

PART 3
RULES OF PROCEDURE

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PART 3A: COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

Timing and Business

- 1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.
- 1.2 The Annual Meeting will:-
- (a) elect a person to preside if the Lord Mayor and the Deputy Lord Mayor are not present;
 - (b) receive any apologies for absence;
 - (c) receive any correspondence and announcements of the Lord Mayor;
 - (d) elect the Chair of the Council (being Lord Mayor of the City);
 - (e) give a vote of thanks to the Retiring Lord Mayor;
 - (f) elect the Vice-Chair of the Council (being Deputy Lord Mayor of the City);
 - (g) elect the Leader of the Council in any year in which the current Leader's term of office expires. If the Council does not elect the Leader at the Annual Meeting, the election of the Leader shall be an item on the agenda at every ordinary meeting of the Council after the Annual Meeting until the Leader is elected. The existing Leader appoints a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected; where this is not possible, the Deputy Leader shall become Leader and appoint a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected;
 - (h) receive the report of the Leader of the Council on the appointment of the Deputy Leader, the composition of the Cabinet and the appointment of Deputy Cabinet Members and the allocation of Executive Functions within the Cabinet;
 - (i) agree the minutes of the last meeting and their signature;
 - (j) receive the return of persons elected as Councillors (when applicable);
 - (k) receive any declarations of interest from Councillors;
 - (l) establish the Licensing and Regulatory Committee, Planning Committee, Health and Wellbeing Board, Scrutiny Co-ordination Committee, Scrutiny

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Boards, Audit and Procurement Committee, an Ethics Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 2, of this Constitution. This may also include the appointment of the Chair and Deputy Chair of those bodies;

- (m) decide the size and terms of reference for those Scrutiny Boards and Committees;
- (n) decide the allocation of seats to political groups in accordance with the political balance rules;
- (o) receive nominations and appoint Councillors to serve on each Scrutiny Board, and Committee;
- (p) receive nominations and appoint to outside bodies;
- (q) approve a programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards, Committees and Advisory Panels for the year including the date and time of the next Annual Meeting; and
- (r) consider any business set out in the notice convening the meeting.

1.3 If it becomes clear either before the Annual Meeting or on the day itself that there are areas of contention, then the fall-back position will be to adjourn the Annual Meeting following the appointment of the Lord Mayor/Deputy Lord Mayor and reconvene to a future date provided that it complies with the timescale referred to in Rule 1.1.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:-

- (a) elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present;
- (b) receive any apologies for absence;
- (c) agree the minutes of the last meeting and their signature;
- (d) receive any return of persons elected as Councillors;
- (e) present the Citizen of the Month Award;
- (f) receive any correspondence and announcements of the Lord Mayor;
- (g) receive any petitions in accordance with the Petitions Procedure Rules;

- (h) receive any declarations of interest by Councillors;
- (i) determine any matters left for determination by the City Council;
- (j) consider recommendations for the City Council;
- (k) receive questions and provide answers to Councillors (except at the Council Tax/Budget setting meeting);
- (l) receive any statement by the Leader of the Council or his or her nominated speaker on any changes to the composition of the Cabinet or allocation of executive functions within the Cabinet or to employees or on any matter of significant importance to the City;
- (m) consider motions; and
- (n) approve extensions to the programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees.

3. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

- 3.1 Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:-
- (a) the Council by resolution;
 - (b) the Lord Mayor;
 - (c) the City Solicitor or
 - (d) any five Councillors if they have signed a requisition presented to the Lord Mayor and if the Lord Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 3.2 Any requisition under Rule 3.1(d) will be addressed to the Lord Mayor by being left for the Lord Mayor at a location* designated by the City Solicitor. The requisition will indicate the business to be transacted at the meeting.
- *NB: The location currently designated is Room 79 in the Council House.
- 3.3 The date, time and location of any extraordinary meeting will be fixed by the City Solicitor after consultation with the Lord Mayor and the Leader of the Council.

Honorary Aldermen and/or Honorary Alderwomen

- 3.4 The Council has approved a protocol for the enrolment of Honorary Aldermen

and/or Honorary Alderwomen. That protocol is attached at Annex 2 to this part.

4. TIME PLACE AND DURATION OF MEETINGS

- 4.1 The time and place of meetings will be determined by the City Solicitor and notified in the summons.
- 4.2 Any ordinary meeting of the Council may be cancelled, rearranged or relocated by the City Solicitor following consultation with the Lord Mayor and the Leader of the Council.

Where there is no formal Council Business to consider and approve (i.e. recommendations or items for consideration) the Council Meetings identified as "If Necessary" in the Municipal Calendar may be cancelled, but only following consultation with the Lord Mayor and the Leader of the Council.

- 4.3 There will be no restriction on the duration of meetings except that if any Council meeting continues for a period of more than 3 hours, there will be a break in proceedings as soon as 3 hours has elapsed since the start of the meeting unless the Council votes unanimously to continue without a break or the Lord Mayor or other person chairing the meeting determines that the remainder of the business of the meeting can be concluded within a reasonable time so as to render any break unnecessary. The break will be for a maximum of 30 minutes. This provision is intended to safeguard the health and wellbeing of Councillors and employees present at any meeting.

5. NOTICE OF AND SUMMONS TO MEETINGS

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

6. CHAIR OF MEETING

- 6.1 The Lord Mayor or, if absent the Deputy Lord Mayor will chair meetings of the City Council. In the absence of both the Lord Mayor and the Deputy Lord Mayor, the City Council will elect another Councillor, other than a Member of the Cabinet, to chair the meeting.
- 6.2 If it is necessary to select a Councillor to chair the meeting in the absence of the Lord Mayor and the Deputy Lord Mayor, the Chief Executive (or, in his or her absence, the City Solicitor) will call for a Councillor to move that another Councillor should be nominated to chair the meeting.

- 6.3 If discussion arises on that motion, the Chief Executive (if absent the City Solicitor) will exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.
- 6.4 The Lord Mayor will be addressed "Lord Mayor". The Deputy Lord Mayor when chairing the meeting will be addressed as "Deputy Lord Mayor" and any other Councillor elected to chair a meeting will be addressed as "Chair".
- 6.5 The Deputy Lord Mayor or other Councillor chairing the meeting will be entitled to exercise any power of the Lord Mayor in relation to the conduct of that meeting.

7. QUORUM

- 7.1 Subject to Rule 7.5, no business will be dealt with unless there is a quorum of 14 Councillors.
- 7.2 If, at the expiration of 15 minutes after the time at which any meeting is appointed to be held, there is no quorum present, the meeting will not take place.
- 7.3 If during any meeting, the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting will stand adjourned for fifteen minutes.
- 7.4 If, after 15 minutes, there is no quorum present, the meeting will end. The consideration of any business not transacted will be adjourned to a date, time and location fixed by the Lord Mayor at that time or, if she/he does not fix a date, time and location at that time, to the next ordinary meeting.
- 7.5 If Councillors are required to leave the meeting due to their declaration of an interest their leaving the meeting will affect the quorum so long as they are absent.

8. QUESTIONS BY COUNCILLORS

- 8.1 At ordinary meetings of the Council, except the Council Tax and/or Budget setting meeting, there will be a Question Time. The procedure for dealing with Written Questions at Council Meetings is set out at paragraph 8.2.
- 8.2 A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor. Such questions must be delivered to the City Solicitor at a designated location* not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The deadline for receiving written questions is 9.00 am on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor or

Director.

*NB: the location currently designated is Room 79 in the Council House.

- 8.3 The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with them by 5.00 pm on the Friday before Council.
- 8.4 The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Governance Services Officer. The Governance Services Officer will then send the responses to all Councillors by 5.00 pm on the Monday. Copies of all the responses will be circulated at the Council meeting.
- 8.5 While an answer will normally be written and circulated to Councillors at the meeting, it may also be given orally by the Cabinet Member, Deputy Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.
- 8.6 A Councillor may ask a Chair of a Scrutiny Board, the Scrutiny Co-ordination Committee or the Chair of any other Body any oral question relating to the work of that Board, Committee or Body. The Lord Mayor will call on Councillors in the order in which they catch his or her eye. The Chair will reply orally at the meeting or a written answer will be circulated to Councillors after the meeting within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral question which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to the question(s) already asked.
- 8.7 A Councillor may ask the nominated spokespersons of the West Midlands Fire and Rescue Authority or the West Midlands Integrated Transport Authority a written question about any matter which relates to the work of that Authority. The question must be delivered to the City Solicitor at a designated location* not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the nominated spokesperson or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

8.8 A Councillor may ask another Councillor or an Employee, who is a director of an authorised company as defined by Section 71(1) of the Local Government and Housing Act 1989, a written question about any matter which relates to the activities of that company. The question must be delivered to the City Solicitor at a designated location* not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally or a combination of both. Nothing will require the other Councillor or the Employee to disclose any information about the company which has been communicated to them in confidence. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

8.9 A Councillor may ask a Council representative on an outside body an oral question at the meeting without prior notice being given on any matter pertaining to that outside body. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be given orally by the representative on the outside body at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

8.10 A Councillor may ask a Cabinet Member or a Deputy Cabinet Member, an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's or the Deputy Cabinet Member's portfolio. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be given orally by the Cabinet Member or the Deputy Cabinet Member at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.

8.11 All questions referred to in Rules 8.2, 8.7 and 8.8 will be considered in the order received by the City Solicitor. The Lord Mayor may change the order of questions at the meeting if it is expedient to do so. Copies of all questions will be circulated to all Councillors and made available to the public attending the meeting.

8.12 No paperwork may be circulated at the meeting in respect of oral questions.

8.13 All supplementary questions should relate to the original question asked from the responses provided.

9. MOTIONS ON NOTICE

- 9.1 Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the City Solicitor at a designated location* or sent electronically to Governance Services, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. Any hard copy motions received will be date stamped and scanned by Governance Services. The City Solicitor will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion per Political Group**. Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group motion with the agreement of that Group Leader.

No motions on Notice will be allowed at the February Council Tax/Budget setting meeting.

Motions on Notice must be about matters for which the authority has a responsibility or which affect the City, but may not seek to pre-empt a decision on a planning or licensing matter nor seek to discharge an Executive function.

*NB: the location currently designated is Room 79 in the Council House

** “Political Group” to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

- 9.2 The City Solicitor will set out in the summons for every meeting of the City Council, all motions of which notice has been duly given under the heading "Debates", in the order in which they have been received unless the Councillor giving such notice intimated in writing, when giving it, of their intention to move it at some later meeting, or has since withdrawn it in writing.
- 9.3 If a motion set out in the summons is not moved and seconded either by the Councillor who gave notice thereof, or by some other Councillors on their behalf it will, unless postponed by consent of the City Council, be treated as withdrawn and will not be moved without fresh notice.
- 9.4 The mover of a motion or amendment will speak for no more than 5 minutes. All other speeches on the motion will each be for no more than 3 minutes.
- 9.5 An amendment to a notice of motion will not be discussed unless it has been moved and seconded. It will be put in writing and handed to the City Solicitor before it is put to the meeting.
- 9.6 When a motion is made in pursuance of a notice of motion, and the subject is referred by the City Council to a Body, the City Solicitor will send notice of the

meeting at which the subject will be considered to the proposer and seconder of the motion, unless they are themselves members of that Body. The proposer and seconder will not be entitled to vote unless either of them is a member of the Body.

- 9.7 If a motion is made in pursuance of a notice of motion which would increase expenditure of the City Council, or reduce income to the City Council, then the motion will be regarded as tentative only and will be referred by the City Council to the appropriate Body for them to consider and make their views known to the City Council before formal approval is given.
- 9.8 The tentative decision will be included in the summons for the next appropriate meeting of the City Council where the City Council may confirm, amend or rescind it, having regard to the views of the appropriate Body.

10. MOTIONS WITHOUT NOTICE

- 10.1 The following motions may be moved without notice:
- (a) to elect a Councillor to chair the meeting;
 - (b) to agree the minutes of the previous meeting;
 - (c) to re-order the business on the agenda;
 - (d) to refer an item to the agenda of the next ordinary meeting, or to the Cabinet, Cabinet Member, Scrutiny or a City Council Committee;
 - (e) to combine debates on items on the agenda;
 - (f) to withdraw an item from the agenda;
 - (g) to suspend particular Council Procedure Rules;
 - (h) not to hear, on the motion of the Lord Mayor, a Councillor further or to require a Councillor to leave a meeting;
 - (i) to record the Council's appreciation or condolence;
 - (j) to receive a petition;
 - (k) to refer a matter raised by a petition or question to the Cabinet, Cabinet Member, Scrutiny, City Council Committee or to an external body;
 - (l) to obtain the agreement of the meeting in any case where a particular Council Procedure Rule requires it;
 - (m) to appoint Councillors or other persons to an external body;
 - (n) to proceed to the next business;

- (o) that the questions now be put;
- (p) to adjourn a debate; (see also Rules 15.9 to 15.11)
- (q) to adjourn a meeting;
- (r) to exclude the press and public in accordance with the Access to Information Rules

11. PETITIONS

Petitions will be presented as provided for in the Petitions Procedure Rules.

12. STATEMENT BY THE LEADER OF THE COUNCIL OR A NOMINATED SPEAKER

- 12.1 The Leader of the Council, or a Councillor nominated by the Leader, will be entitled to make a statement on an issue or matter of significant importance to the City. The statement will last no more than 10 minutes.
- 12.2 Where there is to be a Statement by the Leader, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 12.3 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.
- 12.4 The Leader of the Council or the nominated Councillor will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

13. STATEMENT BY CABINET MEMBERS OR DEPUTY CABINET MEMBERS

- 13.1 A Cabinet Member or Deputy Cabinet Member will be entitled to make a statement on an issue or matter within their portfolio and which is of significant importance to the City. The statement will last no more than 10 minutes.
- 13.2 Where there is to be a Statement by a Cabinet Member or Deputy Cabinet Member, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 13.3 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.
- 13.4 The Cabinet Member or Deputy Cabinet Member will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

14. RECOMMENDATIONS SUBMITTED TO THE CITY COUNCIL

- 14.1 Recommendations submitted to the City Council will be reproduced and a copy will be issued to each Councillor prior to or with the summons for the meeting of the City Council at which they are to be submitted. In case of urgency, such recommendations may be issued during the interval between the summons and the meeting, provided that due notice of the business is included in the summons.
- 14.2 Recommendations submitted to the City Council will include all matters which are listed in Part 2 as being functions of the Council.
- 14.3 In case of doubt whether a delegated matter ought, under this Standing Order, to be dealt with in any particular manner, the City Solicitor will have the power to decide the point and his or her decision will be final.
- 14.4 The City Solicitor will reproduce the recommendations submitted to the City Council for consideration in such order as will appear to the City Solicitor to be the most convenient for consideration by the City Council.
- 14.5 Upon the consideration of the recommendations before Council for consideration, the motion for the confirmation of the recommendations will be submitted by the Cabinet Member, Chair, Deputy Chair, or other Councillor having charge thereof. In doing so, the Member may, with the consent of the City Council (signified without discussion), withdraw from consideration a specified item of business or move the confirmation of recommendations with a specified alteration. On the consideration of the motion, it will be competent for any Councillor to call the attention of the City Council to, and fully discuss, any subject matter referred in the recommendations which still remains before the City Council, having regard to any earlier withdrawal or amendment.
- 14.6 The rules of debate in Rules 15.1 to 15.20 will apply to recommendations.

15. RULES OF DEBATE

- 15.1 A diagram detailing the Process for Debates is appended as Annex 1 to this section.
- 15.2 A Motion or amendment will not be discussed unless it has been proposed and seconded, and it will, unless the Lord Mayor dispenses with this requirement, be produced in writing and handed in to the City Solicitor before it is further discussed or put to the meeting. A copy of any amendment(s) will be circulated to all members at the meeting when the amendment(s) has/have been moved and seconded. Every amendment must be the subject of a vote unless the amendment, having been moved and seconded, is withdrawn by the proposer.
- 15.3 A Councillor intending to move an amendment will declare that intention, together with the wording of the amendment and the name of the Councillor then present in the meeting who has agreed to second the amendment, within three minutes of starting to speak in the debate on a Motion. Once the amendment has been moved and seconded the debate is then on the

amendment. The Councillor named to second the amendment will, immediately upon being so named, indicate their agreement to this to the Lord Mayor by show of hand. The mover of the amendment may thereupon continue to speak, provided that, in total, the length of his or her speech will not exceed five minutes.

15.4 If the mover of an amendment does not, for whatever reason, name their seconder as prescribed in Rule 15.3 or, if the named seconder fails to indicate agreement by show of hand, the mover of the amendment will speak for no more than three minutes and will then sit. The Lord Mayor will then call for a seconder of the amendment. If any Councillor present seconds the amendment, the mover of the amendment will have the right to resume their speech for a further period not exceeding two minutes. If no Councillor present seconds the amendment, the mover of the amendment will not speak further upon the amendment.

15.5 The mover of an original motion will have the right of reply at the close of a debate upon the recommendation immediately before either it is put to the vote or before a motion is put that:-

- "the question now be put"
- "the debate be now adjourned", or
- "that the Council so now proceed to the next business"

If an amendment is proposed:-

(1) the mover of the original motion will be entitled to speak on any amendment to the motion immediately before the reply and;

(2) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before it is either put to the vote or before a motion is put that:-

- "the question now be put"
- "the debate be now adjourned" or
- "that the Council so now proceed to the next business"

15.6 A Councillor, when seconding a motion or an amendment, may reserve their right to speak until later in the debate provided that the Member clearly signifies their intention to do so.

15.7 A Councillor may speak once in relation to any motion; and once more in relation to any amendment to that motion; and once more in relation to each and every further amendment in any debate. This is in addition to any right of reply on a point of order or by way of personal explanation. All contributions to any debate must refer directly to the motion or the amendment before the Council.

15.8 A Councillor, who has not participated in the debate then before the City Council, may at the conclusion of a speech of another Councillor, move without comment "that the question be now put". On the seconding of that motion the Lord Mayor (if in his or her opinion the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

15.9 A Councillor may move:-

- (a) "that the Council do now adjourn"
- (b) "that the Council do now proceed to the next business", or
- (c) "that the debate be now adjourned"

The Councillor moving such a motion will give reasons for the motion in a speech not exceeding 2 minutes. The motion must be seconded without speech.

On the seconding of that motion if it is the Lord Mayor's opinion that the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

15.10 A second motion "that the Council do now adjourn", "that the Council do now proceed to the next business" or "that the debate be now adjourned" will not be made within a period of 15 minutes unless it is moved by the Lord Mayor or unless some business or subject of debate is before the City Council when the second motion is moved which was not before the City Council when the first motion was moved.

15.11 On the resumption of an adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.

15.12 A Councillor, when speaking must stand and address the meeting through the Lord Mayor unless the Member has physical difficulties in doing so, in which case they will receive an automatic dispensation to address the meeting while seated. If more than one Councillor addresses the meeting, the Lord Mayor will ask one to speak and the others will sit. Other Councillors must remain seated whilst a Councillor speaks, unless they wish to make a point of order or of personal explanation (see Rules 15.19 and 15.20).

15.13 Except as provided for in Rule 15.14 below, a Councillor moving a motion or amendment may speak for not more than 5 minutes and other speeches will last no more than 3 minutes.

15.14 The time limits referred to Rule 15.13 above will not apply to:-

- (a) Business at Annual Meetings of the City Council; or
- (b) The proposer of a recommendation to the City Council in respect of the level of Council Tax/Council Budget to be levied each year and the Leader (or nominee) of each Political Group (or their nominated speaker) on the Council budget in respect of that recommendation.

15.15 Every amendment must relate to the motion on which it is moved and may:-

- (a) refer a matter back to the Body concerned;
- (b) leave out words;
- (c) add or insert words; or
- (d) leave out words and add or insert words

but such omissions, insertions or additions of words will not have the effect of negating the motion before the City Council.

15.16 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the Substantive Motion and be the motion upon which any further amendment may be moved.

15.17 A further amendment will not be moved until the City Council has disposed of every amendment previously moved. When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in Rule 15.5 will not apply.

15.18 **Council Tax/Budget Debate Process**

- (a) The proposer of the recommendation will move the budget. This speech will not be time limited.
- (b) This will be seconded and the seconder will speak or reserve the right to speak.
- (c) The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.
- (d) The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.

- (e) The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive motion.
- (f) The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the motion. This speech will not be time limited.
- (g) A representative of that Group will second the amendment and speak or reserve the right to speak.
- (h) As (e) above.
- (i) The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they are seen by the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.
- (j) As (e) above.
- (k) Any further amendments will be moved in the order in which the proposer is seen by the Lord Mayor.
- (l) When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.

- Notes:
- 1. In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.
 - 2. Should adjournments be necessary during the course of the meeting, rooms will be made available.
 - 3. If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time-limited.
 - 4. Procedure Rule 18.5 shall apply to any vote taken on any motion, amendment or substantive motion relating to the approval of the budget or setting of council tax.
 - 5. No Motions on Notice will be allowed at the Council Tax/Budget setting meeting.

