
Summary and Explanation

The Council's Constitution

The Sheffield Metropolitan District Council (known as The Sheffield City Council) has agreed a Constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose.

The Constitution contains Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols.

What is in the Constitution

Article 1 of the Constitution commits the Council to be amongst the best performing Councils, providing the best quality services in the Country.

Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny (Article 6).
- The Executive (Article 7).
- Regulatory and Other Council Committees and Sub-Committees (Article 8).
- The Standards Committee and Health and Wellbeing Board (Article 9).
- Area Committees (Community Assemblies) (Article 10).
- Joint Arrangements (Article 11).
- Officers (Article 12).
- Decision Making (Article 13).
- Finance, Contracts and Legal Matters (Article 14).
- Review and Revision of the Constitution (Article 15).
- Suspension, Interpretation and Publication of the Constitution (Article 16).

Article 4 - The Full Council

4.01 Meanings

(a) **Policy Framework.** The Policy Framework means the following plans and strategies:-

- Development plan documents (Section 15, Planning and Compulsory Purchase Act 2004);
- Licensing Authority Policy Statements under the Licensing Act 2003 and the Gambling Act 2005;
- Local Transport Plan;
- Sustainable Community Strategy;

(b) **Budget.** The annual budget which includes the allocation of financial resources to different services and projects, including:

- revenue expenditure;
- proposed contingency funds including reserves and balances;
- setting the Council Tax (and any other local tax which may be within the control of the Council);
- decisions relating to the control of the Council's borrowing requirement;
- capital expenditure;

and the Treasury Management Strategy.

~~(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person or body under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.~~

4.02 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework;

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- (c) approving or adopting the Budget;
 - (d) agreeing the capital strategy and programme;
 - ~~(e) approving any application to the Secretary of State in respect of any Housing Land Transfer;~~
 - (~~ef~~) Subject to the urgency procedure in the Budget and Policy Framework Procedure Rules, making decisions about any matter where the Executive is minded to discharge an executive function in a manner which would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget;
 - (~~fg~~) consideration of adverse reports of the Local Government Ombudsman where it is proposed that the Council take no action or the recommended action should not be taken (Section 31A, Local Government Act 1974);
 - (~~gh~~) election of the Lord Mayor and appointment of a Deputy Lord Mayor (Sections 4 and 5, Local Government Act 1972);
 - (~~hi~~) appointing and removing the Leader;
 - (~~ij~~) agreeing or amending the terms of reference for Committees (other than committees of the Executive), deciding on their composition and making appointments to them;
 - (~~jk~~) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
 - (~~kl~~) adopting a Councillors' Allowances Scheme under Article 2.05;
 - (~~lm~~) changing the name of the Area (Section 74, Local Government Act 1972);
 - (~~mn~~) conferring the Freedom of the City and the title of Honorary Freeman (Section 249, Local Government Act 1972);
 - (~~no~~) approving the Members' Code of Conduct and any amendments to this;
 - (~~op~~) confirming the appointment of the Head of the Paid Service;

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- (~~pe~~) making, amending, revoking, re-enacting or adopting bylaws, and promoting or opposing the making of local legislation or personal Bills (Section 239, Local Government Act 1972);
- (~~qf~~) approving schemes for local authority lotteries;
- (~~rs~~) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, a Committee or officer;
- (~~st~~) Resolving under the Local Government (Miscellaneous Provisions) Act 1982 or the Policing and Crime Act 2009 that provisions in the Local Government (Miscellaneous Provisions) Act 1982 shall be adopted or applied;
- (~~tu~~) approving:-
- for public consultation draft proposals for the preparation or alteration to a development plan under the Town and Country Planning (Development Plans) (England) Regulations 1999;
 - submission to the Secretary of State of any plan or strategy that is required to be so submitted including submission for independent examination of a development plan document as required by section 20 Planning and Compulsory Purchase Act 2004;
- (~~uv~~) Making a request under section 14A(1) Local Government Act 1992 for single-member electoral areas;
- (~~vw~~) Passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) Local Government and Public Involvement in Health Act 2007;
- (~~w*~~) Making an order giving effect to recommendations made in a community governance review under section 86 Local Government and Public Involvement in Health Act 2007;
- (~~xy~~) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act to change the form of executive; and
- (~~yz~~) all other matters which, by law, must be reserved to Council.

(For the avoidance of doubt, the Executive may only amend, modify, revise, vary, withdraw or revoke any plan in the Policy Framework to the extent that it is required by the Secretary of State, a person appointed to carry out an independent examination under Section 20, Planning and Compulsory Purchase Act 2004 or as authorised by Full Council.)

4.03 **Council Meetings**

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary or Special Meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for Functions**

The Council will maintain Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Article 7 - The Executive

7.01 Role and Composition

The Executive will consist of the Council's Leader (the Leader) together with at least two but not more than nine Councillors appointed by the Leader to be Executive Members. These Councillors together will comprise the Cabinet. The Executive will exercise all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.02 The Leader

The Leader will be a Councillor appointed to the position of Leader by the Council at its Annual Meeting for a period of one year. The Leader will hold office until the next Annual Meeting unless he or she:

- (a) resigns from the office; or
- (b) is no longer a Councillor; or
- (c) is removed from office by resolution of the Council.

The Leader will:

- (a) Act as the Council's principal public spokesperson;
- (b) Give overall political direction to the Council;
- (c) Appoint the Deputy Leader and other Executive Members;
- (d) Exercise the executive functions of the Council and determine the Scheme of Delegation for executive functions (and for the avoidance of doubt nothing in the Scheme of Delegation shall in any way limit the authority of the Leader to exercise the Council's executive functions);
- (e) Chair meetings of the Cabinet; and
- (f) Represent the Council on such external bodies (where the function of the outside bodies relates to executive functions of the Council) as the Leader may determine.

7.03 The Deputy Leader

The Leader will appoint one of the Executive Members to act as Deputy Leader.

The Deputy Leader will hold office until the end of the Leader's term of office unless he or she:

- (a) resigns from the office; or
- (b) is no longer a Councillor; or
- (c) is no longer an Executive Member; or
- (d) is removed from office by the Leader who must give written notice of any removal to the Monitoring Officer and the person concerned. The removal will take effect five working days after receipt of the notice by the Monitoring Officer.

Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another Councillor to the position by giving notice to the Monitoring Officer. The appointment will take effect five working days after receipt of the notice by the Monitoring Officer.

If for any reason:

- (a) the Leader is unable to act; or
- (b) the office of elected Leader is vacant

the Deputy Leader will act in his or her place.

If for any reason:

- (a) the Leader is unable to act or the office is vacant; and
- (b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Cabinet must act in the Leader's place, or arrange for an Executive Member to act in his or her place.

7.04 Other Executive Members

Other Executive Members shall hold office until:

- (a) they resign from the Cabinet; or
- ~~(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they shall resume office at the end of the period of suspension) or~~
- ~~(be)~~ they are no longer Councillors; or
- ~~(cd)~~ they are removed from the Cabinet by the Leader who must give written notice of any removal to the Monitoring Officer and the person concerned. The removal will take effect five working days after receipt of the notice by the Monitoring Officer.

7.05 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for Functions

The Leader will maintain a scheme of delegation setting out responsibilities for executive functions as between the Cabinet as a whole, individual Executive Members, Committees of the Cabinet (the membership of which can only include Cabinet Members), Area Committees (Community Assemblies), Officers and joint arrangements or otherwise as permitted by law. The Leader will notify the Monitoring Officer of any changes to the Leader's Scheme. These changes will come into effect on receipt of the notification by the Monitoring Officer (or his/her deputy) or at such later time as the Leader may specify at the time of notification.

- (b) advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour;
- (c) discharging, the functions of hearing complaints against Councillors concerning the Councillors' Code of Conduct referred by the Monitoring Officer;
- (d) the exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.

9.04 Health and Wellbeing Board

The Health and Wellbeing Board is eEstablished in accordance with and to discharge the statutory functions under the Health and Social Care Act 2012 from 1 April 2013-

The role of the Board is to be a strong and effective partnership which improves the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing for the people of Sheffield.

9.05 Membership

- Four Elected Members:
 - The Leader of the Council
 - The Cabinet Member responsible for ~~Adult Social Care & Public Health~~Health, Care and Independent Living
 - The Cabinet Member responsible for Children ~~& Young People~~ and Families
 - The Cabinet Member for Homes and Regeneration
- Four Clinical Commissioning Group (CCG) clinical representatives
- A representative from ~~Sheffield~~-Healthwatch Sheffield
- Chief Executive, City Council
- ~~Chief Operating~~Accountable Officer, CCG
- Director of Public Health
- Executive Director, Children, Young People & Families
- Executive Director, Communities
- A representative of NHS England (who will contribute to the JSNA and the JHWS and to discussions related to services commissioned by NHS England)
- ~~A representative of the NHS Commissioning Board (who will contribute to the JSNA and the JHWS and to discussions related to services commissioned by the NHS Commissioning Board)~~

9.06 The Health and Wellbeing Board may appoint additional persons. Other representatives from the wider health and wellbeing community in Sheffield may be invited to attend the Board from time to time to contribute to discussion of specific issues.

9.07 Powers and Responsibilities

The statutory functions of the Board are:

- To undertake a joint strategic needs assessment (JSNA)
- To develop a joint Health and Wellbeing Strategy (JHWS) between the Council and NHS Sheffield Clinical Commissioning Group (the CCG)
- To encourage integrated working between providers including use of pooled budgets and other financial arrangements under s75 of the NHS Act 2006.

As members of the Board, the Council and the CCG must:

- have regard to the JSNA and the JHWS in making commissioning decisions
- include a statement by the Board in their published commissioning plans.
- ~~Promote the integration of Health, Social Care and Public Health~~
- ~~Promote Joint Commissioning~~
- ~~Duty to provide an opinion as to whether LCG Commissioning Plan has taken into account Joint Health and Wellbeing Strategy (JHWS)~~
- ~~Joint duty to prepare and publish Joint Strategic Needs Assessment (JSNA) and JHWS and to involve third parties~~
- ~~Duty to have record NHS Commissioning Plan and consider flexibilities under the NHS Act 2000~~
- ~~Duty to encourage integrated working in Health and Social Care under the NHS Act 2006~~

**Sheffield City Council
Health and Wellbeing Board
Terms of Reference
Final**

1. Establishing legislation

- 1.1 The Sheffield Health and Wellbeing Board (the Board) is established under the Health and Social Care Act 2012 as a statutory committee of Sheffield City Council (the Council) from 1 April 2013.

2. Role of the Board

- 2.1 The role of the Board is to be a strong and effective partnership which improves the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing for the people of Sheffield.

3. Statutory functions of the Board and its members

- 3.1 The statutory functions of the Board are:
- To undertake a joint strategic needs assessment (JSNA)
 - To develop a joint Health and Wellbeing Strategy (JHWS) between the Council and NHS Sheffield Clinical Commissioning Group (the CCG)
 - To encourage integrated working between providers including use of pooled budgets and other financial arrangements under s75 of the NHS Act 2006.
- 3.2 As members of the Board, the Council and the CCG must:
- have regard to the JSNA and the JHWS in making commissioning decisions
 - include a statement by the Board in their published commissioning plans.

4. Membership

- 4.1 The membership of the Board is:
- Four Elected Members;
 - The Leader of the Council
 - The Cabinet Member responsible for Health, Care and Independent Living
 - The Cabinet Member responsible for Children, Young People and Families
 - The Cabinet Member for Homes and Regeneration
 - Four CCG clinical representatives
 - A representative from Healthwatch Sheffield
 - Chief Executive, SCC
 - Accountable Officer CCG
 - Director of Public Health
 - Executive Director, Children, Young People & Families, SCC
 - Executive Director, Communities, SCC
 - A representative of NHS England (who will contribute to the JSNA and the JHWS and to discussions related to services commissioned by NHS England)

- 4.2 Other representatives from the wider health and wellbeing community in Sheffield may be invited to attend the Board from time to time to contribute to discussion of specific issues.

5. Governance

- 5.1 **Chair:** The Board will be co-chaired by the Leader of the Council and the Chair of the CCG, with chairing of meetings generally alternating between them.
- 5.2 **Attendance at meetings and deputies:** In order to maintain consistency it is assumed that Board members will attend all meetings. Each member may name 2 deputies, one of whom may attend a meeting and vote in place of the member.
- 5.3 **Quorum:** 2 elected members of the Council plus 2 of the CCG clinical representatives.
- 5.4 **Decision-making and voting:** The Board will operate on a consensus basis. Where consensus cannot be achieved the matter will be put to a vote. All matters to be decided by the Board shall be decided by a simple majority of the members present, but in the case of an equality of votes, the Chair shall have a second or casting vote. Decisions will be made by simple majority: the Chair for the meeting at which the vote is taken will have the casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.
- 5.5 **Authority of representatives:** It is accepted that some decisions will need to be made in accordance with the governance procedures of the organisations represented on the Board: however, representatives should have sufficient authority to speak for their organisations and make decisions within their own delegations.
- 5.6 **Accountability and scrutiny:** As a Council committee, the Board will be formally accountable to the Council. Its work may be subject to scrutiny by any of the Council's relevant scrutiny committees.

6. Meetings, agendas and papers

- 6.1 The Board will normally meet quarterly. There will be no fewer than 3 meetings per financial year, with a maximum of 16 weeks between meetings.
- Meetings will be held in public. Dates and venues for meetings, agendas, and papers will be published in advance on the Council's website.
- 6.2 The co-Chairs will agree the agenda for each meeting.
- 6.3 Agendas and papers will be circulated to all members and be available on the Council's website 7 days in advance of the meeting.
- 6.4 Minutes will be circulated to all members, and published on the Council's website as soon as possible after the meeting.

7. Engagement with the public

- 7.1 The Board will hold at least 2 engagement events per calendar year, open to the public. These events will be in addition to the formal, public meetings of the Board and will be a means of:
- engaging the public in the development of the JHWS
 - developing the Board's understanding of local people's experiences and priorities for health and wellbeing
 - communicating the work of the Board in shaping health and wellbeing in Sheffield.

8. Engagement with providers of health and wellbeing services

- 8.1 The Board will hold at least 2 events per calendar year for current and potential future providers of health and wellbeing services in Sheffield. These events will be in addition to the formal, public meetings of the Board and will be a means of:
- engaging these organisations in the development of the JHWS
 - developing a shared perspective of the ways in which providers can contribute to its delivery.

		to riding establishments.
Riding Establishments Act 1970	All	Provisional licensing of riding establishments.
Safety at Sports Grounds Act 1975	All	Provisions for safety at sports stadia and other sports grounds
South Yorkshire Act 1980	s52	Registration of dealers in second hand goods
Scrap Metal Dealers Act 1964	All	Regulation and enforcement of scrap metal dealers
Town Police Clauses Act 1847	ss37 to 68	Provisions for the licensing, regulation and enforcement of hackney carriages
Transport Act 1985	s16	Limitation on Hackney Carriage numbers
Vehicles (Crime) Act 2001	Parts 1 and 4	Regulation and enforcement of motor salvage operators
Zoo Licensing Act 1981	All	Regulation and enforcement in relation to zoos
This list is non-exhaustive. All legislation is as may be amended from time to time and includes any schedules related to the provisions listed and any regulations, bye-laws or Statutory Instruments made under that legislation. To the extent that a matter included is reserved to Full Council the term of reference to the Licensing Committee is to consider and make recommendations to Full Council on that matter.		

PLANNING AND HIGHWAYS COMMITTEES

The ~~re-are two~~ Committees to exercise the Council's non-executive Planning and Highways functions, ~~each~~ with the following terms of reference ~~below~~. They are:-

~~The City Centre, South and East Committee (whose terms of reference relate to matters within its area of responsibility shown on the map kept by the Head of Planning for this purpose; and~~

~~The West and North Committee (whose terms of reference relate to matters within its area of responsibility shown on the aforementioned map).~~

Terms of Reference

- (a) To exercise the non-executive functions of the Council as planning and highways authority set out in Part A, 5-31, Part B, 41 and 46A-55 and

Part I, 1-34,46 and 47 of the table at 3.3.2 above ~~except those matters delegated to officers in accordance with this Constitution.~~

- (b) To exercise the function under Section 278, Highways Act 1980.

~~The City Centre, South and East Committee will discharge any such functions that relate to the determination of matters affecting (i) the City Centre generally or (ii) the Council as a whole, including proposals arising out of Objective 1, Strategic Employment Zone, the Motorway Corridor or other similar proposals.~~

Matters Reserved

~~Planning and Highways Committees may delegate their functions to Council officers. However, they will normally make decisions on any application falling within their terms of reference where:-~~

Matters are reserved to the Planning and Highways Committee where the matter falls within the Committee's Terms of Reference and:-

- (a) the proposal is a major opportunity for development that represents a significant regeneration opportunity for the City;
- (b) the decision would represent a significant departure from policy;
- (c) the Council's policy position is unclear or difficult to determine;
- (d) the decision would be in conflict with a substantial number of representations made on planning grounds and where the outcome is not clearly predetermined by approved planning policy;
- ~~(e) formal enforcement or legal proceedings in respect of unauthorised development are likely to take place.~~
- (e) the matter relates to an application submitted by or on behalf of an officer of the Local Planning Authority or a Member of the Planning and Highways Committee where the matter relates to the exercise of a planning function;
- (f) the matter relates to an application submitted by or on behalf of an officer of the Local Highway Authority or by a Member of the Planning and Highways Committee where the matter relates to the exercise of a highway function;
- (g) formal enforcement or legal proceedings in respect of unauthorised development are likely to take place.

For the avoidance of doubt, functions falling within the Planning and Highways Committee's Terms of Reference but which are not reserved to the Planning and Highways Committee are exercisable by the Planning and Highways Committee but are also exercisable by Council officers in accordance with Paragraph 3.5.1 of this Part 3 of the Constitution.

SENIOR OFFICER EMPLOYMENT COMMITTEE

Terms of Reference

- (a) To consider, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, and make recommendations to the Council on all matters relating to the appointment, discipline and dismissal of the Chief Executive.
- (b) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
 - Executive Directors;
 - Officers who report directly to the Chief Executive or an Executive Director for all or most of their duties (excluding anyone whose duties are solely secretarial or clerical or otherwise in the nature of support services);
 - The Council's Statutory Officers, other than the Chief Executive.
- (c) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

STANDARDS COMMITTEE

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.
- (b) Assisting Councillors, Co-opted Members and Representatives to observe the Councillors' Code of Conduct.

