

17. CALL-IN PROCEDURES

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17.1 What decisions can be called in?

The following decisions can be called in:

- resolutions by the City Executive Board
- key decisions taken by officers
- ward member spend (see 4.6)
- planning decision taken by area planning committees
- decisions on planning applications that were going to be taken by the Head of Planning, Sustainable Development and Regulatory Services

17.2 Notices of decisions

- (a) After a decision is taken that could be called in (or when Committee and Member Services are notified of the decision if that is later), Committee and Member Services will send electronically a notice of decision to all councillors (and any co-opted members of the body that took the decision) within two working days of the decision.
- (b) A notice of decision relating to ward member spend will, after the approval provided for in 4.6(c) be sent by Community Services to all councillors within five working days of the approval.
- (c) The notice of decision will say what the decision was and where it can be called in to.

- (d) The notice of decision will be marked with the date it was published and will say that the decision will come into force if it is not called in within two working days of that date.

17.3 Who can call in decisions and when do they have to be called in by?

Decision	Can be called in by	Deadline
Decisions on planning applications (those seeking determinations within 5.3(a)) to be taken by the Head of Planning, Sustainable Development and Regulatory Services	Any four councillors	5pm on the last day of the period of 21-days starting with the day on which notice of the application is sent to councillors
Planning decisions (those within 5.3(a)) taken by area planning committees	Any twelve councillors or the Head of Planning, Sustainable Development and Regulatory Services	5pm on the last day of the period of two working days starting the day after that on which the draft minute of the decision is published
Non-planning decision taken by the City Executive Board	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the draft minute of the decision being published
Key decision taken by an officer	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published
Ward member spend	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published

Co-opted committee members cannot call in decisions

17.4 How are decisions called in?

Decisions are called in by sending notice of call-in to the Head of Law and Governance or emailing it to callin@oxford.gov.uk.

Reasons for all call-ins must be given. A planning call-in to the Planning Review Committee must be supported by relevant planning considerations. A planning call-in to an area planning committee must be supported by reasons but these do not have to be confined to relevant planning considerations. If an executive decision is being called in because it is believed to be outside the budget and policy framework, the notice of call-in must say so.

When a decision is called in, the Head of Law and Governance will tell the officer or ward member or the chair of the body that took the decision, or in the case of call-in of a planning decision to be taken by the Head of Planning, Sustainable Development and Regulatory Services, the Head of Planning, Sustainable Development and Regulatory Services

17.5 Where are decisions called in to?

(a) The table shows where decisions are called in to

Decision	Called in to
Decisions on planning applications to be taken by the Head of Planning, Sustainable Development and Regulatory Services	Area planning committee
Planning decisions taken by area planning committees	Planning Review Committee
Non-planning decision or ward member spend	Scrutiny Committee

(b) A special meeting can be called to consider a decision that has been called in if the Head of Law and Governance believes it is not in the Council's interest to wait until the next ordinary meeting.

17.6 What happens when a planning decision is called in?

The area planning committee or Planning Review Committee will decide the planning application.

17.7 What happens when a decision is called in to the Scrutiny Committee?

The Scrutiny Committee can decide to:

- support the decision, which can then be acted on immediately, or
- send the decision back with its comments to the City Executive Board or ward member or officer, who will then take a final decision, or
- send comments to Council on any decision that recommends changing the budget or policy framework.

17.8 Decision believed to be outside the budget or policy framework

- (a) The Monitoring Officer or Chief Finance Officer will say whether the decision is outside the budget or policy framework.
- (b) If the decision is not outside the budget or policy framework, the Scrutiny Committee can decide to:
 - support the decision, which can then be acted on immediately, or
 - send the decision back with its comments to the City Executive Board or ward member or officer, who will then take a final decision.
- (c) If the decision is outside the budget or policy framework, it will go as a recommendation to Council, along with any comments from the Scrutiny Committee. Council can then:
 - make the City Executive Board reconsider the decision, or
 - change the budget or policy framework so that the decision is within it – the decision can then be acted on immediately.

17.9 Urgent decisions

A decision to be taken cannot be called in if the Chair of the Scrutiny Committee, upon being consulted, agrees that:

- the decision to be taken is both urgent and reasonable and
- the delay caused by the call-in process would not be in the interests of the Council or the public.

If the Chair of the Scrutiny Committee is not available, the Lord Mayor must agree that the decision to be taken is urgent and reasonable. If the Lord Mayor is not available, the Deputy Lord Mayor, Chief Executive or Monitoring Officer must agree.

Decisions to which this rule applies must be identified on the notice of decision.

Decisions to which this rule applies must be reported to the next ordinary Council meeting with the reasons why they were urgent. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.

18. FINANCE RULES

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18.1 Responsibilities under the finance rules

- (a) Responsibilities of the Head of Financial Services

The Head of Financial Services is responsible for regulating and controlling the finances of the Council and hence he/she shall for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 be responsible for the proper administration of the Council's financial affairs.

- (b) Responsibilities of Executive Directors

Executive Directors are responsible for the financial management of their directorate.

(c) Responsibilities of Heads of Service

Within their service area, Heads of Service must:

- ensure the highest standards of financial probity
- ensure compliance with the Finance Rules and any procedures or guidance issued by the Head of Financial Services
- monitor monthly the overall financial position of their service area in accordance with the cost centre managers manual issued by the Head of Financial Services
- advise the Head of Financial Services and Director on issues/proposals that have a financial impact in their area
- ensure compliance with the Contract Rules within their service area
- provide information to the Council's auditors on a timely basis as required.
- ensure that any audit recommendations are implemented within agreed timescales.

(d) Responsibilities of Line Managers

Line managers must make sure their staff understand and follow these Rules and any procedures and associated guidance by the Head of Financial Services.

(e) Responsibilities of all Officers

Officers must be familiar with these Finance Rules and the Contract Rules and must understand how they affect their work. If any officer is unclear about these Rules, they must get advice before acting. They would normally get advice from their line manager but they can also talk to finance staff. Officers must ensure they are using the latest version of these Rules. This will always be the version in the Constitution available on the intranet. Officers must show the highest standards of financial probity. As well as following these Rules, they must use their common sense and judgement. The Council may take disciplinary action and/or legal action against anyone who breaks these rules.

18.2 Audit

(a) Internal Audit

In accordance with the Accounts and Audit Regulations for the time being in force the City Council is responsible for ensuring an 'adequate and effective system of internal audit'. The Head of Financial Services has responsibility for monitoring adherence to the Audit Plan. Audits will be carried out in accordance with guidelines issued by the Chartered Institute for Public Finance and Accountancy. At the commencement of the financial year the Audit and Governance Committee will approve an audit plan for that year. At each of its meetings the Audit and Governance Committee will receive an update report on the progress made in delivering the plan including progress on implementation of internal and external audit recommendations.

(b) External Audit

Auditors review the Council's financial and management systems and report annually to the Audit and Governance Committee on the adequacy of the Council's internal controls. Auditors have the right to inspect all records held by the Council.

The Council's auditors undertake an annual audit of the Council's Statement of Accounts. They also audit specified grant claims and report annually on the Council's governance framework and delivery of best value. Auditors have the right to inspect records and to ask for information and explanations. The Head of Financial Services has overall responsibility for liaising with the external auditors.

18.3 Non-compliance with these Rules

If Officers suspect that these Rules have not been complied with, or they suspect fraud, corruption or poor value for money, they must tell their line manager (unless their line manager is involved). The Council's Whistle Blowing Policy (see paragraph 18.25) has guidance on what to do if a line manager is involved. If these Finance Rules or the Avoiding Bribery Fraud and Corruption Policy have been breached, the Head of Financial Services must be advised in writing by the line manager as soon as possible.