15.19 Point of Order

- (a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitutional conduct of the meeting.
- (b) The Councillor will make the point immediately she/he notices it and state the Procedural Rule in question, and how it is broken. Immediately after the point of order has been raised, the Councillor will then await the ruling of the Lord Mayor and resume their seat.
- (c) The Lord Mayor will decide the issue raised in the point of order and announce his or her ruling before the debate continues. There will be no discussion on that ruling.

15.20 Point of Personal Explanation

- (a) A Councillor may find that a statement they have made is misquoted by a later speaker, or that another Councillor has misunderstood or misquoted what was said.
- (b) If this happens, the Member may raise a point of personal explanation and, with the permission of the Lord Mayor, interrupt the speaker to correct the misunderstanding.

16. COUNCILLORS' INTERESTS

- 16.1 Councillors' obligations in relation to the declaration of interests are set out in more detail in Part 4 of the Constitution.

17. SIX MONTH RULE

- 17.1 No Councillor may move a motion or amendment to rescind a decision made at a meeting of the full City Council within the previous six months.

- 17.2 No Councillor may move a motion or amendment in similar terms to one which has been rejected at a meeting of the City Council in the previous six months.

Rule 17.2 does not apply to a motion to remove the Leader from the role of Leader.

18. VOTING

- 18.1 The vote on every question will be taken by the voice, except where by law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge his or her decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.

- 18.2 If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 18.1 above.
- 18.3 A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after his or her name is called by the City Solicitor.
- 18.4 Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- 18.5 A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 23.
- 18.6 In the case of an equality of votes, the Lord Mayor will have a casting vote in addition to his or her vote as a Councillor.
- NOTE: As a matter of convention, at full Council meetings only where there is an equality of votes, the Lord Mayor will cast his or her casting vote in favour of the largest political group represented on the Council.*
- 18.7 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. MINUTES

- 19.1 The minutes of every meeting of the City Council will be reproduced and a copy sent before the next subsequent meeting to each Councillor. At such subsequent meeting, the Lord Mayor will call for a motion that the minutes of the previous meeting be signed as a correct record. Once such motion is approved, the minutes will be signed by the Lord Mayor. The only part of the minutes that can be discussed is their accuracy.
- 19.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or paragraph 22.

21. MEMBERS' CONDUCT

- 21.1 When and if the Lord Mayor stands during a debate, any Councillor speaking at the time will sit down. All Councillors must be silent.
- 21.2 If a Member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the Member is not heard further. If seconded, the motion will be voted on without discussion.
- 21.3 If the Member continues to behave improperly after such a motion is carried, the Lord Mayor may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.4 In the event of general disturbance which, in the opinion of the Lord Mayor renders the due and orderly despatch of business of the meeting impossible, the Lord Mayor (in addition to any other power invested in the Lord Mayor) may, without question, adjourn the meeting for such period as she/he in his or her discretion considers expedient.
- 21.5 In accordance with Rule 7.5, if Members are required to leave the meeting under Rule 21.3 their leaving the meeting will not affect the quorum.
- 21.6 Electronic devices may be switched on during the public part of meetings of the City Council.

22. DISTURBANCE BY THE PUBLIC

If a member of the public disrupts the proceedings at any meeting, the Lord Mayor will issue a warning. If the member of the public continues the interruption, the Lord Mayor will order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Lord Mayor will order that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 18.5, 18.6 and 23.1 may be suspended by motion on notice or without notice. Suspension can only be

for the duration of the meeting.

23.2 Amendment

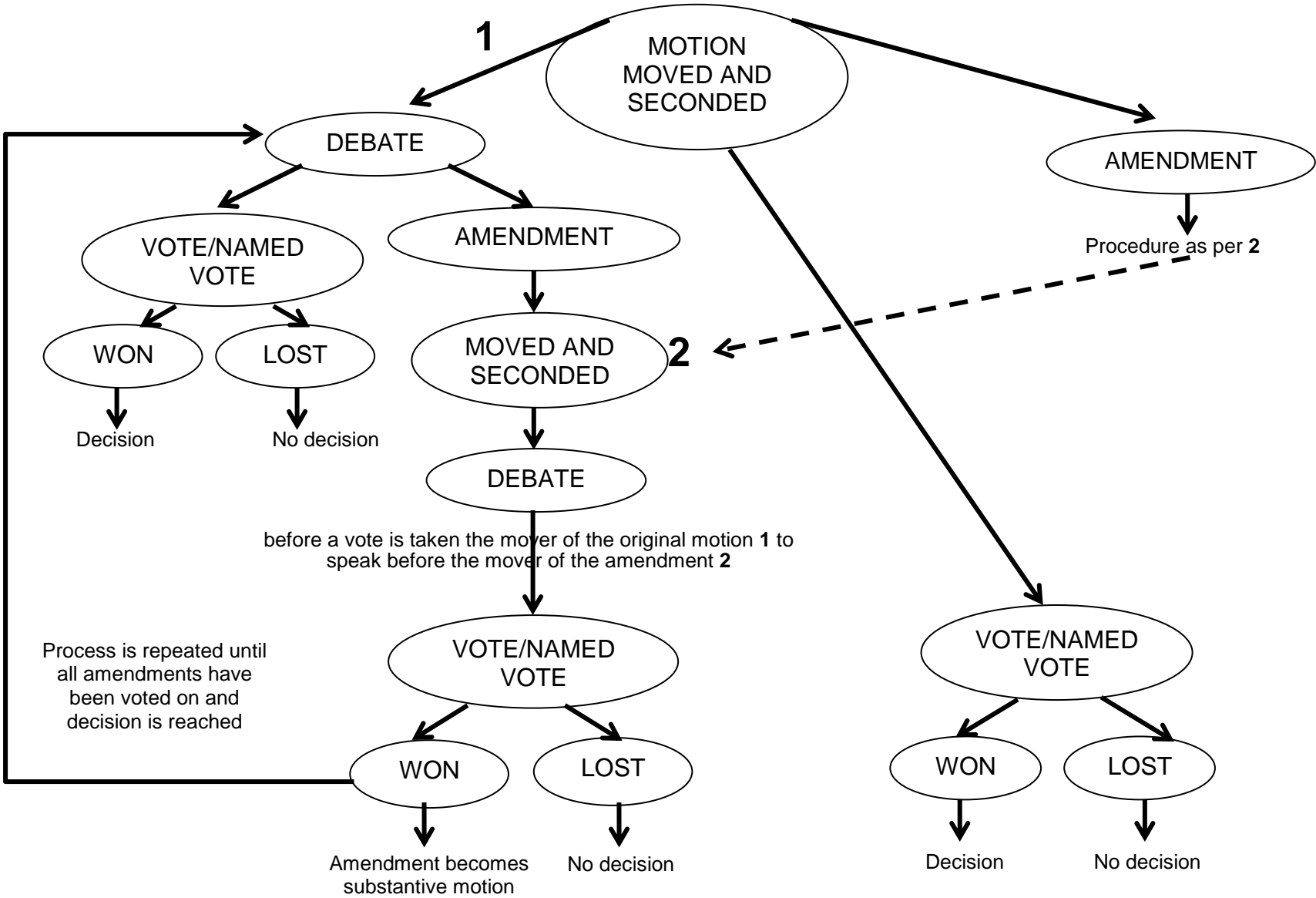
Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. APPLICATION OF COUNCIL PROCEDURE RULES TO OTHER BODIES

These rules where they can be appropriately applied, apply to all formal meetings of bodies of the Council. These rules will not apply where the specific rules of procedure relating to any such body already make provision for the activity to be undertaken and/or procedure to be followed at meetings of that body.

25. COMMON SEAL OF THE COUNCIL

The Common Seal of the Council will be kept in a safe place in the custody of the City Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The Common Seal will be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the City Solicitor or some other person authorised to do so. A record of the attestation will be kept in a book to be provided for that purpose of every deed and other documents which the common seal has been affixed.



PROTOCOL FOR CONFERRING THE TITLE OF HONORARY ALDERMAN OR ALDERWOMAN

1. Procedure

- (a) The title of Honorary Alderman/woman will only be conferred and entered into the Roll of Aldermen/women in accordance with the Council's agreed Protocol.
- (b) Any name put forward must be proposed in writing by a serving Member of the Council and seconded in writing by at least one other serving Member of the Council. Nominations must be submitted to both the Chief Executive and the Lord Mayor.
- (c) Nominations will be considered and the title of Honorary Alderman or Alderwoman will be conferred at a specially convened meeting of the Council. The title will be conferred by a resolution passed by not less than two thirds of members present and voting.
- (d) Nominations may, in addition to this, be considered at a prior ordinary Council meeting, and the nomination approved in principle by a resolution comprising a majority vote. If nominations are considered at an ordinary meeting, it is proposed that the specially convened meeting may be held immediately after this ordinary meeting or at a future meeting, subject to the appropriate notice of the special meeting having been given.

26. Qualifications Required for Enrolment

- (a) The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this protocol, confer the title of "Honorary Alderman" or "Honorary Alderwoman".
- (b) An Honorary Alderman/Alderwoman shall enjoy only those rights or privileges conferred by Section 249 of the Act and this protocol.
- (c) The City Solicitor shall keep a roll to be called "The Roll of Honorary Aldermen/Alderwomen" of those who have had this title conferred on them
- (d) A person shall be deemed eligible to be enrolled as an Honorary Alderman/Alderwoman provided that the person meets the following requirements:
 - is not a serving Member of the Council
 - has served as a Member of the Council for at least 15 years in total (continuously or non-continuously)
 - has given eminent service to the Council during that period.

27. Method of Enrolment

- (a) No person who has the above qualifications shall be enrolled automatically as an Honorary Alderman/Alderwoman but only in accordance with the procedure set out above.
- (b) Formal conferring of the title of Honorary Alderman/Alderwoman shall be by a resolution of the Council passed by not less than two thirds of the Members present and voting thereon at a meeting of the Council specially convened for the purpose with notice of the object.

28. Withdrawal of Title

The Council may withdraw the title of Honorary Alderman/Alderwoman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefore) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council.

29. Privileges

An Honorary Aldermen shall be entitled to the following rights and privileges:

- (a) To enjoy the courtesy title of Honorary Alderman or Alderwoman and to be so addressed.
- (b) To provide a badge or emblem to Honorary Aldermen/Alderwomen, and to wear such badge or emblem on civic occasions.
- (c) To receive a copy of each Council summons and a copy of the Members' Handbook and to be included within the Members' Handbook.
- (d) To receive a framed certificate to commemorate their appointment.
- (e) To enter their name into the "Roll of Honorary Aldermen/Alderwomen".
- (f) To receive invitations to civic and social events to which Members of the Council are invited as determined by the Lord Mayor.
- (g) To walk in civic procession in a position immediately behind serving Members.
- (h) To enjoy such other privileges as the Council may confer upon them from time to time.

PART 3B: ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

- 1.1 These rules apply to all meetings of the Council, Scrutiny Boards, and Committees. They also apply, where indicated, to meetings of the Cabinet or executive decisions made by any Cabinet Member or employee.
- 1.2 In these Rules, where any rule applies to Cabinet, it shall also apply to:
- (a) any committee of Cabinet;
 - (b) a joint committee where all the members of the joint committee are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012;
 - (c) a subcommittee of a joint committee where all the members are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012; and
 - (d) an area committee of the Cabinet within the meaning of Section 9E of the Local Government Act 2000."

30. Additional Rights to Information

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

31. Rights to Attend Meetings

Members of the public may attend all meetings subject only to any exceptions in this Constitution.

32. Notice of Meetings and Adjourned and Reconvened Meetings

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council House, Earl Street, Coventry ("the designated office") and including the details on the Council's website or, where a meeting is convened at shorter notice, at the time that the meeting is convened.

When a meeting is adjourned and reconvened, there must be at least 5 working days' notice of the date of that reconvened meeting.

33. Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the City Solicitor will make each such report available to the public as soon as the report is printed and sent to Councillors. Where a meeting is convened at shorter notice than that set out in Rule 4, copies of the agenda and reports open to the public will be made available for public inspection when the meeting is convened. At each of these stages the relevant documentation will be included on the Council's website.

34. Supply of Copies

6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) If the City Solicitor 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, copying or other necessary charge for transmission. This information will also be made available on the Council's website.

35. Access to Minutes and Other Documents after the Meeting

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

- (a) the minutes of the meetings or records of decisions taken, together with reasons, for all meetings of the Cabinet or executive decisions made by any Cabinet Member or employee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a 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.

36. Background Papers

8.1 *List of Background Papers*

When a copy of the whole or part of a report for a meeting is made available for public inspection in accordance with Rule 5, the proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in 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 does not include published works

8.2 *Public Inspection of Background Papers*

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers except where in the opinion of the proper officer to do so would be likely to disclose confidential or exempt information or the advice of a political adviser or assistant.

37. Summary of the Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council House, Earl Street, Coventry.

As the Constitution is available to the public and located on the Council's website, these Rules constitute that written summary.

38. Exclusion of Access by the Public to Meetings

10.1 *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 to them in breach of the obligation of confidence.

10.2 *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 to them.

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

10.3 *Meaning of Confidential Information*

Confidential information means information provided to the Council by a Government Department on terms (however expressed) which forbid the disclosure of the information to the public or information the disclosure of which to the public is prohibited by or under any enactment or by order of the court.

10.4 *Meaning of Exempt Information*

Exempt information means information falling within the following categories (subject to any condition):

Description of exempt information	Qualification	Notes
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.	Applies to all categories of otherwise exempt information.
1. Information relating to any individual.	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 – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.

Part 3B - Access to Information Procedure Rules

<p>2. Information which is likely to reveal the identity of an individual.</p>	<p>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 – see note on public interest at end of table.</p>	<p>Names, addresses or telephone numbers can identify individuals.</p> <p>Also consider the Council's Data Protection Act responsibilities.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>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 – see note on public interest at end of table.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:-</p> <ul style="list-style-type: none"> (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 2002 (e) the Building Societies Act 1986 (f) the Charities Act 1993 	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc).</p> <p>Financial or business affairs includes contemplated, as well as past or current activities.</p> <p>Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or</p>	<p>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</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in</p>

Part 3B - Access to Information Procedure Rules

<p>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.</p>	<p>information – see note on public interest at end of table.</p>	<p>relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).</p> <p>Employee means a person employed under a contract of service.</p> <p>Labour relations matter means:- (a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or (b) any dispute about a matter falling within paragraph (a) above. (applies to trade disputes relating to office holders as well as employees). Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>
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<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>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 – see note on public interest at end of table.</p>	<p>Privilege lies with the "client" which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.</p>
<p>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</p>	<p>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 – see note on public interest at end of table.</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).</p>
<p>7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>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 – see note on public interest at end of table.</p>	

NOTE:

Public Interest

In each case before information can be exempt the Council must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The changes bring the exemptions and access to information into line with those exemptions available under the Freedom of Information Act 2000.

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There is no legal definition of what the public interest test is but the following identifies some of the relevant considerations.

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.
- Contingency plans in an emergency.
- Damage to the environment.

39. Exclusion of Access by the Public to Reports

If the City Solicitor thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relates to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed. To allow the public access to all public information contained in reports, all private reports must be accompanied by a corresponding public report, unless there are extreme exceptional circumstances.

40. Application of Rules to the Cabinet and Cabinet Members and Employees

- 12.1 Rules 12 to 21.5 apply to the Cabinet and, where indicated, to executive decisions taken by individual Cabinet Members and employees. If the Cabinet meets to take a key decision, then Rules 1 to 11 must also be complied with unless Rule 15 (general exception) or Rule 16 (special urgency) apply.
- 12.2 A key decision is as defined in Part 2A of this Constitution as one which is likely to:-
- (a) result in the City Council incurring expenditure, making savings, or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or

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- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

12.3 By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over per £1 million per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or
- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

Any decision to implement or take forward an earlier key decision will be deemed not to be a key decision.

This requirement does not include meetings held solely to brief Councillors.

41. Procedure before Taking Key Decisions

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

- (a) a document containing information as set out in Rule 14 has been published in connection with the matter in question and made available for inspection by the public both at the Council offices and on the Council's website; and
- (b) at least 28 clear days have elapsed since the publication of the document.

42. Contents of the Key Decision Document

14.1 The document referred to in Rule 13 will contain the following information:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is a Cabinet Member or employee, that person's name and title and where the decision maker is the Cabinet or a Cabinet committee, 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 documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

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- (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.

14.2 Where, in relation to any matter—

- (a) the public may be excluded from the Cabinet meeting at which the matter is to be discussed; or
- (b) documents relating to a decision taken by a Cabinet Member or employee need not be disclosed to the public

the document referred to in Rule 13 will include particulars of the matter but may not contain any confidential information or exempt information, or particulars of the advice of a political adviser or assistant.

43. General Exception for Key Decisions

15.1 Where it is impracticable to include a matter which is likely to be a key decision in the document referred to in Rule 13, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the City Solicitor has informed the Chair of the relevant Scrutiny Board by notice in writing of the matter to which the decision is to be made, or, if there is no such person, each member of the relevant Scrutiny Board
- (b) the City Solicitor has made a copy of that notice available to the public at the offices of the Council and published it on the Council's website; and
- (c) at least 5 clear working days have elapsed following the day on which the the City Solicitor complied with (b) and (c).

15.2 As soon as reasonably practicable after the City Solicitor has complied with Rule 15.1, he or she must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 13 is impracticable.

15.3 Where such a decision is taken by the Cabinet collectively, it must be taken in public.

44. Special Urgency for Key Decisions

- 16.1 If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker has obtained the agreement of the Chair of the relevant Scrutiny Board that the making of the decision is urgent and cannot reasonably be deferred.
- 16.2 Where there is no Chair of the relevant Scrutiny Board or the Chair cannot act, the agreement of the Lord Mayor must be obtained. Where there is no Chair of the Scrutiny Board or Lord Mayor, the agreement of the Deputy Lord Mayor must be obtained.
- 16.3 As soon as reasonably practicable after the decision maker has obtained agreement under this Rule that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

45. Reports to Council

17.1 When a Scrutiny Board can require a report

If a Scrutiny Board thinks that a key decision has been taken which was not:

- (a) included in the document referred to in Rule 13; or
- (b) the subject of the general exception procedure under Rule 15; or
- (c) the subject of the special urgency procedure under Rule 16;

the Board may require the Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Chief Executive, who will require such a report on behalf of any Scrutiny Board when so requested by the Chair or any 5 members of that Scrutiny Board. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Board.

17.2 Cabinet 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 7 days of receipt of the written notice, or the resolution of the Scrutiny Board, then the report may be submitted to the next meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 Reports on Special Urgency Decisions on Key Decisions

The Leader will submit to the Council annually at the first ordinary meeting of the Council in each municipal year, a report on any key decisions taken in the circumstances set out in Rule 16 (special urgency) in the period since the last report was submitted. The report will include particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

46. Procedures Prior to Private Meetings of Cabinet

- 18.1 Where the Cabinet intends to hold all or any part of a meeting in private, it will make available for public inspection at the Council offices a notice of its intention to hold the meeting in private at least 28 clear days before the date of the meeting. The notice will also be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.
- 18.2 At least 5 clear days before a private meeting, the Cabinet will make available for public inspection at the Council offices a further notice of its intention to hold the meeting in private. The notice will also be published on the Council's website and will include:
- (a) a statement of the reasons for the meeting to be held in private;
 - (b) details of any representations received as to why the meeting should be open to the public; and
 - (c) a statement of its response to any such representations.
- 18.3 Where the date by which a meeting must be held makes compliance with Rules 18.1 or 18.2 impracticable, the meeting will only be held in private if the Chair of the relevant Scrutiny Board agrees that the meeting is urgent and cannot reasonably be deferred. Where there is no Chair of the relevant Scrutiny Board or he or she is unable to act, the agreement of the Lord Mayor will be sought and where there is no Lord Mayor, the agreement of the Deputy Lord Mayor will be sought.
- 18.4 As soon as reasonably practicable after agreement has been obtained under Rule 18.3 to hold a private meeting, the Cabinet will make available for public inspection at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred. The notice will also be published on the Council's website.
- 18.5 Members of the Cabinet 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.

47. Record of Decisions

19.1 After any formal meeting of the Cabinet, the City Solicitor or, where no employee was present, the person presiding at the meeting, will produce a record or minute of every decision taken at that meetings as soon as reasonably practicable.

The record will include—

- (a) a record of the decision and the date it was made;
- (b) a statement of the reasons for each decision and any alternative options considered and rejected at that meeting;
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

The provisions of Rules 7 and 8 (access to documents and background papers after meetings) will also apply to the making of decisions by an individual Cabinet member. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

19.2 As soon as reasonably practicable after an individual Cabinet Member or an employee has made an executive decision, the Cabinet Member will produce or will instruct the City Solicitor to produce, and the employee will produce a written statement of that decision. The statement will include—

- (a) a record of the decision and the date it was made;
- (b) a statement of the reasons for each decision and any alternative options considered and rejected by the Cabinet Member or employee when making the decision;
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member who is consulted by the Cabinet Members or employee and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

48. Additional Rights of Access to Documents for Members of Overview and Scrutiny Boards and Scrutiny Co-ordination Committee

20.1 *Rights to Copies*

Subject to Rule 20.3 below, a member of a Scrutiny Board (including a member of any Sub-group) or of Scrutiny and Co-ordination Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or Cabinet Member and which contains material relating to:

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- (a) any business that has been transacted at a meeting of the Cabinet; or
- (b) any decision that has been taken by an individual Cabinet Member in accordance with executive arrangements;
- (c) any decision that has been taken by an employee in accordance with executive arrangements.