13 Petitions

13.1 The Council has adopted a Petitions Scheme which can be found on the Council's website (www.sheffield.gov.uk/petitions) and is one way in which citizens can express their concerns and priorities to the Council. Petitions can be presented to a meeting of the Council, Cabinet, ~~Overview and~~ Scrutiny and Policy Development Committee or [Community Assembly Area Committee \(if established\)](#) and fall into three main types:-

(a) Ordinary Petitions

Comprising at least five signatures from members of the public requesting some form of action. As a courtesy, Democratic Services should be notified of the intention to present a petition at the earliest opportunity and no later than 10.00 a.m. on the day of the meeting in respect of Full Council meetings. The Council, on a Motion which need not be in writing and which shall be put without discussion, may (i) refer the petition to the appropriate body or appropriate Cabinet Portfolio holder for consideration or (ii) decide that no further action be taken on the matter. Where the appropriate Cabinet Portfolio holder wishes to respond to the petition at the meeting, his/her speech shall be limited to 5 minutes.-

(b) Petitions requiring a Council Debate

A petition containing 5,000 signatures or more will trigger a public debate by Full Council. Seven working days' notice submitted to the Head of Democratic Services should be given prior to a Council meeting to ensure Members have adequate preparation time. The Council will endeavour to consider the petition at its next meeting, but due to other Council business it may not be possible to debate every eligible petition at the next Council meeting, and it is unlikely that any more than two eligible petitions will be debated at any one meeting. Therefore, on occasions, an eligible petition may be debated at the next but one Council meeting.

The debate will be conducted and concluded as follows:-

- A 40 minute time limit for the item, with Members able to speak for up to three minutes each, except for the appropriate Cabinet Portfolio holder's initial contribution which shall be for up to five minutes.-

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- The petition representative will be given 3 minutes to present the petition at the beginning of the debate at the meeting.
 - The Lord Mayor will facilitate discussion of the petition by Members, offering the relevant Cabinet Member and then the relevant Shadow Cabinet Member the opportunity to make the first and second contributions. ~~Members' contributions will be summarised within the minutes of the meeting in order for the reasons for any subsequent referral to another body to be captured and communicated along with the petition, or for the reasons for the Council subsequently deciding to take no action on the petition to be recorded.~~
 - At the conclusion of the debate, the Lord Mayor will offer a “right of reply” to the representative of the petitioners so that he/she can respond for up to three minutes to any matters raised in the debate. With the consent of the Lord Mayor, the representative may nominate another representative, who is entitled to speak under the Constitution, to provide that reply.
 - ~~The Lord Mayor will outline the options/courses of action available to the Council based on the nature of the petition and invite Members to propose simple motions in accordance with the relevant options/courses of action available to the Council. He/she may also put forward his/her own suggestion in the light of the debate, or if no other motion is proposed by Members, or in order to facilitate a consensual course of action in the event that multiple, similar motions are proposed. Any motion proposed will need to be seconded. Motions will be either to:-~~ The Lord Mayor shall then offer a Right of Reply to the relevant Cabinet Member who shall respond for up to three minutes and then propose the course of action to be taken in response to the petition. The courses of action available to the Council will be either to:-
 - note and take no action for the reasons put forward in the debate, or
 - take the action requested by the petitioners (if its within the Council's remit to do so), or

- refer the petition to either the Cabinet, a Scrutiny and Policy Development Committee, a Cabinet Member or an Executive Director for consideration having regard to the comments made by Members during the course of the debate.

- The Lord Mayor shall seek a seconder for the motion proposed by the relevant Cabinet Member, and then enquire whether alternative courses of action wish to be proposed. Any motion proposed will need to be seconded.

- If only one motion has been proposed and seconded, the Lord Mayor will call for a vote on that motion, which will either be carried or lost.
- Should multiple motions have been proposed and seconded, the Lord Mayor will outline each motion and then call for a vote on each motion in turn until a motion is carried and an outcome is achieved.

(c) Petitions requesting evidence from an Officer.

A petition containing 2,500 signatures may ask that a Senior Officer gives evidence at a public meeting of one of the Council's Overview and Scrutiny and Policy Development Committees about something for which the Officer is responsible as part of their job.

13.2 Members of the public shall have an opportunity to address the Council or relevant Committee in respect of their petition for which they are the lead petitioner for a maximum of three minutes within the allocated time under Council Procedure Rule 15.1 for Public Question Time and Petitions, with the exception of petitions requiring a public debate under Council Procedure Rule 13.1(b) in which a total of 40 minutes will be available for the debate, inclusive of the three minutes for the lead petitioner to present the petition.

14 Communications

Each meeting of the Council will include an item of business to receive any communications or announcements that the Lord Mayor, the Leader of the Council or the Chief Executive may wish to place before the Council.

10 Notices of Motion to Council

10.1 Deadline for receipt of

Except for motions which can be moved without notice, as set out under Council Procedure Rule 11, written notice of every motion to be included in the Council Summons for each ordinary meeting of the Council (except January) must be delivered to the Chief Executive not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period.

10.2 Motions set out in agenda

- (a) Unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it, motions for which notice has been given will be listed on the Council Summons in an order based on a pre-determined formula according to the relative size of the various Party Groups on the Council, with Motions being considered in an order of priority identified by the various recognised Groups. The formula shall be agreed at the start of each municipal year, to take account of any changes in size of the Groups etc. Provision shall also be made for the inclusion of any individual Motions that are not submitted through the recognised Groups.
- (b) Provision shall be made, within the formula, for each recognised Group on the Council to have the first Motion set out in the Council Summons at least once during each full municipal year, with the frequency being determined according to the relative size of the Party Groups.

10.3 Scope

The Chief Executive may reject a Motion if it:-

- (a) is not a matter for which the Council has a responsibility or which affects the City, or its inhabitants.
- (b) is defamatory, frivolous or offensive.
- (c) is substantially the same as a Motion which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**1. The framework for executive decisions**

In these Procedure Rules ‘Budget’ and ‘Policy Framework’ have the meanings given to them in Article 4 of the Constitution.

For the avoidance of doubt, any of the functions or responsibilities of the Executive Director, Resources in these Procedure Rules may be discharged on her/his behalf by the Director of Finance.

The Council will be responsible for the adoption of its ~~b~~Budget and ~~p~~Policy ~~f~~Framework as set out in Article 4. Once a Budget or a Policy Framework (or any constituent part of this) is in place, it will be the responsibility of the ~~Cabinet-Executive~~ to implement it to the extent that this involves the discharging of executive functions.

The arrangements for the management of the City Council's Budget are set out in the Financial Procedure Rules (The Financial Regulations) which appear later in this part of the Constitution. The arrangements shall also be subject to the financial requirements relating to Key Decisions as defined in Article 13 of ~~thi~~se Constitution.

In addition, the following provisions apply:-

2. Process for preparing the ~~Corporate Plan and the Budget~~

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

- (a) The Cabinet will publish a timetable for making proposals to the City Council for the adoption of the ~~annual Corporate Plan~~, Revenue Budget and Capital Programme and its arrangements for any consultation after publication of those proposals. The Chairs of the appropriate Scrutiny and Policy Development Committee will also be notified and the consultation period will be not less than 6 weeks.
- (b) At the end of the consultation period, the Cabinet will draw up firm proposals for submission to the City Council, taking account of responses to the consultation including any responses from Scrutiny and Policy Development Committees.
- (c) The proposals drawn up by the Cabinet for the adoption of the ~~annual Corporate Plan~~, Revenue Budget and Capital

Programme must then be referred by the Proper Officer, at the earliest opportunity, to the City Council for decision.

- (d) In reaching a decision on the Cabinet’s proposals, the City Council may approve them, amend them, refer them back to the Cabinet for further consideration or substitute its own proposals in their place.
- (e) If the City Council approves the Cabinet’s proposals without amendment, its decision has immediate effect. Otherwise, the City Council may make a decision “in principle” only. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The City Council’s decision will be published in accordance with Article 4 of ~~this~~ Constitution and a copy will be given to the Leader of the Council.
- (g) A decision “in principle” will automatically become effective 5 days from the date of the Council’s decision unless the Leader of the Council informs the Director of Legal ~~Services and~~ Governance in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In this case, a meeting of the City Council will be called by the Director of Legal ~~Services and~~ Governance within a further 7 days and the Council will be required to reconsider its decision and the Leader’s written submission, within 7 days. The Council may:
 - i) approve the Cabinet’s recommendation;
 - ii) approve a different decision; or
 - iii) confirm its earlier decision.
- (i) The decision of the City Council will then be published in accordance with Article 4 of ~~this~~ Constitution and will be implemented immediately.
- (j) In approving the ~~Corporate Plan,~~ Revenue Budget and Capital Programme, the City Council will also specify the degree of in-year changes which may be ~~undertaken~~ made by the ~~Cabinet Executive~~ founder:

~~the Corporate Plan; and/or~~

the rules relating to virement within the Revenue Budget and Capital Programme, as set out in the Financial Regulations and associated Codes of Practice (see (5) below).

Any other changes to the ~~Corporate Plan~~, Revenue Budget or Capital Programme are reserved to the City Council.

3. **Decisions contrary to the Policy Framework, or contrary to or not wholly in accordance with, the approved ~~Corporate Plan, Revenue Budget or Capital Programme~~.**

Subject to the rules relating to urgency (see 4 below) and virement (see 5 below), a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with, the ~~Corporate Plan, Revenue Budget or Capital Programme~~ approved by the City Council may only be taken by the City Council.

If the Cabinet, individual Members of the Cabinet and any officers, ~~Community Assemblies~~Area Committees or joint arrangements which discharge executive functions have any doubt whether a proposed decision is in accordance with the approved ~~Corporate Plan, Revenue Budget or Capital Programme~~, they shall take advice from the Director of Legal ~~Services and Governance~~ and the ~~Director of Corporate Resources~~Executive Director, Resources.

If the advice of **either** of those officers is that a decision would ~~not be in~~ be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget~~line with the approved Corporate Plan, Revenue Budget or Capital Programme~~, then, again subject to the rules on virement, the decision may only be taken by the City Council, unless it is a matter of urgency (see 4 below).

4. **Urgent decisions contrary to the Policy Framework, or contrary to or not wholly in accordance with the approved Budget~~and Policy Framework (Corporate Plan, Revenue Budget or Capital Programme)~~**

A decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the approved Budget but which is a matter of urgency may be taken other than by the City Council only if:

-
- (i) it is not practical to convene a quorate meeting of the City Council; and
 - (ii) if the Chair of the relevant Scrutiny and Policy Development Committee or in their absence, the Lord Mayor or the Deputy Lord Mayor agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the City Council and the consent of the Chair of the relevant Scrutiny and Policy Development Committee's ~~consent~~ to the decision being taken as a matter of urgency must be noted on the record of the decision.

In the absence of the Chair of the relevant Scrutiny and Policy Development Committee, the consent of the Lord Mayor or the Deputy Lord Mayor will be sufficient.

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 a matter of urgency.

5. **Virement**

The rules relating to virement within the Revenue Budget and Capital Programme are set out in the Financial Regulations and associated Codes of Practice.

6. **In-year Changes to the Budget and Policy Framework (~~Corporate Plan, Revenue Budget or Capital Programme~~)**

The responsibility for agreeing the ~~b~~Budget and ~~p~~Policy ~~f~~Framework lies with the Council, and decisions by the ~~Cabinet-Executive~~ or joint arrangements discharging executive functions must be in line with it. No changes to any policy ~~and-or~~ strategy which make up the ~~p~~Policy ~~f~~Framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, Ministerial direction or Government guidance;
- (c) in relation to the ~~p~~Policy ~~f~~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.

7. **Call-in of decisions contrary to the Policy Framework, or contrary to or not wholly in accordance with, the approved Budget and Policy Framework ~~(Corporate Plan, Revenue Budget or Capital Programme)~~**

Where a Scrutiny and Policy Development Committee considers that a decision is, or would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with, the City Council's Policy Framework, Corporate Plan, Revenue Budget or Capital Programme, ~~then~~ it will seek advice from the Director of Legal Services and Governance and the ~~Director of Corporate Resources~~ Executive Director, Resources.

In respect of functions which are the responsibility of the ~~Cabinet~~ Executive, the Director of Legal Services and Governance and/or the ~~Director of Corporate Resources~~ Executive Director, Resources's report(s) will ~~be report~~ to the Cabinet with a copy of their report(s) being sent to every Member of the City Council. The Cabinet must meet to decide what action to take in respect of the Director of Legal Services' and Governance's and/or the ~~Director of Finance~~ Executive Director, Resources's report(s) and to prepare a report to:-

- the City Council if the Director of Legal Services and Governance or the ~~Director of Corporate Resources~~ Executive Director, Resources conclude that the decision is, or would be, such a departure; or
- to the Scrutiny and Policy Development Committee if the Director of Legal Services and Governance and ~~Director of Corporate Resources~~ Executive Director, Resources conclude that the decision is not, or would not be, such a departure.

If the decision has not yet been taken, or has been taken but not yet implemented, and the advice from the Director of Legal Services and Governance or the ~~Director of Corporate Resources~~ Executive Director, Resources is that the decision is, or would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with, the City Council's Corporate Plan, Revenue Budget or Capital Programme, the Scrutiny and Policy Development Committee may refer the matter to the City Council. In such cases, no further action will be taken in respect of the decision or its implementation until the City Council has

met and considered the matter. The City Council will meet within 7 days of the request by the Scrutiny and Policy Development Committee. At the meeting, it will receive a report on the decision or proposals and the advice of the Director of Legal ~~Services and Governance~~ and the ~~Director of Corporate Resources~~Executive Director, Resources. The City Council may either:-

- (i) approve the decision as not being contrary to the Policy Framework or as being wholly in accordance with the ~~Corporate Plan, Revenue Budget or Capital Programme~~, in which case no further action is required except that a copy of the Council's decision is circulated to all Members in the usual way; or
- (ii) accept that the decision is, or would be, contrary to the Policy Framework, or contrary to or not wholly ~~in~~ accordance with, the ~~Corporate Plan, Revenue Budget or Capital Programme~~, and require the Cabinet to reconsider the matter in accordance with the advice of the Director of Legal ~~Services and Governance~~ and the ~~Director of Corporate Resources~~Executive Director, Resources.

20 Disturbance by Members of the Public

If a Member of the public interrupts proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption or repeatedly interrupts, the Chair shall order his/her removal from the meeting room. In the case of meetings where there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

21 Use of Mobile Phones and other such Equipment

Mobile telephones, pagers and other such equipment must be switched to silent mode during meetings of the Council and other Bodies. The Chair of a Body, as appropriate, shall decide as to whether the use of television cameras and recording equipment should be permitted in meetings.

22 Budget and Policy Framework –~~Conflict Resolution~~

- (a) In reaching a decision concerning the adoption of any plan, strategy or budget that forms part of the Council’s Budget and Policy Framework, the Council may either approve the Cabinet’s proposals, amend them, refer them back to the Cabinet for further consideration or substitute its own proposals.
- (b) If the City Council approves the Cabinet’s proposals without amendment, its decision has immediate effect. Otherwise, the City Council may make a decision “in principle” only.
- (c) An in principle decision of the Full Council which is contrary to the Cabinet’s proposals for the budget or policy framework will become effective 5 days from the date of the Council’s decision unless the Leader of the Council informs the Director of Legal Services in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.
- (d) If the Leader of the Council registers such an objection, a meeting of the City Council will be called by the Director of Legal Services within a further 7 days and the Council will be required to reconsider its decision and the Leader’s written submission within 7 days. The Council may:-
 - (i) approve the Cabinet’s recommendation; or
 - (ii) approve a different decision; or
 - (iii) confirm its earlier decision.

- (e) The ~~Monitoring Officer~~Director of Legal and Governance and/or ~~the Executive Director, Resources~~Head of Paid Service shall determine whether a decision is considered to be contrary to the ~~Council's Budget and~~ Policy Framework or contrary to or not wholly in accordance with the approved Budget.

(Note: Further details are available in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution)

23 Minutes of Meetings

- 23.1 Minute books of all meetings shall be open to the inspection of Members of the Council during normal office hours at the offices of Democratic Services and can also be accessed electronically on the Council's website.
- 23.2 The minutes will be submitted to the following meeting of the body for approval and will contain the names of Members and any co-opted Members present, those Members present who are not members of that particular body and apologies for non-attendance by Members.

24 Appointment and Removal of Leader

- 24.1 The Council shall at its Annual Meeting appoint a Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.
- 24.2 The Leader may be removed from office by resolution of the Council.

25 Appointment and Membership of Cabinet, Overview and Scrutiny and Policy Development Committees, etc. except Advisory Groups

- 25.1 The Council shall at its Annual Meeting appoint and agree, in accordance with political balance rules if applicable, membership and terms of reference for Overview and Scrutiny and Policy Development Committees, Regulatory Committees, a Standards Committee, an Audit Committee, Area Committees (Community Assemblies) and such other Bodies as it is required by law and as it deems necessary to appoint for the ensuing year, together with representatives on external organisations.

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- 25.2 Those Bodies will be granted delegated powers, as appropriate by the Council and may appoint any non-executive Task Groups as appropriate to assist in the completion of their duties.
- 25.3 Subject to any statutory provisions in that behalf, the Council may at any time dissolve a Body or alter its membership.
- 25.4 Every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny and Policy Development Committee or one Regulatory Committee, unless otherwise determined by the Council.

26 Urgent Business

An item of business may be considered at a meeting of the Council, a Committee or Sub-Committee as a matter of urgency, where it has not been possible to give five clear working days' notice, on the recommendation of the Chair but the reason for such urgency must be recorded in the minutes. Any non-confidential or non-exempt report relating to such item must be made available for public inspection once it has been issued.

27 Public Notice of Meetings and Availability of Documents

- 27.1 At least five clear working days' notice must be given of the date, time and place of a meeting of a Body.
- 27.2 The agenda and reports (except confidential or exempt reports) must be made available for public inspection at all reasonable times. The public may also inspect any non-confidential /exempt background documents used in the preparation of, and listed in, each report. The public may make a copy of any agenda, reports and background documents available on payment of a reasonable fee.
- 27.3 A number of copies of the agenda and non-confidential/exempt reports will be made available at meetings for public use free of charge.

28 Public Admission to Meetings

Meetings of all bodies are generally open to the public, but the public may be excluded from a meeting either in accordance with existing legislation relating to access to information as amended from time to time, or in accordance with Council Procedure Rule 20 relating to disturbance by the public.

29 Casual Vacancy on a body

A casual vacancy on a Body occasioned by the resignation of a Member from that Body may be filled by a resolution of the Council at the next following or any subsequent meeting. A casual vacancy on a Body occasioned by a member ceasing to be a Member of the Council shall not be filled by the Council until after the consequential vacancy in the office of Councillor has been filled.

30 Meetings of Bodies

30.1 The Director of Modern Governance, shall summon a meeting of every Body to be held within 14 days after its appointment and thereafter meetings shall be summoned by the Director of Modern Governance, to be held on such days and at such times as the Body may direct or as requested by the Chair.

30.2 An Extraordinary meeting of any Body shall be called within 14 days of the receipt by the Director of Modern Governance, of a requisition in that behalf signed by not less than three members of the Body.

31 Appointment of Chair

Every Body at its first meeting shall commence its proceedings by electing a Chair and a Deputy Chair. In the event that there are more than two people nominated for either position and there is not a clear majority of votes in favour of one person, then the process outlined in Council Procedure Rule 18.6 shall be followed. However, in the event of a tie between the last two persons for the position of Chair, the person from the Group with the highest number of Members on the Council shall become the Chair. In the absence of the Chair and Deputy Chair at a meeting, the Body shall elect a Chair for that meeting.

