but must be received at least 10 working days before the date of the meeting.

Are there any petitions which the Council cannot accept?

We believe that most petitions we receive will be accepted, but in certain circumstances may not be accepted, including:

- If the petition applies to a planning application, is a statutory petition or on a matter where there is already an existing right of appeal or a separate complaints process.
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reason for this in our acknowledgement of the petition.
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same, as one submitted within the previous 12 months.

If we decide that a petition is not acceptable, then we will let the petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners, then the petition will be forwarded to that partner for them to deal with, unless the petition is to an improvement in the economic,

social, or environmental wellbeing of the Borough. In those cases, the petitions will be considered under the Council's scheme.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following: -

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Carrying out consultation
- Holding a meeting with the petitioners
- Referring the petition for consideration by one of the Council's Scrutiny Committees
- Writing to the petition organiser setting out our views about the request in the petition.

Scrutiny Committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the Scrutiny Committee has the power to hold the Council decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted.

E-petitions

THE Council welcomes e-petitions. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures.

Is there anything else I can do to have my say?

As a Council we try to identify and solve problems at an early state. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways that you can have your say including: -

- Contacting your local councillors
- Attending Area Forums and asking questions
- Making a complaint using the Council's Complaint System