18.4 Information and records

The Head of Financial Services is responsible for the Council's accounting system, the form of accounts and its supporting financial records. The Head of Financial Services will ensure that accounting records are sufficient to comply with the Accounts and Audit Regulations for the time being in force.

18.5 VAT and Tax

The Head of Financial Services is responsible for keeping tax records, advising on tax, making tax payments, receiving tax credits and submitting tax returns. The Head of Financial Services will advise officers on the appropriate records to be maintained.

18.6 Insurance

The Head of Financial Services will be responsible for establishing adequate insurance cover for the Authority including the amount of excess and the extent to which self-insurance is undertaken.

Heads of Service must:

- assist in the annual review of insurance and advise the Head of Financial Services of changes in insurable risks
- process insurance claims in accordance with procedures laid down by the Head of Financial Services

18.7 Budget Setting

On an annual basis the Head of Financial Services shall submit to Council a programme of capital expenditure and estimates of revenue income and expenditure for Council services for at least the proceeding four years. Council will set a Council Tax for General Fund services and a weekly Council house rent for the ensuing year. The Audit and Governance Committee will set the Council Tax Base.

18.8 Responsibility for Budget Decisions

Responsibilities for budget decision are shown in the table below:

City Executive Board Decisions	Council Decisions
<ul style="list-style-type: none">• agreeing a draft revenue budget for consultation• recommending the revenue budget to Council• recommending the Treasury Management Strategy to Council• recommending the Housing Business Plan to Council	<ul style="list-style-type: none">• agreeing or changing the revenue budget• agreeing or changing the Treasury Management Strategy• agreeing or changing the Capital Programme• agreeing the Corporate Asset Management Plan

<ul style="list-style-type: none"> • agreeing the Risk Management Strategy • recommending the Capital Programme to Council • recommending the Corporate Asset Management Plan to Council • recommending extra spending to Council • Monitoring delivery of financial performance • Recommending to Council transfer(s) of assets between the General Fund and the Housing Revenue Account • Agreeing transfers between cost centres of > £250,000 = <£500,000 that are in line with the Council's policy framework 	<ul style="list-style-type: none"> • agreeing the Housing Business Plan • agreeing supplementary estimates to either the revenue or capital budgets • agreeing transfers between cost centres that are over £500,000 or breach the policy framework • agreeing transfers between the General Fund and Housing Revenue Account • setting the Council Tax • setting housing rents • setting fees and charges
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18.9 Estimates and Reserves – Robustness and Adequacy

It is the duty of the Head of Financial Services to report on the robustness of the estimates and the adequacy of reserves when the Council is considering its budget requirement and Council is required to have regard to this advice.

18.10 Budgetary Control

On-going budget management and control is necessary to ensure that approved budgets are used only for their intended purpose and accounted for and reported correctly and that Council services are delivered within budget.

(a) General Principles of the Budgetary Control Framework

The following are the general principles:

- All budgets are assigned a Head of Service or Executive Director who are accountable for the control and management of that budget in accordance with these Rules and any financial procedures or guidance issued by the Head of Financial Services
- Heads of Service will report on their budget on a regular basis to the Head of Financial Services in a format and timeframe prescribed by the Head of Financial Services.

- The Head of Financial Services will validate the information provided by the Heads of Service and report periodically to relevant Officers and to the City Executive Board on a quarterly basis. The report will include the projected outturn position, any associated risks and mitigating actions to be taken as well as the impact on future year budgets.
- The relevant Head of Service or Executive Director are the officers accountable for authorising the commitment of resources against the budget.

(b) Virement Rules – Revenue and Capital

A virement is an approved reallocation of resources between cost centres. The scheme of virement enables budget holders to manage their budgets with a degree of flexibility and therefore to provide an opportunity to optimise their use of resources according to changing needs.

All virements must be notified in writing to the Head of Financial Services in a form prescribed by the Head of Financial Services. Permanent virements are permitted following consultation and agreement with the Head of Financial Services. Virements are permitted in accordance within the following parameters:

Virement	Limit	Agreement Required
Within Cost Centres	Unlimited	Head of Service subject to consultation with Head of Financial Services (Section 151 Officer)
Between Cost Centres	=< £250,000 that are in line with the Council's policy framework	Head of Financial Services (Section 151 Officer) in consultation with relevant Head of Service or Executive Director in the absence of a relevant Head of Service to ensure separation of duties

	>£250,000 =<£500,000 that are in line with the Council's policy frame work	City Executive Board
	> £500,000 or breach the Council's policy framework	Council

Council must agree any transfers between the General Fund and Housing Revenue Account.

Where an item of overspend of revenue spend cannot be covered from virement then following consultation with the Head of Financial Services (Section 151 Officer) a supplementary estimate may be sought from Council.

In the case of emergency the Chief Executive or her/his nominated representative in consultation with the Head of Financial Services or her/his nominated representative may approve additional expenditure, or virement over £250,000 providing approval is sought from the City Executive Board or Council (depending on the amount involved) at the first opportunity following the additional expenditure or virement.

(c) Use of Reserves and Provisions

The Head of Financial Services shall establish reserves and provisions to meet known or estimated future liabilities.

The Head of Financial Services may move any sums in or out of reserves and provisions in order to meet the liabilities of the Council, subject to movements being clearly identified in the annual Statement of Accounts.

18.11 Capital Strategy

The Head of Financial Services will prepare a Capital Strategy which:

- Will be reviewed annually by City Executive Board
- Sets out the principles the Council will follow in its capital planning and management
- Outlines the methodology for inclusion of schemes within the Capital Programme
- Sets out the arrangement for management of capital schemes

- Indicates the capital schemes to be undertaken over the following four financial years and how those schemes will be funded.

18.12 Project Approval

Project approval must be obtained for projects in accordance with the following requirements after presentation to the Council's Development Board (officer group):-

Less than £150,000 – Head of Service or Executive Director

£150,000 up to £500,000 – Executive Director or Head of Financial Services in consultation with the Head of Paid Service and Monitoring Officer (and the Head of Financial Services where the decision to approve is being made by an Executive Director)

£500,000 and over – City Executive Board

The decision-making process for capital projects is set out in the Capital Strategy, and will be updated annually by the Head of Financial Services and reported to the City Executive Board

Proposals may be added to the project pipeline at any time following the completion of a Project Brief agreed by the Development Board.

For projects that proceed through feasibility, design and technical specification, a business case will need to be prepared prior to approval, that includes:

- The aim of the project and options for delivery
- Resource implications (internal and external)
- Legal, contractual and prudential borrowing code implications
- If the council is acting through an agent or partnership legal advice on whether it has the power to act in this way
- Any comments made during consultation and the Council's response
- The estimated amount and timing of any capital and revenue spending, any on-going effect on revenue, and whether this spending is included in the budget.

18.13 Monitoring of the Capital Programme

The Capital Programme is approved as part of the Council's annual budget setting process. Overall monitoring of the Capital Programme will

be undertaken by the Head of Financial Services in conjunction with Project Sponsors, Project Managers and relevant Head of Service. The Head of Financial Services will monitor and regularly report on the financial spend against the approved Capital Programme.

In respect of a Capital Programme monitoring report will be submitted by the Head of Financial Services to the Development Board as required, and to the City Executive Board on a quarterly basis, setting out the projected outturn and progress of schemes including slippage, under and overspends together with any associated mitigating action.

Capital expenditure may only be incurred if:

- Budgetary provision has been made within the approved Capital Programme
- Project approval has been given in accordance with para 18.12
- Corporate procurement processes have been complied with

Where it is anticipated that the budget for a capital project will be overspent against its approved budget the relevant Head of Service will be responsible for notifying the Head of Financial Services. Overspend up to £250,000 maybe accommodated by virement from other schemes or under-spending within the approved Capital Programme. The size of the project will be considered as part of this process. Where monies cannot be vired from other schemes or the overspend is in excess of £250,000 the projected overspend must be reported to the City Executive Board and subsequently Council requesting a supplementary estimate if required.