20.2 Any documents requested must be provided as soon as is practicable and, in any case, no later than 10 clear days after receipt of the request.

20.3 *Limit of Rights*

A member of a Scrutiny Board will not:

- (a) have an automatic right to any document that is in draft form;
- (b) be entitled to 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 to any review contained in any programme of work of such a Board or Sub- Group; or
- (c) be entitled to a copy of a document or part of a document containing the advice of a political adviser or assistant (if any).

49. Additional Rights of Access for Members

21.1 *Material Relating to Business to be Transacted*

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or Cabinet Member and contains material relating to any business to be transacted at a public meeting unless (a) (b) or (c) below applies:

- (a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (c) it appears to the proper officer that it contains the advice of a political adviser or assistant.

21.2 Any document which is required by Rule 21.1 to be available for inspection by a member will be available for inspection for at least 5 clear days before the meeting except that—

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- (a) where the meeting is convened at shorter notice, the document will be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, the document will be available for inspection when the item is added to the agenda.

21.3 *Material Relating to Previous Business*

Subject to Rule 21.4, all members will be entitled to inspect any document which is in the possession or control of the Cabinet and contains material relating to —

- (a) any business transacted at a private meeting;
- (b) any decision made by an individual Cabinet Member under executive arrangements; or
- (c) any decision made by an employee under executive arrangements.

21.4 Members shall not be entitled to inspect documents referred to in Rule 21.3 where—

- (a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract;
- (c) it appears to the proper officer that it contains the advice of a political adviser or assistant.

21.5 Where members are entitled to inspect any document in accordance with Rule 21.3, the document will be available for inspection:

- (a) when the meeting concludes; or
- (b) where an executive decision is made by an individual Cabinet Member or employee, immediately after the decision has been made; and
- (c) in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

50. Nature of Rights

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

PART 3C: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

The full Council will be responsible for the adoption of the Budget & Policy Framework as set out in Part 2A, Section 3. Once the Framework is in place it will be the responsibility of the Cabinet to implement it.

51. Process for Developing the Framework

- 2.1 The Cabinet will publicise by including in the Key Decision Document referred to in Part 3B, Rule 13, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget & Policy Framework, and its arrangement for consultation after publication of these initial proposals. The consultation period shall in each instance be no less than 8 weeks. A copy of the Key Decision Document will also be sent to the Chairs of the Scrutiny Boards so that they are aware that proposals are to be made.
- 2.2 At the end of the consultation period, Cabinet will then draw up firm proposals having regard to the responses it has received to the consultation. If a Scrutiny Board wishes to respond to the Cabinet in that consultation process, then it may do so. As the Scrutiny Boards have responsibility for fixing their own work programme, it is open to the Scrutiny Board to investigate research or report in detail the policy recommendations before the end of the consultation period. The Cabinet will consider responses from the Scrutiny Boards and take those into account in drawing up firm proposals for submission to the Council and the Cabinet report to Council will reflect the comments made by consultees and the Cabinet's response.
- 2.3 Once the Cabinet has approved the final proposals the Chief Operating Officer as Section 151 Officer will refer them at the earliest opportunity to the full Council for decision.
- 2.4 In reaching a decision the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.
- 2.5 If it accepts the recommendations of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an "in principle" decision. In either case the decision would be made on the basis of a simple majority of votes cast at the meeting. Council Procedure Rule 18.5 in Part 3A of this Constitution will apply to the recording of votes taken relating to the approval of the budget or setting the council tax.
- 2.6 A copy of the Council decision shall be given to the Leader.

- 2.7 An "in principle" decision will automatically become effective 7 days from the date of the Council decision unless the Leader informs the City Solicitor writing within 5 days of the decision that she/he objects to the decision becoming effective and provides reasons why.

52. Conflict Resolution Mechanism

- 3.1 Where the Leader has objected, on behalf of the Cabinet, to an in principle decision of the Council, under Rule 2.7 above, the City Solicitor will within 7 days call a meeting of the full Council. This meeting should take place as soon as possible after the expiry of the 7-day period and, in any event, within 28 days of the original decision. At that meeting the Council will be required to reconsider its decisions together with any further information or documentation which may be submitted by the Leader. The Council may:-
- (a) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (b) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority of votes cast at the meeting.
- 3.2 The decision shall then be made public and shall be implemented immediately.

53. Virements and Policy Changes

In approving the Budget & Policy Framework the Council will also specify the extent of the virement within the budget and the degree of in year changes to the Policy Framework which may be undertaken by the Cabinet in accordance with Rules 5 and 6 of these Rules and in accordance with any thresholds established by the Financial Procedure Rules. Any other changes to the Policy and Budgetary Framework are reserved to full Council.

54. Decisions outside the Budget & Policy Framework

- 5.1 Subject to the provisions of Rule 4 (Virements and Policy Changes) the Cabinet, Cabinet Members, and officers discharging executive functions may only make 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 and not wholly in accordance with the budget approved by full Council then that decision may only be taken by the Council subject to Rule 6 below.
- 5.2 If the Cabinet, Cabinet Members, or officers discharging executive functions wish to make such a decision then they must take advice from the Monitoring Officer and/or the Chief Operating Officer as Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget

and/or Policy Framework then the decision must be referred by that body or officer to full Council for decision, unless the decision is a matter of urgency, in which case the provisions of Rule 6 (Urgent Decisions outside the Budget & Policy Framework) shall apply.

55. Urgent Decisions outside the Budget & Policy Framework

- 6.1 The Cabinet, or a Cabinet Member or officer discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:-
- (a) if it is not practicable to convene a quorate meeting of the full Council; and
 - (b) the Chair of the Scrutiny Co-ordination Committee, or Deputy, agrees that the decision is a matter of urgency.
- 6.2 The reasons why it is not practicable to convene a quorate meeting of full Council and the Chair of the Scrutiny Co-ordination Committee's, or his/her Deputy'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 of the Scrutiny Co-ordination Committee and his/her Deputy then the consent of the Lord Mayor, or in his/her absence, the Deputy Lord Mayor, shall be sufficient.
- 6.3 Following the decision the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

56. In Year Changes to Policy Framework

- 7.1 The responsibility for agreeing the Budget & Policy Framework lies with the Council and decisions by the Cabinet, Cabinet Member or officers must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:-
- (a) which will result in the closure or discontinuance or reduction of a service or part of a service to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) in relation to the Policy Framework in respect of a Policy which would normally be agreed annually by the Council following consultation but where the existing Policy document is silent on the matter under consideration;

- (d) which relate to Policy in relation to schools where the majority of School Governing Bodies agree with the proposed change;
- (e) where the Chair of the Scrutiny Co-ordination Committee or in his/her absence their Deputy, agrees that the proposed change is sufficiently minor in the context of the Policy concerned and is an appropriate change in the circumstances;
- (f) where, when approving the Framework, the Council gave specific authority to the Cabinet to make in-year changes.

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

- 8.1 Where a Scrutiny Board is of the opinion that an Executive decision is, or if made, would be contrary to the Policy Framework or not wholly in accordance with the Council's budget then it shall seek advice from the City Solicitor or Chief Operating Officer as S151 Officer.
- 8.2 In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or the Chief Finance Officer's report shall be given to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive 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 Board if the Monitoring Officer or the Chief Finance Officer conclude the decision was not a departure.
- 8.3 If the decision has yet to be made, or has been made but not yet implemented, the advice from the appropriate officer is that the decision is, or would be, contrary to the Policy Framework or not wholly in accordance with the budget, the Scrutiny Board may refer the matter to Council. In such cases, no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Scrutiny Board. At the meeting it will receive the report of the decision or proposals and the advice of the officer. The Council may either:-
 - (a) endorse a decision or proposal of the Executive decision taker as falling within the existing Budget & 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

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- (b) amend the Council's Financial Procedure Rules, 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 the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (c) where the Council accepts the decision or proposal is contrary to the Policy Framework or not wholly in accordance with the budget and does not amend the existing Framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

PART 3D: CABINET PROCEDURE RULES

1. How Does the Cabinet Operate?

1.1 Who may make Cabinet Decisions:-

Under the arrangement for the discharge of functions set out in the executive arrangements adopted by the Council, the Leader may decide how such functions are to be exercised. She/he may provide for the executive functions to be discharged by:-

- (a) the Cabinet as a whole
- (b) an individual Member of the Cabinet
- (c) an Employee
- (d) joint arrangements; or
- (e) another local authority

1.2 An Advisory Panel or Panels may be established to provide advice and guidance to the Cabinet or an individual Cabinet Member.

1.3 A Deputy Cabinet Member may be nominated by a Cabinet Member to attend a meeting of the Cabinet if he/she is not able to attend. Deputy Cabinet Members may attend and speak at meetings of the Cabinet but cannot vote and are not members of the Executive.

58. Delegation of Cabinet Functions

2.1 At its Annual Meeting the Council will receive a report from the Leader on the delegations of executive functions made by him/her for inclusion on the Council's scheme of delegation at Part 2 to this Constitution. The scheme of delegation will contain the following information about Cabinet functions in relation to the coming year.

- (a) The names and wards of the people appointed to the Cabinet;
- (b) The extent of any authority delegated to Cabinet Member individually including details of the limitation of their authority;
- (c) The nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- (d) The nature and extent of any delegation to employees with details of any limitation on that delegation, and the title of the employee to whom the delegation is made.

- 2.2 The Leader is also able to decide whether to delegate Cabinet functions, and she/he may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the City Solicitor and Council.

59. Sub-delegation of Cabinet Functions

- (a) Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.
- (b) Unless the Council directs otherwise, the Cabinet may delegate further to an employee.
- (c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

60. 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 Elected and Co-opted Members in Part 4 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 Elected and Co-opted Members in Part 4 of this Constitution.
- (c) If the exercise of a Cabinet function has been delegated to an individual Cabinet Member or an employee 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 Elected and Co-opted Members in Part 4 of this Constitution.

61. Cabinet Meetings – When and Where?

- 5.1 The Cabinet and Cabinet Members will meet at the times specified in the Council's Calendar of Meetings.
- 5.2 The Cabinet and Cabinet Members will meet at the Council's main offices or another location to be agreed by the Leader as specified on the relevant agenda.
- 5.3 The date and time of any meeting may be altered or the meeting postponed or cancelled or additional meetings arranged by the City Solicitor in consultation with the Leader (for Cabinet) or relevant Cabinet Member.

62. Public or Private Meetings of the Cabinet

The Cabinet or Cabinet Member meetings will be open to the public, unless the nature of the business to be transacted requires the meeting to take place in private in accordance with the Access to Information Procedure Rules detailed in Part 3B.

63. Quorum

The quorum for a meeting of the Cabinet will be 5.

64. How are Decisions to be taken by the Cabinet?

- 8.1 Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 3B.
- 8.2 All decisions of the Cabinet and Cabinet Members will be open to the Call-In arrangements and subject to the call-in criteria.

(The Call-In procedure is referred to in Part 3E).
- 8.3
 - (a) In any case where the Cabinet or Cabinet Member determines an urgent matter, other than a matter which is a Key Decision as defined in Part 2A, the recorded decision will include the reason for the urgency and the Cabinet or Cabinet Member may be required by Scrutiny to justify why the matter was considered as urgent. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee must be invited to attend Meetings where urgent decisions are taken to determine if the matter is urgent. If the Chair of the Scrutiny Co-ordination Committee is unable to attend, then she/he can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or his/her nominee is present at the meeting at which the urgent item is considered. Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.
 - (b) Where an urgent matter is also a Key Decision it will be determined in accordance with the procedures set out in Part 3B, Rules 15 and 16.
- 8.4 The City Solicitor or his or her representative will be present where a Cabinet Member responsible for a portfolio makes a formal decision, to advise and record that decision and, if the City Solicitor or his or her representative is not present, no decision will be deemed to have been taken.
- 8.5 In the absence of a Cabinet Member responsible for a portfolio, a decision in respect of a function under that portfolio may not be taken by another Cabinet

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Member unless he or she has been reassigned that function by the Leader of the City Council, or in his or her absence, the Deputy Leader of the City Council or the Leader takes the decision him/herself. Unless this is the case, the decision will be referred to the Cabinet.

- 8.6 In the case of a Cabinet Member responsible for a portfolio declaring an interest in a matter and being unable to act, that matter should be referred to the Cabinet for their consideration.
- 8.7 Advisory Panels may be established for each portfolio and for the Cabinet to provide advice and guidance to the Cabinet Member responsible for that portfolio on the development of policy. Advisory Panel meetings will not generally be public meetings although Cabinet or Cabinet Member may invite any person with particular expertise to an Advisory Panel meeting.

65. How are Cabinet Meetings Conducted?

9.1 Who Presides?

At any Cabinet meeting, if the Leader is present she/he will preside. In his/her absence if the Deputy Leader is present she/he will preside. In the absence of the Leader and Deputy Leader the Leader's nominee will preside. In all absence of any nominee, the Cabinet will elect a member of the Cabinet to preside.

9.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Part 3B of this Constitution.

9.3 What Business?

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

- (a) Consideration of the minutes of the last meeting;
- (b) Declarations of interest, if any;
- (c) Matters referred to the Cabinet (whether by Scrutiny Board 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 3C of this Constitution;
- (d) Consideration of reports from Scrutiny Boards; and

Part 3D – Cabinet Procedure Rules

- (e) Matters set out in the agenda for the meeting and will indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 3B of this Constitution.

9.4 *Consultation*

All reports to the Cabinet from any Member of the Cabinet or an employee on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Board, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

9.5 *Who can put Items on the Cabinet Agenda?*

- (a) The Leader may put on the agenda of any Cabinet meeting any matter which she/he wishes, whether or not authority has been delegated to the Cabinet, a Cabinet Committee or any Member or employee in respect of that matter. The City Solicitor will comply with the Leader's requests in that respect.
- (b) In the absence of the Leader, the Deputy Leader may exercise the function at (a) above.
- (c) Any Member of the Cabinet may require the City Solicitor to make sure that any appropriate item is placed on the agenda of the next available meeting of the Cabinet for consideration. If she/he receives such a request the City Solicitor will comply.
- (d) The City Solicitor will make sure than an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Board or the full Council has resolved that an item be considered by the Cabinet.
- (e) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the City Solicitor to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

66. Referrals to Cabinet/Cabinet Members by Scrutiny

Scrutiny Boards can refer items to Cabinet/Cabinet Members with the agreement of the Chair of the Cabinet or the appropriate Cabinet Member. However, this does not prejudice consideration of call-ins as detailed in Part 3E and Scrutiny's right to make a recommendation to the Cabinet or Cabinet Member to amend a decision.

PART 3E: SCRUTINY PROCEDURE RULES

SCRUTINY ARRANGEMENTS

1. Constitution of Scrutiny Boards and Scrutiny Co-ordination Committee

- 1.1 The Council will have Scrutiny Boards with the functions as set out in Part 2D and will appoint to them as it considers appropriate from time to time. Scrutiny Boards may appoint time limited sub-groups to assist their work.
- 1.2 There will also be a Scrutiny Co-ordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Boards and will be responsible for the consideration of call-ins and undertake review of the way the Council deals with petitions.

67. Frequency of Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee

- 2.1 At its Annual Meeting, the Council will determine a schedule of dates of meetings for the period up to the next Annual Meeting.
- 2.2 Additional meetings will be convened by the City Solicitor after consultation with the Chair of the relevant Scrutiny Board or Scrutiny Co-ordination Committee or, in his or her absence, the Deputy Chair of Scrutiny Co-ordination Committee.
- 2.3 The City Solicitor with the agreement of the Chair, or in his or her absence the Deputy Chair of Scrutiny Co-ordination Committee, may alter, cancel/postpone or bring forward a meeting.
- 2.4 If at least 3 members of a Scrutiny Board or of the Scrutiny Co-ordination Committee notify the City Solicitor in writing that they wish a meeting to be called, the City Solicitor will do so as soon as possible, and in any event within 15 working days, the date and time being determined in consultation with the relevant Chair (or in his or her absence the Deputy Chair of Scrutiny Co-ordination Committee). Such a notification must specify the business to be dealt with and must contain sufficient information to enable Members to be acquainted with the issues. Where such a special meeting is summoned, the agenda will set out the business to be considered at that meeting.

68. Work Programme and Annual Report

Each Scrutiny Board will, subject to the views of the Scrutiny Co-ordination Committee, be responsible for setting its own work programme and in doing so it will consult with relevant Cabinet Members and the Strategic Management Board. They will also consider the wishes of those Members of the Scrutiny Board who are not members of the largest political group on the Council.

69. Agenda Items of Scrutiny Boards

- 4.1 Any member, whether a member of a Scrutiny Board or not, will be entitled to give notice in writing to the City Solicitor that she/he wishes an item relevant to the function of that Scrutiny Board to be included on the agenda for the next available meeting of the Scrutiny Board. In the case of a member who is not a member of the Scrutiny Board in question, the item must also not be an excluded matter as defined by law. In all cases, she/he must give full details and reasons for the request. On receipt of such a request, the City Solicitor will ensure that it is included on the next available agenda, provided it falls within the Scrutiny Board's terms of reference and, where appropriate, is not an excluded matter. The Chair of the Scrutiny Board will decide, at the start of the meeting at which such item is referred, whether it is appropriate for the Board to deal with the items so notified. Where it is not considered appropriate for the Board to deal with the items, the reasons for this decision will be given to the member requesting the item and recorded in the minutes.
- 4.2 The Scrutiny Board will also respond, as soon as its work programme permits, to a request from the Council, Cabinet, or any Cabinet Member or any other Committee of the Council, to review particular areas of Council activity. Where it does so, the Scrutiny Board will report its findings and any recommendations back to the Council, the Cabinet or any Cabinet Member or the relevant Committee, as it deems appropriate.
- 4.3 In the event of any dispute or disagreement about whether an item should be included on an agenda for a Scrutiny Board the Chief Executive or in his or her absence the City Solicitor will arbitrate.

POLICY REVIEW AND DEVELOPMENT

70. Role of Scrutiny Boards in Relation to Budget and Policy Framework

The role of the Scrutiny Boards in relation to the development of the Council's budget and policy framework will be as set out in the Budget and Policy Framework Procedure Rules.

71. Role of Scrutiny Boards in Relation to Other Matters

In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Boards may make proposals to the Cabinet or any Cabinet Member for developments in so far as they relate to matters in their Terms of Reference.

72. Further Role of Scrutiny Boards in Relation to Policy Development

- 7.1 Scrutiny Boards may hold enquiries and investigate the available options for future directions in Policy Development and may appoint advisors and assessors to assist them in this process.
- 7.2 Subject to budget availability, 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.

- 7.3 They may pay advisors, assessors or witnesses any reasonable fee and expenses within the available budget.

REPORTS FROM SCRUTINY BOARDS

73. Preparation of Reports

- 8.1 As soon as it has formed recommendations or proposals for development, a Scrutiny Board will prepare a full report and submit it to the City Solicitor who will arrange for its consideration by the Cabinet or the appropriate Cabinet Member or the City Council.
- 8.2 If the proposals are consistent with the existing Budget and Policy Framework the Cabinet or Cabinet Member or the City Council will consider the report and take such actions as the Cabinet or Cabinet Member or City Council deem appropriate.
- 8.3 If the recommendation concerns a departure from or a change to the agreed Budget and Policy Framework, the Cabinet will consider the report and refer it to full Council with such recommendations as the Cabinet deem appropriate.

74. Minority Reports

- 9.1 If a Scrutiny Board cannot agree one single final report to the Cabinet or Cabinet Member on any matter, no more than one minority report may be prepared and submitted to the Cabinet or Cabinet Member. Any minority report so submitted must be supported by at least two Councillors who are members of the relevant Scrutiny Board.
- 9.2 Any minority report so submitted will be appended to the report of the Scrutiny Board to the Cabinet in such a manner that makes it clear that there is a minority view on the subject matter of the report and indicating the nature and substance of that minority view. This will be done notwithstanding disagreement of the Scrutiny Board.

75. Consideration of Scrutiny Reports/Recommendations

- 10.1 As soon as Scrutiny produces a report/recommendation on any matter which is the responsibility of the Cabinet or any Cabinet Member which has been considered and approved by Scrutiny and which requires a decision by Cabinet/Cabinet Member it will be included on the agenda of the next available meeting of the Cabinet or Cabinet Member, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet or Cabinet Member within a period of six weeks from the date the report is approved by Scrutiny. In such cases, the report of Scrutiny will be considered by the Cabinet

or Cabinet Member when it considers that matter. In any event, the Cabinet/Cabinet member will consider the report within 2 months of receipt of the report or of a notice from the Scrutiny Board requiring the Cabinet /Cabinet member to consider the report.