32 Questioning of Council Representatives on Companies

32.1 In any case where a member or officer of the City Council has been authorised to act as its representative at a general meeting (or at meetings which include a general meeting) of a company which is an authorised company for the purposes of Part V of the Local Government and Housing Act 1989, members shall be entitled, subject to paragraphs (2) and (3) below, to put to the member or officer concerned at meetings of the Council or other Body questions about the activities of the company.

32.2 The right to put questions to officers or members contained in paragraph (1) above shall only be exercisable where:-

- (a) the member wishing to put the question has given notice to the Director of Modern Governance, of the precise wording of the question and the person(s) to whom it is to be addressed not later than 12.00 noon on the day which precedes by five normal working days of the Authority the date of the meeting at which the question is to be put, disregarding the day on which the notice is given and the day of the meeting;
- (b) in the case of a question to be put at a meeting of a Body, the Director of Modern Governance, or his/her nominee, in consultation with the Chair of the meeting to which the question is to be put, is satisfied that the activities of the company are of relevance to that meeting; and
- (c) it is reasonable in all the circumstances to expect the member or officer to whom the question is to be put to attend the meeting at which the question is to be put.

32.3 Nothing in paragraph (1) above shall require any member or officer to whom a question is addressed to disclose any information about the company which has been communicated to him/her in confidence.

33 Appointment of Substitutes on Planning and Highways Committees

Where an Appointed Member of a Planning and Highways Committee is unable to attend a meeting of that Committee, he/she may arrange for a Substitute Member to attend, subject to the following conditions:-

- (a) a Committee Member wishing to be substituted will seek a substitute from the approved list for his/her Party Group;
- (b) the Chief Executive or his/her representative must be notified in writing of the substitution at least one full working day before the day of the Committee; and
- (c) the substitution shall last for the duration of the meeting, including an adjourned meeting.

(B) MISCELLANEOUS MATTERS**B1 Officers**

- (1) For the purposes of Section 4 of the Local Government and Housing Act 1989, as modified by Schedule 5 to the Local Government Act, 2000, the Head of Paid Service shall be the Chief Executive.
- (2) For the purposes of Section 5 of the Local Government and Housing Act 1989, "the Monitoring Officer" shall be the Director of Legal Services.
- (3) For the purposes of Section 151 of the Local Government Act 1972, the officer with responsibility for the administration of the financial affairs of the Council "the Chief Financial Officer" shall be the Director of Corporate Resources.
- (4) Chief Officer for the purposes of these Standing Orders means Head of Paid Service, Monitoring Officer, Section 151 Officer or Statutory Chief Officer referred to in Section 2(6)(a), (c) or (d) of the Local Government and Housing Act 1989, any non statutory Chief Officers (within the meaning of Section 2(7)(a) or (b) of the Local Government and Housing Act 1989) and Heads of Service. Additional rules apply to the Head of Paid Service, Monitoring Officer and Section 151 Officer.

B2 Applications for Employment

- (1)
 - (a) Canvassing of members of the Council or any Committee or other Body of the Council or members of a Governing Body directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment.
 - (b) A member of the Council or of a Governing Body shall not solicit for any person any appointment under the Council but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.
- (2) A candidate for any appointment under the Council who knows that he/she is related to any member or senior officer of the Council or of a Governing Body shall when making application disclose that relationship. A candidate who fails to disclose such

a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

- (3) Every member and Chief Officer, as defined in Standing Order B1(4), of the Council shall disclose to the Chief Executive and every member of a Governing Body, Headteacher, Deputy or Assistant shall disclose to the Governing Body through the Headteacher any relationship known to him/her to exist between himself/herself and any person who he/she knows is a candidate for an appointment under the Council. The Chief Executive shall report to the Council or to the appropriate Committee and the Headteacher shall report to the Governing Body any such disclosure made to him/her.
- (4) The purport of this Standing Order shall be included either in the form of application or in the notification calling the candidate for interview.

B3 Appointment of Chief Officers

- (1) Where the Council propose to appoint a Chief Officer as defined in Standing Order B1(4) and it is not proposed that the appointment be made exclusively from among their existing officers, they shall:
 - (a) Draw up a statement specifying:-
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
 - (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
 - (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (2) Where a post has been advertised as provided in Standing Order B2(1)(b) the Council shall:-
 - (i) interview all qualified applicants for the post; or
 - (ii) select a shortlist of such qualified applicants and interview those included on the shortlist.

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- (3) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Standing Order B2(1)(b).
 - (4) Every appointment and dismissal of a Chief Officer as defined in Standing Order B1(4), other than the appointment and dismissal of the Head of Paid Service which shall be approved by the full Council, shall be made by a Committee or Sub-Committee of the Council and must include at least one member of the Cabinet.

Such appointment should only be made where no well-founded objection has been received from any Member(s) of the Cabinet within 5 days of being notified by the Proper Officer of the intended appointment/dismissal.

- (5) No offer of appointment or notice of dismissal of the Head of Paid Service or a Chief Officer as defined in Standing Order B1(4) may be made by the appointor or dismissor where, within a period of 5 working days, the Leader of the Cabinet has notified the Proper Officer that he/she or any other member of the Cabinet has a well founded and material objection. Such objection will be reported to the next available meeting of the Council for a decision to be made as to whether the objection should be overruled/upheld.
- (6) The Monitoring Officer shall be the Proper Officer for the receipt of objections referred to in paragraphs (4) and (5) above.
- (7) The involvement of Members in the appointment of Officers will be restricted to that of the Head of Paid Service, Chief Officers as defined in Standing Order B1(4), Heads of Service and Political Assistants.
- (8) The steps taken under Standing Order B2(1) or (2) may be taken by the Council, a Committee, Sub-Committee or Chief Officer of the Council.

B4 Disciplinary Action against certain Chief Officers

- (1) No disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) in respect of the Head of the Council's Paid Service, the Monitoring Officer, the Chief Finance Officer or Executive Directors, except action described in paragraph (3) below, may be taken by the Authority or by a Committee, Sub-Committee, a joint Committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a

recommendation in a report made by a designated independent person under Regulation 7 of those Regulations.

- (2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- (3) All such actions shall be subject to the process set out in Standing Orders B3(4) and (5).

B5 Appointment, Dismissal and Disciplinary Action for Staff other than Chief Officers referred to in section B4 above and Political Assistants

- (1) Appointment, dismissal and disciplinary action of staff other than Chief Officers referred to in section B4 above and Political Assistants, will be the responsibility of the Head of Paid Service or his/her nominee.
- (2) Nothing in paragraph 1 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Authority to consider an appeal by:
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or
 - (b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

B6 Appeals against Dismissal or Disciplinary Action

Appeals against dismissal or disciplinary action shall be to a Panel of the Council which shall comprise two Members of the majority group and one from a minority group who have been accredited by attending appropriate training sessions. Appeals against dismissal by reason of redundancy shall be to a panel of authorised chief officers.

B7 Political Assistants

- (1) Not more than one political assistant's post shall be allocated by the Council from time to time, to each of the qualifying political groups into which the Council is divided.

- (2) No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- (3) For the purpose of this Standing Order, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section 9 of the Local Government and Housing Act 1989.
- (4) The purpose of this Standing Order shall be brought to the attention of applicants for appointment.
- (5) Appointment and dismissal of Political Assistants shall be made by a Committee or Sub-Committee of the Council.
- (6) The provisions of Standing Order B3(4) and (5) do not apply to these appointments.

STANDING ORDERS OF THE COUNCIL**(C) CONTRACTS****C.1 DEFINITIONS AND INTERPRETATION****C.2 GENERAL**

- C.2.1 Compliance with Standing Orders
- C.2.2 Exemptions
- C.2.3 Contraventions
- C.2.4 Legal Requirements
- C.2.5 Contract Value
- C.2.6 Conflicts of Interest
- C.2.7 Nomination
- C.2.8 Transfer of Employees

C.3 COMMISSIONING

- C.3.1 General
- C.3.2 Commissioning responsibilities of the Client

C.4 PROCUREMENT STRATEGY

- C.4.1 General
- C.4.2 Contract Value less than £25,000
- C.4.3 Contract Value £25,000 or more for Goods
- C.4.4 Contract Value £50,000 or more for Works or Services

C.5 TENDERS

- C.5.1 Requirements
- C.5.2 Health and Safety

C.6 CONTRACT AWARD

- C.6.1 Authority to award Contracts
- C.6.2 Selecting the Successful Contractor

C.7 CONTRACTS

- C.7.1 Forms of Contract
- C.7.2 Contracts – Signed or by Deed
- C.7.3 Contracts – By Deed
- C.7.4 Contracts – Signed
- C.7.5 Contracts Register
- C.7.6 Contract Management
- C.7.7 Payment in Advance

ORDER C.1 - DEFINITIONS AND INTERPRETATION

C.1.1 In these Contracts Standing Orders the following words shall have the meanings given to them below:

“CHAS or SSIP”	Health and Safety pre-qualification schemes: CHAS – www.chas.gov.uk SSIP – www.ssip.org.uk
“Client”	The person responsible for the Commissioning and delivery of goods, works or services on behalf of their Service, who is working directly with the Procurement Professional; the ‘Client’ of the Procurement Professional who is responsible for the tendering process.
“Commissioning”	A continuous process through which Commissioners identify need; plan, source, deliver and performance manage activity. See ‘The Commissioning Process’ document, available from Commercial Services, for more information.
“Contract”	An contract agreement for the purchase or hire by the Council of goods, works or services, including on a concession basis .
“Contract Lead”	The person who has overall administrative control of the Contract.
“Contractor”	Includes a tenderer or any other person or organisation delivering a Contract.
“Contract Value”	The estimated total of the money payments to be made by the Council and the value of materials or other benefits to be retrieved or enjoyed by the Contractor for the whole period of the Contract, including any potential extensions; it is exclusive of VAT.
“Council Contract”	A Contract competitively let by Commercial Services, on behalf of the Authority, where there is a routine or commonly recurring requirement across the Council.

“Council Seal”	The emblem used as a means of authentication by the Council and which is in the form of an impression in paper, wax or other medium.
“Criteria”	Means the information provided to enable the evaluation of tenders received.
“European Union Procurement Directives”	DIRECTIVE 2004/18/EC, as amended & DIRECTIVE 2004/17/EC, as amended.
“External Body”	As defined under the circumstances at C.1.1.3; this specifically excludes external organisations that are contracted to supply goods, works or services to or on behalf of the Council, unless compliance with the competitive requirements of these Orders is a term of the Contract.
“High Risk Work”	Work that involves or includes demolition; the removal or treatment of asbestos; confined spaces or work at height (such as the erection, alteration or dismantling of scaffolding, work on roofs and steeples, abseiling or window cleaning).
“In-House Provider”	A Council department which can provide goods, works or services to other Council departments whether charged for or not. It does not include any separate legal entity..
“Orders”	These Standing Orders for Contracts.
“Tender Process Manual”	The processes, procedures and templates issued by Commercial Services which must be adhered to by Procurement Professionals.
“Procurement Professional”	A Council officer who is either 1) a qualified procurement professional or 2) a procurement professional by way of their Council role as a buyer of goods, works or services. Commercial Services will hold a list of Procurement Professionals..

“Public Procurement Regulations” or “Regulations”	The Public Contracts Regulations 2006, as amended & The Utilities Contracts Regulations 2006, as amended.
“Senior Responsible Officer” or “SRO”	The Head of Service, or other Officer nominated in writing by the Head of Service to act in their place.
“RIDDER”	The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995.
“School Contract”	A Contract let by the governing body of a school acting in the exercise of its powers in respect of a delegated budget.

C.1.2 A reference in these Orders to any Act of Parliament shall include a reference to any statute for the time being in force replacing or re-enacting that Act.

C.1.3 In determining whether an agreement falls within the definition of a Contract above then it is the substance of the agreement that will be determinative not the form. If the effect of the agreement is that the Council has services, works, or goods delivered for it on its behalf then for the purposes of these Orders it is a Contract. Other wording or titles of agreements cannot be used to avoid the application of these Orders.

C.1.4 Any reference in these Orders to the Director of Commercial Services, an Assistant Director of Commercial Services, the Director of Legal ~~Services and Governance~~ or an Assistant Director of Legal ~~Services and Governance~~ shall include a reference to an officer authorised by them to act on their behalf.

ORDER C.2 - GENERAL**C.2.1 Compliance with Standing Orders**

C.2.1.1 All Contracts shall comply with these Orders unless:

C.2.1.1.1 an exemption applies (see Order C.2.2); or

C.2.1.1.2 the contract is a School Contract;

C.2.1.2 Officers must comply with Contracts Standing Orders.

C.2.1.3 Each Senior Responsible Officer (SRO – see Order C.1.1) shall ensure that Contracts let by his or her Service comply with these Orders.

C.2.1.4 External Bodies

External Bodies (see Order C.1.1) shall also be required to comply with these Orders (or alternatively, any other written procurement rules adopted by that body which have been approved by the Director of Commercial Services) whenever the External Body undertakes a procurement of goods, works or services in any of the following circumstances:

- Where the External Body is undertaking the procurement on behalf of the Council, specifically acting as its procurement agent; or
- Where the procurement is being undertaken by the External Body on its own behalf, or for some third party, but is being funded by financial assistance from the Council and it is a condition of that assistance that these Orders shall apply; or
- Where the Council is the “accountable body” for the External Body; or
- Where the External Body is a company under the control of the City Council within the meaning of *section 68 Local Government and Housing Act 1989*.

C.2.1.5 Where the External Body is another local authority undertaking the procurement as the ‘commissioning authority’ on behalf of the Council and any other parties, the financial regulations and procurement rules of that other local authority may be relied upon. However, the SRO for the Service to which the Contract relates shall ensure that the procurement is carried out in accordance with applicable EU Procurement Rules and Regulations and obtain confirmation of this in writing from the commissioning authority.

C.2.1.6 Part B Services

Under the European Public Procurement Directives and the Regulations Part B Services are exempt from the detailed procurement procedures. However they are subject to general EU Treaty law on procurement and the statutory duty to provide Best Value. Best practice is that this is best proven by utilising proper competitive procurement procedures. Therefore it has been determined that these Orders apply in full to Part B Services.

C2.1.7 Grant Funding

Where a the Council receives a grant ~~to that is used to~~ fund the provision of goods, works or services ~~where there is more than one potential supplier of the works or services, or where the grant is for the purpose of stimulating a new service and an assessment reveals there are existing suppliers who could develop the new service~~ then these Orders apply in full to the procurement of the goods, works or services.

Where there are no existing suppliers with the required competence then a waiver of these Orders should be sought to allow a grant Contract to be used to stimulate the development with an agreed partner or supplier. Any waiver granted will be time limited so that when the new service is operational other new entrant suppliers have the opportunity to bid for the service provision.

Where funding received by the Council, which the Council administers on the funding body's behalf and the funding body has attached grant conditions which make compliance with these Orders unachievable, and this has been agreed by the Director of Commercial Services, then to the extent necessary to comply with the grant conditions these Orders do not apply.

C.2.2 Exemptions

C.2.2.2 For the avoidance of doubt, the following types of expenditure are exempt from the competitive requirements set out in these Orders, and a Waiver of Standing Orders (See Order C.2.2.3) is not required (If in doubt, seek advice from Commercial Services):

C.2.2.2.1 Offers of employment which make an individual an employee of the Council.

C.2.2.2.2 When dealing with:

- Acquisition, disposal or transfer of interests in or rights over land/property (which do not form part of

a wider transaction where the Council procures works, goods or services);

- Disposal of surplus goods;
- Items purchased or sold by public auction (in accordance with arrangements agreed by the Executive Director of Resources);
- Compensation Payments e.g. relating to Compulsory Purchase Orders and Insurance;
- Customer refunds e.g. Planning Refunds, Rent Refunds etc.;
- Grant agreements where the Council either receives or gives a grant (but see Orders C.1.3 and C.2.1.7 above).

C.2.2.2.3 For certain Contracts with statutory undertakers, where the Council is obliged by statute or any other legal provision to use only the statutory undertaker (e.g. works orders only with utility infrastructure providers – Gas Mains, for example). Officers should seek to negotiate such terms and conditions that are in the best interests of the Council.**

C.2.2.2.4 For expenditure with sole source organisations, such as Central Government bodies; these are statutory services where no genuine alternative exists. **

**Lists of exempted suppliers relating to Orders C.2.2.2.3 and C.2.2.2.4 are held by Commercial Services; for further information see <http://intranet/managers/procurement-projects/policy/contracting-rules--procedures>.

C.2.2.2.5 For expenditure with In-House Providers (see Order C.1.1)

Where the Council has an In-House Provider, that is capable of meeting a requirement, they must be used without competition, except where the Council has determined that Supplies or Services of a particular kind will be subject to a competitive process. Where it is deemed that an In-House Provider might not provide value for money, the Director of Commercial Services will advise on any benchmarking process that should take place and whether there ought to be a competitive process. Any involvement of the In-House

Provider in that process will be by the Director of Commercial Services. A list of In-House Providers that have been assessed as providing value for money for internal Clients may be held by Commercial Services.

C.2.2.2.6 For expenditure with Council Contracts (see Order C.1.1)

Where the Council has a Council Contract, that is capable of meeting a requirement, they must be used without competition, except where the Council has determined that Supplies or Services of a particular kind will be subject to a competitive process. A list of Corporate Contracts will be held by Commercial Services.

All queries in relation to the above exemptions should be directed to Commercial Services; in cases of dispute, the Director of Commercial Services' decision will be final.

C.2.2.3 The Director of Commercial Services may also grant an exemption from a requirement or number of requirements of these Orders in special circumstances by way of a Waiver of Contracts Standing Orders. The decision shall include the reasons for the exemption. Guidance on Waivers of Standing Orders, available from Commercial Services, must be adhered to for any such request.

C.2.3 **Contraventions**

Officers have a duty to report unauthorised breaches to the Director of Commercial Services.

C.2.4 **Legal requirements**

Every Contract shall be let in accordance with legal requirements, including the Public Procurement Regulations and EU Treaty law. Those requirements shall prevail in the case of any conflict with these Orders.

C.2.5 **Contract Value (see Order C.1.1)**

The Contract Value must not be underestimated, and the Contracts must not be subdivided in order to avoid the application of the EU Directives, the Regulations or these Orders. [For concession contracts the value of the benefit must be realistically estimated.](#)

C.2.6 **Conflicts of Interest**

In keeping with the Council's Financial Regulations, Officers and Members must formally declare any relationships with existing or potential Council Contractors prior to the obtaining of quotations or the awarding of Contracts, in accordance with relevant Codes of Conduct.

C.2.7 **Nomination**

The Council will not nominate sub-contractors or suppliers to its Contractors. However, Contractors will be actively encouraged to utilise local suppliers or sub-contractors and to recruit locally, whilst complying with relevant legislation.

C.2.8 **Transfer of Employees**

Where a Contract will result in the transfer of employees, the relevant policies and procedures of the Council should be complied with at all times.