Where a scheme is within the capital programme and it is not possible for it to progress in a particular year or where it is progressing faster than anticipated, the Head of Financial Services in conjunction with the Development Board can move the approved capital budget for a scheme between adjacent financial years providing that the overall budget for the scheme is not exceeded and capital financing resources are available to finance the scheme. Any schemes which remain uncommitted at the end of the financial year in which they were due to start will be reviewed as part of the annual budget process.

Where the Council has obtained external funding for a capital project or that project can be funded by virement, the Head of Financial Services may, subject to it being included in the next available monitoring report, raise an additional budget head to facilitate timely project commencement.

18.14 Treasury Management

- (a) Treasury Management Strategy

The Head of Financial Services will produce and submit the Treasury Management Strategy to the City Executive Board for recommendation to Council. The Strategy will set out the Council's treasury plans for the next year (including any prudential borrowing plans). The Strategy will include a list of the types of organisations the Council may borrow from and lend to and the maximum individual amounts it may borrow or lend. The Strategy must be agreed by Council.

(b) Day-to-day Treasury Management Operations

The Head of Financial Services is responsible for day-to-day treasury management operations. These will follow the Treasury Management Strategy, and ensure that:

- All borrowing and investment complies with the Council's Treasury Management Strategy and the Chartered Institute of Public Finance and Accountancy's code of practice on treasury management
- All borrowing and lending is done in the name of the Council
- As a minimum a half yearly and annual update of treasury management activity will be reported to the City Executive Board and made available as appropriate to the relevant scrutiny committee.

(c) Bank Account

Only the Chief Executive or the Head of Financial Services may open a bank or building society account on behalf of the Council. The Head of Financial Services is responsible for managing all accounts.

18.15 Asset Management

(a) Responsibilities of Regeneration and Major Projects Service Manager

The Regeneration and Major Projects Service Manager will:

- Produce guidelines for acquiring, managing and disposing of assets
- Make sure the Council's records include any money from sales
- Make sure the Council's records do not include the value of any assets that have been disposed of.

(b) Register of Fixed Assets

The Head of Financial Services will keep a register of all fixed assets worth more than £10,000. Heads of Service must report any acquisitions or disposals so that this can be kept up-to-date. Every year the Head of Financial Services (Section 151 Officer) in conjunction with the Regeneration and Major Projects Service Manager will check that the assets are still shown at the right value, that they have a suitable asset life and that they have been properly depreciated.

(c) Disposing of assets (except land)

Heads of Service can dispose of assets worth up to £10,000 if the Head of Financial Services agrees. All disposals including land must be notified to the Head of Financial Services.

(d) Arranging leases

Only the Head of Financial Services may arrange leases for non-property items.

18.16 Ordering and Paying for Goods and Services

The Head of Financial Services shall ensure that there are proper procedures and controls for ordering and paying for goods and services. Any new systems for orders or payments must be agreed by the Head of Financial Services. Heads of Service must ensure that:

- (a) Official orders (using the agreed corporate order form) are issued for all goods and services prior to receipt. Exceptions to this rule are:
 - (i) Utility bills
 - (ii) Subscriptions
 - (iii) Grants
 - (iv) Refunds
 - (v) Compensation payments
 - (vi) Payments of rent for privately leased properties
 - (vii) P2P Supplier Approved Exemption list as agreed by the Head of Financial Services
- (b) Orders for goods and services must only be issued where the expenditure is provided for within the approved budget or is covered by a virement or a supplementary estimate which has been agreed by Council
- (c) Official orders must indicate clearly the nature and quantity of the work or services required and also the financial commitment.
- (d) Heads of Service must also ensure:

- That staff involved in payment processing are adequately trained.
- That there is adequate separation of duties between staff ordering, receiving and approving invoices for payment.
- That suppliers are advised that the Council's preferred means of payment is by bankers automated credit (BACS) and that remittance advices should be sent via email.
- That only goods and services that have been received, examined and approved as to their quality and quantity or the work or service has been satisfactorily performed are paid for and that the prices, arithmetic and budget allocation are correct.
- That payments are timely and made within the Council's agreed terms of business, unless the invoice is in dispute.

(e) Responsibilities of Heads of Services

Heads of Service are responsible for their service areas' orders and for ensuring that invoices are appropriately approved. They must make sure that officers who order and authorise invoices for payment have been properly trained and that there are adequate separation of duties between order and approval for goods.

Officers must also have regard to the guidance in the cost centre managers manual and the guidelines on the intranet in relation to the ordering and paying for goods and services.

18.17 Risk Management

The Head of Financial Services (Section 151 Officer) is responsible for co-ordinating risk management within the authority.

(a) Responsibilities of Executive Directors

- To review and update the Corporate Risk Register on a regular basis
- To ensure compliance with the Risk Management Strategy

(b) Responsibilities of the Head of Financial Services (Section 151 Officer)

- Periodically to review and present for adoption by the City Executive Board the Risk Management Strategy.

- To present monitoring reports in accordance with the terms of the adopted Risk Management Strategy.
- To provide advice to officers and councillors on risk management
- To provide and facilitate training to officers and members on risk management.

(c) Responsibilities of Heads of Service

- Identify and manage risk in their service areas in compliance with the Risk Management Strategy
- Update the Corporate Risk Register
- Have contingency plans for major risks
- Advise the Head of Financial Services of any risk that could result in losses or claims against the Council

18.18 Wages, Salaries and Pensions

The Head of Business Improvement is responsible for paying all wages, salaries and expenses, including councillors' allowances.

Heads of Service must advise the Head of Business Improvement on a timely basis of any changes to staff pay and any deductions that need to be made, in particular:

- Appointment, resignations, dismissals, suspensions, secondments and transfers
- Long term absences from duty for sickness or other reasons apart from approved leave
- Changes in remuneration, other than normal increments and pay awards
- Information necessary to maintain records for service for superannuation, income tax, national insurance and sickness or maternity benefit

All salaries and wages and allowances will be paid into an employee's or member's bank account.

18.19 Petty Cash

The Head of Financial Services (Section 151 Officer) will oversee the system of petty cash floats and may provide petty cash advances for such officers of the Council as may need them. Floats will only be topped up when a proper claim is made with receipts for all items. The Head of Financial Services will give detailed guidance on petty cash.

18.20 Income Collection

(a) Responsibilities of Executive Directors

To ensure that appropriate arrangements are in place to safeguard the Council's resources

(a) Responsibilities of Head of Financial Services (Section 151 Officer)

The Head of Financial Services (Section 151 Officer) is responsible for ensuring that systems are in place to ensure that all income is identified, collected, receipted and promptly banked. This includes the issuing of instructions in relation to income and its recovery.

(b) Responsibilities of Heads of Service

Heads of Service must have robust processes in place for dealing with income collection in their service area where required. There must be extra controls in service areas that collect cash or cheques. Heads of Service must ensure that:

- They raise invoices as soon as reasonably practical for all goods and services provided on credit
- They follow the systems and procedures laid out by the Head of Financial Services (Section 151 Officer) as contained in the cost centre managers manual and within the Guidance on Debt Collection on the intranet
- Officers are suitably trained
- Official receipts are always given
- Proper records are kept
- Money is banked on the day it is received or as soon as possible thereafter
- VAT is properly accounted for.

Heads of service must have effective systems for monitoring income due to their service area. The Head of Financial Services (Section 151 Officer) must be advised if income targets are unlikely to be achieved and must be advised of any cases of financial impropriety.

(c) Writing off debt

Write offs relating to debts may be authorised as follows:

- Debts up to £100k by the Head of Financial Services
- Debts in excess of £100,000 by the City Executive Board

(d) Cancelling debt

Debts can only be cancelled if they have been raised by mistake. All cancellations over £5,000 must be agreed by the Head of Financial Services (Section 151 Officer).