- 10.2 If the Cabinet or Cabinet Member disagree with the recommendations of Scrutiny, they will inform Scrutiny giving their reasons. In such circumstances, Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter back to Cabinet/Cabinet Member for reconsideration giving their reasons. If Cabinet/Cabinet Member still disagree, they will inform Scrutiny giving their reasons. Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter to Council for a decision on the dispute. In these circumstances the Council will have before them the views of both Scrutiny and the Cabinet/Cabinet Member.

76. Rights of Scrutiny Board Members to Documents

In addition to their rights as Councillors, members of Scrutiny Boards have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure rules in Part 3B of this Constitution.

77. Liaison and Communication

- 12.1 To facilitate effective communication, liaison between the Cabinet or Cabinet Member and the Scrutiny Boards may take place depending on the particular matter under consideration.
- 12.2 To facilitate the effectiveness of liaison and communication the Scrutiny Co-ordination Committee and Cabinet may meet jointly to agree arrangements and protocols for effective liaison and communication.

ATTENDANCE AT SCRUTINY BOARDS

78. Members and Employees Giving Account

Any Scrutiny Board may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the Portfolio allocated to the Scrutiny Board. As well as reviewing documentation, in fulfilling the Scrutiny role a Scrutiny Board may require any member of the Cabinet, Deputy Cabinet Members, the Chief Executive and/or any senior employee to attend before it to explain in relation to matters within their remit:-

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

and it is the duty of those persons to attend.

79. Notice of Attendance

Where any Member or employee is required to attend a Scrutiny Board, the City Solicitor will inform the Member or employee of the meeting at which she/he is required to attend. The notice will state the nature of the item on which she/he is required to attend and whether any documentation is required to be produced for the Scrutiny Board. Where this will require the production of a report, the Member or employee concerned will be given sufficient notice to allow for preparation of that report.

80. Member/Employee Unable to Attend

If, in exceptional circumstances, a Member or employee is unable to attend on the required date, the Chair of the Scrutiny Board will either:

- (a) in consultation with the Member or employee, arrange an alternative date for attendance; or
- (b) agree to consider the item of business in the absence of the Member or employee.

81. Attendance by Others

A Scrutiny Board or Sub-Group may invite people other than those referred to in Rule 13 to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents or other stakeholders, community representatives, members of minority ethnic communities and Members and Officers in other public sector or partner organisations and may invite such people to attend. However, they are not obliged to attend unless this is specified in legislation.

CALL-IN PROCEDURE

82. Call-in Procedure

- 17.1 In this context call-in means the right for non-Cabinet Members to look at and consider issues decided by the Cabinet or any Cabinet Member subject to the limitations on this right set out in Rule 18 below.
- 17.2 Information about decisions to be taken by the Cabinet or any Cabinet Member will be issued at least five clear working days before the Cabinet or Cabinet Member meeting. A summary sheet will be communicated to all Members of the Council at the end of each week setting out decisions taken and the deadline for calling items in.
- 17.3 Decisions of the Cabinet or Cabinet Member on which information has been issued can be called in by no fewer than three persons comprising Members (or, in respect of Education matters only, Co-opted Members) who are not Cabinet Members. To call-in an item, Members must complete the appropriate form which may be submitted in person, by fax or electronically, or a combination of

these, which must include the specific decision being called in, a written reason for the call-in and an indication of whether or not they wish the relevant Cabinet Member(s) to attend Scrutiny Co-ordination Committee when the matter is considered, and submit it to the City Solicitor by no later than 9.00 a.m. on the specified date. Any decisions not called in by this deadline will immediately become effective.

- 17.4 The appropriateness of a call-in under these procedures will be determined by the Chair of the Scrutiny Co-ordination Committee (or in his or her absence, his or her nominee), in accordance with the criteria decided by the Committee, on advice by the City Solicitor. The Chair of the Committee will also determine whether the relevant Cabinet Member(s) is required to attend the Scrutiny Co-ordination Committee when the matter is considered, taking into account the wishes of the Members calling in the decision, however, this does not preclude Cabinet Member(s) from attending and speaking if they so wish. At this stage, there is no requirement for any Members who called in a decision to be present. If a call-in is rejected as being inappropriate, the Members who have submitted the call-in will be advised of the decision and the reason for it.
- 17.5 Once the deadline for calling in items has passed, and the appropriateness of call-ins has been determined, the City Solicitor will inform all Members of the Council, and Co-opted Members of Scrutiny Boards where appropriate, of the items called-in and will arrange for these to be considered at the next appropriate meeting of the Scrutiny Co-ordination Committee. The agenda for that meeting will show the written reasons given for the call-ins and enclose the relevant documents. The Chair of the relevant Scrutiny Board will be invited to attend the meeting when the call-in is to be considered to ensure that they are kept informed of issues relevant to their Board.
- 17.6 At least one of the Members who called in a decision must attend and speak at the meeting of the Scrutiny Co-ordination Committee mentioned in 17.5 (if they are not already a Member of that Committee). If none of the Members attend, the call-in will fail unless the Committee decide that the matter can be referred to a subsequent meeting when at least one Member can attend or that the call-in can be considered in their absence.
- 17.7 A call-in may only be withdrawn by notification in writing, by fax or electronically, from all the Members who requested the call-in and submitted to the City Solicitor.
- 17.8 The Scrutiny Co-ordination Committee will consider the decisions called in and will have at its disposal the information which has been submitted to the Cabinet or Cabinet Member, including any advice/recommendations from Advisory Panels. They can require the relevant Cabinet Member(s) and appropriate employee(s) to attend the meeting to answer questions about the issue. If the Scrutiny Co-ordination Committee accepts the original decision by the Cabinet or Cabinet Member it becomes effective. If the Scrutiny Co-ordination Committee makes a recommendation to the Cabinet or Cabinet Member to amend a decision, this will be considered by the Cabinet or Cabinet

Member.

- 17.9 If the Cabinet or Cabinet Member disagree with the recommendation of the Scrutiny Co-ordination Committee to amend a decision they will inform the Scrutiny Co-ordination Committee. In such circumstances, the Scrutiny Co-ordination Committee may refer the matter to the Council for decision on the dispute. In these circumstances the Council will have before them the views of both the Scrutiny Co-ordination Committee and the Cabinet or Cabinet Member. If the Cabinet or Cabinet Member decides further work needs to be done, they may defer the item for this to be carried out.
- 17.10 Scrutiny Co-ordination Committee may refer any issue which arises during the consideration of a call in to the appropriate Scrutiny Board for further detailed consideration. Where the call in is referred to an appropriate Scrutiny Board, that Board will follow the procedure detailed in Rules 17.8 and 17.9 above in relation to accepting the original decision, making recommendations to the Cabinet or Cabinet Member to amend a decision, or, in the case of a dispute, referring the matter to Council for decision.

83. Limitations on Call-in

A call-in will normally be regarded as appropriate **UNLESS:-**

- (1) It relates to:-
 - (a) a matter which is to be determined by the Council.
 - (b) a decision of the Cabinet/Cabinet Member taken as a matter of urgency and the Chair of the Scrutiny Co-ordination Committee (or his/her nominee) had been invited to attend the meeting where the urgent decision had been taken or the Scrutiny Co-ordination Committee has previously agreed the need for urgency.
 - (c) a decision made by an employee exercising delegated authority unless it is a key decision.
 - (d) decisions of the Licensing and Regulatory Committee, the Planning Committee the Appeals and Appointments Panels and the Audit and Procurement Committee.
 - (e) a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board who have endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member.
- (2) The call-in form is not completed correctly.
- (3) The call-in form is received after the specified time.

- (4) The reason for the call-in is unclear or does not relate directly to the decision specified on the call-in form.
- (5) The reason for the call-in is a question, the answer to which can be found in the report relating to the decision which is being called in.

84. Call-in - Urgent Decisions

- 19.1 Decisions of the Cabinet or any Cabinet Member which are urgent (i.e. any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest) will not be subject to call-in.
- 19.2 The records of such decisions will reflect the reasons for urgency and state that therefore they are not subject to call-in.
- 19.3 The Chair of the Scrutiny Co-ordination Committee, or his or her nominee, will be invited to and must attend meetings where urgent decisions are to be taken and will be asked to agree the need for urgency unless the Scrutiny Co-ordination Committee has already given its approval to a decision being taken urgently so that call-in does not apply. In the absence of the Chair or nominee then the Lord Mayor or Deputy will be invited to perform this role.
- 19.4 Any reports on which urgent decisions have been made are to be reported to Scrutiny Co-ordination Committee for it to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

85. The Party Whip

When a Scrutiny Board considers any matter in respect of which a Member of that Board 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 Scrutiny Board's consideration of the matter. The declaration, and the details of the Whipping arrangements, will be recorded in the minutes of the meetings.

MISCELLANEOUS

86. Business of Scrutiny Boards

At each meeting of the Scrutiny Boards the following business will be conducted:-

- (a) Apologies and notification of substitutes;
- (b) Minutes of the last meeting;
- (c) Declarations of interest;
- (d) Responses of the Council, Cabinet or any Cabinet Member or other Committees to reports of the Scrutiny Board; and

- (e) Other business set out on the agenda for the meeting including reports back on attendance at Conferences etc except those relating to the Lord Mayoralty which will be considered by the Scrutiny Co-ordination Committee.

87. Investigations/Reviews

When the Scrutiny Board conducts investigations/reviews (including by means of a Sub-Group) it may ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:-

- (a) The investigation/review will be conducted fairly and all Members of the Scrutiny Board or Sub-Group will be given the opportunity to ask questions of those attending and to contribute and speak.
- (b) Those assisting the Scrutiny Board or Sub-Group to give evidence will be treated with respect and courtesy.
- (c) The investigation/review will be conducted so as to maximise the efficiency and effectiveness of the investigation/review.

88. Report Following Investigations/Reviews

- 23.1 If an investigation/review is carried out by a Scrutiny Board that Scrutiny Board will prepare a report for submission to the Council, Cabinet, Cabinet Member or other Committee as it deems appropriate and will make its report and findings public except when the Information Rules require otherwise.
- 23.2 If an investigation/review is carried out by a Sub-Group, that Sub-Group will prepare a report for submission initially to the Scrutiny Board which appointed it and will make its report findings public except when the Information Rules require otherwise. The Scrutiny Board will then refer the report to the relevant body.

89. Outside Bodies – Annual Reports to Scrutiny

Where the Council nominates more than one representative to an Outside Body, a Lead Member will be nominated to be responsible for co-ordinating a report to the Scrutiny Co-ordination Committee following the Annual Meeting of the body on the work of the Organisation, the benefits to the City Council of continuing its membership and the added value that the City Council's representatives bring to the Organisation. Where only one representative is appointed then she/he will be the Lead Member. If an organisation does not have an Annual Meeting, then the Council's Lead Member will report in the third quarter of the year so that the Council can consider the benefits of retaining its representation. The Scrutiny Co-ordination Committee will decide, at the start of each Municipal Year, which outside bodies it wishes to receive reports on.

90. Referrals to Scrutiny by Cabinet/Cabinet Members

With the agreement of the Chair of the appropriate Scrutiny Board/Scrutiny Co-ordination Committee, Cabinet/Cabinet Members can refer items to Scrutiny. However, call-in will still apply to referred items.

NOTE: Reports should not normally be referred to Scrutiny for information.

PART 3F: FINANCIAL PROCEDURE RULES

1. Introduction

The Financial Procedure Rules provide the structure through which the Council's financial affairs are managed and are deemed part of the Coventry City Council's constitution. They set out the approval limits for financial transactions, the detailed responsibilities of the Chief Operating Officer (Section 151 Officer) and the framework in which financial systems, processes and requirements are applied.

91. Financial Responsibilities of the Council, Cabinet, Cabinet Members and Officers

2.1 The Council, Cabinet, Cabinet Members and Officers will exercise their financial responsibilities in accordance with the Constitution and the Scheme of Delegation. Thresholds for the approval of specific financial transactions are set out below:

2.2 *Budget Approval and Amendment*

- (a) approval of the revenue budget, capital programme and treasury strategy: Council;
- (b) revenue and capital budget adjustments, including the use of reserves for a purpose other than that originally intended and the approval of capital schemes funded from borrowing, but excluding Technical Adjustments:
 - Up to £250,000 ~ joint approval by the relevant Service Director(s) and the Chief Operating Officer (Section 151 Officer) or nominees;
 - Over £250,000 and up to £1,000,000 ~ relevant Cabinet Member(s)
 - Over £1,000,000 and up to £1,500,000 ~ Cabinet
 - Over £1,500,000 ~ Council.
- (c) Technical adjustments which have no overall impact on the City Council's "bottom line", and meet the following requirements:
 - are internal transfers between different areas of the City Council;
 - involve no cash transactions with third parties; and
 - do not increase or decrease the budget over which a budget holder has spending discretion

Technical Adjustments can be approved by the Chief Operating Officer (Section 151 Officer) or nominee.

2.3 *Grant Income*

2.3.1 Approval prior to submitting a grant bid:

- (a) Where the submission of the bid requires that it must be match funded ~ joint approval in writing by the relevant Director and the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) and following consultation with the relevant Cabinet Member;
- (b) Where there is no requirement of the submission of the bid to be match funded ~ approval by the relevant Director and relevant Finance Manager in writing or their respective nominees and following consultation with the relevant Cabinet Member.

2.3.2 Approval prior to signature of grant agreement (total grant value):

- (a) Where a successful bid up to the value of £1,000,000 includes the requirement that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature;
- (b) Up to £500,000 ~ approval in writing by relevant Director with notification to Director of Finance and Resources (Section 151 Officer) or nominees;
- (c) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources);
- (d) Over £1,000,000 and up to £2,500,000~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee) to be reported to Cabinet retrospectively;
- (e) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively,

and each following consultation with legal and financial services.

2.3.3 The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement Services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants.

2.4 *Grant Expenditure*

2.4.1 Approval to award grants to an external body (total grant value per external body):

- (a) Up to £500,000~ approval in writing by relevant Director following consultation with the relevant Cabinet Member with notification to Director of Finance and Resources (Section 151 Officer) or nominees;
- (b) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) following consultation with the relevant Cabinet Member;
- (c) Over £1,000,000 and up to £2,500,000 ~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee to be reported to Cabinet retrospectively);
- (d) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively,

and each following consultation with legal and financial services.

- 2.4.2 The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants

Note: Where Grant Income is being received and it is known that Grant Expenditure to third parties will result from the utilisation of such Grant Income, approval should be sought for both the acceptance of the Grant Income and delegated authority to facilitate the Grant Expenditure at the same time.

2.5 *Write Off of Debts*

Approval to write off sums owed to the City Council:

- (a) Up to £100,000 ~ Chief Operating Officer (Section 151 Officer);
- (b) Over £100,000 ~ Cabinet Member;

- 2.6 The requirements applying to the decision to procure goods, works and services including concession agreements are set out in the Rules for Contract

92. Responsibilities of the Chief Operating Officer (Section 151 Officer)

- 3.1 The Chief Operating Officer (Section 151 Officer) has various statutory duties in relation to the financial administration and stewardship of the Council.
- 3.2 The statutory duties arise from:
- (a) Section 151 of the Local Government Act 1972;
 - (b) Section 114 and 114A of the Local Government Finance Act 1988;
 - (c) Section 25 of the Local Government Act 2003; and
 - (d) Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended.
- 3.3 Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. The Council has designated the Chief Operating Officer (Section 151 Officer) to fulfil this role and he/she has the statutory title of Chief Finance Officer.
- 3.4 Sections 114 and 114A of the Local Government Finance Act 1988 require the Chief Operating Officer (Section 151 Officer) to report to the Executive or the Full Council (as appropriate) and to the external auditor, if it appears to him/her that the Executive or the Council or a person or committee on their behalf: -
- (a) has made, or is about to make, a decision which involves or would involve the authority in incurring expenditure which is unlawful;
 - (b) has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council; or
 - (c) is about to enter an item of account the entry of which is unlawful.
- 3.5 Section 114 of the 1988 Act further requires the Chief Operating Officer (Section 151 Officer) to report to full Council if it appears to him/her that the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 3.6 In preparing reports under Section 114 or 114A, the Chief Operating Officer (Section 151 Officer) should consult so far as practicable the Chief Executive and the Monitoring Officer. The Chief Operating Officer (Section 151 Officer) should also nominate a properly qualified member of staff to deputise if he or she is unable to act owing to absence or illness.
- 3.7 The Council must provide the Chief Operating Officer (Section 151 Officer) with such staff, accommodation and other resources as are in his/her opinion sufficient to allow his/her duties under Section 114 and 114A to be performed.
- 3.8 When the Council is setting its budget the Chief Operating Officer (Section 151 Officer) is required under Section 25 of the Local Government Act 2003 to report on: -

- (a) the robustness of the estimates made for the purposes of the calculations; and
- (b) the adequacy of the proposed financial reserves.

3.9 Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended, require the Chief Operating Officer (Section 151 Officer) to determine on behalf of the Council: -

- (a) its accounting records, including the form of accounts and supporting accounting records; and
- (b) its accounting control systems.

3.10 The Chief Operating Officer (Section 151 Officer) is responsible for: -

- (a) the proper administration of the Council's financial affairs;
- (b) setting and monitoring compliance with financial management standards;
- (c) ensuring proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Council;
- (d) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- (e) to forecast the availability of financial resources;
- (f) preparing the revenue budget and capital programme;
- (g) treasury management and banking;
- (h) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators;
- (i) having a particular concern for the efficient and effective use of the Council's resources in achieving value for money;
- (j) maintaining a continuous review of the financial systems and processes;
- (k) reporting breaches of Financial Procedure Rules and financial rules, where appropriate, to the Chief Executive; and
- (l) issuing advice guidance and instructions to underpin the Financial Procedure Rules and Finance Function Manuals.

3.11 The Chief Operating Officer (Section 151 Officer) will maintain an adequate and effective internal audit service, and make arrangements so that internal auditors have the authority –

- (a) to have access to Council premises at reasonable times;
- (b) to have access to documents, records and equipment in the possession of the Council;
- (c) to require any officer of the Council to account for cash, stores or any other Council asset under their control;
- (d) where possible, to have access to records belonging to third parties, such as contractors, when required;
- (e) to receive information concerning any matter under investigation; and

- (f) to have access to the Chief Executive, the Executive, the Audit and Procurement Committee and Overview and Scrutiny Committees.

93. Framework of Delegated Authority

- 4.1 The day to day discharge of the Chief Operating Officer (Section 151 Officer)'s duties of proper financial administration is carried out through a framework of delegated authority set by the Chief Operating Officer (Section 151 Officer) and Corporate Services.
- 4.2 Certain nominated finance officers have responsibility for specifying financial systems, advising on their use, and monitoring compliance. Specifying normally takes the form of the publication of Finance Manuals and issuing other instructions which lay down best practice for each financial system and identifies responsibilities. Finance Manuals and associated guidance are published on the City Council's intranet site.
- 4.3 Each Director and each service Head of Function must ensure compliance with the Council's financial rules, as set out in the Financial Procedure Rules, Finance Function manuals and other instructions. They must report to the Chief Operating Officer (Section 151 Officer) and Corporate Services if they become aware of a failure to comply with the rules.
- 4.4 All managers and their staff are responsible for actively managing all the resources under their control so as to achieve policy and service objectives as set by Members. This active management must include securing value for money, maximising resources and staying within the approved budget. All of this should be done within the financial control framework as set down in the Financial Procedure Rules, Finance Function manuals and other instructions.
- 4.5 Under the Local Government Finance Act 1988, the Chief Operating Officer (Section 151 Officer) must also report to the Cabinet Member whose portfolio includes resources, any breach of the City Council's financial rules which may jeopardise the sound financial management of the City Council.

CITY COUNCIL FINANCIAL APPROVAL LIMITS									
overnance Forum Approval Category	Relevant Finance Manager	Relevant Director	Director of Finance and Resources (Section 151 Officer) (“S151”)	Head of Finance <i>*in the absence of S151</i>	Procurement Panel	Procurement Board	Cabinet Member	Cabinet	Council
Budget									
Overall Balanced Budget									Unlimited
Capital schemes to be met from borrowing		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Revenue Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Use of reserves, other than as originally intended		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Capital Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Technical Adjustments			Unlimited						
Grant Income									
Approval prior to submitting grant bid		Joint (unlimited) ⁴		*Jointly with Relevant Director					

(match funded)			(unlimited) ⁴					
Approval prior to submitting grant bid (not match funded)	Joint, or respective nominees (unlimited) ⁴							
Approval Prior to Signature of Grant Agreement (total grant value) ^{3 5}		Up to £0.5m ⁶	Above £0.5m to £1m	*Above £0.5m to £1m			Above £1m to £2.5m ¹	Above £2.5m ²
Grant Expenditure								
Approval to Grant Awards to an External Body ³		Up to £0.5m ^{4 6}	Above £0.5m to £1m ⁴	*Above £0.5m to £1m ⁴			Above £1m to £2.5m ¹	Above £2.5m ²
Debt Write Off								
Approval to Write Off of Sums Owed to the Council			Up to £0.1m				Above £0.1m	

Footnotes

- 1 Approval by Cabinet if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee). To be reported retrospectively.
- 2 Approval by Council if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader. To be reported retrospectively.
- 3 Following consultation with legal and financial services.