C.2.9 **Extensions and Variations of Contracts**

Where it is intended to extend the term of a Contract (including where the contract provides for such an extension) or vary a Contract to include new or revised goods, works or services then if the Contract Value after extension or variation being applied will be increased by the greater of;

C.2.9.1 £25,000 (Goods) or £50,000 (Works or Services); or

C. 2.9.2 10% of the Contract Value when the Contract was initially let,

then the consent of the Director of Commercial Services will be required before the Contract is extended or varied. In deciding whether to give such consent the Director of Commercial Services may require the submission of a procurement strategy. Any consent should be sought at an early stage to allow for other procurement methods to be undertaken if it is determined that an extension or variation is not the appropriate route.

ORDER C.3 - COMMISSIONING

C.3.1 General

In all cases, the Council's approved approach to Commissioning should be followed. This is available from Commercial Services.

C.3.2 Commissioning responsibilities of the Client (see Order C.1.1)

- C.3.2.1 Before starting the process of letting a Contract, the Client will need to consider a range of issues in order to ensure that the right approach is adopted. The responsibilities of the Client include:
- C.3.2.1.1 Defining what the requirement is – including desired quality standards and outcomes – and how much it is likely to cost;
 - C.3.2.1.2 Ensuring appropriate budgetary and other approval (including approval of the procurement strategy in accordance with the Leader's scheme of delegations) has been granted;
 - C.3.2.1.3 Ensuring needs analysis for the requirement has been carried out adequately with stakeholders and end users;
 - C.3.2.1.4 Ensuring sustainability considerations are adequately considered;
 - C.3.2.1.5 Ensuring appropriate consideration has been given to potential Human Resources, Legal and any other implications;
 - C.3.2.1.6 Ensuring requirements align with the Council's objectives and priorities, as defined in the Corporate Plan and adopted policies;
 - C.3.2.1.7 Ensuring compliance with any statutory and other duties in the commissioning process are complied with e.g. Equalities Act 2010, Best Value duty, Public Services (Social Value) Act 2012 duties, public law consultation duties, requirements of Compact with voluntary sector etc.
 - C.3.2.1.8 Ensuring a Procurement Professional (see Order C.1.1) is engaged at an early stage of the Commissioning process, and undertakes any resulting tendering

exercise. Commercial Services holds a list of Procurement ~~Specialists~~Professionals.

For further information, please contact Commercial Services.

ORDER C.4 - PROCUREMENT STRATEGY**C.4.1 General**

C.4.1.1 The procurement strategy used on all tendering for every Contract with a Contract Value over £25,000 (Goods) or over £50,000 (Works or Services) or where subject to a tender by virtue of order 4.2.4 must be consistent with this Order and any relevant legislation and this must be confirmed by the Director of Commercial Services ~~(or another duly authorised officer)~~. Where appropriate, the financial, human resources, legal and equalities implications must be agreed with the relevant department before the procurement strategy is presented to the Director of Commercial Services. Where it is known that for a Contract with a Contract Value under these financial thresholds a tendering exercise would produce the best outcome for the Council, the SRO should contact Commercial Services, where a Procurement Professional will be allocated to undertake the procurement exercise.

C.4.1.2 For Capital Expenditure Projects the SRO must also obtain approval from the Capital Programme Group (CPG). Confirmation that the procurement strategy is consistent with this Order and any relevant legislation, as required by C.4.1.1, may be obtained at the CPG.

C.4.1.3 The procurement strategy for every Contract must also be approved in accordance with the Constitution and the Leader's Scheme of Delegations by the Cabinet, a Cabinet Member, a Committee or an Officer. For the avoidance of doubt, this is in addition to the confirmation of the Director of Commercial Services under order C.4.1.1

C.4.1.4 Where it is decided that a competitive tender process will be undertaken (see Order C.5), a Procurement Professional (see Order C.1.1) must run the tendering process, in conjunction with the Client, in adherence with the Tender Process Manual and associated instructions and with reference to the Procurement Policy issued by Commercial Services.

C.4.2 Contract Value less than £25,000 (Goods) or less than £50,000 (Works or Services)

C.4.2.1 The SRO is responsible for ensuring a clear audit trail is maintained for the necessary period for all decisions made.

C.4.2.2 Reasonable steps shall be taken to ensure value for money for the Council which, as a minimum, shall include:

C.4.2.2.1 First considering use of the Council In-House Provider or existing Council Contracts (see Orders C.2.2.2.5 and C.2.2.2.6).

C.4.2.2.2 Where no applicable in-house provision or Council Contract exists:-

- Value £0 - £250: obtain at least 1 verbal quote and record the details
- Value £250 - £2,500: obtain at least three competitive quotations, verbal or written, and record the details
- Value £2,500 - £25,000 (Goods) or £50,000 (Works or Services): Invite 3, or more, written quotations and record the details

C.4.2.4³ Irrespective of the value, if your proposed purchase would provide better value through a more competitive process – for example there is a supply market for the product or service required - or is complex or difficult to describe – for example, the appointment of consultants or the buying of a bespoke service – you should seek tenders rather than quotes (see Order C.5).

C.4.3 **Contract Value £25,000 or more for Goods**

C.4.3.1 For Contracts of Goods with a value in excess of £25,000, a formal tender process must take place. The Council must treat the tender process with probity and act in an open and transparent way throughout. For further details, refer to Orders C.1.4 and C.2.1.

C.4.3.2 A Procurement Professional must determine the appropriate choice of tender procedure to follow, as detailed in the Tender Process Manual or required by law.

C.4.3.3 Each Contract to be let shall be given appropriate publicity to bring it to the attention of suitable providers.

C.4.3.4 Some Contracts will be subject to the rules set down in the European Union Procurement Directives and Regulations. These rules will apply to Contracts for supplies, services and works above certain thresholds; the level of each threshold is subject to review. Only certain services are fully covered by the Regulations. The Procurement Professional undertaking the tender exercise will be responsible for compliance with the Regulations, where applicable, including checking the threshold levels. Appropriate time must be allocated to enable the required EU procurement processes to take place.

C.4.4 Contract Value £50,000 or more for Works or Services

- C.4.4.1 For Contracts of works or services with a value in excess of £50,000, a formal tender process must take place. The Council must treat the tender process with probity and act in an open and transparent way throughout. For further details, refer to Orders C.1.4 and C.2.1.
- C.4.4.2 A Procurement Professional must determine the appropriate choice of tender procedure to follow, as detailed in the Tender Process Manual or required by law.
- C.4.3.3 Each Contract to be let shall be given appropriate publicity to bring it to the attention of suitable providers.
- C.4.3.4 Some Contracts will be subject to the rules set down in the European Union Procurement Directives and Regulations. These rules will apply to Contracts for supplies, services and works above certain thresholds; the level of each threshold is subject to review. Only certain services are fully covered by the Regulations. The Procurement Professional undertaking the tender exercise will be responsible for compliance with the Regulations, where applicable, including checking the threshold levels. Appropriate time must be allocated to enable the required EU procurement processes to take place.

ORDER C.5 - TENDERS

C.5.1 Requirements

C.5.1.1 SROs should ensure that, where quotations or tenders for under £25,000 (Goods) and £50,000 (Works or Services) are opened within their Service, a procedure similar to that set out in this Order is adopted for recording the method used and the outcome for audit purposes.

C5.1.2 No person or economic operator shall be included in or excluded from:

- any list of tenderers or persons with whom the Council may negotiate;
- any standing list; or
- the Approved List;

unless authorised in accordance with the Constitution and the Leader's Scheme of Delegations by the Council, Cabinet, a Cabinet Member, a Committee or an Officer.

C.5.1.3 Bankruptcy and Liquidation

No tender shall be invited from, and no Contract entered into with, any person or economic operator who:-

- C.5.1.3.1 is bankrupt or in liquidation;
- C.5.1.3.2 has any receiver or administrative receiver appointed to it;
- C.5.1.3.3 has any winding up order made or (except for the purpose of amalgamation or reconstruction) a resolution of voluntary winding up passed in respect of it.

C.5.1.4 Electronic Tendering

All tenders must be undertaken electronically, using the Council's electronic-tendering system (YORtender). Any exemptions from this must be authorised by the Assistant ~~Commercial~~ Director of Commercial Services managing the Commercial Process Team. In any tender process all bids must be submitted by the same means.

C.5.1.5 Tender Submission

Tenders need to be in by a specified date and time and this should be clearly set out in the tender documents that go out to tenderers. Generally, late tenders (i.e. ones received after the time and date set for their return) will not be considered. However, exceptionally there is scope for flexibility with these and they may be accepted after considering their position if it is clear beyond dispute that it was despatched in good time and the delay is outside of the control of the tenderer. If in doubt about whether to accept a late tender consult the Director of Commercial Services who will liaise with the Director of Legal ~~Services and Governance~~ where appropriate. Late tenders not considered shall not be opened until after all other tenders have been opened and shall then be returned to the tenderer.

C.5.1.6 Hard Copy Tendering

C.5.1.6.1 Where hard-copy submission is permitted tenders must be submitted in a plain envelope, without any marks identifying the bidding organisation, but must be clearly identifiable as a tender.

C.5.1.6.2 Tenders must be addressed and delivered to a designated office. All tenders received will be marked with the date and time of receipt and listed in a register and held in safe custody until the time of opening as set down in the tender documents.

C.5.1.7 Tender Opening

Where Tenders are received under the provisions of these Orders, the following shall apply:

C.5.1.7.1 Electronic Tender Opening

Tenders received electronically shall be 'opened' within the electronic tendering system by authorised officers within the Commercial Process Team. These officers shall not have any conflicts of interest with the tender process and shall be appointed by the Assistant ~~Commercial~~ Director of Commercial Services managing the Commercial Process Team. .

C.5.1.7.2 Hard-copy Tender Opening

Tenders received in hard copy shall be opened together at one time in a suitable place and in the presence of two officers who shall not have any conflicts of interest with the tender process and shall be appointed by the Assistant ~~Commercial~~ Director of Commercial Services managing the Commercial Process Team. Both Officers shall initial each tender and sign a schedule of the tenders opened.

C.5.2 Health and Safety

C.5.2.1 For High Risk Work or services regardless of value (see Order C.1.1) or for works or services of Contract Value £25,000 or above – including, without limitation, those that are applicable and notifiable under the Construction (Design and Management) Regulations 2007 – Contractors shall be required to provide:

(1) Selection Stage (Pre-Qualification)

(a) At the earliest reasonable stage in the letting of the Contract and no later than the time when expressions of interest are received, Contractors shall provide either:

- a valid registration with the Contractors Health and Safety Scheme (CHAS) or equivalent scheme registered with the Safety Schemes in Procurement (SSIP) Forum (see Order C.1.1);

or the following:

- if requested, a copy of the Contractor's current Health and Safety Policy document;
- a detailed breakdown of the number and nature (i.e. type of injury, disease etc.) of RIDDOR reports that the Contractor has had to make within the last 5 years; and
- details of any breaches of health and safety legislation by the Contractor, or employees of the Contractor, which have led to either the serving of a prohibition or improvement notice, or both, within the last 5 years.

(b) For those operations to which the Construction Design and Management Regulations 2007 (CDM) Regulations apply:

- Contractors must hold a valid registration with the Contractors Health and Safety Scheme (CHAS) or

equivalent scheme registration with the Safety Schemes in Procurement (SSIP) Forum.

- (c) In both (a) and (b) above, any other health and safety information deemed necessary by the OD Manager (Safety & Employee Wellbeing) required because of the size or specialised nature and risks associated with the Contract.

(2) Tender Stage

At the tender stage (unless defined as low risk work by the OD Manager - Safety and Employee Well Being):

- a clear specification of the resources they propose to provide to control and manage the significant health and safety risks; and
- evidence of competence to carry out the safety critical aspects of the work in accordance with health and safety law.

This information shall be forwarded to the Contract Lead (or equivalent) for approval. Where the Contract Lead believes (for reasons of the complexities of the health and safety requirements) specialised assistance is required, the OD Manager (Safety & Employee Wellbeing) will provide advice on the adequacy of the material submitted.

(3) Monitoring the Contract

On commencement of the work the Contract Lead will put in place methods to monitor the health and safety performance of the Contractor commensurate with the size, scope and risks associated with the Contract. Where required the O D Manager (Safety & Employee Wellbeing) will provide advice.

C.5.2.2 No such Contract shall be awarded unless:-

- (1) the Contractor's documents referred to in C.5.2.1 have been approved by the appropriate persons described above; or
- (2) in exceptional circumstances (for example, very specialised Contracts with intricate health and safety requirements) with the direct approval of the OD Manager (Safety & Employee Wellbeing).

ORDER C.6 - AWARD OF CONTRACT

C.6.1 Authority to award Contracts

C.6.1.1 The proposal to award a Contract must be clearly defined within the contract award approval form and must be consistent with these Orders and any relevant legislation and this must be confirmed by the Director of Commercial Services (~~or other officer authorised by the Director of Commercial Services~~) for Contracts with a Contract Value over £25,000 (Goods) and over £50,000 (Works or Services).

C.6.1.2 For Capital Expenditure Projects the SRO must also obtain approval from the Capital Programme Group (CPG). Commercial Services sign-off, as required by C.5.1.1, may be obtained at the CPG.

C.6.1.3 No Contract shall be entered into unless also authorised in accordance with the Constitution and the Leader's Scheme of Delegations by the Cabinet, a Cabinet Member, a Committee or an Officer. For the avoidance of doubt, this is in addition to the confirmation of the Director of Commercial Services under order C.6.1.1.

C.6.2 Selecting the Successful Contractor

C.6.2.1 Subject to C.6.2.2, every Contract shall be awarded to the Contractor submitting the most economically advantageous tender or quote on the basis of pre-determined evaluation criteria.

C.6.2.2 Where a procurement procedure would lead to acceptance of a tender or quotation which:

- (a) would not be the most economically advantageous tender decided by reference to pre-determined evaluation criteria (where payment is to be **made** by the Council); or
- (b) would not be the highest amount of money which could be received by the Council (where payment is to be **received** by the Council);

the person or body authorised in accordance with the Constitution and the Leader's Scheme of Delegations to award the Contract may still approve the award of the Contract, in conjunction with the Director of Commercial Services. The reasons for such a decision shall be formally recorded.

ORDER C.7 - CONTRACTS**C.7.1 Forms of Contract**

C.7.1.1 For the purposes of The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 the Council has specified that the following Contracts must be in writing;

C.7.1.1.1 Those with a Contract value greater than £25,000 (Goods) or £50,000 (Works or Services);

C.7.1.1.2 Any Contract awarded after a competitive process as determined under order C.4.2.4;

C.7.1.1.3 Any Contract as specifically directed under this order by the Director of Commercial Services or the Director of Legal ~~Services and Governance~~, ~~or an Officer acting on their behalf~~.

C.7.1.2 It is recommended that all other Contracts are in writing and where not must be evidenced in writing. For the purposes of these Orders a Contract is in writing if all the terms agreed between the parties are set out in a document which is signed or sealed in accordance with these Orders. A Contract is evidenced in writing if all the terms agreed between the parties are set out in a number of documents which can be produced to prove the terms of the agreement.

C.7.1.3 For Contracts which are required to be in writing by virtue of order C.7.1.1 the Procurement Professional will determine the appropriate form of Contract to use.

C.7.1.2 In all cases it is expected that Model Forms of Contract should be used as standard; additional relevant clauses specific to the Contract should be added, where applicable. Model Forms of Contract for Goods, Services and Consultancy are available from Commercial Services. Contact Commercial Services for further advice.

C.7.2 **Contracts – Signed or by Deed**

C.7.2.1 Contracts of Contract Value between £2500 and £500,000 shall be signed unless the Director of Legal ~~Services and Governance~~ recommends otherwise.

C.7.2.2 Contracts of Contract Value £500,000 or more shall be by deed and so under the Council Seal, except with the approval of the Director of Legal ~~Services and Governance~~.

C.7.3 **Contracts – By Deed**

C.7.3.1 The Council Seal shall only be applied in the presence of the Director of Legal ~~Services and Governance~~, the Assistant Director of

Legal ~~Services and Governance~~ (People), the Assistant Director of Legal ~~Services and Governance~~ (Place) or some other person authorised by the Director of Legal ~~Services and Governance~~ who shall also attest the sealing and enter brief particulars of it, signed by him or her, in a book kept for the purpose.

C.7.3.2 The Council Seal shall only be applied to a document when there are the necessary authorities in place for the award of the Contract.

C.7.4 **Contracts – Signed**

C.7.4.1 The Director of Commercial Services, any Assistant Director of Commercial Services, the Director of Legal ~~Services and Governance~~ and any Assistant Director of Legal ~~Services and Governance~~ are each authorised by the Council to sign any Contract.

C.7.4.2 Any Contract that falls within order 7.1.1 must, in order to comply with The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001, be signed by two persons on behalf of the Council. In these cases such Contracts shall be signed by the SRO and any person authorised under order C.7.4.1.

C.7.4.3 Any other Contract that is not by deed can be signed by the relevant SRO (see Order C.1.1).

C.7.4.4 A contract shall only be signed when there are the necessary authorities in place for the award of the Contract except that the Director of Commercial Services may waive the requirement for the contract award approval document to be signed. For the avoidance of doubt, the requirement for contract awards to be approved in accordance with the Leader's scheme of delegation cannot be waived.

C.7.5 **Contracts Register**

The Council via Commercial Services is required by Government to publish an up to date contract register on the internet. The e-tendering system (YORtender) automatically produces this once a tender has been awarded.

It is the responsibility of the SRO to ensure that **all** Contract details that have not been let through YORtender are provided to Commercial Services in a timely fashion. [This responsibility applies irrespective of the value of the Contract or whether or not the Contract was awarded after a competitive tender.](#)

C.7.6 **Contract Management**

It is the responsibility of the SRO to ensure appropriate Contract management arrangements are put in place, as specifically defined by Commercial Services.

C.7.7 **Payment in Advance**

Under the Council's Financial Regulations its standard payment terms are 30 calendar days from the date that a valid invoice is received by the Council. Any variation to this standard must be agreed by the Director of Commercial Services either as part of the letting of a contract or by ad-hoc exception to the standard terms.

The Council does not normally agree to provide payment in advance of satisfactory performance or delivery. Advice must be sought from the Director of Commercial Services as soon as possible where payment in advance is required or requested by a Contractor and any change to the normal position needs to be dealt with by way of a waiver to this Order.

SCRUTINY PROCEDURE RULES

1. The number and arrangements for Scrutiny and Policy Development Committees

The Council will establish the Scrutiny and Policy Development Committees (referred in these Rules as “Scrutiny Committees”) with terms of reference set out in Part 3 of the Constitution and appoint to them at the Annual Council Meeting and as it considers appropriate from time to time. Such Committee may appoint and delegate any of their functions to sub-groups.

The Council will also appoint a Scrutiny Management Committee, comprising the Chairs and Deputy Chairs of the Council’s Standing Scrutiny Committees, to share and develop good practice with regard to the carrying out of the overview and scrutiny function and to agree the process to be adopted for dealing with matters which fall within the remit of more than one Scrutiny Committee and to consider improvements to the format of the Scrutiny Committees. The Chair and Deputy Chair shall be elected at its first meeting in each municipal year and the Committee shall determine a frequency of its meetings for the year ahead which will normally be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH.