18.21 External Funding

The Head of Financial Services must be advised on a timely basis of any application for external funding by the relevant lead officer prior to it being submitted.

The lead officer must provide such information as requested by the Head of Financial Services, including copies of proposed agreements and conditions of grant and any financial implications (including match funding requirements or on-going revenue costs).

All external funding applications for funding in excess of £100,000 must be authorised by the Head of Financial Services prior to their submission by the Authority.

The Head of Financial Services must be notified of the outcome of external funding applications at the earliest opportunity and successful external funding applications will be reported to CEB as part of the normal monitoring reports or by a report seeking project approval.

The Head of Financial Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

The Executive Director and Head of Service responsible for the lead officer must ensure that all grant conditions are met and must ensure that there is a report made to the Head of Financial Services if there is any risk of grant conditions not being met.

18.22 Money Laundering

The Council has procedures for checking the recording the intentions of the people and organisations it does business with and for reporting suspected money laundering.

The Head of Financial Services (Section 151 Officer) is the appointed Money Laundering Officer and as well as ensuring that there are procedures in place to combat money laundering he/she is required to maintain and review the Council's Anti Money Laundering Procedures.

Officers must not:

- Conceal, disguise, convert, transfer or remove anything gained through crime.
- Tip off a criminal or suspect
- Assist money laundering

18.23 Loans or Guarantees to external organisations

The Head of Financial Services may authorise an advance or loan guarantee of up to £250,000 to a Council wholly owned company provided provision has been made within the Council's budget and that they are satisfied:

- a) With the terms of the loan agreement;
- b) With the robustness of the company's business plan; and
- c) That state aid rules are not breached.

Loan advances and loan guarantees of over £250,000 and loans to a company which is not wholly owned by the Council or other external organisation must have approval by the City Executive Board and Council.

19. CONTRACT RULES

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- 19.27 Interpreting the contract rules

19.1 When do these rules apply?

These rules apply when the Council expects to give or receive money or payments in kind. They apply to both capital and revenue and cover: contracts for goods, works or services. Different rules apply to the acquisitions and disposal of land or buildings. (See 19.26)

The City Executive Board can waive any of these rules after considering a report from the relevant Head of Service giving reasons for the waiver and taking into consideration advice from the Head of Financial Services and

the Head of Law and Governance. (But it must always comply with national and EU law).

These rules do not apply to the following arrangements:

- grant giving – the rules for this are in the Council's grants prospectus and grant agreement.
- where the Head of Financial Services agrees that there is no viable alternative supplier such as in relation to utility related works
- These contract rules do not apply to services provided in house by the Council's own employees. However, the Council must satisfy itself that the services provided represent best overall value and the council operates within the law.
- Different contract rules apply when the Council wishes to let a contract to a Council-owned company which holds "Teckal" status (see para 19.12 (c) below).

19.2 Other relevant guidance, rules and law

Attention should also be paid to:

The Finance Rules (See 18)

The budget and policy framework procedures (see 16)
Section 4 of this Constitution (Who Carries out Executive Responsibilities?) and Section 5 (Who Carries out Council Responsibilities?);

National and EU procurement law and guidance detailed in the Council's Procurement Toolkit.

Heads of service must consider the corporate governance arrangements and legal issues when entering contracts and must ensure the risks are fully assessed.

19.3 Responsibility to follow these rules and relevant law

These rules apply to officers and anyone else managing or supervising contracts on behalf of the Council. Heads of Service must make sure their staff and any agents acting on behalf of the Council follow them.

The Council may take disciplinary and/or legal action against anyone who breaks these rules or the relevant national or EU law.

19.4 Interests of councillors and officers in contracts

- (a) Avoiding conflicts of interest

Councillors, officers and anyone acting for the Council must avoid conflicts of interest.

(b) Councillors' interests

Councillors must follow the Members' Code of Conduct (see part 22 of the Constitution). In addition it is a criminal offence for a councillor not to declare a financial interest in a contract.

(c) Officers' interests

Officers must declare interests in existing and proposed contracts or suppliers. It is a criminal offence for an officer not to declare a financial interest in a contract. This does not apply to an officer's own contract of employment or their tenancy of a Council house.

The Head of Law and Governance will record officers' financial interests in a book that councillors can look at during office hours.

(d) Officer reports and advice

If an officer writes a report for a meeting on something they have an interest in, they must give a brief description of the interest in a separate paragraph at the beginning of the report.

If an officer advises Council or the City Executive Board or a committee on something they have declared an interest in, they must make reference to their interest at the meeting.

19.5 Before a contract is agreed

Contracts can only be agreed if they comply with these contract rules and:

- They will help a service area to achieve its service plan
- The Council has the legal power to enter into the contract and relevant internal approval.
- There is a budget to fund the whole life of the contract.
- Relevant project approval has been granted – see 18.12
- The total contract value has been calculated – see 19.6
- It provides value for money over the life of the contract
- There is no existing contract in place which covers, for the whole organisation (a corporate contract), the procurement of a particular service or supplies
- Where the Head of Financial Services has approved an exemption from a corporate contract. An exemption will only be given when it is inappropriate to use a corporate contract: for example where that supplier is unable to provide the service.

19.6 Total contract value

The total contract value is the total amount (minus VAT) that is expected to be paid to the supplier as a result of the contract award during the whole of the contract. It includes:

- the value of anything the Council is getting free of charge as part of the contract or which is charged on to a third party.
- any amount that could be paid by extending the contract (if there is a contractual right to extend it).
- If the length of a contract is unspecified, its total value will be calculated on the basis of the contract having a duration of 48 months.

A single contract must not be artificially split into smaller contracts to get around these contract rules or the law.

19.7 Sub-contracting

Where in a particular contract the supplier intends to appoint one or more sub-contractors to discharge some or all of its contractual obligations, the main supplier must be placed under an obligation to so inform the Council. The Council's Head of Financial Services shall consider whether in each case a collateral warranty from the sub-contractor in favour of the Council is required.

19.8 Format of Contracts

All contracts (whether bespoke or in an official purchase order format) must be in writing and must identify the terms and conditions that apply. Where a contract has a total value of less than £100k and no non-standard warranties are required, the contract may be in the form of an official purchase order.

Contracts with a total contract value over £150,000 must be sealed (see 21.3). Contracts under £150,000 must be signed by two officers with operational responsibility— one of whom must be the relevant Director or Head of Service (or an officer authorised by them).

All contracts over £100,000 must be in a form approved by the Head of Law and Governance and where appropriate include the Council's standard contract terms. Any variation to the contract terms must be approved by the Procurement Team (in consultation, where appropriate, with the Head of Law and Governance).

Contracts over the EU threshold must comply with relevant EU procurement law and guidance.

19.9 Clauses that must be included in all contracts

Contracts must:

- say what is to be supplied or done, the timescale for performance and standards of performance required;
- state the payment arrangements and any arrangements for deductions and discounts. The payment arrangements must not allow for payment in advance of the provision of goods or services unless the Head of Financial Services agrees;
- state the period/duration of the contract;
- require suppliers to meet any standards set by the Head of Service and any appropriate British Standard or EU equivalents. EU standards must be included if the total contract value is over the EU threshold;
- require suppliers to follow all appropriate codes of practice;
- require the supplier to hold appropriate insurance cover – the level of indemnity will be set by the Head of Service after assessing the risk and consulting with the Council's insurance officer if necessary. However this cover must include a minimum of £5 million public liability insurance, unless a lower level of cover has been agreed by the Head of Financial Services;
- seek a commitment from suppliers to pay their employees at least the Oxford Living Wage: this includes (where appropriate) any employees engaged by a sub-contractor in fulfilling the contract; and
- include any other conditions and terms that have been agreed.