- 4 Following consultation with the relevant Cabinet Member.
- 5 Where a requirement of a successful bid is that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature, if the amount of grant is up to the value of £1 million.
- 6 With notification to Director of Finance and Resources (Section 151 Officer) or nominees.

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PART 3G: CONTRACT PROCEDURE RULES

1. Introduction

1.1 These Contract Procedure Rules (CPRs) are the standing orders required by the Local Government Act 1972. They are part of the Council’s Constitution and are, in effect, the instructions of the Council to officers and councillors for making contracts on behalf of the Council. The purpose of these CPRs is to set clear rules for the procurement of works, goods and services for the Council and to ensure a system of openness, integrity and accountability, in which the probity and transparency of the Council’s procurement process will be beyond reproach. Accordingly, these CPRs must be followed for **all** contracts (but excluding the categories listed in Rule 6.2, grants and land contracts which are dealt with under different rules) for:-

- the supply of goods to the Council;
- the supply of services to the Council; and
- the execution of works for the Council.

1.2 The Council has a Procurement Strategy, setting out how the Council intends to go about procuring works, goods and services. Conformity to these CPRs, and the Council’s Employee Code of Conduct and relevant associated employment policies, will ensure that contracts are let in accordance with the *Procurement Strategy* and any associated *User Guides and Procedures*.

1.3 The Council is subject also to the following regulations:

- (a) The Procurement Act 2023 and supplementary Procurement Regulations 2024.
- (b) the Health Care Services (Provider Selection Regime) Regulations 2023, (introduced by the Health Care Act 2022 for the procurement of in-scope health care services and public health services in England.

For contracts entered in to prior to the commencement of the Procurement Act and supplementary Regulations, the Council is also subject to the Public Contracts Regulations 2015 in relation to the management of contracts for goods, services and works, and the Concession Contracts Regulations 2016 in relation to the management of concession contracts.

These legislations require contract letting procedures to be open, fair and transparent. These CPRs provide a basis for true and fair competition in contracts, by providing clear and auditable procedures, which, if followed, will give confidence that the Council has a procurement regime that is fully accountable and compliant with the legislation.

2. Summary of CPRs – Governance Process

Governance process for goods, services and works (other than Health Care Services)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	Approval to Procure	Minimum Process	Advertising opportunity on the Central Digital Platform	Advertising award on the Central Digital Platform	Minimum Tender/Quote Timescales	Contract Terms	Opening of tenders	Authority to Award Contract	Contract Signing
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework agreement value) is £1m and above on a per annum basis	Competitive tenders in compliance with the Procurement Act 2023 (PA2023) (Note 1 below) Or direct appointment of a Local Authority Trading Company (LATC) in accordance with the teckal arrangement contained in PA2023 where best value can be demonstrated.	Yes, where over £100k estimated contract value and 'open market'. No, where between £100k and PA2023 threshold and closed exercise.	Yes	Minimum fifteen (15) working days between £100,000 and relevant PA2023 threshold. Where above the relevant threshold, as prescribed by the PA2023.	Standard or Bespoke Form of Contract, or framework order form. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g. <10% above estimated price, or report back to relevant body in Column 2 for approval	City Solicitor or authorised deputy
£100,000 up to £999,999	Procurement Panel					Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.			Director and/or Head of Service

Part 3G –Contract Procedure Rules

<p>£10,000 to £99,999</p>	<p>Director approval or delegated authority to budget holder</p> <p>(Copies of Quotations MUST be forwarded to Legal and Procurement Services for order to be approved)</p>	<p>Minimum of five (5) written or oral quotations (see 3 below for thresholds). Where possible, a minimum of three (3) should be from local suppliers or social enterprises.</p> <p>Or appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</p>	<p>Yes, where over £25k estimated contract value and 'open market'.</p> <p>No, where under £25k or closed exercise.</p> <p>(i)</p>	<p>Yes, where over £25k estimated contract value.</p> <p>Optional, where under £25k estimated contract value.</p> <p>(i)</p>	<p>Minimum five (5) working days between £10,000 - £24,999.</p> <p>Minimum ten (10) working days between £25,000 - £99,999.</p>	<p>Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.</p>	<p>Officers must use the electronic Quotations Pack via the Council's e-tendering system for contract values £25,000 - £99,999</p>	<p>Director or authorised deputy</p>	<p>Endorsed/Signed by Director or authorised deputy</p>
<p>Below £10,000</p>	<p>Budget holder</p>	<p>Use of corporate contract or demonstrable value for money</p>	<p>(i) Not Required</p> <p>(ii) Not Required</p>	<p>(i) Not Required</p> <p>(ii) Not Required</p>	<p>Not Applicable</p>	<p>Purchase Order terms & conditions, framework order form or supplier official order form, or Council Procurement Card.</p>	<p>N/A</p>	<p>Authorised by Budget Holder</p>	<p>Authorised by Budget Holder</p>
<p>Note 1 – Where PA2023 thresholds are not exceeded, a minimum of five (5) competitive tenders must be sought or the tender advertised on the Central Digital Platform</p> <p>Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure.</p> <p>Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.</p>									

Governance process for Health Care Services under the Provider Selection Regime

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	Approval to Procure	Minimum Process	Advertising opportunity on Find a Tender	Advertising award on Find a Tender	Minimum Tender/Quote Timescales	Contract Terms	Opening of tenders	Authority to Award Contract	Contract Signing
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework value) is £1m and above per annum basis	The most appropriate provider selection process in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023. The default position for new and re-procured services is that of the Competitive Process.	Direct Award A - No	Direct Award A - Yes	Where utilising the Competitive Process, a minimum of fifteen (15) working days.	Standard or Bespoke Form of Contract. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g., <10% above estimated price, or report back to the relevant body in Column 2 for approval	£1m and above - City Solicitor or authorised deputy
			Direct Award B - No	Direct Award B - Yes					
Up to £999,999	Procurement Panel		Competitive Process - Yes	Competitive Process - Yes		Standard or Bespoke Form of Contract. Contracts in the form of Deeds must be executed by Legal Services.			£10,000 to £99,999 – Endorsed/signed by Director or authorised deputy Below £10,000 – authorised by Budget Holder

Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.

3. Financial Thresholds for Procedure

Contract Procedure Rules (CPRs)	
Quick Reference Guide Table – Financial Thresholds	
Above PA 2023 thresholds (Note 2 below)	
£4,477,174+ (£5,372,609 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Works, and Concession contracts.
£552,950+ (£663,540 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts that are deemed to be Light Touch contracts.
£179,086+ (£214,904 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts.
<p>Form of Contract: Contracts for £999,999 or less in value can be signed for and on behalf of the Council under hand by Directors and Heads of Service.</p> <p>As a general rule, any works contract and high value contract with a value equal to or exceeding £1,000,000 which are to be expressed to be executed as deeds must either be:</p> <ul style="list-style-type: none"> • made under the Council’s seal attested by the City Solicitor or authorised signatory; or • signed by at least two officers of Legal Services duly authorised by the City Solicitor. 	
Below PCR 2015 thresholds	
£100,000 – up to PA2023 thresholds as listed above (relevant to spend type, e.g., Goods, Services, Works, Concessions)	<p>At minimum of five (5) potential suppliers, should be invited to tender. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes.</p> <p>Or MUST be advertised on the Central Digital Platform. Refer to Appendix 4 for legislative notice information.</p> <p>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</p>
£10,000 - £99,999	MUST use corporate contracts where one exists.

	<p>Competitive quotations £10,000 and up to £24,999 - a minimum of five (5) verbal quotations (which must be confirmed by email) must be sought - quotation pack use is optional.</p> <p>£25,000 and up to £99,999 - a minimum of five (5) quotations MUST be requested in writing using quotation pack (via the Council’s e-tendering system with option to publish on the Central Digital Platform. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes.</p> <p>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</p>
Below £10,000	<p>Must use corporate contracts where one exists or show value for money.</p> <p>All contracts valued at £5,000 or above must be included on the Contracts Register in accordance with the Local Government Transparency Code.</p>
Health Care Services (Provider Selection Regime) Regulations (no threshold)	<p>Must use corporate contracts where one exists. Must follow provider selection processes outlined in the Regulations. Must follow corporate guidance and governance process in accordance with these CPRs.</p>
Note 3: PA2023 Thresholds	<p>PA2023 Thresholds are revised every 2 years on 1st January. Figures quoted above for Works and Concessions (£4,477,174 plus VAT), Light Touch Regime Services (£552,950 plus VAT) and Supplies and Services (£179,086 plus VAT) are applicable from 1st January 2024 – 31st December 2025.</p>

3.1 The Director responsible for Legal and Procurement Services and the Director for Finance and Resources (if they are not the same officer) or his/or her authorised deputy, subject to conditions, may authorise a contract as an exception to the CPRs if the works or goods/services are below PA2023 thresholds. An exception cannot be granted where a breach of any UK legislation would be incurred.

4. Objectives

4.1 The CPRs exist to achieve the aims set out below and to assist and protect the interests of the Council and individual Officers.

It is important that they are viewed as ***an aid to good management and not as a hindrance***. Followed properly, they provide protection for Officers against criticism and support good procurement practice.

Officers must be able to demonstrate that they followed procedure or had obtained the necessary authority for not doing so, in order to:-

- ✓ ensure value for money is obtained;
- ✓ ensure probity in the award of Council contracts;
- ✓ ensure fairness, equity, openness and transparency in the treatment of contractors/suppliers in particular SMEs;
- ✓ ensure that procedures for placing contracts/orders comply with legislation;
- ✓ ensure records are kept which demonstrate compliance with CPRs.

5. Scope of CPRs

5.1 All purchases and contracts made in the name of and binding the Council must comply with these CPRs, and also any contract that involves income to the Council. This includes contracts where the expenditure is grant aided by a third party. These rules also apply to a company which is owned or controlled by the Council or is funded by public money. Any arrangement where the Council pays or receives money or equivalent value, other than a contract to employ staff, must comply with these Rules. This includes contracts for:

- (a) buying and selling goods;
- (b) any work being carried out;
- (c) services (including financial and consultancy services);
- (d) hire, rental or lease (of goods)
- (e) concession agreements

5.2 To receive and deal with expressions of interest (through the Procurement Board or the Panels as appropriate) from relevant bodies in providing or assisting in providing a relevant service on behalf of the Council in accordance with Part 5, Chapter 2 of the Localism Act 2011 and to consult with the relevant Cabinet Member on each expression of interest that is received.

6. Compliance

Every contract entered into on behalf of the Council must comply with these CPRs and all relevant UK legislation.

6.2 The only areas excluded from these Rules are:

- (a) Internally recharged services;

- (b) Schemes where the Council has delegated a function to a third party to perform and where a contract makes separate provision for procurement rules
- (c) Test purchasing in the course of an Officer's duty. (e.g. Trading Standards).
- (d) Land transactions
- (e) Property transactions
- (f) Grants

6.3 All contracts must be in writing. Except in an emergency situation which has been approved by the Head of Legal and Procurement Services (or in their absence, the Deputy Head of Procurement), contracts under £100,000 in value must be made on an official Council Form of Agreement or standard form of contract, as appropriate, approved by a designated Authorising Officer, with the Council's standard terms of trading endorsed or referred to. For works contracts, one of the standard forms of contract, such as the NEC, JCT or ICE forms may be appropriate. The Legal and Procurement Services Team, in consultation with Legal Services, will advise on other suitable forms of contract.

6.4 Responsibility for compliance with CPRs remains at all times with Council officers. Directors and the Head of Legal and Procurement Services will be responsible for monitoring compliance against these rules, aided by internal or external audits or inspections which will be carried out as appropriate.

6.5 See Rule 8 regarding approvals required before a Relevant Procedure (as defined in Rule 8.1.1) may be commenced.

7. Justification of Need

7.1 Before any Relevant Procedure (as defined in Rule 8.1.1) is commenced consideration must be given to:

- (a) whether the expenditure is really necessary, and/or can demonstrate benefit to residents or the Council;
- (b) whether a critical review has been carried out to identify if the requirement can be met from within existing resources or whether it is being funded through grants or other approved income sources;
- (c) the revenue consequences of any capital investment;
- (d) the national priorities contained within the National Procurement Policy Statement; and
- (e) in any case, whether the necessary approvals in Rule 8 have been

obtained.

8. Approvals Required before Certain Relevant Procedures are Commenced

8.1 Rule 8 applies to any Relevant Procedure:

8.1.1 *Relevant Procedure*: means any procedure conducted by or on behalf of the Council for the genuine purpose of the Council (alone or with others) entering into a contract for the purchase of goods, services and/or works, subject to the following:

- (a) This shall include (without limitation), the seeking of quotations, the conduct of any tender exercise via the Open or Competitive Flexible Procedure, including those as prescribed under the Provider Selection Regime, the conduct of any direct award or mini-competition exercise under a framework agreement, the making of a purchase under a dynamic market or off an approved list (or the like).
- (b) This shall not include any genuine exercise to research market conditions (including without limitation, any soft market testing or benchmarking exercise) which is not in itself genuinely intended to directly result in the Council entering into a contract for the purchase of goods, services and/or works or concession arrangement.

8.1.2 This Rule 8 only applies to conduct involving Council members and its officers and does not apply as between the Council and the public at large. Accordingly (and without limiting the implications of this), non-compliance by the Council or by any of its members or officers with all or any part of this Rule 8 shall not in itself result in any of the following:

- (a) Any act by or on behalf of the Council resulting from that non-compliance being invalid for any reason (including without limitation, any assertion that the Council has acted beyond its powers).
- (b) Any member of the public (including any person to who takes part in a Relevant Procedure which is conducted in breach of this Rule 8) having any claim of any kind whatsoever against the Council, including any claim for compensation.

8.2 *Requirements before a Relevant Procedure may be commenced:*

All of the following, to the extent relevant, and without limiting other requirements elsewhere in the Council's Constitution but subject to the exceptions in Rule 8.5 must be completed before a Relevant Procedure may be commenced:

- (a) The expenditure must be within approved budget and policy framework which has been approved by Members.

- (b) The use of expenditure must have been approved by the Procurement Board (or on the Procurement Board’s behalf by the Procurement Panel where relevant) in accordance with Rule 8.3.
- (c) Where the Relevant Procedure is a sensitive matter (see Rule 8.4), the Procurement Board shall consider and give its approval or delegate the approval to the Procurement Panel.

8.3 *Delegation by the Procurement Board of the task of considering whether to approve a prospective Relevant Procedure for the purposes of Rule 8.2(b).*

The Procurement Board may (but shall not be obliged to) delegate that task to Procurement Panel (or any other relevant subcommittees the Procurement Board has in place from time to time), **but only if both of the following conditions** apply to the prospective Relevant Procedure under consideration:

- (a) The reasonably estimated total value of the contract or contracts for goods, services and/or works expected to be entered by the Council at the conclusion of the Relevant Procedure (whether under a single contract, as aggregated under a framework agreement across its full term, across two (2) or more lots contained in the same Relevant Procedure, or as aggregated under a series of reasonably connected contracts) is **less than** £1,000,000 (one million pounds). Where there is reasonable doubt about whether the value is to exceed that figure, there shall be a presumption for the purposes of this Rule 8.3 (a) that it does exceed that figure; **and**
- (b) The Relevant Procedure is **not** a sensitive matter (see Rule 8.4).

Any of the following may constitute a ‘sensitive matter’ for the purposes of this Rule 8 but the Procurement Board or Procurement Panel will make the decision.

- (a) There is a significant risk (on a reasonable view) that the Relevant Procedure (and/or any purchase of goods, services and/or works resulting from it) will create serious adverse publicity for the Council.
- (b) Under the proposed contract for the purchase of goods, services and/or works expected to result from the Relevant Procedure, the Council would be required to deal with a particular supplier or provider on an exclusive basis.

8.5 *Exceptions to obtaining any of the approvals required in Rule 8: only with the written consent of the Director responsible for Legal and Procurement Services and the Chief Finance Officer (if they are not the same person).*

9 The Procurement Board and Procurement Panel

9.1. Composition of the Procurement Board:

- (a) *Appointment and removal of Procurement Board members:* from time to

time in accordance with its approved terms of reference and its members must include the Director for Finance and Resources, a minimum of two (2) Directors and the Head of Legal and Procurement Services.

- (b) *How the Procurement Board is to conduct itself:* as determined by the Procurement Board's Terms of Reference, acting reasonably and in good faith, and in any case, lawfully.
- (c) *The Procurement Panel shall include:* Directors, Head of Function and other officers of the Council appointed or removed in accordance with its approved terms of reference.

9.2 The Procurement Board shall have the following powers:

- (a) To determine whether to approve or refuse any proposed Relevant Procedures which it has not otherwise delegated according to Rule 8.3;
- (b) To monitor compliance with contract rules and monitor spend and contracts; to achieve savings;
- (c) The status of the Procurement Panel in place from time to time shall be as a sub-committee of the Procurement Board;
- (d) To establish and dissolve the Procurement Panel or similar sub-committee;
- (e) To establish the composition of members of the Procurement Panel or similar sub-committee, including appointment and removal of members, including any substitutes;
- (f) The conduct of the proceedings of the Procurement Panel or similar sub-committee from time to time;
- (g) Any act of the Procurement Panel or similar sub-committee (including any approval or refusal of a Relevant Procedure) shall be regarded as if it were the direct act of the Procurement Board itself;
- (h) To deal with expressions of interest from a relevant body exercising the right to challenge for a relevant service under Part 5, Chapter 2 of the Localism Act 2011;
- (i) To provide an annual report on the activities of the Procurement Board and Procurement Panel to Cabinet Member Portfolio Holder and to the Audit and Procurement Committee; and
- (j) The Chief Finance Officer has the power to vary the terms of reference of the Procurement Board and Procurement Panel.

9.3 The Procurement Panel shall have the following powers:

- (a) (b) (e) (g) (h) and (i) detailed in Rule 9.2.

10 Exceptions to CPRs

- 10.1 An exception to the CPRs is a permission to let a contract without complying with one or more of the Rules. An exception to CPRs may be granted subject to conditions. An exception cannot be granted where a breach of any UK legislation would be incurred.
- 10.2 Any Director may grant an exception to these CPRs where the value is below £100,000, except for contracts captured by the Provider Selection Regime. Any exception to CPRs of £100,000 and above (and up to PA2023 thresholds) will need the approval of the Director responsible for Legal and Procurement Services or his/her authorised deputy who may grant an exception to these CPRs. Applications for exceptions must be made in writing to the appropriate Director and include the exception rule that is requested and the justification for the exception. All Directors granting an exception or exceptions will notify Legal and Procurement Services of all exceptions granted at a frequency to be determined by the Director responsible for Legal and Procurement Services.
- 10.3 The Director responsible for Legal and Procurement Services will keep a register of all exceptions to CPRs, which shall be available by appointment for inspection by members of the Council and the public. An annual report on exceptions granted in the previous financial year will be presented to the Procurement Board.
- 10.4 An application for an exception to CPRs to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to CPRs. If an application is granted, the Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.
- 10.5 Where an exception has been granted in line with these rules, a further exception must be sought if the value of the original exception has been exceeded **or** the time period granted for the exception has elapsed.
- 10.6 An exception to the requirements to follow the tender or quotation procedure **may** be granted in the following circumstances:
- (a) an unforeseeable emergency involving danger to life or health or serious damage to property, in which the work, goods or services are required more urgently than would be possible if the tender or quotation procedure were followed;
 - (b) for justifiable technical reasons, the works, goods or services can be obtained from only one supplier;
 - (c) acquiring goods or services from a different supplier would result in

incompatibility with existing goods or service or disproportionate technical difficulties;

- (d) the proposed contract is an extension to or variation of, the scope of an existing contract, if permitted by the public procurement legislation i.e. below the required threshold, *unless* the existing contract provides for an extension;
- (e) there is a need to develop and influence the market by extending the range and provision of services, provided the contract is for a fixed term of no more than three years;
- (f) it is necessary to enable the continuation of a new service, development of which was initially grant-aided, provided the contract is for a fixed term of no more than three years;
- (g) when a grant from a public body includes a recommendation as to the supplier or is time limited;
- (i) in furtherance of the Council’s social enterprise policy, or other economic development aims, subject to the prevailing financial support limits for this type of activity and without breaching public procurement rules;
- (j) if there are exceptional circumstances in which it would not be in the Council’s best interests to follow the tender or quotation procedure or another Contract Procedure Rule.