2. Membership of Scrutiny Committees

Every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny Committee or one Regulatory Committee, unless otherwise determined by the Council. The membership of each Committee will reflect the political composition of the City Council.

The Chairs and Deputy Chairs will be appointed by the Scrutiny Committees in accordance with Council Procedure Rule ~~3031~~.

Representatives of relevant interest groups and organisations may be invited to attend as observers on the appropriate Scrutiny Committee and, at the discretion of the Chair, address the meeting.

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

3. Conflicts of Interest

- (a) Members and co-opted Members of Scrutiny Committees will not review a decision which they were responsible or jointly

responsible for making (including in their capacity as Cabinet Adviser).

- (b) The rules relating to declaration of personal and prejudicial interests set out in the code of conduct for Members will apply to Scrutiny Committees.
- (c) If a Prejudicial interest will substantially affect the ability of a Member to participate in the work of the Scrutiny Committees, the Member will withdraw from the review.

4. **Education Representatives**

Each relevant Scrutiny Committee/sub-group dealing with education matters shall, in pursuance of the requirements placed upon the City Council by Section 499 of the Education Act 1996 relating to the appointment of Foundation Governors for Voluntary Schools and Section 9 of the School Standards and Framework Act, 1998, relating to the appointment of representatives of Parent Governors of Maintained Schools, include in its membership the following voting representatives:-

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative; and
- (c) ~~three~~ at least two but no more than five Parent Governor representatives.

A relevant Scrutiny Committee/sub-group in this paragraph is a Scrutiny Committee or sub-group of a local education authority, where the Committee or sub-group's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Executive. The above-mentioned representatives shall have voting rights only in connection with matters relating to education functions and if the Scrutiny Committee/sub-group deals with other matters, those representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. **Meetings of the Scrutiny Committees**

The Scrutiny Committees shall meet on a frequency to be determined annually at its first meeting. Extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the relevant Scrutiny Committee, by any five members of the Committee or by the Monitoring Officer if he/she considers it necessary or appropriate.

decision/suggestions. That report shall be submitted to the next meeting of the Cabinet or Cabinet Committee or to the individual decision maker as the case may be. Where referred to a meeting of the Cabinet or Cabinet Committee, the Chair of the Scrutiny Committee (or nominee), a representative of the signatories to the call-in and its Scrutiny Officer shall be expected to attend the meeting in order to assist the debate on the issue.

For decisions that have been referred to the Cabinet, the Council, a Cabinet Committee or an individual decision maker the Committee's Scrutiny Officer shall inform the Committee at its next appropriate meeting of the decision subsequently taken in relation to the called-in item.

In respect of:-

- (i) delegated decisions taken by officers which are not Key Decisions; and:-
- (ii) delegated decisions taken by the Regulatory Committees;

Scrutiny Committees shall be able to scrutinise the process that led to such a decision but not the decision itself.

17. **Call-in and Urgency**

(1) **Removal from Call-in Process ("fast track")**

- (a) A decision cannot be called in for scrutiny if a minimum of three officers, comprising an Executive Director and two Statutory Officers or, in the case of a report of the Chief Executive, that officer and one other Statutory Officer, in consultation with the appropriate Cabinet Portfolio Member or the Chair of the Cabinet, sign and certify that an item of business is urgent and that its delay for scrutiny would consequently significantly prejudice the interests of the Council or a third party.
- (b) The definition of an urgent item of business is considered to be something where a failure to deal with or implement it promptly would cause administrative, financial or other difficulties to the individual(s)/ organisations(s) concerned and/or the Council; so that it would clearly be in the interests of those individual(s)/ organisation(s) and/or the Council and consistent with the Council's fiduciary and legal obligations to deal with the matter expeditiously.

- (c) In these circumstances, the item will be “fast tracked” unless it is a key decision in which case it will be taken in accordance with Rule ~~16-15~~ of the Access to Information Procedure Rules but it will still be open to the Scrutiny Committee, not only to examine this decision in retrospect, but also to examine the reason for a certificate being issued.

18. **The Party Whip**

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

19. **Procedure at Scrutiny Committee Meetings**

Scrutiny Committees and sub-groups shall consider the following business:-

- (i) Identification of items where resolutions may be moved to exclude the public and press;
- (ii) minutes of the last meeting;
- (iii) declarations of interest (including whipping declarations);
- (iv) public questions and petitions (The Scrutiny Committees meet in public in accordance with current legislation and the agenda for each meeting of a Committee shall include provision for members of the public to submit petitions or ask questions of the Committee on issues which are within its terms of reference);
- (v) consideration of any matter referred to the Committee for a recommendation in relation to the call in of a decision;
- (vi) consideration of any request submitted by a Member of the City Council under the Authority's Councillor Call for Action (CCFA) procedure, having regard to any guidance issued by the Monitoring Officer. If the Scrutiny Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme;

Financial Regulations 2013

Brief summary of changes from 2012 version

Annual update	Main changes
<ul style="list-style-type: none"> To ensure consistency with Constitution and Leaders Scheme 	Requirement to have approval for Accountable Body status for external funding added to Chapter 6: External Funding and Chapter 5: Capital Programme Requirement for approval of grant aid added to Chapter 19 Approval of variations to Capital schemes (Chapter 5) amended in line with Leader's Scheme. Clarification in Chapter 5 that emergency approval of Capital Schemes does not preclude the need to refer the matter to the Executive Director of Resources or the Director of Finance where this is stipulated in the Regulations or the Leader's Scheme New Chapter 20: Council Supply Agreements References to Community Assemblies amended to be in line with the Leader's Scheme. Relevant changes made to Committee names on advice of Modern Governance
<ul style="list-style-type: none"> To reflect changes in systems / practice etc 	Compliance with an external funder's document retention requirements or the Council's Document and Records Management Policy whichever is the greater added to Chapter 6: External Funding and Chapter 14: Retention of Records Standard methods for collecting payments from customer (as approved by Director of Finance) added to Chapter 7: Income Management Section added on acceptance of credit and debit cards and who is responsible for related fees and charges.
Financial Protocol	Main changes
<ul style="list-style-type: none"> Changes to reflect new structure at FLT level Authorised officers for virements <£500K 	Updated list of authorised signatories for grant claims and banking transactions. List of authorised signatories for approval of virements under £500K added to Protocol. Up to date Portfolio templates now available for signature.
Presentational	Main changes
	Responsibilities of Executive Directors presented as bulleted lists rather than repetitive paragraphs of text.

**Sheffield City Council
Financial Regulations
2013**

VERSION:

DATE OF ISSUE:

AUTHOR:

Laraine Manley / Eugene Walker

APPROVED BY:

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Key Terms and Definitions

Accountable Body (for external funding)	Grant funders expect that their money is well managed and used in line with their requirements The organisation whose financial services and financial rules and regulations will be used to manage the funding is called the Accountable Body . This Body is legally responsible for ensuring that these requirements are met, including, for example, that proper audit trails are in place, contracts with suppliers are effectively managed, that the project has sufficient cashflow and generally meeting the liabilities (e.g. clawback) that flow from the conditions of the funding
Annual Revenue Budget	This is the Council's total Revenue spending plans for the year including the level of Council Tax for the coming year. It is set by Council following receipt of the Annual Budget Report.
Asset(s)	The CIPFA Code of Practice on Local Authority Accounting in the UK 2010/11 defines an asset as 'a resource controlled by the authority as a result of past events and from which future economic benefits or service potential is expected to flow to the authority'.
Budget	As per Article 4 of the Council's Constitution the annual Budget includes the allocation of financial resources to different service and projects, including: <ul style="list-style-type: none"> • Revenue expenditure • Proposed contingency funds including reserves and balances • Setting the Council Tax (and any other local tax which may be within the control of the Council) • Decisions relating to the control of the Council's borrowing requirement • Capital expenditure, and • The Treasury Management Strategy
Budget carry forward	A budget carry forward is an underspend of a specified amount of budget which is planned for, and transferred to an earmarked reserve to be spent in a future year(s) for a specified purpose. For the purposes of these Regulations this is treated as a Virement (See below)
Budget Implementation Plan	Business planning is an ongoing process which ensures that we understand needs, agree priorities and strategic outcomes for the medium to long-term, and allocate and develop financial and non-financial resources needed to deliver them. The decisions and information from the process – both quantitative and qualitative - facilitate the production of the Budget Implementation Plans (BIPs) in the Council's Budget Book
Capital Programme	This is the sum of all the Council's individual capital projects and sub-programmes that the Council is planning to undertake during the coming 5 years , together with the funding that will support the Programme. The Capital Programme is made up of a number of different projects ranging from large scale projects such as Building Schools for the Future to smaller projects such as children's play equipment. The number and size of the projects may change which means that Capital Programmes may not be comparable in terms of size and scope over time.

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Capital Project	A project which uses capital resources to acquire assets, and /or build, improve, increase the market value of, or substantially lengthen the useful life of an asset.
Capital Reporting and Approval Timetable	This sets out the deadlines for submission of Capital Approval Forms, dates of review meetings, monitoring and forecasting cycles, reporting dates and finance system schedules.
Capital Spending	Spending to purchase, build, improve, increase the market value of or substantially lengthen the useful life of an asset. Examples include the Decent Homes Programme, Building Schools for the Future and the Local Transport Plan.
Chief Property Officer	This means the Director of Capital and Major Projects, or such other Director who may be nominated as such from time to time by the Executive Director, Place.
Corporate Plan	The Corporate Plan sets out the vision for the Council and Sheffield. It includes what the Council will do over the next three years in order to deliver the vision.
Director	An Officer who is a member of the Council's Director's Group.
The Executive	The Executive means the Leader of the Council and the Members selected by him / her to form the Cabinet. In line with arrangements made by the Leader's Scheme, the members of the Executive, individually and / or collectively, discharge the Council's executive functions, either themselves or through further lawful delegations of authority.
Executive Director	For the purposes of these Regulations, 'Executive Director' means an Officer designated in the Council's staffing structure as an Executive Director.
Executive Functions	Those local authority powers and duties which in law are the responsibility of the Executive.
External Funding	As defined by the Chartered Institute of Public Finance and Accountancy, External Funding is "discretionary money not accounted for within the Formula Spending Share (the normal funding from central government) or equivalent, distributed by various UK and EU agencies on a business case and / or competitive basis requiring an application".
Finance Business Partners	Members of the Finance Service with specific responsibility for supporting Executive Directors and their teams through the provision of financial advice and decision support.

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Finance Service	The Council's consolidated financial support service led by the Director of Finance.
Financial Policies	The Council has a detailed set of financial policies which underpin these regulations.
Financial Protocol	The Financial Protocol summarises the relationship between Executive Directors and the Director of Finance and is signed annually by all parties.
Forward Capital Programme	This is the term used to describe the projects that are intended (planned) to be in the Council's Capital programme for the following financial year. Information is usually prepared and collated in the autumn / winter for presentation to Council in March.
Inclusion	This is the term used for the incorporation of approved capital projects in the Forward Capital Programme and the addition of projects to the Forward Capital Programme at any time in the financial year, e.g. where a stream of funding is identified in December that needs to be spent before the end of March.
Leader	The Leader of the Council or, if the Council's executive arrangements are changed to a mayoral model, the Mayor (but not the Lord Mayor) of the Council.
Leader's Scheme	The scheme of delegation and / or other arrangements for exercising the Council's executive functions made from time to time pursuant to Section 9E Local Government Act 2000 by the Leader.
Medium Term Financial Strategy	The Council's Medium Term Financial Strategy presents an overview of the Council's Financial position over at least the next three year period including revenue and capital spending plans linked to priorities.
Policy Framework	As per Article 4 of the Council's Constitution the Policy Framework means the following plans and strategies <ul style="list-style-type: none"> • Development Plan documents (Section 15, Planning and Compulsory Purchase Act 2004) • Licensing Authority Policy Statements under the Licensing Act 2003 and the Gambling Act 2005 • Local Transport Plan • Sustainable Community Strategy
Portfolio	The name given to a group of departments managed by an Executive Director. The Executive Directors combine to make up the Council's Chief Officer Board (Executive Management Team).
Property Asset Management	CIPFA describes property asset management essentially a mechanism to enable and ensure that property assets are managed and used efficiently and effectively in support of the main objectives of an organisation. This will need to be undertaken within any financial constraints and statutory obligations

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Revenue Spending	Any expenditure by the Council that falls outside the definition of Capital Spending. Typically the day- to- day running costs of the Council such as salaries, rent, utility bills and payments to service providers.
Section 151 Officer	Under Section 151 of the Local Government Act 1972 and s114 of the Local Government Finance Act 1988, the Chief Finance Officer has a statutory responsibility to ensure that the Council makes arrangements for the proper administration of its financial affairs. The Executive Director – Resources is the responsible officer (Chief Finance Officer) for the purposes of s151.
Senior member of the Finance Service	These are the officers designated in para A3.5 of the Financial Protocol appended to these Regulations.
Sundry Debt	Miscellaneous income that is due to the Council that can be collected by payment up front or by raising a sundry debt invoice. Local taxation, housing benefit overpayments and rental income are not included in this definition.
Transfer to a specific reserve	A transfer to a specific reserve is funding that is being put to one side as part of the service’s budget strategy. The funding will be used in future years for reinvestment back into the service area. For the purposes of these Regulations this is treated as a Virement (See below)
Utilities / Utility Bill	As approved by the Director of Commercial Services, payments for the following services are considered to be Utilities. Gas, Electricity, Water, Telecomms, Mail Services and Photocopiers.
Variation / Change in Scope (Capital)	This is where there are changes in the agreed capital project cost or outputs. This could be an increase in the cost of the project, a change in available funding, or what will be delivered (the outputs). For example, funding to refurbish six schools is reduced such that only three can now be delivered. This would create a financial variation and change of scope which require approval in accordance with the Leader’s Scheme and / or the Constitution where applicable.
Variations (Revenue)	Variations are changes to the total amount of expenditure across either a Portfolio, Service or the Council as a whole that result in a change to the Council’s overall level of resources as set out in the Budget approved by Council
Virement	Virement is defined by CIPFA as the transfer of underspending on one budget head to finance additional spending on another budget head. Virements are also used to move budgets where a function is moved from one Portfolio or Service to another.
Write -Off	Removing a debt from the Council’s accounts using money that has been set aside as part of the bad and doubtful debt provision. It relates to debts that are correctly due to the Council but for whatever reason are no longer collectable.

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Background

1.1. The purpose and authority of the Financial Regulations

These Regulations form part of the Council's Constitution and as such carry with them the same authority. They set out the financial management policies of Sheffield City Council and are the key part of the Council's financial governance arrangements.

They are intended to help Members and Officers manage the Council's finances in line with best practice and should be read and implemented in the wider context of the Council's decision making framework including the Constitution and the Leader's Scheme.

As per [Section 2.2.7](#) of these Regulations, the Director of Finance is required to formulate and maintain any standards, procedures and processes as she / he deems necessary to support the effective implementation of these Regulations.

It is important that these Regulations are, and continue to be, relevant to the Council. They are regularly reviewed so as to be consistent with the Council's Constitution, Leader's Scheme of Delegation and all other related documentation. They are also reviewed in line with accounting best practice, legislation, and changing service needs.

Any changes to these Regulations must be proposed by the Director of Finance and approved by Council.

Officers should initially contact their Finance Business Partner if they wish to raise any issues with the content of these Regulations.

1.2. Accountability for compliance

All officers are accountable for following the rules set out in these Regulations and it is important that Managers at all levels in the Council ensure that they, and their staff, are familiar with these Regulations and the rules they contain.

The Directors of Business Strategy are responsible, within their Portfolios, for ensuring compliance with these Regulations

These Regulations are a key element of the Council's governance arrangements. All Directors are required to sign the Annual Governance Statement (AGS) to confirm that they fully comply with the prescribed governance arrangements of the Council including these Regulations.

Non-compliance with these Regulations may result in the withdrawal of delegated financial authority and / or the application of disciplinary procedures.

Adherence to the processes associated with the Council's finance system (Oracle Enterprise One and QTier) is also essential to ensuring that officers are complying with these Regulations.

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1.3. Accounting Policies

The Director of Finance is responsible for selecting Accounting Policies and ensuring that they are applied consistently. The Accounting Policies are set out in the Statement of Accounts which is prepared as at 31st March each year. The key controls in Accounting Policies are that;

- Systems of internal control are in place to ensure that financial transactions are lawful,
- Proper accounting records are maintained
- Financial statements are prepared which present fairly the financial position of the authority and its expenditure and income

1.4. Risk management

These Financial Regulations and associated finance systems and processes are a key part of the Council's risk management framework and associated risk strategies. By following these Regulations, the Council's finance processes, and ensuring that the financial risks and opportunities of any activity are fully considered and recorded in line with the risk management framework Officers will demonstrate compliance with corporate risk management requirements.

1.5. Internal Control

Internal Control is the system put in place by the Council to conduct its business in an orderly and efficient manner. It is used to safeguard its assets and resources, to deter and detect errors, fraud and theft, to ensure accuracy and completeness of its accounting data, to produce reliable and timely financial and management information and ensure adherence to the Councils policies and plans.

As part of the Annual Governance process, Directors and Executive Directors must confirm that they have satisfactory arrangements in place to manage internal controls within their Portfolio. This includes the requirement for individual managers to be responsible for the effectiveness of the internal control system within their Service.

Directors and Executive Directors are also required to highlight deficiencies in the control framework and to identify significant incidents that have occurred.

An Annual Governance Statement is prepared and signed by the Council's Section 151 Officer, Chief Executive and Council Leader. The statement describes the Council's governance framework and highlights any significant deficiencies.

The Audit Committee (or any future committee that may be given this function) is responsible for approving the Annual Governance Statement which is published along with the Council's Annual Accounts.

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1.6. Training and development

1.6.1. Director of Finance and Executive Directors

These are jointly responsible for working co-operatively to ensure the effective implementation of these Regulations and management of the Council's financial arrangements. This will involve a commitment to;

- influencing the culture of financial management through training and development of Portfolio managers and Finance Service staff
- identifying any training requirements that their staff need to comply with these Regulations and to meet the required financial competencies.

1.6.2. Director of Finance

The Director of Finance is responsible for;

- producing documentation that supports these Regulations and which set out in more detail the Council's procedures and processes for carrying out work related to financial management and administration.
- ensuring that appropriate training is made available to support these Regulations and associated procedures and processes.
- Ensuring that the e training and guidance provided as part of the Council's finance system (Oracle Enterprise One and QTier) are in line with these Regulations.