19.10 Contracts valued over £100,000

Contracts over £100,000 must additionally include all the following clauses unless the Head of Law and Governance thinks they are inappropriate:

- (a) a clause allowing the Council to cancel the contract and recover any resulting losses from the supplier if it discovers that:
- the supplier or its employees have given, offered or promised anything to influence how the Council awarded or managed the contract;
 - the supplier or its employees have committed an offence under the Bribery Act 2010, and
 - the supplier or its employees have given anything that Section 117(2) of the Local Government Act 1972 forbids officers from accepting.

- (b) a clause requiring the supplier to:
- provide £5,000,000 employer liability insurance indemnity or any other level of cover recommended by the Head of Financial Services
 - provide £1,000,000 professional insurance or any other level of cover recommended by the Head of Financial Services
 - produce proof of insurance (for example copies of the insurance certificates) if the head of service thinks it necessary
 - provide a bond (or other suitable form of guarantee) for 10 per cent of the contract value if the Head of Financial Services thinks it necessary
- (c) a clause saying who will manage the contract on behalf of the Council and the approval process for any necessary changes to its terms;
- (d) a clause requiring the supplier to protect the health and safety of anyone affected by its work;
- (e) a clause requiring the supplier to comply with data protection laws and help the Council to comply with the Freedom of Information Act or Environmental Information Regulations;
- (f) a clause requiring the supplier to get the Council's permission before subcontracting or transferring any of the contract;
- (g) a clause giving the Council the right to end the contract if the supplier does not meet the Council's standards and timescales and to bill the supplier for:
- the administrative costs of finding and appointing a new supplier, and
 - any amount by which the new contract exceeds the old one.
- (h) if the Head of Service considers it necessary, a clause saying what damages must be paid if the supplier breaks the contract and explaining how the amount of damages was reached – the Head of Service will consult the Head of Law and Governance on the amount of the damages and what should trigger them;
- (i) a clause giving the Council the ability to exclude the supplier from applying for new contracts where there has been significant or persistent deficiencies in the performance of a significant requirement under a prior public contract;

- (j) where relevant and operationally possible, a clause requiring the supplier to fit side guards and appropriate side mirrors to vehicles over 3.5 tonnes to protect cyclists and pedestrians when driving to and from any site specified by the Council; and
- (k) a clause indicating that the Council is required to publish all new contracts on its website, and will do so in accordance with its obligations, subject to any operative exemptions, within the applicable local government transparency regulations.

19.11 Thresholds for quotes and tenders

The Council is seeking to ensure that all purchases **with a value of over £10,000** are undertaken through a single electronic tendering system (“the Corporate System”). The Head of Financial Services will provide details of the Corporate System and any changes to it. Exemption from using the Corporate System can only be obtained with the written consent of the Head of Financial Services or an officer nominated by them.

Where quotes are obtained outside of the Corporate System these must be retained by the relevant Head of Service. Unsuccessful quotes may be disposed of after 12 months from the award of the contract; successful quotes and contract documentation must be retained for a period of 7 years from the end of the contract.

For all contracts over £100,000 a financial appraisal will be undertaken by the Head of Financial Services. The relevant Service Head must not commission any work from the supplier until the contract has been approved by the Head of Financial Services, and a named contract manager has been appointed.

Heads of Service must consider advertising in all cases and must advertise contract opportunities as indicated in the table in paragraph 19.11. If they do not intend to advertise as required they must seek an exemption before entering into a contract. Where contract opportunities are advertised, and the value exceeds £25,000, in addition to the Corporate System the opportunity must also be advertised on the Government’s procurement portal, Contracts Finder.

Officers seeking quotations from potential suppliers for a contract shall (subject to the following provisions) comply with requirements set out in the table below.

Quotation and tender documentation must clearly specify the basis on which the most economically advantageous offer will be determined using a combination of cost and quality. Deviation from the Council’s standard price:quality model requires the prior approval of the Head of Financial Services or an officer nominated by them.

For all quotes and tenders over £100,000 a Procurement Commencement Document (available from the Council's intranet) which evaluates options for the solution to be procured and route to market must be produced and approved by the Procurement team and the relevant Head of Service.

Total value of contract	Quotes or tendering	Advertisement required?	Process led by
>£1,000 < = £10,000	Obtain at least two quotes, attempt to seek at least one from a local supplier	No	Officer authorised by the relevant Head of Service
>£10,000 <=£100,000	Obtain at least three quotes, attempt to seek at least one from a local supplier	Advertising should be considered and any contract over £25,000 on contracts finder in any event	Officer authorised by the relevant Head of Service
>£100,000 <=£150,000	Obtain at least four quotes, at least one of which must be from a local supplier. An open tender process may be used instead where it is deemed appropriate	Yes, advertised on the corporate system and on contracts finder.	Authorised Procurement Practitioner or Procurement Team
>£150,000	Invite tenders (EU procurement law and guidance must be followed for contracts over EU thresholds) – process conducted by Procurement Team	Yes	Procurement Team

If fewer than the requisite number of quotations is obtained it will be possible to proceed to award a contract if it can be demonstrated that competition has been sought. Award of a contract in such circumstances is delegated to:-

- the relevant Head of Service up to a contract value of £100,000;
- the relevant Head of Service and the Head of Financial Services for contracts with a value above £100,000.

This does not remove the obligation to secure best value for money.

19.12 When is there no need to seek quotes or tenders?

An Approved Supplier List may only be created with the approval of the Head of Financial Services and in the following circumstances:

- where the services are not suitable or already available through an existing framework contract;
- the suppliers have been subject to a pre-qualification assessment by the Procurement Team; and
- there is no single contract with a value of more than £100,000.

An exemption to not seeking quotes or tenders may be given in the following circumstances:

(a) Emergencies

If there is an emergency or a disaster, the Chief Executive can approve contractual arrangements outside these rules after consulting the Head of Financial Services and/or Monitoring Officer. The Leader must be told as soon as possible.

(b) Where there is no overall economic benefit to the Council

An exemption may be granted where there is no overall economic benefit, for example where there is only one supplier or no competitive market exists.

Officers do not have to seek or obtain quotes for contracts with a value up to £150,000 where written exemption to waive the requirement to seek or obtain quotes has been given:

- by the Head of Financial Services and the relevant Head of Service for contracts up to £100,000; and
- by the Head of Financial Services, Monitoring Officer and the relevant Head of Service for contracts between £100,000 and £150,000.

(c) Where the Council wishes to let a contract to a company which it owns and which holds "Teckal" status (under s12(1) Public Contract Regulations 2015) there is no legal requirement for the Council to seek alternative quotes or tenders in accordance with these Contract Rules. This provision does not remove the need for the Council to ensure that by letting a contract to its "Teckal" company it is meeting its obligations as a best value authority under the Local Government Act 1999 and is compliant with EU State Aid legislation and any subsequent legislation. Each contract opportunity should be considered individually to ensure that the Council is achieving value for money for the public purse having taken into consideration the relevant market conditions and information.

19.13 Exclusion Lists

The Public Contracts Regulations 2015 (regulation 57) provides the Council with the ability to exclude a supplier from bidding for future contract opportunities where one or more of the exclusion provisions apply.

Any exclusion list must be approved by the Head of Financial Services.

19.14 Tendering of contracts over £150,000

If the total contract value is over £150,000 tenders must be sought. Tenders can also be sought for lower contract values. Tenders will be sought in accordance with the requirements of and the best practice as specified by the Public Contract Regulations 2015. If the contract value is over £150,000 the procurement team will advise of the various options available and which would be the best course of action and would assist with the tender process. Paragraphs 19.15, 19.16 and 19.17 set out the principal tendering methods but alternative methods may be used provided that they are compliant with the UK Public Contracts Regulations and the Head of Financial Services has given their express agreement. Paragraphs 19.20, 19.21, 19.22 and 19.23 apply to all tenders.