10.7 An exception to Contract Procedure Rules is granted and separate authorisation is not required in the following circumstances:

- (a) placing an order against a contract/framework agreement let by another Public Body where contracts have been let to allow collaboration, e.g., Eastern Shires Purchasing Organisation (ESPO), Central Buying Consortium (CBC, Buying Solutions, etc.), where the value is below £100,000. If £100,000 or above, approval should be sought via the Procurement Panel or Procurement Board;
- (b) as part of a partnering contract that contemplates a series of contracts with a single supplier;
- (c) legislation requires the Council to let a contract differently from these Contract Procedure Rules;
- (d) value for money can be achieved by the purchase of second hand/used vehicles, plant or materials
- (e) the purchase of works of art, museum artefacts, manuscripts, archive collection items or the services of artistic and cultural performers;

- (f) Residential Placements for an individual with a registered care provider of their choice under the Care Act 2014; and
- (g) for decision making on utilities contracts. Due to the volatile nature of utilities markets and the need for expedient decision making, authority has been delegated through the approval of these Rules to the Director responsible for Legal and Procurement Services in consultation with the Director for Finance and Resources. If the Director for Finance and Resources is also the Director responsible for Legal and Procurement Services, then the decision will be made by the Director for Finance and Resources in consultation with the Chief Executive or his nominated representative. All utilities contracts will be let through Legal and Procurement Services and in line with the procedures dictated by the Head of Legal and Procurement Services.

11 Valuation of Contracts and Aggregation of Requirements

- 11.1 The Director responsible for each contract must record an estimated value for the contract before any offers are sought.
- 11.2 The total value of the contract is the total amount that the Council expects to pay for the contract includes the following:
 - (a) the value of any goods, services or works provided by the Council other than for payment
 - (b) amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised
 - (c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised
 - (d) amounts representing premiums, fees, commissions or interest that could be payable under the contract
 - (e) Amounts representing prizes or payments that could be payable to participants in the procurement.
- 11.3 In estimating the value of a contract, the Council must take into account all of the facts which are material to the estimate and available to the Council at the time is makes the estimate.
- 11.4 In estimating the value of a framework, the Council must estimate the value as the sum of the estimated values of all the contracts that have or may be awarded in accordance with that framework.
- 11.5 In estimating the value of an open framework, the Council must estimate the value as the sum of all frameworks awarded, or to be awarded, under the Open framework.

- 11.6 In estimating the value of a Concession contract, the Council must estimate the value as the maximum amount the supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received.
- 11.7 Where it is not possible to estimate the value of a contract in accordance with Schedule 3 of the Procurement Act 2023, the Council is to treat the contract as having been estimated to be of an amount of more than the threshold amount for the type of contract.
- 11.8 Contracts for the same works, goods or services must not be split into smaller, separate contracts to avoid compliance with these CPRs or the Procurement Act 2023.

12 Duties of Directors and the Head of Legal and Procurement Services

- 12.1 The Director is responsible for ensuring that all expenditure involving procurement activity complies with the CPRs and is responsible for ensuring that contracts within his/her division are managed and operated within the terms of the contracts themselves.
- 12.2 The Head of Legal and Procurement Services is responsible for maintaining a register of contracts and for providing an up-to-date copy of the register. Contracts in excess of £5,000 total contract value shall be added to the Contracts Register, which is to be published on the Council's website in accordance with the Local Government Transparency Code. Directors responsible for entering into contracts for £5,000 or more must notify the Director responsible for Legal and Procurement Services of contracts entered into at a frequency determined by the Director responsible for Legal and Procurement Services.
- 12.3 As soon as practicable after the Council's budget has been set and in any event before the end of March in each financial year, the Director must notify the Head of Legal and Procurement Services of all contracts (including their values) that his/her division plans to enter into during the following financial year.
- 12.4 The Director must use corporate contracts, where they are in place. To do otherwise would be unlikely to give value for money for the Council and may be in breach of the Procurement Act 2023.
- 12.5 If there is an in-house service available that operates as a trading unit, the Director must consider, in accordance with Value for Money principles, whether that service should be used or whether a contract should be let to an external provider, although all resource implications (e.g. TUPE implications and/or redundancies for directly employed staff), must be considered as part of the best value assessment.

13 Selection of Procurement Route

- 13.1 When selecting the most appropriate procurement route to secure value for money, the Director, in consultation with the Head of Legal and Procurement Services, shall adhere to the following principles:
- (a) All practical options for contract packages and methods of procurement should be analysed and evaluated, with the object of selecting the option that most effectively ensures value for money is achieved. The preferred option must provide full, fair, transparent and open competition and be identified as the most advantageous bid.
 - (b) The scope of contract packages should take into account cross-cutting themes and outcomes identified by strategic, policy and service reviews. Stakeholders within and outside the Council should be consulted about service standards and specifications and investigation of the market undertaken. Performance under any current contract should be appraised and prospective performance considered in the light of consultations and investigations.
 - (c) The Council is not required to conduct preliminary market engagement. However, preliminary market engagement is beneficial to the Council and the market in preparing for the procurement and developing the requirement. Where preliminary market engagement is to be undertaken, the Head of Legal and Procurement Services shall ensure that the necessary Preliminary Market Engagement Notice is published in accordance with the Procurement Act 2023.
 - (d) The contract package should seek to stimulate diversity and innovation, enhance choice for service users and attract new suppliers.
 - (e) Partnerships between the public, private and voluntary sectors should be sought, which demonstrate a shared commitment to objectives that benefit users of the Council's services.
 - (f) Consideration of reducing and/or removing barriers to entry in the procurement process for SMEs, VCSEs and start-ups.

14 Authority to Enter into a Contract

- 14.1 Officers may only enter into a contract if authority is delegated to them or by specific decision of the Council, the Cabinet or Cabinet Member or Procurement Board or Procurement Panel.
- 14.2 Unless an officer has been given authority to enter into a contract, all contracts involving capital expenditure must be authorised by a specific decision of the Cabinet or a Cabinet member.
- 14.3 Unless an officer has been given authority to enter into a contract, all contracts involving revenue expenditure must be authorised by a specific item in the approved revenue budget for the relevant year. A specific item in the approved

revenue budget is deemed to be an authority for the relevant Director to enter into a contract up to the value estimated.

- 14.4 All contracts will be let with the involvement of Legal and Procurement Services in consultation with service users and technical experts.
See Appendix 1 for Governance Flowchart

15 Specifications

- 15.1 The Director, in conjunction with the Head of Legal and Procurement Services, must ensure that an appropriate specification is prepared for every contract, which sets out clearly the Council's requirements with regard to the works, goods or services to be supplied.
- 15.2 The Director, in conjunction with the Head of Legal and Procurement Services shall ensure that specifications do not unnecessarily narrow the competitive pool of suppliers, and suppliers are treated equally.
- 15.3 Where applying standards applicable to the goods, services or works, the Director shall ensure that the specification is clear when referring to UK standards that if it is considered that equivalent standards from overseas have been satisfied, this will be treated as having satisfied the UK standard.
- 15.4 Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria (Key Performance Indicators or clearly defined milestones/deliverables) to enable the contract to be monitored and managed and should build in a capacity for flexibility and innovation, to secure sustained improvements and the ability to meet changing local and national circumstances.
- 15.5 Where appropriate, specifications should identify and allocate the risks inherent in the contract.
- 15.6 If a contract may involve the transfer of employees (from the Council to a contractor or from one contractor to another), the tender documents should, if the contractor has assured confidentiality of personal information, include all relevant information relating to those employees.
- 15.7 The Director must obtain all necessary professional and technical advice and assistance in preparing a specification, to ensure a comprehensive document that expresses the Council's requirements and protects its interests. Consultants or other third parties who assist in the preparation of a specification must not be invited to tender or quote for the contract.

16 Contract Procedures

- 16.1 If a corporate contract is in place for the supply of any works, goods or services, the Director must place orders under that contract. Legal and Procurement Services publishes data to enable Directors to order from corporate contracts.

- 16.2 The Director in conjunction with the Head of Legal and Procurement Services must establish whether the public procurement legislation or the Provider Selection Regime applies to a proposed contract. If in doubt, Legal Services will advise whether either legislation applies. When public procurement legislation does apply, the Director/ Head of Legal and Procurement Services must use the Open procedure or the Competitive Flexible procedure unless Legal & Procurement Services agree to the use of a Direct Award procedure. Where the Provider Selection Regime applies to a proposed contract, the Director/Head of Legal and Procurement Services must use one of the provider selection processes in accordance with the Provider Selection Regime guidance. In order to drive competitive procurement and value for money on all contracts, the default position of the Council is that a competitive procedure must be adopted.
- 16.3 The Head of Legal and Procurement Services will place all notices relating to contracts on the Central Digital Platform where applicable and will ensure compliance with all applicable laws and regulations relating to the Council's procurement activities.
- 16.4 The Director need not obtain competitive quotations for contracts of less than £10,000 in value but must demonstrate in any event that the Council is receiving value for money. All contracts entered in to at £5,000 or more must be added to the Contracts Register and published in accordance with the Local Government Transparency Code.

17 Invitation to Formal Tender

- 17.1 If the public procurement legislation applies to a contract, the selection of suppliers to be invited to tender for the contract must follow the requirements of that legislation.
- 17.2 Prior to the publication of the relevant Tender Notice or Transparency Notice, the Head of Legal Services shall ensure that the appropriate conflict assessment has been prepared and that it is maintained/revised accordingly until such time that the Council enters in to contract.
- 17.2 If the estimated total contract value for the procurement is between £100,000 and PA2023 thresholds, a minimum of five (5) potential suppliers must be invited to tender using the Council's e-tendering system. Where possible those invited to tender should include at least three (3) local suppliers. The number of suppliers invited to tender should ensure full competition is achieved.
- 17.3 Where the Authorising Officer does not believe it possible to invite five (5) suppliers to tender, the Invitation to Tender must be published to the open market.
- 17.4 Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds

apply to the Provider Selection Regime.

- 17.5 Companies expressing an interest in being invited to tender in response to an advertisement, must satisfy the Council as to their legal, financial and technical capacity (including but not limited to their Health & Safety and Equal Opportunities policies) to undertake the contract by satisfying the conditions of participation of the procurement procedure used, in a form approved by the Head of Legal and Procurement Services.
- 17.6 The Head of Legal and Procurement Services shall be responsible for ensuring that an “Invitation to Tender” procedure – that demonstrates public sector best practice – is available and adhered to, at all times, ensuring that the award criteria, weightings and assessment methodology is stipulated in the Invitation to Tender documentation and Tender Notice, and is sufficiently clear, measurable and relates to the subject matter of the contract.
- 17.7 The Head of Legal and Procurement Services shall be responsible for ensuring that the appropriate Procurement Termination Notice is published on the Central Digital Platform in the event of an abandoned procedure unless exemptions apply.

18 Opening Formal Tenders

- 18.1 The information obtained at the opening of tenders is confidential to those involved in the opening process and those directly involved in evaluation of the tenders. Confidentiality must be maintained, and any breach reported to the Monitoring Officer.
- 18.2 The Council uses an *electronic tendering platform*. The tender opening process must be appropriate to the specific electronic software employed and its facilities for guaranteed receipt of tenders.

19 The Quotation Procedure

- 19.1 Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds apply to the Provider Selection Regime.
- 19.2 Except for services which are captured by the Provider Selection Regime, where the contract value is £10,000 and up to £24,999, a minimum of five (5) verbal quotations (which must be confirmed by email) shall be sought and the use of the quotation pack is optional. Where the contract value is £25,000 up to £99,999, a minimum of five (5) quotations MUST be requested via the Council’s e-tendering system using the quotation pack. Where possible those invited to quote where the contract value is between £10,000 and £99,999 should include a minimum of three (3) local suppliers.
- 19.3 The Authorising Officer must satisfy themselves as to the legal, financial and

technical capacity of suppliers invited to quote to undertake the contract for the Council, through seeking appropriate in-house professional advice, and that they will provide value for money.

- 19.4 Five (5) or more suppliers must be invited to quote to ensure genuine competition. Where the Authorising Officer does not believe it possible to invite five (5) suppliers to quote, the Request for Quotation must be published to the open market.
- 19.5 The Head of Legal and Procurement Services shall be responsible for all procedural aspects of seeking quotations, ensuring that probity and proper public accountability standards are in operation. Monitoring shall be carried out periodically by either the internal or external auditor.

20 Acceptance of Formal Tenders and Quotations

- 20.1 Where expenditure has been approved through the budget setting process, the Procurement Panel or Board has given approval to proceed and these CPRs have been followed, the Procurement Board or Procurement Panel shall receive notification of the contract award.
- 20.2 Where the Health Care Services (Provider Selection Regime) Regulations apply, the appropriate provider selection process shall be followed. Where the Competitive Process is followed, contracts shall be awarded according to the basic selection criteria and key criteria of the Provider Selection Regime. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.
- 20.3 When using the Provider Selection Regime, the criteria for evaluation must be set out in the invitation to tender or equivalent document depending on which procedure is used, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details Notice unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.
- 20.4 Excluding services captured by the Provider Selection Regime, for contracts of £100,000 or more, contracts are to be awarded under the “most advantageous” criterion. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

- 20.5 Tenders or quotations must be evaluated on the basis of which is most advantageous to the Council. When using the PA2023, the criteria for evaluation must be set out in the associated tender or quotation documents, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details notices unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.
- 20.6 The Head of Legal and Professional Services shall ensure that the appropriate assessment summaries are provided to tenderers, informing them of the contract award outcomes at the conclusion of the procurement exercise.

21 Electronic Tendering and Quotations

The Head of Legal and Procurement Services is responsible for the procedure for these processes.

- (a) tenders and quotations over £25,000 must be invited electronically through the Council's e-tendering system. Support must be found for suppliers that do not have access.
- (b) invitations to tender and quotes submissions over £25,000 must be submitted electronically through the Council's e-tendering system. Where electronic submissions have been approved by the relevant Procurement Officer to be made outside of the approved system (i.e., via email), submissions must be made before the official opening deadline.
- (c) the procedure will also include arrangements for e-auctions.

22 Amendments and Alterations to Tenders and Quotations

- 22.1 Amendments to invitation to tender or Request for Quotation (RFQ) documents, made after the invitations have been sent out, must be clearly headed "Tender Amendment" or "Quotation Amendment" as appropriate and sent to all suppliers who have been invited to tender or quote. If there is more than one amendment, they should be numbered consecutively. Amendments should be sent out in sufficient time to allow suppliers to adjust their tenders or quotations as appropriate.
- 22.2 A supplier's tender or quotation is its offer to the Council, which the Council may accept as it stands. Once a tender or quotation has been submitted, alterations will only be accepted through formal clarifications under the competitive process undertaken..
- 22.3 In all other situations, if a supplier attempts to alter their offer after the last date for receipt of tenders or quotations, they must be given the opportunity to stand by or withdraw their original offer. Correction of an obvious arithmetical error, which would reduce the price to be paid by the Council or increase the price to

be paid to the Council, may be accepted.

- 22.4 Where performance specifications are used, a tender or quotation that is expressed to be conditional upon the Council's acceptance of alterations to the specification or the terms and conditions of contract, may be treated as non-compliant and rejected. This does not prevent the Council inviting variant bids (that is an invitation to submit an alternative bid that could then be considered as being to the Council's benefit provided that the condition applying to the mandatory reference bid is followed). If variant bids are invited, suppliers must be required to submit a mandatory reference bid based on the specification and terms and conditions included in the invitation to tender or invitation to quote, so that all bids may be compared fairly.
- 22.5 Where outcome-based specifications are used it will be for the bidder to decide the method of service delivery. Tenders or quotations will be evaluated fairly against published evaluation criteria.
- 22.6 A properly approved and compliant competitive process involving dialogue or negotiation will normally result in one or more Best and Final Offers as a result of negotiation with selected bidders. No alteration to the Best and Final Offer, in terms of outcomes or contract price, is permitted without the specific approval of the Monitoring Officer.

23 Contract extensions

- 23.1 Where extensions to contracts have been included in the original advert, tender documentation and contract, subject to Procurement Panel/Board approval, the extensions may be agreed; where performance is satisfactory and the original contract terms are to continue (including price variations in line with the original contract) through the issuing of a contract change note or variation schedule. The contract change note / variation schedule must be kept with the original contract in line with the document retention policy and must be signed by the officer who signed the original contract, or in their absence for whatever reason, by another officer authorised to sign the original contract.
- 23.2 For Contracts of £100,000 in value and over, or irrespective of value where captured by the Provider Selection Regime, these will be approved by Procurement Panel/Board as set out in Appendix 2.

24 Contract Variations

- 24.1 For contract variations, if a contract variation is proposed where the terms and conditions of the original contract will be changed, the Head of Legal and Procurement Services or relevant Panel/Board shall require a written report from the responsible officer requesting approval in line with Appendix 3 for acceptance, detailing the reasons for doing so, and clearly outlining the relevant legislative regime applicable and the satisfaction thereof. This shall be recorded in writing.

- 24.2 In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall ensure that the Contract Change Notice is published prior to the variation being executed and becoming effective unless exemptions apply.
- 24.3 A contract change note will be issued and kept with the original contract documentation. All written reports will be stored in line with the document retention policy. If a contract is executed as a deed, a short supplemental deed may be drafted, and this will be dealt with on request to Legal Services.
- 24.4 Where a contract modification results in the revised total contract value exceeding £5m, the contract is known as a ‘convertible contract’ and is subject to the additional notice requirements found at 27.2 - 27.4.

25. Form of Contract

- 25.1 Legal Services will decide whether a contract is to be executed as a deed or under hand as a simple contract. As a general rule, any works contracts, and high value contracts equal to or exceeding £1,000,000 and which are expressed to be executed as deeds must either be:
- 25.1.1 made under the Council’s seal attested by the City Solicitor or authorised signatory; or
 - 25.1.2 signed by at least two officers of Legal Services duly authorised by the City Solicitor
- 25.2 All contracts created as deeds must be made in accordance with the provisions of Rule 25.1 above, witnessed in accordance with the relevant provision of the Scheme of Functions Delegated to Employees by an Officer authorised to do so.
- 25.3 A contract executed as a deed is retained for twelve years to enable any action to be taken under it, if required
- 25.4 Contracts of up to £999,999 in value can be signed under hand for and on behalf of the Council by Directors and Heads of Service, or an authorised signatory.
- 25.5 Any contracts entered into on behalf of the Council which are being executed by electronic means (using an electronic execution software tool) shall be undertaken in accordance with the process set out in the Contract Execution Process.

26. Social Value

- 26.1 The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement requires the Council to consider delivering Social Value through contracts. The Council encourages consideration of social value outcomes in all contracts, where it can be evidenced that it is relevant to the subject matter of the contract.

26.2 For those contracts that fall below the threshold, the approach should be to maximise outcomes where possible.

26.3 In order to ensure that the Council adheres to the Act and the National Procurement Policy Statement, the social value sought from a contract must be relevant and proportionate in respect of the proposed contract.

27. Contract Administration and Management

27.1 In relation to the procurement of goods, services and/or works and concession arrangements, the Head of Legal and Procurement Services shall arrange for publication of a Contract Details notice for contracts valued in excess of £25,000 no later than 30 days after contract award, if appropriate, and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

27.2 In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall ensure that the Contract Details Notice contains details of no less than three Key Performance Indicators in accordance with the PA2023 unless exemptions apply.

27.3 In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of a redacted copy of the contract unless exemptions apply,

27.4 In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of the Contract Performance Notice not less than once every twelve (12) months unless exemptions apply.

27.5 In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall arrange for the publication of the Contract Termination Notice (including through natural expiry) unless exemptions apply.

27.6 In relation to the procurement of health care services captured by the Provider Selection Regime, the Head of Legal and Procurement Services shall arrange for publication of a contract award notice for all contracts irrespective of value no later than 30 days after contract award and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

27.7 The Head of Legal and Procurement Services shall be responsible for ensuring that a procedure on “Contract Administration and Management” is made available to all officers and partners managing contracts on the Council's behalf.

28. Prevention of fraud and corruption

- 28.1 All purchases, contracts and income covered by these rules must be let in line with the Council's Anti-fraud and Corruption Policy and Strategy and in line with the requirements of the PA2023 and Provider Selection Regime.
- 28.2 If an officer of the Council has a pecuniary interest in a contract or proposed contract, he/she must in accordance with Section 117 of the Local Government Act 1972 register the interest with the Monitoring Officer and declare it at any meeting at which the officer is present and the contract is discussed and thereafter leave the room and take no further part in the discussion.
- 28.3 If an officer of the Council has a personal or non-pecuniary interest in a contract or proposed contract, they must declare that interest to the Chief Executive or to their Director, as appropriate, as required by the Council's Code of Conduct for Employees and relevant employee policies.
- 28.4 If a Member of the Council has a disclosable pecuniary interest or other relevant interest in a contract as defined in the Code of Conduct for Elected and Co-opted Members, the member must take such action as is required by that Code.
- 28.5 A contract must be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on their behalf:
- (a) offers or gives or agrees to give any member or officer of the Council any gift, benefit or consideration of any kind or value as an inducement or reward with regard to the contract; or
 - (b) commits any offence under the Bribery Act 2010 or section 117 of the Local Government Act 1972.
- A declaration to this effect must be contained in all invitations to tender or quote.
- 28.6 The attention of officers is drawn to the Council's Code of Conduct for Elected and Co-opted Members, Whistleblowing policy, Disciplinary Policy and Procedures and the Code of Conduct for Employees and relevant employee policies. Non-compliance with these CPRs constitutes grounds for disciplinary action.
- 28.7 All of the requirements in Rule 28.1 to 28.6 above will apply to any third party acting on the Council's behalf in a contractual situation e.g. consultants and community representatives on evaluation panels.