1.6.3. Executive Directors

Executive Directors are responsible for ensuring that;

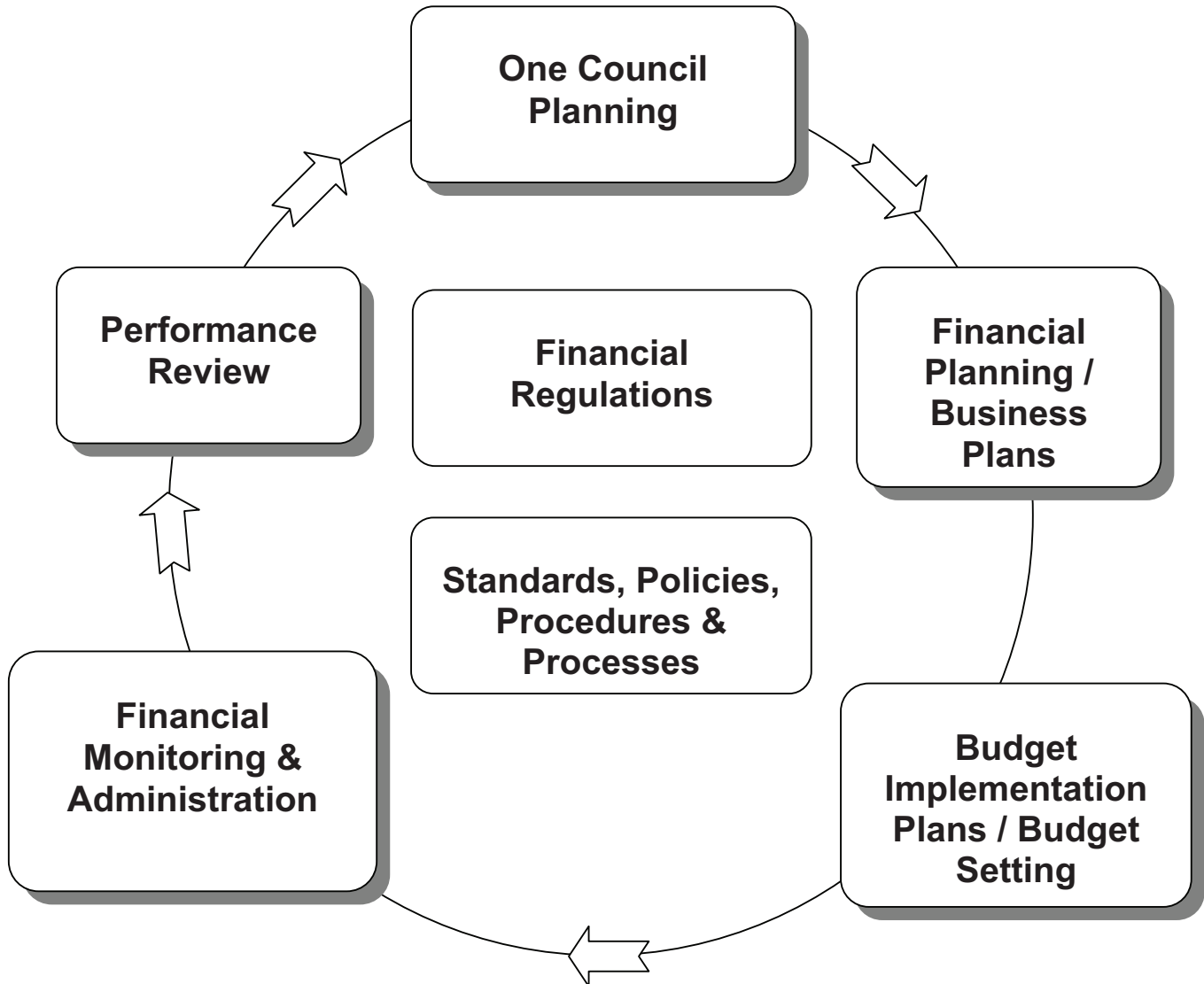
- the training opportunities which have been made available are taken up by their staff as required
- Their staff follow the guidance and other documentation that is made available to them

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2. Financial Management

2.1. The Cycle

The following diagram illustrates the financial management process starting with service planning and ending with the review of performance before the cycle starts again. These Financial Regulations and the financial policies and procedures issued by the Director of Finance are shown as supporting the financial management process.



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2.2. Responsibilities and Delegated Authority

Many of the Council's responsibilities for finances are delegated within a framework of powers from Full Council to its committees (e.g. Audit Committee) and Officers, or, in the case of Executive Functions, by the Leader, primarily through the Leader's Scheme (e.g. to Cabinet, Individual Cabinet Members, Area Committees and Officers). Scrutiny Committees also have a role in the Council's financial management process.

2.2.1. Full Council

Functions reserved to Full Council include setting the Council's Annual Revenue Budget, the Housing Revenue Account, the overall Capital Programme and Council Tax levels, and approving or adopting the Policy Framework.

Functions exercised by [Full Council](#) are set out in [Article 4 of the Council's Constitution](#) and/or prescribed by law.

If the Cabinet, individual Members of the Cabinet and any officers, area committees or joint arrangements which discharge Executive Functions have any doubt whether a proposed decision is in accordance with the approved, Revenue Budget or Capital Programme, they must take advice from the Director of Legal and Governance and the Executive Director – Resources or Director of Finance.

If the advice of either of those officers is that a decision would not be in line with the approved, Annual Revenue Budget or Capital Programme, then, subject to the rules of virement, ([See](#) Section 3.5) and subject to the urgency procedure the decision may only be taken by the Council.

2.2.2. The Executive

The [Executive](#) has overall responsibility for ensuring that the Council's expenditure remains within the resources available to it.

The Leader decides which parts of the Executive may exercise which executive functions and will generally do this through the Leader's Scheme.

If any lawfully made provision of the Leader's Scheme contradicts any provision of these Regulations, the Leader's Scheme shall prevail.

2.2.2.1. Cabinet

The Cabinet will receive a monthly budget monitoring report outlining the financial position for the whole Council.

The Cabinet will receive the out-turn report following the end of the financial year to approve decisions on the carry-forward / carry-back of resources from one year to the next.

The Cabinet may receive financial information during the year if an in-year decision on the Council's budget is required.

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2.2.2.2. Individual Cabinet Members

Functions which may be exercised by individual Cabinet Members are set out in [the Leader's Scheme](#).

All Cabinet Members will receive monthly budget monitoring reports for their areas of responsibility, via the relevant Finance Business Partner.

2.2.3. Area committees

An Area Committee has executive powers to approve expenditure of any amounts delegated to it by the Executive. Area committees cannot spend money other than that allocated by Council or the Executive. Whenever an Area Committee spends money, it must comply with these Regulations, [Standing Orders](#), [Commissioning and Procurement Guidelines](#) and any other relevant policies or procedures.

Functions exercised by Area committees are set out in:

- Article 10 and Part 3 of the [Council's Constitution](#)
- the [Leader's Scheme](#)

2.2.4. Audit Committee

The Audit Committee of the Council forms a key part of the governance of the Council. The terms of reference for the Audit Committee are set out in the [Council's Constitution](#). The main financial duties are:

- To approve the Council's Statement of Accounts (which includes the Annual Governance Statement) in accordance with the Accounts and Audit (England) Regulations 2011 as amended from time to time.
- To consider the Annual Letter from the Auditor or the Audit Commission in accordance with the Accounts and Audit (England) Regulations 2011 as amended from time to time and to monitor the Council's response to any issues of concern identified.
- Monitoring the work of the Council's Internal Audit function

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2.2.5. Scrutiny Management Committees

Scrutiny Committees can make recommendations to the decision makers but they do not make resource allocation decisions and therefore cannot approve changes in the budget or financial actions such as transfers to or from reserves. Decisions such as this can only be taken by Full Council or in accordance with the Leader's Scheme or as otherwise directed by the Leader (section 14 Local Government Act 2000).

In relation to financial management and planning, the Scrutiny Management Committee (or any future committee that may be given this function) is responsible for exercising an overview and scrutiny function in respect of:

- all the Council's strategic and longer term planning and corporate development issues;
- the budget setting process and budget monitoring;
- financial processes and day-to-day management of all the Council's internal resources, including finance, staffing and property.

Where a scrutiny committee considers that a decision of the Executive is, or would be, contrary to, or not wholly in accordance with, the Council's, Annual Revenue Budget or Capital Programme, then it will seek advice from the Director of Legal and Governance and either the Executive Director of Resources or the Director of Finance.

2.2.6. Executive Directors

Each Executive Director will be responsible for ensuring;

- the proper financial management of their Portfolio services
- that a clear, written accountability framework is in place for the budgets held by each Service and Budget Manager.
- That appropriate arrangements are in place for the discharging of their financial responsibilities by Directors and Managers within their Portfolios
- compliance with these Regulations by staff within their Portfolio.

Any arrangements must be fully compliant with these Regulations and the Council's financial policies and procedures. They will not diminish the ultimate financial responsibilities of Executive Directors.

2.2.7. Executive Director of Resources

The Executive Director of Resources is the responsible officer (Chief Financial Officer - CFO) for the purposes of s151 of the Local Government Act 1972 and s114/114A of the Local Government Finance Act 1988. The Executive Director of Resources therefore has a statutory responsibility to ensure that the Council makes arrangements for the proper administration of the Council's financial affairs. This includes ensuring the production and monitoring of these Regulations.

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The Executive Director of Resources, as a member of the Council's Executive Management Team will ensure that the s151 role is discharged at this strategic level. On a day-to-day basis all s151 responsibilities may be discharged by the Director of Finance, who will act on behalf of the Executive Director of Resources in ensuring proper discharge of these statutory responsibilities. Nothing in this paragraph diminishes the ultimate financial responsibilities of the Executive Director of Resources. Whenever these Regulations provide that something will, must or may be done by the Director of Finance, this may also be done instead by the Section 151 Officer.

2.2.8. The Director of Finance

The Director of Finance is;

- authorised to sign any and all grant claims, statutory returns or other documents that require the authority of the s151 officer on behalf of the Council.
- responsible for recommending amendments to these Regulations to the Council where she / he considers these to be in line with any changes to recommended best practice or essential service requirements or as otherwise appropriate. Minor and consequential amendments may be made by the Director of Legal and Governance in consultation with the Lord Mayor.
- responsible for fully documenting financial standards, policies, procedures, forms, etc which support these Financial Regulations by setting out in more detail the Council's procedures for carrying out finance work.
- responsible for ensuring that appropriate training is made available to support these procedures. Executive Directors are responsible for ensuring that these training opportunities are taken up by their staff.

2.2.9. The Financial Protocol

The respective roles and responsibilities of Executive Directors and the Director of Finance in financial management are specified in a [Financial Protocol](#) document which will be signed annually by the Director of Corporate Resources, each Executive Director and their respective Director of Business Strategy.

2.3. **Asset Management**

The Executive is responsible for the Council's Asset Management Strategy and ensuring that the Council has an up-to-date Asset Register. Such responsibility is to be discharged in accordance with the Leader's Scheme.

2.3.1. Director of Finance

The Director of Finance has overall responsibility for the financial elements of Council's Asset Register and for ensuring that it complies with all necessary accounting requirements.

The Director of Finance is responsible for approving the use of leases to finance purchases. Revenue costs will be met from within Portfolio cash allocations, agreed as part of the Annual Revenue Budget process.

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2.3.2. Chief Property Officer

The Chief Property Officer is responsible for Asset Management across the Council.

2.3.3. Executive Directors and the Chief Property Officer

Executive Directors and the Chief Property Officer are responsible for ensuring adequate arrangements are in place for maintaining and safeguarding the Council's property assets used for their Portfolios. When market conditions are favourable this includes consideration of the disposal of surplus capital assets as part of the Council's Asset Management Plan.

2.3.4. Acquisition and disposal of Capital Assets

Executive Directors and the Chief Property Office are responsible for ensuring that any acquisition of assets is approved in accordance with the requirements of the [Leader's Scheme](#).

Disposal of surplus assets must also be done in accordance with the requirements of the Leader's Scheme and the Council's Disposals Framework policy

2.4. **Financial Risk Management**

Specific responsibilities relating to risk management are set out in the Risk Management Framework and Guidance that was produced and agreed by Corporate Risk Management Group (CRMG).

Executive Directors are responsible for ensuring that risk management and business continuity are embedded at all levels within their area of responsibility in line with the Risk Management Framework and, in respect of financial risk management, ensuring the effective stewardship of public funds.

Financial Risk Management is built into these Regulations and many of the core processes that the Council expects managers to follow on a day-to-day basis. The Council's Risk Management strategy is based on good risk management being an integral part of good management and not a separate activity. Key mainstream processes that promote good risk management include, but are not limited to:

- Budget Monitoring
- The financial Administration processes in these Regulations
- The Council's Decision Making processes
- Programme and Project Risk Management
- Key Financial Risk Registers

In line with the requirements of the Risk Management Framework, Directors are responsible for maintaining and monitoring a Service Risks and Assurances log which must include financial risks.

Executive Directors are responsible for identifying and controlling risks in their area and significant financial risks should be reported to the Directors of Business Strategy.

The Director of Finance will report the most significant of these risks to the Council's Executive Management Team on a monthly basis and key risks will be summarised and reported to Members in monthly budget monitoring reports.

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2.4.1. Money Laundering

Specific responsibilities relating to money laundering are set out in the Anti-Money Laundering Policy. This was produced by Internal Audit on behalf of the Director of Finance.

In line with the Anti-Money Laundering Policy, the Director of Finance is the Officer nominated to receive disclosures about Money Laundering activity within the Council – the MLRO.

The roles and responsibilities of the MLRO are set out in Appendix B to the Policy.

Executive Directors are responsible for ensuring that this policy is adhered to.

2.4.2. Fraud

Officer responsibilities in relation to fraud and corruption are set out in Appendix B of the Council's Code of Conduct: Policy Statement on Fraud and Corruption as set out in [the Council's Constitution](#).

In accordance with [Section](#) 17.1 of these Regulations, Executive Directors are responsible for notifying the Section 151 officer where there is any actual or suspected irregularity affecting the Council's assets.

2.5. Insurance

2.5.1. Executive Directors

Executive Directors are responsible for:

- ensuring that prompt notification is given to the Executive Director - Resources of all circumstances involving both existing and new risk, the occurrence of which could result in the Council incurring a substantial liability. This will include details about Members, Officers, service users, third parties, property, vehicles, plant/ other assets, trading activities undertaken with organisations external to the Council, and any alterations affecting existing insurances, as well as potential insurance claims that may result from acts or omissions on the part of the Council.
- ensuring that the insurance cover chargeable to their Portfolio budgets is accurate and up to date.
- ensuring insurance renewal information is provided when requested annually by the Insurance & Risk team.
- immediately notifying the Insurance & Risk Team of any loss, liability or damage or any event likely to lead to a claim and take such action as may be necessary to satisfy any policy conditions.
- informing the Executive Director - Resources of any vehicle acquisitions/disposals or premises acquisitions or disposals and of any occupations or vacations of premises.

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2.5.2. The Executive Director - Resources

The Executive Director - Resources will arrange the insurances considered necessary to cover risks to which the Council is exposed.

The Executive Director - Resources will periodically review all insurances in consultation with Executive Directors and determine the premiums to be charged as part of the Annual Budget process.

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3. Financial Planning

There are 3 key elements to Financial Planning at Sheffield City Council:

- Medium Term Financial Strategy
- Annual Revenue Budget
- Capital Programme

Each element has a specific purpose and is designed to ensure the robustness of the Council's overall financial arrangements.

3.1. Medium Term Financial Strategy

The Medium Term Financial Strategy (MTFS) is a key requirement of good governance and is a key tool to help the Council deliver its priorities.

In line with the [Leader's Scheme](#), the Cabinet is responsible for approving the Medium Term Financial Strategy and it will be refreshed and updated on an annual basis.

The Medium Term Financial Strategy links strongly to the Corporate Plan and the Corporate Plan drives the spending priorities that inform the Medium Term Financial Strategy. This will include allocating the overall expenditure limits for area committees. The Director of Finance will be responsible for producing the Medium Term Financial Strategy in conjunction with Executive Directors and will recommend measures to the Executive that will support the Corporate Plan. This will be supported by policy options, savings and efficiencies, and both financial and non-financial information to assist decision-making.

The Medium Term Financial Strategy will set an integrated financial plan for at least a three year period and will form the foundation of the Annual Revenue Budget and Capital Programme for the next year and projections for at least the following two years. This will include cash allocation or financial targets for Executive Directors for the forthcoming financial year and guideline allocations / targets for the following two years. The MTFS will also include projections of the Council's reserves and balances.

3.2. Annual Revenue Budget

The Annual Revenue Budget sets the budget proposals for the Council for a one-year period and also sets the City Council element of the Council Tax for the following financial year.

Proposals and policy options for the Council's Annual Revenue Budget will be presented to Cabinet as part of the Medium Term Financial Strategy by the Director of Finance. The Director of Finance will then be responsible for preparing detailed proposals for the Annual Revenue Budget for the coming year in conjunction with Executive Directors.

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Financial estimates will be produced for, and on behalf of Portfolios by the Director of Finance through Finance Business Partners. Executive Directors and the Director of Finance will work collaboratively to agree final spending proposals for inclusion in the Annual Revenue Budget.

The Director of Finance will advise on the inclusion of contingencies to cover exceptional in-year price movements and potential commitments which are uncertain either in terms of their financial impact or timing. Executive Directors will notify the Director of Finance of such items as part of the budget setting process so that an appropriate level of contingencies can be approved by the Council.

As part of the Annual Revenue Budget, the Director of Finance will be responsible for ensuring that the budget proposed meets relevant statutory requirements.

3.3. Annual Revenue Budget Approval

The Executive is responsible for agreeing the annual budget for services within Portfolios, including the overall capital programme, within the Budget and Policy Framework.

If agreed, the Executive will recommend the Budget to Full Council for final approval together with a recommended level of Council Tax to be set for the coming financial year.

As per Article 4 of the [Council's Constitution](#) the Council is required to set the Annual Revenue Budget and the appropriate level of Council Tax for the coming financial year by 11th March each year in line with statutory requirements.

Once the Annual Revenue Budget has been approved by the Council, Executive Directors may incur expenditure up to the amount approved for the period covered by that budget. Individual items of expenditure within the budget must still be approved in accordance with the Council's [Standing Orders, Commissioning and Procurement Policy](#) and any other relevant policies, and where the expenditure constitutes an executive function, in accordance with the Leader's Scheme.

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3.4. Annual Revenue Budget Monitoring

3.4.1. Chief Executive and Executive Directors

The Chief Executive and Executive Directors, in consultation with the Cabinet Member for Finance, are responsible for taking appropriate action to ensure that the overall spending of the Council is within available resources.

Executive Directors;

- must not overspend the approved Revenue Budget for their Portfolio
- are responsible for managing their approved Revenue Budgets within the cash allocations and financial targets approved by the Council, unless specific additional resources are provided by the Cabinet during the year.
- must not make commitments relating to spending in future years without the agreement of the Director of Finance and consultation with the Cabinet Member for Finance. Any such commitments must be within the financial parameters set in the Medium Term Financial Strategy.
- are responsible for ensuring that managers within their Portfolios work within the timescales and procedures stipulated from time to time by the Director of Finance.

The Executive Management team may recommend that budget monitoring information is presented to the relevant Scrutiny and Policy Development Committees in consultation with the Chairs of those Committees.