19.15 Open Tendering

- (a) The Council will
Issue a call for competition via advertisement on the Council's Corporate System and the Government's procurement portal (Contracts Finder).

If the total contract value is above the relevant EU threshold the notice will also be placed, in the Official Journal of the European Union – the notice will need to comply with EU Procurement Directives.

- (b) The notice will:
- say what the contract is for
 - describe how to express interest in tendering
 - give the deadline and arrangement for receipt of tenders
 - The notice must be published at least 14 days before the deadline for tenders. If the total contract value is above the EU threshold, the UK Public Contract Regulations must be followed. These require the notice to be published in the Official Journal of the European Union at least 30 days before the deadline for tenders based on the tenders being submitted electronically.

19.16 Restricted tendering

- (a) A restricted tender process can only be used for contracts valued above the EU thresholds.

Expressions of interest will be sought via advertisement on the Council's Corporate System, the Government's procurement portal (Contracts Finder) and the Official Journal of the European Union.

A short list of bidders will be invited to tender based on their financial and technical capability to deliver the contract or through the provision of a self-declaration certificate together with any additional information required to demonstrate their capability to fulfil a contract.

The shortlist will be selected by the appointed tender evaluation team and will be approved by the relevant Service Head and Head of Financial Services. It should include at least five individuals or organisations who expressed an interest in tendering. If fewer than five individuals or organisations are considered suitable by the Service Head then all of those suitable should be considered.

- (b) The advertisement notice will:

- say what the contract is for
- describe how to express interest in tendering
- give the deadline for tender
- The UK Public Contract Regulations require the notice to be published in the Official Journal of the European Union for at least 30 days based on the tender being submitted electronically. The full tender documentation must be published at the time of placing the advert.

19.17 Negotiated tendering

There are specific cases and circumstances laid down in the UK Public Contract Regulations 2015 where it is permissible to award a contract by a negotiated procedure such as the negotiated procedure without prior publication, or competitive procedure with negotiation. The use of these procedures is subject to the approval of the Head of Financial Services and the Monitoring Officer.

19.18 Other EU Procurement Procedures

The following procedures can be used for individual contracts if the Head of Financial Services and the relevant Head of Service agrees:

- (a) Competitive dialogue

These procedures can be used for complex contracts. It allows the Council, through dialogue with providers, to develop the optimum contract valuation.

(b) Framework agreements

These are arrangements between the Council or another body such as a purchasing consortium and suppliers that sets the terms and conditions for any call-off contracts that might be awarded from the framework. Framework agreements are for a set period and should not normally be for a period of more than four years although call-off contracts can be let for a longer period.

(c) Electronic Auction

eAuctions are electronic auctions where suppliers bid against each other to offer the lowest price. They are open to any supplier that meets certain conditions and include all tenders that meet the specification.

(d) Public auction

This can be used for buying or selling land and property.

(e) Purchasing consortiums

Purchasing consortiums must be able to show that they comply with the UK Public Contract Regulations.

(f) Innovation Partnership

This can only be used if there is a requirement to procure goods, services or works which are currently unavailable to the market and is to only be used to appoint a specialist organisation to innovate to deliver a new requirement.

19.19 Submitting a tender

(a) Every tender must include a declaration that the tenderer has not:

- told anyone except the Council the amount of the tender
- changed the amount of the tender as part of an agreement with anyone
- lobbied councillors or officers about the tender.

(b) Tenders over £10,000 must be submitted via the Corporate System or the electronic system that was used to invite tenders.

19.20 Council's Handling of Tenders Received through the Corporate System

- (a) Each tender received via the Corporate System is automatically date and time stamped. The tender cannot be accessed until after the tender deadline.
- (b) If a tender includes a condition that was not in the tender documents and accepting the condition would give the tenderer an unfair advantage over other tenderers, the tenderer must remove the condition or withdraw the tender.

19.21 Accepting quotes and tenders

- (a) Total contract value less than £150,000

the Head of Service may accept the most economically advantageous quote or tender if the Council is the buyer, or the highest if the Council is the seller, as long as:

- there is budget provision included in the Council's capital or revenue budget
- project approval has been obtained
- any key decisions have been included in the Forward Plan
- any organisation the Council is acting as agent for agrees.

- (b) Total contract value is over £150,000 but less than £500,000

The Head of Financial Services or an Executive Director may accept the most economically advantageous tender if the Council is the buyer, or the highest if the Council is the seller, as long as:

- there is budget provision in the Council's capital or revenue budget
- project approval has been obtained
- any key decisions have been included in the Forward Plan
- any organisation the Council is acting as agent for agrees
- the Head of Financial Services and the Monitoring Officer have been consulted.

- (c) Total contract value £500,000 or over where the Council is the seller. Tenders of £500,000 or over must be the subject of a written report to the City Executive Board.

- (d) Total contract value is over £500,000 but less than £1,000,000 where the Council is the buyer

The Head of Financial Services or an Executive Director may accept the most economically advantageous tender, as long as:

- there is budget provision in the Council's capital or revenue budget
 - project approval has been obtained
 - any key decisions have been included in the forward plan
 - any organisation the Council is acting as agent for agrees
 - the Head of Financial Services the Monitoring Officer, the Chief Executive and the relevant City Executive Board Member have been consulted
- (e) Total contract value £1,000,000 or over where the Council is the buyer

Tenders of £1,000,000 or over must be the subject of a written report to the City Executive Board unless the City Executive Board has already delegated authority in relation to the tender.

The relevant Head of Service will be responsible for ensuring the publication of Executive Decisions taken by them or in their name.

19.22 Copies of contracts and register of contracts

- (a) Keeping copies of old contracts

If the total contract value is over £5,000 and is in written form (bespoke, not an official purchase order), the Head of Financial Services will keep the contract in a secure place:

- for a least seven years from its end date if it was signed;
- for a least 13 years from its end date if it was sealed,
- however the Head of Service who invited the contract will be responsible for managing it.

- (b) Keeping a register of contracts

The Head of Financial Services will keep a central register of contracts over £5,000.

All Service Heads are required to provide the original of all signed written (bespoke) contracts over £5,000 to the Head of Financial Services.

- (c) What will the register record?

For each contract, the register will record details as required under the Transparency Code for Local Government and will be published on the Council's website.

(d) Register of certified contracts

The Monitoring Officer will keep a register of all certificates issued under the Local Government (Contracts) Act 1997.

19.23 Contract Management

All contracts shall have an appointed officer responsible for managing the contract.

Contract Managers will be responsible for:

- ensuring that service expectations are met or exceeded;
- managing the performance of the supplier;
- ensuring that the procurement team have a copy of the contract (if the value is over £100,000); and
- maintaining a risk register, where required.

Contract Managers shall promptly seek advice from the Procurement team on significant or persistent performance issues.

19.24 Legal claims relating to contracts

Claims by suppliers will be considered promptly by the Head of Service. Heads of Service must consult the Head of Law and Governance before agreeing to anything that could make the Council liable for more than £5,000 or unable to collect damages of more than £5,000.

19.25 Varying contracts

Contracts can only be varied when the contract allows and by a written instruction from the Head of Service or an officer they have appointed to manage the contract. Where such a variation would have a material impact on the nature of the contract or would materially alter its risk profile, advice must be sought and received from both Law and Governance and the Procurement team before such variation is put into effect.

Where the contract provides for an extension, the Head of Service may exercise the option to extend the contract up to the specified maximum period if satisfied that the extension of the contract represents best value. Variations must not break any of the contract rules, the UK Public Contract Regulations 2015, or any terms of the contract. Variations to contract must be submitted in writing with acceptance confirmed by all parties to the contract, and appended to the signed original copy of the contract.