29. Freedom of Information Act 2000

- 29.1 When entering into contracts the Council will refuse to include contractual terms

that purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Council will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

- 29.2 When entering into contracts with non-public authority contractors, the Council may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Information Commissioner, the Council will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Council will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. The Council will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner. When entering into the above contracts the Council will make it clear that these restrictions apply to sub-contractors also and that the Secretary of State has the powers to designate them as 'public bodies' for the purpose of making them comply with the Act.
- 29.3 The Council will not agree to hold information 'in confidence' which is not in fact confidential in nature. Advice from the Information Commissioner indicates that the exemption provided for in section 41 only applies if information has been obtained by a public authority from another person and the disclosure of the information to the public, otherwise than under the Act, would constitute a breach of confidence actionable by that, or any other person.
- 29.4 It is for the Council to disclose information pursuant to the Act, and not the non-public authority contractor. The Council will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor (which would clearly be exempt from disclosure under the Act) by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, the Council will not impose terms of secrecy on contractors.
- 29.5 The Head of Legal and Procurement Services will be responsible for advising on the application of the Freedom of Information Act and contracts, in conjunction with the Council's Head of Information Governance, where circumstances arise that are not specifically covered by Council policy. He/she will also be responsible for updating procedure following any case law that materially amends or augments Council policy in this area.

30. Management of Risk in Contracts

For contracts of strategic importance, a risk register will be drawn up for the

contract letting process. Once the contract is awarded, a risk register to cover the implementation and successful ongoing management of the contract will be drawn up by the Head of Service or authorised deputy. This risk register will be monitored in line with the corporate guidance on risk throughout the life of the contract.

31. Impact of Other Legislation

In addition to what has already been mentioned in these Rules, there is other legislation that may impact on the supplies, services and works required when following a contract tender or quotation procedure such as Health & Safety, Safeguarding, Modern Slavery, to name but a few. This legislation must be incorporated where relevant and appropriate. In particular, the Director must consider whether the contract needs to include, or be subject to, a Data Sharing Agreement where the nature of the contract services is such that personal data is likely to be shared.

32. Definitions

In these CPRs:

Authorising Officer means: an officer authorised to approve the placement of orders or invoices for payment.

Cabinet means: the Leader of the Council and the other members of the Council's Executive.

Director for Finance and Resources means: the officer appointed under section 151 of the Local Government Act 1972.

Contract means: the agreement between the Council and a contractor/supplier/provider for the supply of works, goods or services, or for any activity that generates income for the Council.

Contractor means: a supplier or provider of works, goods or services to the Council.

Contract change note means: the document that describes changes to the original contract which have been agreed by both parties.

Contract package means: the scope for amalgamating like requirements/services currently operating at different parts of the organisation, to suit the supply market to achieve overall better value.

Corporate contract means: a contract or framework agreement for the supply of works, goods or services to the Council e.g. for computer consumables, stationery, legal and financial services.

Decision making body means: the body responsible for decisions in the described situation under the Council's Constitution.

Director(s) means: a member(s) of the Council's One Coventry Leadership Team (OCLT) or Senior Leadership Team (SLT).

Framework Agreement means: an agreement between the Council and a contractor for the provision of estimated quantities of goods or services. This becomes a contract when an order for a specific quantity is placed either after further competition or through the most competitive source identified in the original tender.

Head of Legal and Procurement Services means: the Head of Legal and Procurement Services or their authorised representative.

Monitoring Officer means: the officer designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy.

Outcome based specifications means: a specification that describes the required outcomes through service delivery and leaves the method of delivery to the third-party provider.

Panels means: Procurement Panel.

Performance Specifications means: a specification that provides details of the methods to be adopted when delivering the requirements.

Procurement Board means: the officer board responsible for all procurement decisions.

Legal and Procurement Services means: the centralised legal and procurement service for Coventry City Council.

Provider Selection Regime means: the Health Care Services (Provider Selection Regime) Regulation 2023, the legislation which governs the arrangement of health care services in England, introduced under the Health Care Act 2022. The Provider Selection Regime only applies to those services for healthcare services and public health services (as defined in section 1(1) of the National Health Service Act 2006;) which are arranged by NHS bodies and local government, provided directly to individuals or patients and have a direct impact in the prevention, diagnosis, and treatment of physical and mental illness.

Public procurement legislation means: The Procurement Act 2023, UK legislation affecting public sector contracts and any amendment, re-enactment or replacement of any of them.

Quotation means: an offer to undertake a contract of £10,000 or more but less than £100,000 in value.

Right to challenge means: the right to challenge for services under Part 5 of the Localism Act 2011.

Services contract means: a contract or framework agreement for the provision of services to the Council.

Supplies contract means: a contract or framework agreement for the sale or hire of goods to the Council and includes, where appropriate, installation of goods.

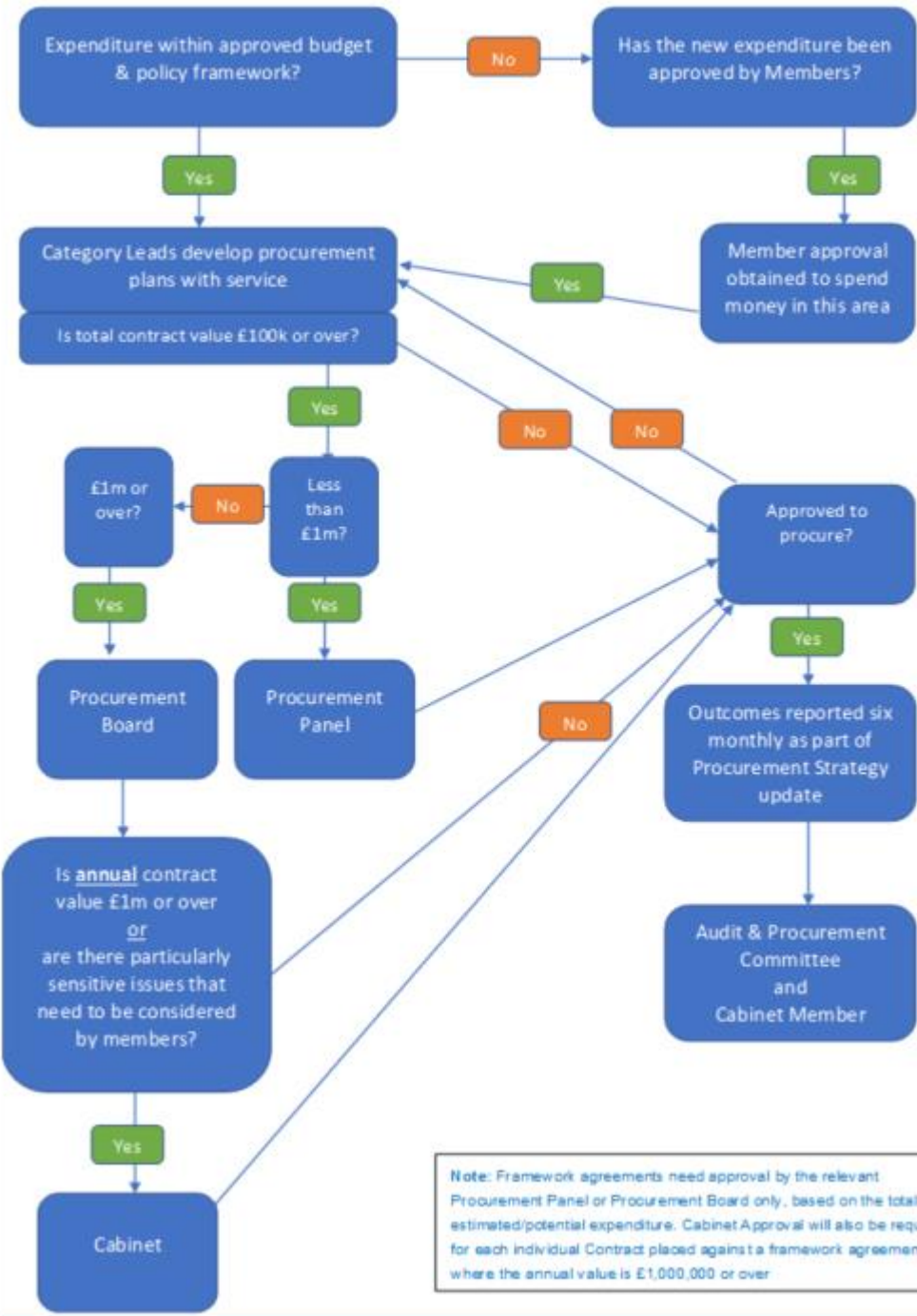
Tender means: an offer to undertake a contract of £100,000 or more in value.

TUPE Regulations means: the Transfer of Undertakings (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of the same.

Works contract means: a contract for the construction, repair or maintenance of a physical asset not defined as Services in the Procurement Act 2023.

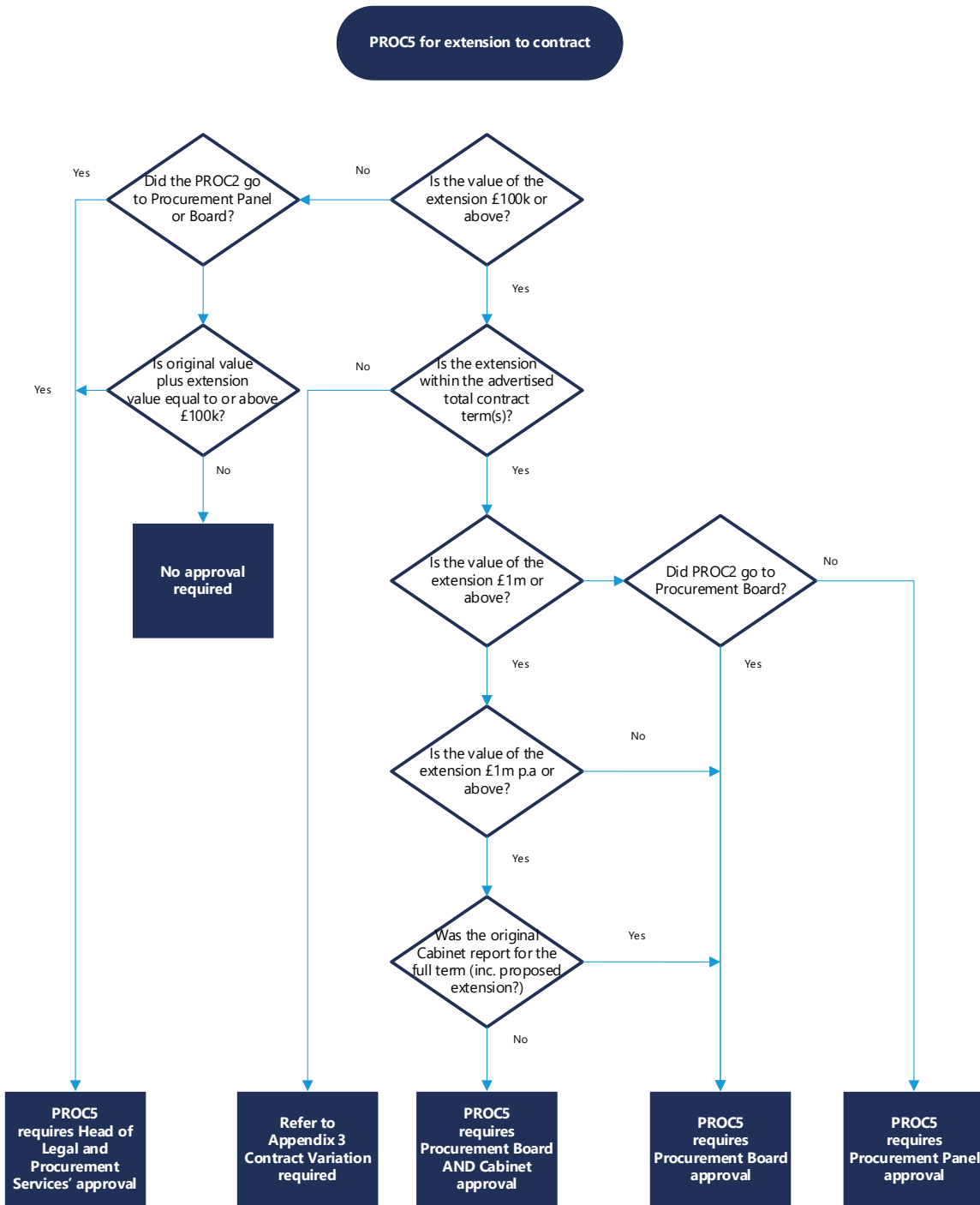
Appendix 1

PROCUREMENT GOVERNANCE



Note: Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over

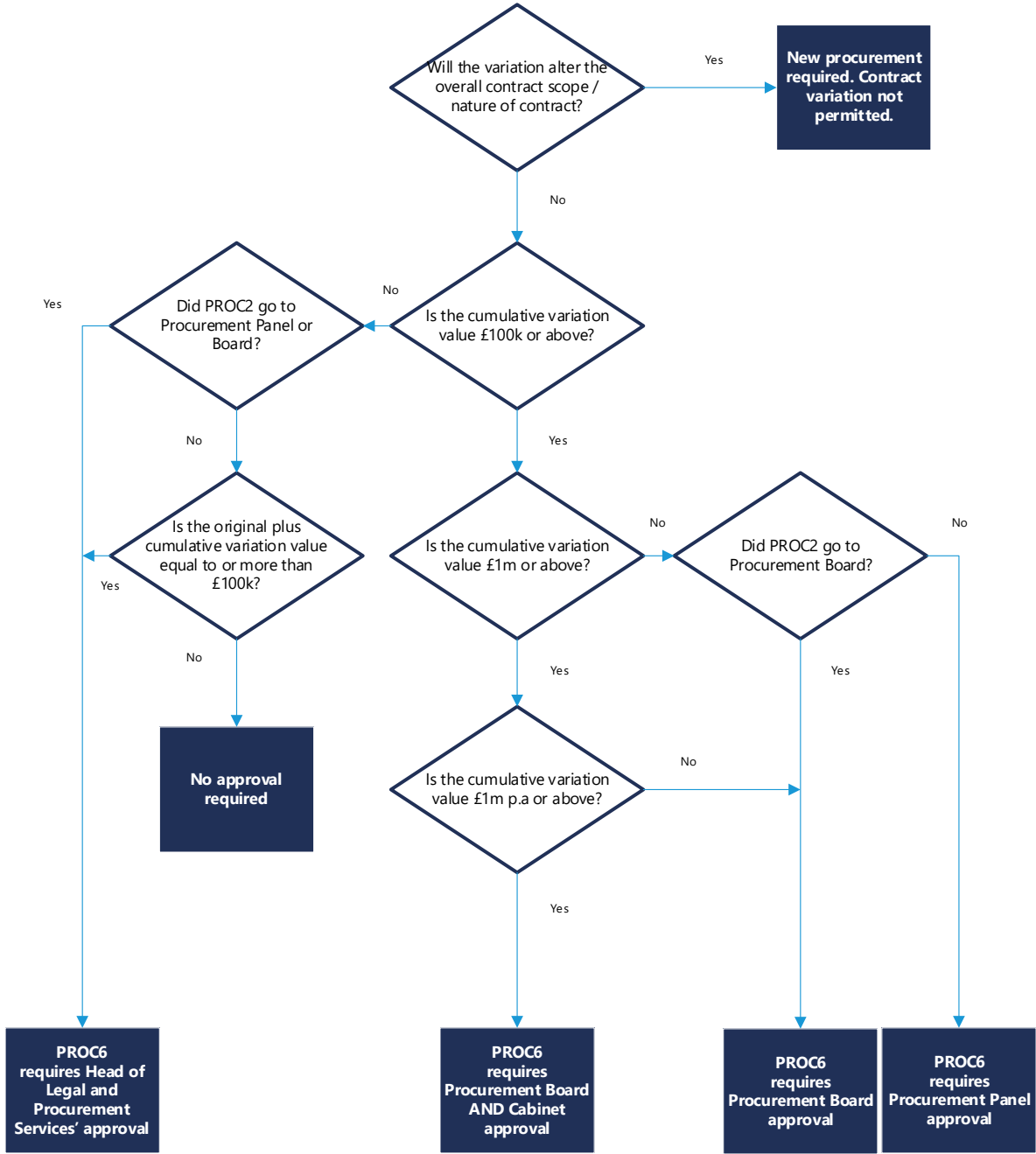
Appendix 2 – Approval Process for Contract Extensions



Note:
 PROC2 – Request for Permission to Procure
 PROCS – Request for Permission to Extend a Contract

Appendix 3 – Approval Process for Contract Variations

PROC6 for variation to contract



Note:
 PROC2 – Request for Permission to Procure
 PROC6 – Request for Permission to Vary a Contract

Appendix 4 – Thresholds and exemptions for publishing notices

Notice Name	Threshold for Publication	Exemptions
Preliminary market engagement notice	When intending to carry out or have already undertaken pre-market engagement for above threshold contracts (can be used voluntary for below threshold contract).	Private utilities
Planned procurement notice	When notifying the market in advance. A qualifying planned procurement notice can be used to reduce tender timescales for above threshold contracts.	N/A
Pipeline notice	Within the first 56 days of the financial year where the total procurement spend is above £100m p/a (including below threshold spend). Include details of contracts over £2m.	Private utilities Contracts awarded by transferred Northern Ireland (NI) authorities
Tender notice	When inviting a request to participate or tender. Tender notice: above threshold contracts. Below-threshold tender notice: contract above regulated below-threshold tender threshold.	Qualifying utilities dynamic markets (no requirement to publish the tender notice, just provided directly to existing members of the market)
Transparency notice	Before awarding an above threshold contract via direct award.	Direct award: user choice contracts
Contract award notice	Before awarding an above threshold contract (can be used voluntary for below-threshold contract).	Direct award: user choice contracts Defence and security contracts awarded under a defence and security framework
Contract details notice	Within the 30 days following when a contract is entered into for above threshold and regulated below threshold contracts (120 days for light touch contracts). Where total value of the contract is over £5m, publish the contract documents and details of KPIs (unless exemption applies).	Private utilities Direct award: user choice contracts Contracts awarded by a devolved Welsh authority or transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement)

Part 3G –Contract Procedure Rules

		Contracts awarded under a devolved Welsh or transferred NI procurement arrangement - exempt from publishing contract documents only
Contract payment notice	Payment(s) of £30,000 or more, under an above threshold contract. Publish quarterly.	Contracts awarded by a private utility Concessions contracts Contracts awarded by a school Contracts awarded by a transferred NI authority or under a NI procurement arrangement (unless it is awarded as part of a procurement under a reserved procurement arrangement or devolved Welsh procurement arrangement)
Contract performance notice	Contracts over £5m with KPIs set: publish KPI scores at least annually. All public contracts: in the event of poor performance/breach of contract: publish within 30 days of the event	Private utilities - exempt from both Light touch - exempt from both Concession contracts - exempt from publishing KPIs only Framework contracts - exempt from publishing KPIs only
Contract change notice	Above threshold contracts before a qualifying modification takes place. Convertible contracts before a qualifying modification takes place. Contracts over £5m: publish copy of modified contract or contract modification.	Defence and security contracts Private utilities Light touch contracts Contracts awarded by a transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement or devolved Welsh procurement arrangement) or under a transferred NI procurement arrangement Contracts awarded by a devolved Welsh authority or a devolved Welsh procurement arrangement (unless it is awarded as part of a procurement under a reserved procurement arrangement) exempt from publishing the modified contract only
Contract termination notice	Above threshold contracts (can be used voluntary for below-threshold	Private utilities

Part 3G –Contract Procedure Rules

	contract) when the contract terminates/ends.	Direct award: user choice contracts
Procurement termination notice	Above threshold contracts (can be used voluntary for below-threshold contract) when required	Private utilities.
Dynamic market notice	When advertising, establishing, changing or terminating a dynamic market.	Private utilities are not required to update the dynamic market notice when the market ceases to operate.
Payments compliance notice	Above threshold contracts.	Private utilities Concessions contracts Contracts awarded by a transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement or devolved Welsh procurement arrangement) or under a NI procurement arrangement. Contracts awarded by a school

PART 3H: EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

1.1 Recruitment Policy

Recruitment of employees will be in accordance with the Council's adopted recruitment and appointment policy and the Council will recruit from the widest possible field and will appoint on the sole criteria of merit, except where race and gender is a genuine occupational qualification, or where the Council seeks to avoid redundancy by identifying alternative employment opportunities or there are exceptional circumstances.

1.2 Legislation

The Council's Recruitment and Selection Policy and Procedures are governed by extensive legislation particularly the laws relating to discrimination. The Employment Procedure Rules reflect existing statutory provisions and in particular the Local Authorities (Standing Orders) (England) Regulations 1993 and 2001(as amended) and are based on the model provided by the Secretary of State for Communities and Local Government.

1.3 Declarations

These will be considered as follows:-

- (a) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are related to or a partner of an existing Councillor or an employee of the Council, or the partner of such persons.
- (b) A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal without notice.
- (c) Every Member and employee of the Council at JNC for Chief Officers level will disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.
- (d) No candidate so related to any Member or an employee will be appointed to the same service unit without the authority of the Chief Executive or relevant Chief Officer.
- (e) Any employee who develops a personal relationship with a Councillor, or with another employee in the same service, or any employee covered by the JNC for Chief Officers who develops a personal relationship with any

other employee, will disclose that relationship to his/her manager.