3.4.2. Director of Finance

The Director of Finance will prepare budget monitoring reports in consultation with Executive Directors. The Director of Finance will produce an annual timetable for budget monitoring reporting and the following principles will apply:

- Monitoring reports, prepared on an accrued basis, will be reported to Portfolio Management Teams on a monthly basis.
- Monthly monitoring reports will be presented to Executive Management Team.
- Monthly overall monitoring reports will be presented to the Cabinet.

Monthly monitoring reports will be prepared for the portfolio holding Cabinet Member(s) by the Director of Finance in consultation with the Executive Director.

Consolidated monitoring reports will be presented to the Scrutiny Management Committee if requested.

The relevant Scrutiny and Policy Development Committees of the Council may request more frequent budget monitoring information.

As soon as practical after the end of the financial year, the Director of Finance will report to Cabinet the overall Revenue out-turn position including details of reserves, balances and provisions held by Portfolios.. The report should include recommendations relating to the treatment of any under and over spending by Portfolios.

3.5. Virements and Variations to the Annual Revenue Budget

3.5.1. Virements

Executive Directors are responsible for optimising resources and for managing their budgets prudently.

Virements are intended to enable the Executive and Executive Directors to manage budgets with a degree of flexibility, provided they remain within the overall Budget and Policy Framework as determined by full Council.

Key controls for virements are that:

- they must be approved in line with these Regulations,
- they must not create additional overall budget liability, for example by creating future commitments from one-off additional spending, and
- both parties to the virement must agree to it.

Virements will not be permitted from capital financing charges, levies or other areas of spending as prescribed by the Director of Finance without the specific approval of the Director of Finance.

3.5.2. Virements requested by area committees will be proposed by the relevant Director and the process and limits below followed.

3.5.3. Variations

Variations are changes to the Council's overall level of resources as set out in the Revenue Budget Report that is approved by Council.

In accordance with Article 4.02f of the Council's Constitution, any decision about any matter **which would be contrary to or not wholly in accordance with the Budget** must be taken by Full Council. This requirement is subject to the urgency procedure in the Budget and Policy Framework Procedure Rules,

3.5.4. Approval of Virements between Services and Portfolios

Approval of the virement must be in line with the limits shown below and the Leader's Scheme:

- Under £500,000: the virement may be approved by the Director of Finance.
- £500,000 and Over: the virement may only be approved by the Executive in line with the Leader's Scheme

Where a virement would represent a major change of policy it must be approved in accordance with the Leader's Scheme regardless of its value.

If the cumulative effect of virements is over £500,000 during a financial year, these must be approved by the Executive (as above).

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3.5.5. Approval of Virements between reserves and Portfolios

The principle criterion for assessing requests for carry-forwards or transfers to specific reserves is that the overall budget of the Portfolio making the request must be underspending, i.e. the Portfolio cannot exceed its approved budget.

Carry-forwards or transfers to specific reserves need to be linked to the annual revenue budget and business planning process and should therefore be identified as part of the business planning process. Requests must be done in line with the financial procedure on such matters.

Requests to carry forward underspends will require initial review by the Director of Finance and will be presented to the Executive as part of the monthly Revenue Budget Monitoring process. Approved requests will be included in the Budget Implementation Plan for the relevant Service.

Specific reserves may only be established by Executive Directors for future years' spending in consultation with the Director of Finance and will be presented to the Executive as part of the monthly Revenue Budget Monitoring process. Approved requests will be included in the Budget Implementation Plan for the relevant Service.

Revenue Budget allocations and Budget Implementation Plans are approved in accordance with the [Council's Constitution](#)

3.5.6. Approval of Variations

Any change to the overall level of available resources as set out in Budget must be approved by Full Council in line with the [Council's Constitution](#).

Requests for variations may be submitted to the Council for approval as detailed below:-

- Under £500,000 **and** not representing a major change of policy: The submission of a request for the variation may be approved by an Executive Director in consultation with the Director of Finance and the relevant portfolio holding Cabinet Member.
- £500,000 and over **or** representing a major change of policy: The submission of a request for the variation may only be approved by the Executive in line with the [Leader's Scheme](#)

Variations to the Annual Revenue Budget that require Executive support will be proposed by the Executive Director and actioned by the Director of Finance.

Variations requiring Cabinet support will normally be presented to Cabinet as part of the normal budget monitoring cycle and in line with the requirements of the [Leader's Scheme](#).

Any report to the Executive or to the Council recommending a variation to the Annual Revenue Budget must comply with [Section 4](#) of these regulations in respect of the reporting and approval of Financial Implications.

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3.5.7. Recording Virements and Variations

All approved Virements and Variations must be recorded on the Council's Finance System.

3.6. **Borrowing and Investment (Treasury Management)**

Only the Director of Finance may enter into any borrowing or investment on behalf of the Council.

The Director of Finance is responsible for formulating an annual Borrowing Strategy and Treasury Management Policy for approval by the Council in line with the [Constitution](#) .

The Treasury Management Policy and associated Treasury Management Practices will be issued and updated in accordance with all relevant legislation and recommended Codes of Practice.

The Director of Finance is responsible for providing an annual report to Council on treasury management activities, transactions and decisions over the preceding twelve months. The prime criteria for the effectiveness of treasury management activities the identification, monitoring and control of risk. Therefore, the analysis and reporting of activities will focus on the risk implications for the Council.

In undertaking the Council's borrowing and investment operations, the Director of Finance will ensure compliance with the Borrowing Strategy, the Treasury Management Policy and all associated Treasury Management Practices.

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4. Financial Implications

Executive Directors are responsible for ensuring that all reports to Cabinet, Individual Members, Scrutiny Committees, Community Assemblies and reports supporting Key Decisions by Officers include a section entitled 'Financial Implications'. This section must summarise the capital and revenue expenditure implications of the proposals in the report together with any associated risks.

Although not mandatory, it is good practice to include a 'Financial Implications' section when reports are made to other meetings, e.g. less formal Member meetings, management teams etc. This will help to ensure that, from the beginning of the decision making process;

- the financial implications of decisions are given proper consideration,
- there is professional input from the officers in the Finance Service, and
- discussions and subsequent decisions take place with all the available information.

In line with the provisions of the Leader's Scheme, the Executive Director, Resources or Director of Finance will issue guidance as to when matters should be referred to them in advance to enable them to form and communicate an opinion. This guidance must always be followed.

4.1. Sign-off of Financial Implications

The Director of Finance, or an authorised officer on his / her behalf, is responsible for signing off all Financial Implications summaries and, where applicable, the Appendices to the report.

Only the Director of Finance, as the budget holder for the Council's Capital Financing costs, or Officers specifically authorised to do this on his / her behalf may approve Financial Implications which affect the cash-flow of the Council.

The Finance Service officer is responsible for ensuring that the Officer who has prepared the report has taken all relevant advice, e.g. specialist financial or taxation advice, before they sign off financial implications.

The name of the Finance Service Officer who has signed-off the financial implications must appear on the Financial Implications Section of the covering checklist.

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5. Capital Programme

5.1. Background

5.1.1. The Capital Programme

The Capital Programme is made up of a number of schemes / projects which meet the definition of capital spending. It is the planned list of projects, together with supporting funds, that is agreed by Council in March each year and can cover the next 5 years.

The Programme is made up of a number of different elements which may change from time to time. This means that Capital Programmes may not be comparable in terms of size and scope over time.

Accounting for capital projects will be in accordance with current and approved International Financial Reporting Standards and the Statement of Recommended Accounting Practice (SORP).

5.2. Roles and responsibilities

5.2.1. The Executive

The Executive is responsible for ensuring that the Council's expenditure remains within the resources available to the Council. It is responsible for agreeing the Capital Programme before recommending it to Full Council, and for reviewing the monthly monitoring reports.

This responsibility extends to the approval of any requests for in year additions and variations to approved projects to the value stated in [Section 5.3.5](#) (below) and as submitted through the guidelines laid down in these Regulations.

5.2.2. Capital Programme Group

The Capital Programme Group is responsible for;

- oversight of Capital Management,
- advising and making recommendations to the Executive Management Team on new project approvals. The recommendations will be made to Cabinet on a monthly basis,
- approving progress to next stage of delivery, variations to existing projects, and
- approving the use of capital receipts and grants.

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5.2.3. Director of Finance

The Director of Finance is responsible for ensuring that capital projects are financially approved and reported in line with these Regulations and for producing a schedule (timetable) for reviewing, approving, managing and reporting capital spending.

In conjunction with the Executive Directors, the Director of Finance is responsible for approving Capital expenditure under the emergency approvals procedure detailed in Section 5.3.6 of these Regulations.

5.2.4. Executive Directors

Executive Directors are responsible for;

- ensuring that managers within their areas of responsibility comply with these Regulations and the procedures and timescales related to capital project management as defined by the Director of Finance.
- complying with the relevant requirements of [the Leader's Scheme](#), these Regulations and all associated external funding procedures. where a capital scheme is being financed, either wholly or in part through external funding
- complying with the relevant requirements of [the Leader's Scheme](#), these Regulations and all associated external funding procedures. Where a capital scheme is being delivered through partnership arrangements and, as a result of which, the Council is guaranteeing the liabilities of a third party,
- approving, in conjunction with the Director of Finance, capital expenditure in line with the emergency approvals procedure and the requirements of the Leader's Scheme.
- ensuring that managers adhere to the [SCC Project Management Guidelines](#) as appropriate.

5.2.5. Directors and Project Managers

Directors and Project Managers are responsible for;

- ensuring that the Council has the relevant legal authority to undertake a Capital Project
- ensuring that all arrangements comply with these Regulations, Standing Orders, published Codes of Practice and relevant EU and domestic procurement rules.
- complying with the requirements of the Leader's Scheme, these Regulations and all associated procedures in relation to external funding where consideration is being given to external funding for a capital project, either wholly or in part

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5.2.6. Budget Managers

It is Council Policy that all projects are managed in accordance with the [SCC Project Management Guidelines](#). These define a Project Manager as the officer who is responsible for the day to day running of the project on behalf of the Project Sponsor / Board. They are also responsible for delivery of the projects to cost, time and specification. To avoid unnecessary duplication of terminology in these Regulations the term Budget Manager can also be read to mean Project Manager.

Budget Managers are responsible for;

- considering revenue, environmental, property, and opportunity costs related to a project.
- considering the legal, human resources, equalities impact and sustainability implications of the project.
- considering the impact of Value Added Tax (VAT) on Capital projects and seek the advice of the Director of Finance if required. On a day-to-day basis this advice will be provided by the Council's Tax Manager.
- managing the project to cost thus preventing overspends. They must consider the risks of, and the solutions to, any forecasted Capital overspends.

5.2.7. Finance Business Partner (Capital) Team

The Business Partner Capital Team is responsible, alongside the Budget Manager, for steering a project through the financial approval process.

The Finance Business Partner Capital Team is also responsible for;

- reviewing, quality checking and, where appropriate, challenging the Budget Manager's monthly review of actual and forecasted expenditure and income.
- reporting capital expenditure and its financing in accordance with the Capital Projects Approval Hierarchy (see Section 5.3.4 below) on a monthly basis.

5.3. **Capital Programme Approval**

The proposed Capital Programme for the coming financial period is collated by the Director of Finance, in collaboration with Executive Directors.

The Programme must be reviewed by the Capital Programme Group prior to recommendation to the Executive Management Team then to Cabinet.

The agreed Programme must be presented annually, by the Director of Finance and the Executive Directors, to Full Council at the same time as the Annual Revenue Budget.

Inclusion of a project within the approved programme does not convey automatic authority for that project to commence.

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The Budget Manager must obtain approval for each stage of design, procure, build, and completion through the delegated powers of the Director of Finance or the Chief Property Officer (if appropriate) and the Capital Programme Group and in accordance with the provisions of the Leader's Scheme.

5.3.1. The Capital Approval Form

Financial Approval for projects within the Capital Programme, additions to the programme and variations to approved projects are facilitated through the Capital Approval Form (CAF).

A fully endorsed CAF, including all required documentation, which has been approved at Cabinet (or otherwise in accordance with the Leader's Scheme), is a necessary condition to proceed with a project and will be subject to stage approvals as deemed by the Capital Programme Group

The Capital Approval Form (CAF) requires the following endorsements (signatures):-

- for Annual Inclusions and Variations - the signatures of the Project Manager, sponsoring Director, and Finance Business Partner (Capital) Team
- for Emergency approvals - the signatures of the Project Manager, sponsoring Director, Finance Business Partner (Capital) Team, an Executive Director and the Director of Finance
- for cases considered sensitive by, or otherwise at the direction of, the Executive Director and / or the Director of Finance, the signatures of the Project Manager, sponsoring Director, Finance Business Partner (Capital) Team and the Individual Cabinet Member for the Portfolio.

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5.3.2. Reports with financial implications

All reports with capital implications or other requests for approvals must be included within the capital programme approval process as described in these Regulations.

5.3.3. Project funding

Capital expenditure cannot take place unless it is fully funded or any funding gaps are approved by the Director of Finance.

In line with [Section 6](#) of these Regulations bids for external funding to support capital projects cannot take place until approved by either the Director of Finance or other authorised Finance Officers.

In line with the Leader's Scheme and [Section 6](#) of these Regulations, offers of such funding cannot be accepted unless the Accountable Body status of the Council has been agreed in line with the Leader's Scheme.

Funding cannot be recognised until all conditions for its receipt have been met. Before this point any shortfall against actual expenditure must be covered by either Portfolio revenue contributions to capital or by specific agreement for each project through corporate funding sources.

Capital Funding cannot be used to fund revenue expenditure.

5.3.4. Approval for New Projects / Inclusions / Changes

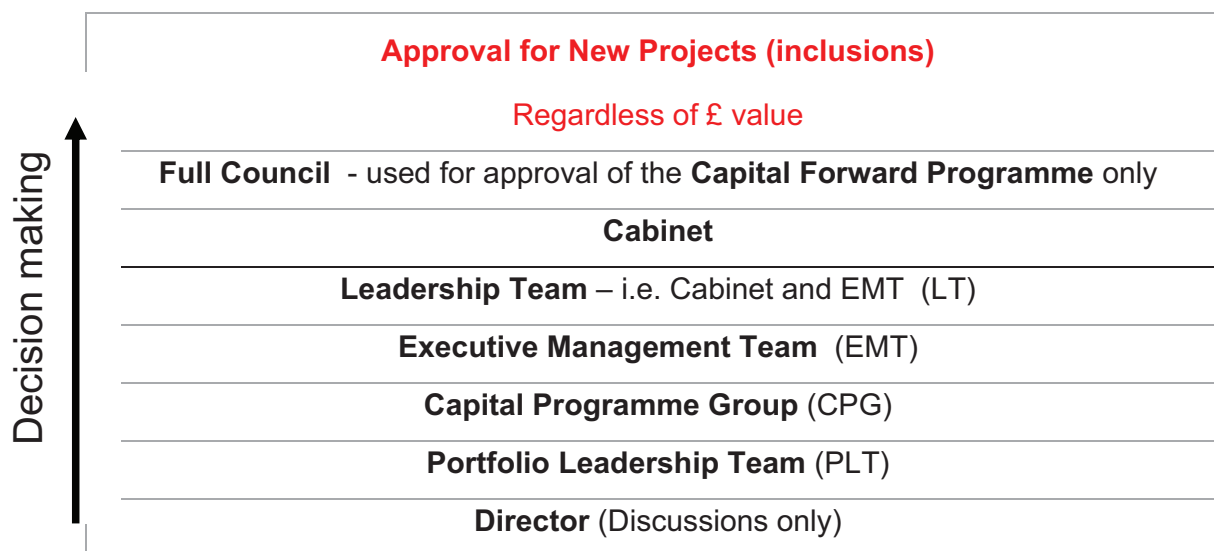
All new capital projects / inclusions in year and significant changes to the Capital Programme (other than changes requiring the approval of Full Council (Article 4 of the Constitution) must be approved by Cabinet or otherwise in line with the [Leader's Scheme](#), and these Regulations. The approval chain is detailed below.

Approval for projects financed wholly or in part by external funding is conditional on agreement to the Council becoming the Accountable Body for that funding. This agreement must be obtained in line with the requirements of the Leader's Scheme BEFORE any offers of funding are accepted.

Where the project involves the Council guaranteeing the liabilities of a third party then this must also be approved in accordance with the requirements of the Leader's Scheme.

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Capital Projects Approval Hierarchy

5.3.5. Variations to projects in the Capital Programme

Changes to a project's finance require approval as a 'Variation' subject to necessary capital resources being available.

Variation Approval levels on an existing approved project are as follows:-

- A variation in cost of up to £25k can be approved by the responsible Director
- A variation in cost by more than £25k but no more than £100k requires EMT approval
- A variation in cost by more than £100K but no more than £150K requires approval by the relevant Individual Cabinet Member(s)
- All other variations require Cabinet approval through the monthly monitoring report

For authorisation purposes, Variations are measured cumulatively from the last approval by the Executive.

5.3.6. Emergency approvals

Where an emergency approval is required, this must be provided in accordance with all applicable urgency procedures in the Constitution and the Leader's Scheme.

As an additional requirement, emergency approvals must be referred to the Executive Director – Resources or the Director of Finance or any Officer authorised to act on his or her behalf.

Any such approvals shall be reported retrospectively to Cabinet in the next monthly report by the relevant Executive Director and the Director of Finance. If, by the time the decision is retrospectively reported to Cabinet, no action has been taken an emergency approval may be rescinded by the Cabinet

5.3.7. Virements

Virements are not permitted between Capital schemes. Changes from Cabinet approved amounts must be treated as Variations.

5.3.8. Slippage and / or accelerated spend

Where the timing of expenditure deviates from the annual profile approved by Cabinet, Budget Managers should reflect this in their monthly forecast and advise Finance Business Partner Capital of the situation.

Where the forecast has changed such that expenditure will move between financial years, the monthly report to Cabinet will seek approval for this change.

5.3.9. Change in Scope

Where material output from the project will be different from that of the last approved Executive authority, Budget Managers must seek new Executive approval.

5.3.10. Revenue implications

The revenue expenditure implications of the proposed Capital Programme will be considered as part of the approval process outlined in these Regulations and as part of the [Annual Revenue Budget](#) and [Medium Term Financial Strategy](#) processes.

Where a Budget Manager identifies that the project will overspend even after all mitigating action, and that no alternative capital funding source is applicable, then the overspend must be made good from revenue funding.

5.3.11. Capital Receipts

Any decision on the use of Capital Receipts will be taken as part of the overall approval for the project through recommendation by the Capital Programme Group as outlined in [S 5.3.4](#) above.

5.3.12. Project Stage Approval

Approval for the Design, Procure and Build stages of a project will not be granted without recommendations from the Director of Finance in respect of funding implications. As part of this process the Director of Finance will need to consider both the Revenue and Capital implications of such approvals for the level of contractual commitments in future years.

The Budget Manager must obtain approval for each stage of design, procure, build, and completion through the delegated powers of the Director of Finance or the Chief Property Officer (if appropriate) and the Capital Programme Group.

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The build stage of a project cannot proceed until a thorough review has been produced by the Project Manager, approved by the appropriate sponsoring Director and reported to the Capital Programme Group. In line with the [Council's Project Management Guidelines](#), a Project Review must be undertaken and appended in support of the submission for project stage approval.