A contract or framework may change without re-advertisement in the Official Journal of the European Union where:

- minor changes that do not affect its nature and not exceed the relevant EU threshold and not exceed 10% for goods/services or 15% for works of the initial contract value;
- additional goods, services or works that have become necessary where a change of supplier would not be practicable (for economic, technical or interoperability reasons) or involve substantial inconvenience/duplication of costs up to 50% of the initial contract value; and
- the change was unforeseeable and does not affect the nature of the contract or exceed 50% of the initial contract value.
- In the case of the second and third bullet points, the Council must publish a notice of modification of a contract during its term in the Official Journal of the European Union.

19.26 Acquiring and disposing of land and buildings

- (a) This rule applies to acquisitions and disposal of:
- freeholds or leaseholds with a consideration or premium over £500,000
 - leases with a rental value over £125,000 per annum
 - freeholds and leases for less than best consideration except when the acquisition or disposal is made:
 - under a legal duty
 - under a confirmed compulsory purchase order
 - under a scheme that has already been agreed by
 - the City Executive Board for acquiring or disposing of more than one piece of land or more than one building.
- (b) Before any formal commitment is made to dispose of land a report must go to the City Executive Board covering:
- the Council's present or most recent use of the land or buildings,
 - other uses the Council could make of the land or buildings
 - other uses a buyer could make of the land or buildings
 - the estimated value of the land or buildings
 - how the land or buildings will be disposed of.
- (c) Tenders for acquisition or disposal of property are not required to be submitted through the Corporate System but must be held securely until after the tender deadline and opened after the deadline by two Officers nominated by the Head of Housing Services.
- (d) After a provisional agreement has been reached on an acquisition or disposal, another report must go to the City Executive Board covering the terms of the disposal or acquisition and how the land or

buildings will be used. If a disposal is for less than best consideration, the report must say why and whether consent is needed from the Secretary of State.

- (e) Where the acquisition or disposal of a freehold or leasehold has a consideration or premium up to £500,000 or a lease has a rental value up to £125,000 per annum authorisation must be given by the relevant Head of Service and the Head of Law and Governance
- (f) The documentation in relation to the acquisition or disposal of land and buildings will be executed by (or on behalf of) the Head of Law and Governance.

19.27 Interpreting the contract rules

Questions about the contract rules and any related guidance will be dealt with by the Head of Financial Services or the Head of Law and Governance.

20. EMPLOYMENT RULES

20. EMPLOYMENT RULES

20.1 Appointments Committee

20.2 The Investigation and Disciplinary Committee

20.3 Independent Persons Panel

20.4 Appointing the Head of Paid Service (Chief Executive)

20.5 Designating the role of Chief Finance Officer and Monitoring Officer

20.6 Appointing other Chief Officers and Deputy Chief Officers

20.7 Dismissing the Chief Executive and Statutory Officers

20.8 Procedure for proposed disciplinary action against a Statutory Officer involving dismissal

20.9 Procedure for Investigation and Disciplinary Committee

20.10 Dismissing other chief officers and deputy chief officers

20.11 Appointing political assistants

20.12 Councillors not to be involved in appointing or dismissing other officers

20.13 Recruitment and selection procedure

20.14 Relationships with councillors and officers

20.15 Lobbying

20.16 Employee Code of Conduct

20.1 Appointments Committee

The powers and duties of the Appointments Committee are set out in 7.8.

20.2 The Investigation and Disciplinary Committee

The powers and duties of the Investigation and Disciplinary Committee are set out in 7.6.

20.3 Independent Persons Panel

The powers and duties of the Independent Persons Panel are set out in 7.7

20.4 Appointing the Head of Paid Service (Chief Executive)

The appointment of the Head of Paid Service (Chief Executive) is subject to some specific requirements as set out below.

Where the Council proposes to appoint the Head of Paid Service, the Appointments Committee will oversee the arrangements for filling the vacancy. The Committee shall include at least one member of the City Executive Board in its membership. The Head of Paid Service is appointed by Council on the recommendation of the Appointments Committee.

Where it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:-

- (a) draw up a statement specifying the duties of the officer 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 as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request.

Following the interview of candidates, the Appointments Committee will come to a view as to the most suitable person to recommend for the position.

Before an offer of appointment is made by the Appointments Committee for the role of Head of Paid Service (Chief Executive), the Appointments Committee must notify the Head of Business Improvement who it wishes to appoint and anything else that the Appointments Committee considers is relevant to the appointment.

The Head of Business Improvement must notify every member of the City Executive Board of:-

- (i) The name of the person to whom the Appointments Committee wishes to make the offer;
- (ii) Any other particulars relevant to the appointment which the Appointments Committee has notified; and
- (iii) The period within which any objections to the making of the offer are to be made by the Leader on behalf of the City Executive Board to the Head of Business Improvement

An offer of appointment must wait until:

- (iv) The Leader has within the period specified in the notice under sub-paragraph (iii) above, notified the Head of Business Improvement that neither the Leader nor any other member of the City Executive Board has any objection to the making of the offer;

(v) The Head of Business Improvement has notified the Appointments committee that no objection has been received by them within that period from the Leader; or

(vi) The Appointments Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded. Where necessary, the advice of the Head of Law and Governance shall be sought.

Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Appointments Committee will recommend that person for appointment to the next meeting of the Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.

Where following the interviews the Appointments Committee is of the view that there is no suitable candidate, it will re-advertise the post.

Where the Council does not approve the recommendation of the Appointments Committee, it shall indicate how it wishes to proceed.

20.5 Designating the role of Chief Finance Officer and Monitoring Officer

The roles of Chief Finance Officer (Head of Financial Services) and Monitoring Officer (Head of Law and Governance) will be designated by Council.

20.6 Appointing other Chief Officers and Deputy Chief Officers

Before an offer of appointment is made by the appointor to:

- a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989, which for the Council means the Head of Financial Services;
- a non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989, which for the Council includes Assistant Chief Executives, Executive Directors, Project Directors, Monitoring Officer and other posts that report directly to the Chief Executive; or
- a deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 which means those posts that report to a statutory or non-statutory chief officer and for the Council includes Heads of Service and some of its service managers;

the appointor must notify the Head of Business Improvement who it wants to appoint and anything else that the appointor considers is relevant to the appointment.

The Head of Business Improvement must notify every member of the City Executive Board of:-

- (i) The name of the person to whom the appointor wishes to make the offer;
- (ii) Any other particulars relevant to the appointment which the appointor has notified to the Head of Business Improvement; and
- (iii) The period within which any objections to the making of the offer are to be made by the Leader on behalf of the City Executive Board to the Head of Business Improvement

An offer of appointment must wait until:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Head of Business Improvement that neither the Leader nor any other member of the City Executive Board has any objection to the making of the offer;
- (v) The Head of Business Improvement has notified the Appointments Committee that no objection has been received by them within that period from the Leader; or
- (vi) The Appointments Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded. Where necessary, the advice of the Head of Law and Governance shall be sought.

20.7 Dismissing the Chief Executive and Statutory Officers

The Investigation and Disciplinary Committee will be responsible for proposals to dismiss the Chief Executive, Monitoring Officer and Chief Finance Officer.

Any disciplinary action short of dismissal, including a decision to suspend, against the Chief Executive, Monitoring Officer or Chief Finance Officer (“the Statutory Officers”) will be the responsibility of the Investigation and Disciplinary Committee.

Any dismissal of one of the Statutory Officers must be approved by Council, following a decision of the Investigation and Disciplinary Committee and consideration by the Independent Persons Panel.

Notice of dismissal of one of the Statutory Officers must not be given until the Investigation and Disciplinary Committee has notified the Head of Business Improvement that it wishes to dismiss the officer and any other particulars which the Investigation and Disciplinary Committee considers are relevant to the dismissal.