- (f) The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management and Councillor/employee relationships.

1.4 *Seeking support for an appointment*

- (a) Subject to Rule 1.5, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member of the Council for any appointment with the Council.
- (b) Subject to Rule 1.5 below, no Member of the Council will seek support for any person for any appointment with the Council.
- (c) The content of this Rule will be included in any recruitment information.

1.5 *References*

Nothing in Rule 1.4 above will preclude a Member of the Council from giving a written reference for a candidate for submission with any application for employment. Any member giving such a reference will take no part in the recruitment process.

(f) Recruitment of Chief Executive, Chief Officers and "Deputy Chief Officers"

2.1 For the purpose of these employment procedure rules, a Chief Officer or "Deputy Chief Officer" is as defined in Sections 2(6)(7) and (8) of the Local Government and Housing Act 1989. The definition of a "Deputy Chief Officer" means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more Chief Officer. This definition applies to a number of senior employees in the City Council, as determined by the Chief Executive, who for the purpose of these procedure rules, are designated "Deputy Chief Officers".

2.2 Where the Council proposes to appoint a Chief Executive, Chief Officer or "Deputy Chief Officer" and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

- (a) Draw up a statement specifying: the duties of the employee concerned; and any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention of the persons who are qualified to apply for it; and
- (c) make arrangements for a copy of Rule 1.4 to be sent to any person on request.

Part 3H – Employment Procedure Rules

2.3 The recruitment and appointment of employees other than those specified in Rules 3 and 4 (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee.

2.4 No appointments except Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 2.1 above) (other than assistants to political groups) may be made by any Member or Members of the Council.

(g) Selection Process for Chief Executive and Chief Officers and "Deputy Chief Officers"

3.1 Detailed arrangements with regard to the recruitment processes and selection techniques to be used, any additional procedures to those set out in these rules or the need for external advice will be decided by the Chief Executive or his/her nominee (unless excluded) on the advice of the appropriate senior HR Manager (unless excluded).

3.2 Any existing employee who is a candidate or a potential candidate or has any other personal interest in the recruitment process is excluded from taking any part in the process. In such circumstances Strategic Management Board will nominate a suitable replacement for that post holder.

3.3 The Chief Executive or his/her nominee (unless excluded) and the appropriate senior HR Manager (unless excluded) will identify all applicants who meet the requirements of the post, as detailed in the statement referred to in Rule 2 above, who will progress to the next stage of the selection process.

3.4 Applicants to posts of Chief Executive, Chief Officer and "Deputy Chief Officer" will then go through a screening and/or assessment process by a selection panel which will select candidates to go forward to the Appointments Panel. The selection panel will comprise of the following:-

- (a) The appropriate Cabinet Member(s), responsible for the service or services concerned.
- (b) The Chief Executive or his or her nominee.
- (c) The appropriate Senior Human Resources Manager or his or her nominee.
- (d) For an appointment other than a Member of the Strategic Management Board, the Member of the Strategic Management Board responsible for the post.
- (e) One other Member of the Strategic Management Board nominated by the Chief Executive at his/her discretion.
- (f) An appropriate professional advisor.

- 3.5 Where no suitable qualified person has applied, arrangements will be made to re-advertise the post in accordance with the procedure set out in Rule 2.

(h) Appointment of the Chief Executive

- 4.1 The Appointments Panel for the appointment of any Chief Executive will be established by full Council on a recommendation from the Cabinet.
- 4.2 The Appointments Panel for the appointment of the Chief Executive must include at least one Member of the Cabinet and will comprise at least the following:-
- (a) the Leader and the Deputy Leader of the Council or their respective nominees.
 - (b) The Chair of the Scrutiny Co-ordination Committee or nominee.
 - (c) Such other Opposition Member(s) of Scrutiny to ensure the political balance.
- 4.3 The full Council will approve the appointment of the Chief Executive following the recommendations of an Appointments Panel. No offer of appointment may be made before the appointment has been approved by the full Council.
- 4.4 The Appointments Panel will be advised by any relevant Chief Officer(s) (or Senior Manager) or external professional advisers as nominated by the Cabinet on advice from any relevant Chief Officer (for the Chief Executive or Senior Manager).
- 4.5 The Quorum for the Appointments Panel for the Chief Executive will be 3 Members.

(i) Chief Officer and "Deputy Chief Officer" Appointments

- 5.1 All Chief Officers or "Deputy Chief Officers" will be appointed by an Appointments Panel.
- 5.2 The Appointments Panel should comprise the following:-
- (a) The Leader and/or Deputy Leader of the Council or their respective nominees;
 - (b) The appropriate Cabinet Member(s) having responsibility for the area of service concerned, determined by the City Solicitor in consultation with the Leader of the Council or his or her nominee;
 - (c) The Chair of the Scrutiny Co-ordination Committee or his or her nominee;

(d) Such other opposition non-Cabinet Member(s) to ensure the political balance.

5.3 The Appointments Panel will be advised by the Chief Executive and any other relevant Chief Officer(s) (or Senior Managers) or external professional advisers as nominated by the Chief Executive.

5.4 The appointment of the Monitoring Officer and Chief Finance Officer will be approved by full Council following a recommendation of an Appointments Panel.

5.5 The Chief People Officer will ensure that all appropriate Disclosure and Barring Service are obtained before an appointment is confirmed.

5.6 The Quorum for the Appointments Panel for Chief Officers or "Deputy Chief Officers" will be 3 Members.

(j) Offer of Appointment of Chief Officers and "Deputy Chief Officers"

6.1 Any offer of employment to any post of Chief Officer or "Deputy Chief Officer" will only be made by an Appointments Panel where no well-founded objection from any Member of the Cabinet has been received.

6.2 Before an Appointments Panel considers an appointment to Chief Officer or "Deputy Chief Officer" the City Solicitor will be notified of the shortlisted candidates' names and any other relevant particulars.

6.3 The City Solicitor will notify all Cabinet Members of the names, the relevant particulars and the period within which any objection to any of the shortlisted candidates can be made (this will be a minimum of three working days).

6.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the City Solicitor on behalf of the Cabinet.

6.5 No appointment can be made until the expiry of the objection period and notification is received from the Leader that neither she/he nor any Member of the Cabinet objects to the appointment.

6.6 If an objection is received, the City Solicitor will notify the Appointments Panel and the appointment can only be made if the Appointments Panel determines that the objection is not material or well-founded.

6.7 The terms "Chief Officer" and "Deputy Chief Officer" are the statutory definitions of those terms and these requirements are compulsory.

(k) Dismissal and Disciplinary Action

- 7.1 Members of the Council will not be involved in any disciplinary action against or the dismissal of any employee other than Chief Executive, Chief Officer or "Deputy Chief Officer" except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's Disciplinary, Capability and related Procedures as adopted from time to time may allow a right of appeal to Members in respect of dismissals.
- 7.2 Subject to paragraph 10, any disciplinary action against Chief Officers and "Deputy Chief Officers" will be conducted strictly in accordance with the Joint Negotiating Committee for Chief Officers terms and conditions of service.

(l) Objections to Dismissal

- 8.1 Any dismissal from any post of Chief Executive, Chief Officer or "Deputy Chief Officer" will only be made where no well-founded objection from any Member of the Cabinet has been received.
- 8.2 When any person is minded to dismiss any Chief Officer or "Deputy Chief Officer", the City Solicitor will be notified of the proposed dismissal and any other particulars relevant to the dismissal.
- 8.3 The City Solicitor will notify all Cabinet Members of the name, the relevant particulars and the period within which any objection to the proposed dismissal is to be made.
- 8.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the City Solicitor on behalf of the Cabinet.
- 8.5 If no objection is received within the specified period or if the Leader has stated that neither he nor any Member of the Cabinet objects to the proposed dismissal, the dismissal can be made.
- 8.6 If an objection is received, the City Solicitor will notify the person proposing to make the dismissal and the dismissal can only be made if that person determines that the objection is not material or well-founded.

(m) Suspension of Chief Executive, Monitoring Officer and Chief Finance Officer

The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than 2 months, without being recommended for extension by an independent person.

(n)Disciplinary Action and Dismissal involving Chief Executive, Chief Finance Officer and Monitoring Officer

- 10.1 No disciplinary action including dismissal may be taken in respect of the Chief Executive, the Chief Finance Officer or the Monitoring Officer (“the relevant officers”) except in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended).
- 10.2 Before considering whether to dismiss the relevant officers, the Council will appoint a Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the relevant officers. The Panel will be a committee appointed by the Council under Section 102(4) of the Local Government Act 1972.
- 10.3 The Council will invite Independent Persons appointed under Section 28(7) of the Localism Act 2011 to be considered for appointment to the Panel with a view to appointing at least two such persons to the Panel. Independent Persons means any independent persons who have been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 10.4 Subject to paragraph 10.5, the Council will appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 10.3 in accordance with the following priority order—
- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the Council;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 10.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 10.4 but may do so.
- 10.6 The Council must appoint any Panel at least 20 working days before any meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- 10.7 Before the taking of a vote at a meeting referred to in paragraph 10.6, on whether or not to approve such a dismissal, the Council must take into account, in particular—
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.

- 10.8 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act, if any.
- 10.9 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of a relevant officer, the Council must approve that dismissal before notice is given to that person.

(o) Assistants to Political Groups

- 11.1 The appointment of any assistant to a political group will be made in accordance with the statutory provisions in that regard.
- 11.2 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group.
- 11.3 There will be no political assistants unless such a post is allocated to all political parties that are so entitled. Any party that does not qualify may not have one. Before making any appointment to the post of political assistant, the Council must decide which group(s) would be entitled to such a political assistant.

(p) Interests in Employee Negotiations

Any Councillor who is in the employment of any local authority or who is an official or an employee of a Trade Union whose Members include employees of the Council is prohibited by law from representing the interests of the Council in any negotiations with respect to the terms and conditions of Council employees. Nothing in this paragraph will prevent any member from taking part in any Appeal Panel not involving terms and conditions of service.

(q) Human Resource Matters

Management of Employees

- 13.1 All Members of the Strategic Management Board and Directors will be accountable to the Cabinet for the management of their Directorates or Departments.
- 13.2 In fulfilling this management role, all Members of the Strategic Management Board and Directors will comply with the City Council's human resource policies with regard to recruitment, selection and employment of employees, as may be agreed from time to time by the Cabinet.
- 13.3 All senior Managers are responsible for the effective recruitment, development and promotion of a workforce which is representative of the community and provides training and, if appropriate, adaptations for under-represented groups.

Part 3H – Employment Procedure Rules

- 13.4 All employment policy and precedent advice to an Appeal Panel or member level dispute panel will be provided by the Chief People Officer or his/her nominee.

Proposals with Human Resource Implications

- 13.5 Any proposal to establish or change policy must be supported by a written report to the appropriate Cabinet Member by the relevant Member(s) of the Strategic Management Board or a Director or Directors.
- 13.6 The Chief People Officer must report any breaches of the City Council’s human resources policy, which may jeopardise the sound management of human resources within the City Council.

Human Resources Managers

- 13.7 The Chief People Officer will, in consultation with each Member of the Strategic Management Board and Directors, designate an Employee as Human Resources Manager to help each Member of the Strategic Management Board and Directors ensure compliance with the human resource policies of the City Council.
- 13.8 Decisions of any Appointments Panel or Appeal Committee are not subject to call-in.

PART 3I: THE PETITIONS SCHEME

1. General

- 1.1 The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns.
- 1.2 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition and it has at least 5 signatories on it.
- 1.3 Petitions can be submitted by people who live, work or study in Coventry, or sponsored by a Councillor on their behalf. Where a petition is presented without a Councillor sponsor, ward Councillors will be offered sponsorship of the petition.
- 1.4 Petitions can be submitted in two ways:
- (a) on paper; a recommended form for use by petition organisers is available on the City Council's website (www.coventry.gov.uk) at <http://www.coventry.gov.uk/downloads/download/1524/petitions>, and
 - (b) electronically via the Council's e-Petition facility (<http://www.coventry.gov.uk/info/10095/petitions>)
- 1.5 Paper petitions should be sent to the Petitions Officer:
- Governance Services co-ordinator
Coventry City Council
Council House
Earl Street
Coventry
CV1 5RR

(r) Guidelines for Submitting a Petition

- 2.1 Petitions submitted to the Council must include:-
- The topic being addressed and
 - The action required from the Council and
 - At least 5 signatories who live, work or study in Coventry
- 2.2 Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's website in order to enable the Council to meet its obligations under data protection legislation. If the petition does not identify a

Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

- 2.3 In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.

(s) Exclusions

- 3.1 The general principle is that the Council will consider all petitions submitted but petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.
- 3.2 Where applicable, the Council will contact the Petition Organiser to discuss with them the issues and advise on how the petition might be made acceptable.
- 3.3 Where the Petitions Officer considers that a petition should be rejected for any of the above reasons, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter would be decided by the Leader.
- 3.4 The Council will not accept petitions dealing with any matter which has been considered by the Council within the previous 6 months. The exception to this would be where there has been a material change affecting the topic of the petition. These should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter should be decided by the Leader.

(t) Petitions submitted or sponsored by a Councillor

- 4.1 Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'.
- (a) If a Councillor presents a petition to a meeting of the City Council the Councillor submitting the petition will be entitled to speak for two minutes;
 - (b) if a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the meeting to present the petition and entitled to speak for two minutes in addition to the speaking time for the petition organiser; and
 - (c) if a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

- (d) If a Councillor who is the Petition Organiser or who is acting as its Sponsor (in which case, together with the Petition Organiser) indicates in writing that they are agreeable, a petition may be dealt with or responded to without the need for formal consideration by a City Council body.

4.2 Where two or more Councillors present the same petitions, both Councillors will be entitled to speak for 2 minutes.

(u) Council Action on Receipt of a Petition

5.1 A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition (unless the Council is considering excluding the petition in accordance with Rule 3 above).

5.2 Details of the petition will be sent to the relevant ward Councillors. For citywide petitions, all Councillors will be notified. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

5.3 The Petitions Officer will check that the petition complies with the requirements of the scheme and then publish details of the petition on the Council's website. This will be updated in the petitions Register. The details of the petition will be published within ten working days of receipt.

(v) How the Council will respond to Petitions

6.1 When the Council accepts a petition, (other than those presented by a Councillor at full Council) the Petitions Officer will check which of the five different types of petitions apply:

- (a) A petition requiring Council debate (Rule 7)
- (b) A petition calling a senior officer to account (Rule 8)
- (c) A petition which relates to a current Planning application (Rule 9)
- (d) A petition which relates to a Licensing or Regulatory matter (Rule 9)
- (e) Other petitions (Rule 10)

6.2 When dealing with petitions the Council may consider one or more of the following responses:-

- (a) Taking the action requested in the petition
- (b) Taking no further action
- (c) Referring the petition to Cabinet, a Cabinet Member or relevant Committee
- (d) Referring the petition for consideration by the Council's Scrutiny Boards
- (e) Referring the petition to another organisation
- (f) Holding an enquiry into the matter

- (g) Undertaking research into the matter
- (h) Holding a public meeting
- (i) Holding a consultation
- (j) Holding a meeting with the petitioners
- (k) Calling a referendum
- (l) Writing to the Petition Organiser setting out the views of the Council about the request in the Petition
- (m) Any other appropriate action

- 6.3 Where the issue is one on which the Council’s Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council’s website.
- 6.4 If the petition is a statutory petition or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.
- 6.5 In all cases the Council will advise the Petition Organiser of the action it has taken and will publish the outcome on the City Council website (www.coventry.gov.uk).
- 6.6 In relation to other petitions (Rule 10) where a petition is not either sponsored or organised by a Councillor, the appropriate Cabinet Member or Chair will decide the process by which the petition will follow provided that it is agreed in writing by the Petition Organiser. In the absence of written agreement by the Petition Organiser, then the petition will be referred via the formal process to the appropriate City Council body.

(w) A Petition Requiring Full Council Debate

- 7.1 If a petition is supported by 15,000 or more people it will be debated by a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next available meeting, although on occasions this will not be possible, and the matter will be passed to the next Full Council meeting.
- 7.2 The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.
- 7.3 The Council will decide how to respond to the petition at this meeting and may take any of the actions described at Rule 6.2.

(x) Petitions Requiring Attendance by a Senior Officer

- 8.1 If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-
- Chief Executive
 - Directors
 - Director of Public Health
 - The Monitoring Officer
 - Chief Finance Officer
- 8.2 Only these officers can be called to give evidence under this section of the petition scheme.
- 8.3 If a petition has the requisite number of signatures, the Council's Scrutiny Coordination Committee will decide which of the Council's Scrutiny Boards the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.
- 8.4 Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

(y) Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee

- 9.1 Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.
- 9.2 In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12-month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.
- 9.3 In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser (including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the Head of Planning and Regulation on the 'late representations report' which is tabled at the meeting.

- 9.4 At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.

(z) Other Petitions

- 10.1 If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member.
- 10.2 If the Petition has been presented by a Councillor as the Petition Organiser or Sponsor, then the Councillor will be able to present the Petition to a City Council body, unless the Councillor has agreed that the petition may be dealt with or responded to without the need for formal consideration by a City Council body.
- 10.3 Petitions can be presented to Full Council by a Councillor but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.
- 10.4 The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter has been referred to and if the petition is to be formally considered by a City Council body, advise them of the date of the meeting when the matter will be considered. The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee or the Cabinet Member concerned.
- 10.5 The Petition Organiser (including any Councillor as Petition Organiser) may attend this meeting and speak about the petition. Only the Petition Organiser is entitled to speak, and they should confirm their attendance to the Council at least 3 working days before the meeting.
- 10.6 Where more than one petition is presented in relation to a particular item the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite each Petitioner Organiser to nominate a spokesperson. Each spokesperson will be entitled to attend the meeting and speak about the petition. If a spokesperson is unable to attend, for any reason, the meeting will still consider the petition.

- 10.7 Where a petition is referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place on this matter in the City Council, except that the Councillor presenting a petition will be allowed to speak in full Council for not more than two minutes to explain the purpose of the petition.
- 10.8 The Cabinet, appropriate Cabinet Member or relevant Committee will decide how to respond to each petition and may take any of the actions described at paragraph 6.2.

(aa) Withdrawing a Petition

- 11.1 The Petition Organiser may request, in writing, the withdrawal of a petition. Such requests will be considered by the Petitions Officer on their merits, but in general it should be assumed that the Council will process all valid petitions received.
- 11.2 Where the Petitions Officer is minded to permit the Petition Organiser to withdraw a petition, the Chair of the body to which the petition would have been presented shall be consulted. In the absence of agreement, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and, where there is no consensus, the matter should be decided by the Leader.

(bb) Petitions – Right to request a review

- 12.1 If the Petition Organiser considers that the Council has not responded to a petition in line with this Scheme (except those petitions which are dealt with by the Planning, Licensing and Regulatory Committees) he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in responding to the petition (not the outcome or decision). If a Petition Organiser wishes to operate his or her right to request a review, they should write to the Council's Scrutiny Officer no later than 14 days after the Council notifies them of the outcome of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.
- 12.2 The request will be considered by the Chair of Scrutiny consulting with the Scrutiny Officer. If it is felt that there is sufficient case to warrant a review the matter should then be referred to the Council's Scrutiny Co-ordination Committee for consideration. The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.

Part 3I – Petitions Procedure Rules

- 12.3 If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition in accordance with this scheme, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.
- 12.4 Once the request has been considered the Petition Organiser will be informed of the results within 5 working days. The outcome of the request for a review will also be published on the Council's website as part of the Petitions register.

PART 3J: APPEALS COMMITTEE PROCEDURE RULES

1. Appeals relating to employment matters are delegated to the Chief Executive (or nominated Officer).
2. An appeals Committee will consist of Councillors who have been trained in hearing appeals.
3. The membership of each Appeals Committee and any Statutory Review Board will comprise the appropriate number of members as selected by the City Solicitor on an ad hoc basis from a Panel of Councillors who have had training in determining appeals and any statutory or other requirements for review boards.
4. The Chair of an Appeals Committee or a Statutory Review Board will be appointed by the Committee or Review Board at the start of each meeting.
5. Each Appeals Committee will comprise three Councillors (subject to any statutory requirements to the contrary) and all three Councillors will be required to be present to consider the appeal.
6. No Councillor who has had any previous knowledge or dealings with the matter which is the subject of an appeal will be eligible to serve on an Appeals Committee that considers that matter.
7. Appeals Committees are subject to the Access to Information Procedure Rules set out in Part 3B.
8. Appeals Committees are the subject of the proportionality requirements set out in the Local Government and Housing Act 1989 and the City Solicitor in selecting membership of any Appeal Committee or statutory review board will ensure that the membership properly reflects the political make-up of the Council.
9. Decisions of the Appeals Committees are not the subject of call-in.
10. The City Solicitor or their representative will attend all meetings to advise and record proceedings.