The Head of Business Improvement must notify every member of the City Executive Board of:-

- (i) The fact that the Investigation and Disciplinary Committee wishes to dismiss the officer;
- (ii) Any other particulars relevant to the dismissal which the Investigation and Disciplinary Committee has notified to the Head of Business Improvement; and
- (iii) The period within which any objections to the making of the dismissal are to be made by the Leader on behalf of the City Executive Board to the Head of Business Improvement,

And either:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Head of Business Improvement that neither the Leader nor any other member of the City Executive Board has any objection to the making of the dismissal;
- (v) The Head of Business Improvement has notified the Investigation and Disciplinary Committee that no objection has been received by them within that period from the Leader; or
- (vi) The Investigation and Disciplinary Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Investigation and Disciplinary Committee will follow the procedure set out in paragraph 20.8 below to recommend the dismissal to a meeting of the Council.

20.8 Procedure for proposed disciplinary action against a Statutory Officer involving dismissal

This procedure applies if the Investigation and Disciplinary Committee proposes disciplinary action involving the dismissal of the Head of Paid Service, Head of Financial Services or Monitoring Officer.

(a) Where this procedure applies, the Investigation and Disciplinary Committee will provide the Independent Persons Panel with the information and any other matters provided to members of the City Executive Board and any other particulars relevant to the dismissal that the Investigation and Disciplinary Committee considers appropriate or that the Panel may reasonably require. The Investigation and Disciplinary Committee may invite the Independent Persons Panel to attend any disciplinary or capability hearing.

(b) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to the Council.

(c) The Council may pay remuneration, allowances or fees to an Independent Person appointed to the Panel as it thinks appropriate having due regard to the level of fees payable to that Independent Person in their role as Independent Person under the Localism Act 2011 .

(d) Council will not meet to consider whether or not to approve the proposal of the Investigation and Disciplinary Committee to dismiss the officer until a period of at least 20 working days has elapsed from the appointment of the Independent Persons Panel.

(e) Before Council takes a vote at a meeting on whether or not to approve such a dismissal, it must take into account, in particular:

- (i) any advice, views or recommendations of the Independent Persons Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the Statutory Officer.

(f) If the Council approves the recommendation of the Investigation and Disciplinary Committee, then notice of dismissal can be issued. Where the Council does not approve the recommendation, it shall indicate how it wishes to proceed.

The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 as amended will be followed.

20.9 Procedure for Investigation and Disciplinary Committee

(a) Fact Finding and Investigation

It will be in the interests of all parties that the proceedings be conducted expeditiously and fairly.

In considering any complaint/allegations made the Committee may:

- make such enquiries of the Statutory Officer or any other person as it considers appropriate
- request additional information, explanations or documents from any person
- invite or receive representations from any person.

The Committee having carried out such steps as it considers appropriate and having heard representations from the Statutory Officer or his/ her adviser/representative will decide whether the issues:

- require no further formal action, or
- should be referred to an Independent Investigator (“an II”)

In considering whether the threshold in deciding to appoint an II has been met the Committee will assess whether:

- if the allegations are proved it would be such as to lead to the dismissal or other action which would be recorded on the officer’s personnel file

- there is evidence in support of the allegation/issue sufficient to require further investigation.

In deciding whether the threshold for the appointment of an II has been reached the Committee may carry out such preliminary investigations as it considers appropriate or necessary or authorise officers to do so. This will be solely for the purpose of establishing whether or not the threshold for appointing an II to carry out an investigation has been met.

Before deciding to appoint an II or suspend a Statutory Officer the Committee will invite representations from the Statutory Officer unless it is impracticable to do so.

The Statutory Officer will have the right to be accompanied at the Committee meeting.

(b) Receiving the II's Report/ Hearing

The Committee should receive any report produced by an II in relation to a Statutory Officer within one month of the receipt of the report by the Council. The Statutory Officer will have the right to attend and be accompanied at the committee meeting which considers the II's report.

The Committee will consider the II's report and invite representations from the Statutory Officer and/or his/her adviser/representative. The Committee may impose disciplinary sanctions as set out in the Council's disciplinary procedures, the JNC Terms and Conditions Handbook for Chief Officers and the JNC Terms and Conditions Handbook for Chief Executives. In conducting any hearing the Committee will have regard to the model disciplinary procedure in the JNC handbook for Chief Executives.

(c) Decision

If the Committee decides that the Statutory Officer should be dismissed the Council will consider the Committee's recommendation of dismissal. Prior to consideration by Council the Independent Persons Panel will consider the matter and the Head of Business Improvement will give all members of the City Executive Board the opportunity to raise any objections prior to the decision as set out above.

If a Statutory Officer has been suspended for a period of two months (or in the case of a decision to suspend taken under any appropriate urgency provisions) then the Committee will review that suspension. The Committee will continue to review any continuing suspension every 2 months. In carrying out any such review the Committee will consider any representations made by the II and the Statutory Officer and/or his or her adviser/representative.

For the avoidance of doubt, if a Statutory Officer chooses to retain professional advice and/or representation at or in respect of any meeting

of or hearing before the Committee, then the Statutory Officer in question will be responsible for the cost of that advice or representation.

20.10 Dismissing other chief officers and deputy chief officers

The Investigation and Disciplinary Committee will be responsible for proposals to dismiss the Assistant Chief Executives and Executive Directors.

Notice of dismissal may not be given by the dismissor to:

- a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;
- a non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989 which for the Council includes Assistant Chief Executives, Executive Directors, Project Directors and other posts that report directly to the Chief Executive; or
- a deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 which means those posts that report to a statutory or non-statutory chief officer and for the Council includes Heads of Service and some of its service managers;

until the dismissor has notified the Head of Business Improvement who it wants to dismiss and anything else that the dismissor considers is relevant to the dismissal.

The Head of Business Improvement must notify every member of the City Executive Board of:-

- (i) The name of the person whom the dismissor wishes to dismiss;
- (ii) Any other particulars relevant to the dismissal which the dismissor has notified to the Head of Business Improvement; and
- (iii) The period within which any objections to the making of the dismissal are to be made by the Leader on behalf of the City Executive Board to the Head of Business Improvement

And either:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Head of Business Improvement that neither the Leader nor any other member of the City Executive Board has any objection to the making of the dismissal;
- (v) The Head of Business Improvement has notified the dismissor that no objection has been received by them within that period from the Leader; or
- (vi) The dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

20.11 Appointing political assistants

Appointments of political assistants will follow the wishes of the respective political group.

20.12 Councillors not to be involved in appointing or dismissing other officers

Councillors will not be involved in appointing or dismissing anyone except the Chief Executive and Statutory Officers. The members of the City Executive Board will be consulted in relation to the appointment or dismissal of chief officers and deputy chief officers as set out above.. Other officers are appointed and dismissed by their Head of Service. All officers except political assistants must be appointed on merit. Councillors may be invited to observe disciplinary appeal hearings against dismissal.

20.13 Recruitment and selection procedure

All appointments must follow the Council's recruitment and selection procedure.

20.14 Relationships with councillors and officers

Candidates must disclose on their application form whether they are related to any councillor or officer or any councillor or officer's partner as their partner, parent, child, stepchild, adopted child, grandparent, grandchild, brother, sister, uncle, aunt, niece or nephew.

If a candidate declares a relationship with a councillor or officer or their partner, their appointment must be approved by the appropriate head of service. (If they have declared a relationship with the head of service or their partner, it must be approved by the appropriate director).

20.15 Lobbying

Councillors and officers must not lobby for or against candidates. The Council will disqualify candidates who lobby councillors or officers or get other people to lobby them. Candidates will be warned about this in the recruitment literature.

20.16 Employee Code of Conduct

All officers must adhere to the Employee Code of Conduct

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