5.3.13. Procurement

Executive Directors and Directors must ensure that agreed formal procedures are in place with the Head of Design and Project Management and the Director of Commercial Services in respect of all procurement related to capital projects.

Where the project is financed, either wholly or in part through external funding then the requirements of the funder in relation to procurement must also be met.

5.4. Financial Management and Reporting of Capital accounts

5.4.1. Financial Management

Inclusion of a project in the Capital Programme and its subsequent progression to completion will be managed through the use of the Council's financial management system.

In line with the requirements of these Regulations, Budget Managers are required to carry out a monthly monitoring and forecasting process in respect of the 'actual to date' and 'forecast' position for both revenue and capital accounts.

5.4.2. Reporting

The Director of Finance is responsible, with Executive Directors, for providing a consolidated monthly report to the Executive in relation to Capital accounts.

Monthly capital reporting will be based on Capital Approval Forms (CAF), Project Closure Forms (PCF), financial monitoring and approval request reports.

At year end the Director of Finance will report to the Executive the overall Capital Out-turn position at the same time as the Revenue Out-turn position is reported to the Executive.

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6. External Funding / Grants

6.1. Background

External Funding in its broadest sense refers to the identification and securing of additional resources, above and beyond those normally provided to organisations, which enables them to develop and enhance the quality of their services, better meet the needs of clients and to do something that could not otherwise be achieved.

The Council relies on a significant amount of external funding to finance the service activity and specific projects / programmes needed to meet its six ambitions as highlighted in the [Corporate Plan](#).

6.2. Roles and responsibilities

6.2.1. The Director of Finance

The Director of Finance is responsible for ensuring that:-

- there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims. In practical terms this responsibility is discharged through the External Funding Team which is part of the Shared Service function within the Finance Service,
- grant applications are correctly completed and submitted by the required date with a view to maximising the income to the Council in terms of cash flow,
- all completed grant claims and certifications are approved by the Director of Finance or other authorised Finance Officer as published in the Financial Protocol ([Appendix A](#) to these Regulations) and maintained by the Director of Finance,
- all documentation related to match funding, e.g. certificates, letters of comfort, heads of terms, contracts, is approved by the Director of Finance or other authorised Finance Officers as published in the Financial Protocol,
- all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines,
- the income due from grant claims is received, and
- records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements.

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6.2.2. Executive Directors

Executive Directors are responsible for ensuring that;

- all available external funding is claimed. In practical terms this responsibility will be discharged by the Directors and Budget Managers within the Portfolio,
- all applications for external funding within their area of responsibility are made in accordance with all the processes and procedures laid down by the Director of Finance,
- offers of external funding are only accepted in accordance with the requirements of the Leaders Scheme, particularly in relation to agreement to the Council becoming the Accountable Body for the funding and / or guaranteeing the liabilities of third parties
- all the funding body's conditions and criteria including any additional procurement requirements are met
- all required evidence related to the external funding body's qualifying conditions and / or criteria is collected and retained as required.
- where a third party is involved in delivery of an externally funded project for which the Council is the Accountable Body, that all necessary evidence is collected and retained.
- grant claims are prepared and submitted as required,
- where the City Council is providing match funding, all documentation as required by the funding body is duly authorised by the Director of Finance, or other authorised Finance Officers as published in the Financial Protocol. Documentation includes but is not confined to Match Funding Certificates, Letters of Comfort and Heads of Contract,
- risks to the Council are appropriately identified, recorded and managed,
- any legal implications and risks of working with third parties are appropriately addressed,
- all external funding within their area of responsibility is managed using the Council's systems and processes.

6.3. **Accountable Body**

The **Accountable Body** is legally responsible for ensuring that the requirements of the funder are met. The decision to agree to the Council becoming the Accountable Body for external funding must be taken in line with the requirements of the Leader's Scheme and BEFORE any offers of funding are accepted.

Where the Council is guaranteeing the liabilities of a third party this must also be approved in accordance with the requirements of the Leader's Scheme.

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6.4. Grant / External Funding accounting

All accounting processes related to external funding / grants will be controlled by the External Funding Team in the Finance Service.

6.5. Audits of external funding

Audits of external funding shall be carried out in accordance with the conditions / criteria related to the funding.

Where there is a charge for the audit this is payable from the relevant Business Unit's budget.

6.6. Retention of documentation

All evidence required by the funding body must be collected and retained in line with the conditions / criteria related to the funding.

Where the retention period in the agreement exceeds the one prescribed in the Financial Records Retention Schedule, (see [Appendix C](#)) the funder's requirements will take precedence.

Documents pertaining to ERDF supported projects must be retained until at least 3 years after the UK receives its final payment to the programme from the EC. or for such longer period as may be prescribed by the funder in a particular case.

Where the retention periods required by the funder are less than those specified in the Financial Records: Recommended Retention Schedule ([Appendix C](#) of these Regulations) the latter should be followed.

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7. Income Management

7.1. Background

The Council sets fees and charges for a wide range of the services and goods that it provides. The income that is generated from this is a major source of funding that helps to deliver the Council's key priorities and outcomes as set out in the [Corporate Plan](#)

This section covers the principles that apply to setting fees and charges, the collection of income, the raising of sundry debtor accounts and debt recovery. These principles are in line with the values as set out in the [Corporate Plan](#)

Separate detailed rules apply to the management of Housing Rent, Council Tax, Business Rates and Benefit Overpayment debt and are therefore these are not covered by these Regulations.

Refer to Section 20 below for Council Supply Agreements.

7.2. Roles and responsibilities

7.2.1. The Executive

In accordance with the [Leader's Scheme](#), the Executive is responsible for agreeing the overall charging policy for fees and charges levied by the Council even if the actual level of the charge is set by an outside body i.e. Government. In this context Fees and Charges excludes Council house rents, Council Tax, National Non-domestic Rates and Housing Benefit overpayments.

Fees and charges must be set as part of Business Planning process and be in line with the provisions of the 'Fair Fees and Charges' Policy as approved by the Executive. Recommendation of changes to fees and charges should be made as part of the Annual Revenue Budget Report to Council.

Any changes in Fees and Charges that are not approved as part of the Annual Revenue Budget Report to Council must be approved in line with the requirements of the Constitution and / or the Leader's Scheme as appropriate.

7.2.2. Individual Cabinet members

In accordance with the [Leader's Scheme](#) Individual Cabinet Members are responsible for agreeing, in consultation with the Leader, changes to existing fees and charges in relation to their Portfolio areas other than those set by Full Council as part of the budget process.

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7.2.3. Executive Directors

Executive Directors are responsible for;

- seeking, where appropriate, to recover the full cost of their services through setting fair fees and charges in line with the provisions of the 'Fair Fees and Charges' Policy and all other statutory guidance.
- having arrangements in place for payment up front wherever possible and for having appropriate arrangements for the storage and banking of cash.
- ensuring adequate security arrangements for the storage and transportation of cash and requesting insurance cover and immediately informing the Police, Internal Audit and the Insurance and Risk Team where any theft of cash or its equivalent is discovered or suspected.
- ensuring that where accounts are raised in respect of charges for works done, goods supplied or services rendered on behalf of the Council and all other income due to the Council, they are raised and issued to the customer(s) within the required timescales and in accordance with these Regulations and all associated policies and procedures.
- ensuring that relevant staff use only the standard payment methods to collect payments from customers and that, in the interests of customer choice, more than one option is offered.
- how their Portfolio and, where applicable, their partner organisations, manage each payment option.
- ensuring that, where partnership working arrangements are in place, the partner organisations only use the standard payment methods as determined by the Director of Finance
- ensuring that all systems and processes related to customer payments comply with all relevant legal and security requirements, e.g. the Payment Card Industry Data Security Standard (PCI DSS) which is a set of guidelines designed to help keep customer's payment card data secure.
- effectively managing the level of debt within their Portfolio, including working with the Income Collection and Management Team to reduce the level of unallocated payments, resolving customer disputes within the required timescales, identifying debts that are clearly irrecoverable and authorising them to be written off.
- ensuring that all relevant documentation related to the supply is retained and accessible in the event of it being required for debt recovery procedures, up to and including court action.
- ensuring that their staff are aware of the possibility of money laundering activities and that they comply with the Council's Anti – Money Laundering Policy.

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7.2.4. Director of Finance

The Director of Finance is responsible for;

- determining the standard payments methods that may be used to collect income. These must be used by all Services and partner organisations as determined by the Director of Finance. Payments cannot be made by any other means except by express permission of the Director of Finance
- providing training and advice on these payment methods. On a day-to-day basis this responsibility will be discharged by the Income Collection and Management Team in the Finance Service.
- providing training and advice on the raising of invoices. On a day-to-day basis this responsibility is discharged by the Financial Systems Support Group in the Finance Service.
- all debt recovery actions except Housing Rents. In respect of sundry debt this responsibility is discharged by the Income Collection and Management Team in the Finance Service. In respect of local taxation and Housing Benefit overpayment debt this responsibility is discharged by the Revenues and Benefits Team within the Finance Service
- providing advice on best practice for cash storage and banking.
- receiving disclosures about Money Laundering activities within the Council

7.2.5. Executive Director – Resources

The Executive Director-Resources is responsible for providing insurance cover for cash and cheques awaiting banking as requested by Executive Directors.

7.2.6. All officers involved in the sundry debt process

Officers responsible for raising invoices, credit notes, refunds, debt recovery and write-offs must not do so for debts owed by themselves or family members, or where they have a vested interest.

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7.2.7. Separation of duties

The system adopted for the collection and banking of income must incorporate separation of duties between the different functions as a principal form of internal control.

To comply with this principle Managers must ensure that an officer does not carry out functions from both Table 1 and Table 2 (below) in any given time period. This ensures that, for example, an officer does not check that the amount of money they themselves have collected equals the money that has been banked.

Table 1

Function	Examples
Identifying charges or taking a booking	Telling a customer the cost of a particular service, e.g. removing a wasp's nest Booking an appointment for removal of wasps nest
Billing	Sending an invoice (if appropriate to do so)
Collection and receipt of income	Collecting the payment for removing the nest and giving the customer a receipt for the payment. Receipts might be a 'till receipt' type or hand written one from a preprinted book.

Table 2

Function	Examples
Reconciling receipts to income	Adding up the payments received and all the receipts then making sure they come to the same amount.
Banking income	Doing the OEO Banking Journals so the income appears on the finance system as being in the bank. This also puts it into the correct Business Unit Arranging for cash to be physically put into the Council's Bank Account. This may be done via the G4S collection service.
Monitoring income received, banked and outstanding	Checking money that has been banked equals the amount that is on the receipts. Monthly monitoring of outstanding debts

All transfers of money between members of staff must be evidenced by the recorded signature of the officer receiving the money.

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7.3. Payment of fees and charges

7.3.1. Not - Invoiced

Wherever possible the provision of credit, i.e. payment via an invoice, should be avoided and, wherever appropriate, customers should be asked to pay for services up-front or at the time of service delivery. This avoids the need for invoicing thus reducing both the potential for invoices not being paid by customers and administration costs to the Council. .

See also [S7.3.6 Money Laundering](#)

7.3.2. Invoiced

Payment by sundry debt invoice is, in effect, providing credit to the customer. This must be avoided wherever possible and invoices must only be raised where payment in advance or at the point of service delivery is inappropriate.

All sundry debtor accounts must be raised on the Accounts Receivable section of OEO finance system unless exceptions have been agreed with the Director of Finance.

Invoices should be issued within 10 working days of the;

- goods or services being supplied,
- month end where there is an on-going service provision, or

In line with standard accounting practice, income will be credited to the relevant Business Unit at the point the invoice is raised - not when it is actually received.

To comply with all relevant HM Revenue and Customs regulations the date of the invoice must be within 60 days of the actual date of supply. Where this timescale cannot be met, advice must be sought from the Council's Tax Manager.

The information on the Sundry Debt invoice must be correct, complete and supported by all necessary and relevant information. In the event of debt recovery action being taken, up to and including Court proceedings, this information will be required as evidence. Officers raising invoices are also responsible for ensuring that the correct VAT treatment is applied.

To ensure that invoices are raised correctly, they must only be raised by officers who have had appropriate training.

7.3.3. Standard Payment methods

Only the payment methods outlined in the tables below can be used by all Services and partner organisations as determined by the Director of Finance. Payments cannot be made by any other means except by express permission of the Director of Finance.

The methods and channels are not recommended for every service or customer group but are all options the Council will support.

The option of payment by cash at Service will be considered by the Finance Service on a case-by-case basis as required.

Costs associated with acquiring / implementing payment methods will be funded by the Service requesting them.

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Table 1: Not Invoiced

Not Invoiced / invoiced	Payment Methods	Payment Channel
Not invoiced	Credit or debit card online via the Council website	On-line–Customer self-service
Not invoiced	Text payment via. a mobile telephone	Telephone - Customer self-service
Not invoiced	Credit or debit card over the phone where a member of staff enters the payment details into an electronic payments system on their PC	Face to face - Customer assisted service
Not Invoiced	Credit or debit card using chip-and-pin machine [either mobile or at a Council / partner office	Face to face - Customer assisted service

Table 2: Invoiced

Not Invoiced / invoiced	Payment Channel	Payment Method
Invoiced	Credit or debit card online via the Council website	On-line - Customer self-service
Invoiced	Credit or debit card using an automated telephone service	Telephone - Customer self-service
Invoiced	Text payment via. a mobile telephone	Telephone Customer self-service
Invoiced	Credit or debit card over the phone where a member of staff enters the payment details into an electronic payments system on their PC	Face to face - Customer assisted service
Invoiced	Credit or debit card using chip-and-pin machine [either mobile or at a Council / partner office	Face to face - Customer assisted service
Invoiced	Cash at a Post Office; or PayPoint up to a certain value.	Face to face - Customer assisted service
Invoiced	Cheques and debit card at a Post Office up to a certain value.	Face to face - Customer assisted service
Invoiced	Direct Debit – within the parameters set by the Director of Finance	Face to face - Customer assisted service
Invoiced	BACS / CHAPS – within the parameters set by the Director of Finance	Face to face - Customer assisted service

7.3.4. Credit and Debit card transactions

There are no maximum or minimum transactions values associated with payment by credit or debit card.

The Council will accept all major debit and credit cards with the exception of American Express, Diners Club, JCB and Solo.

Credit cards may be used for both non-commercial debts such as Business Rates and rent arrears and commercial debt such as hire of sporting facilities and pest control.

7.3.5. Expected income over £50,000

Where receipt of a sum of £50,000 or over is expected, e.g. completion of property purchases, this must be reported to the Council's [Treasury Management & Banking Team](#).

Knowing that a significant receipt is due will help this Team to manage the Council's cash flow which may well reduce the need for short term loans to cover Council expenditure.

7.3.6. Money Laundering

Where there are significant cash payments, i.e. £1,000 or more in cash, or up to £2,500 in linked transactions, officers should check the identity of the client in line with the Council's Anti – Money Laundering Policy.

Payments in cash must not be accepted by employees of the Council or any of its agents where the amount is over the limit to be determined by the Council's Money Laundering Reporting Officer. Currently the limit has been determined as £2500.

7.3.7. Credit Notes and Refunds

Credit notes are required for an invoice that has been incorrectly raised. However, credit notes represent a control risk and as such must be properly authorised. Credit notes must be authorised jointly by the manager responsible for the budget affected and the Director of Finance or his / her designated Officers.

Refunds are required if a customer or other member of the public has paid an incorrect invoice or has paid money into a Council bank account in error. Refunds may only be actioned by the Director of Finance or his / her designated Officers.

Where a refund is for a significant amount, i.e. £1,000 or more, officers should check the identity of the client in line with the Council's Anti – Money Laundering Policy.

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7.4. Fees and interest charges

7.4.1. Credit card fees

Transaction fees associated with accepting a credit card payment will be charged to the customer at the time of payment.

These fees will only recover banking and system transaction costs and not include any additional surcharges such as 'administration' costs.

7.4.2. Debit card fees

Debit card transaction fees will be funded centrally from within the Finance Service, subject to annual reviews of costs.

7.4.3. Interest on late payment of debt

Interest on late payment of debt by commercial customers will be applicable where agreed by the Director of Finance.

7.5. Banking of collected income

7.5.1. Receipting and banking

All income received on behalf of the Council must be receipted and paid into the appropriate bank account without unnecessary delay and in accordance with the procedures approved by the Director of Finance for the banking of income.

Income must be paid in without deduction unless this is approved by the Director of Finance. Third party and personal cheques must not be cashed from monies held on behalf of the Council.

7.5.2. Safe storage of collected income

Executive Directors are responsible for ensuring that all income collected prior to banking is safeguarded and that adequate insurance cover has been arranged.

The amount of cash allowed to be held in any one safe overnight will vary according to the particular insurance arrangements. Where the agreed limit is likely to be exceeded then arrangements must be made to bank the income as soon as possible.

The Director of Finance will advise on best practice for cash storage and banking.

The Executive Director – Resources is responsible for providing insurance cover for cash awaiting banking as requested by Executive Directors and providing the insurance cover requested by Executive Directors.

7.5.3. Reconciliation of receipts

Reconciliation of receipts to banked income should be performed on a regular basis and at least monthly, reflecting the value of the receipts. Staff responsible for reconciliation should not be involved in day to day banking or receipting procedures.

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7.6. Debt Recovery

7.6.1. Recovery process

The Council's standard payment terms and conditions are that, unless contractually agreed or in the case of a demand payable by installments, sundry debts are payable immediately and in full.

The Council will undertake robust action up to and including Court action to recover money owed to it. The costs of enforcement action to recover sundry debts, up to and including court action will be borne by the relevant Business Unit.

7.6.2. Arrangements to Pay

Where a customer is unable to pay the full amount of a sundry debt invoice immediately then arrangements can be negotiated, in appropriate circumstances, to clear the debt in the shortest possible timescale.

These arrangements can be negotiated by the Central Debt Recovery Team in consultation with the Business Unit Manager, or directly by the Manager. In the latter case the Business Unit Manager must inform the Central Debt Recovery Team so that the arrangement can be documented and monitored.

Payment arrangements that exceed 12 months must be agreed by the Director of Finance.

If the arrangement to pay is not maintained then debt recovery action will be commenced or continued.

7.6.3. Disputed debts

For the purposes of these Regulations a 'dispute' relates to an issue that must be resolved before the customer will pay an outstanding sundry debt.

When a debt is put into dispute, debt recovery action is suspended to allow time for the issue to be resolved.

The relevant Business Unit Manager is responsible for resolving the dispute and for doing so within 28 days. Where the Business Unit Managers considers that a longer timescale is required to resolve the dispute, they must contact the Central Debt Recovery Team to request an extension. The request must be supported by details of the customer, the nature of the dispute and the extra length of time required must be specifically stated.

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7.7. Bad and Doubtful Debt Provisions

When an invoice is raised the Business Unit is immediately credited with the income. For that income to be relied upon the debt must be paid within 60 days.

If a debt is not paid by day 60, a charge will be made against the Business Unit to make full provision for the debt not being paid. Exceptions to this are where the;

- debtor has an agreement to pay and is abiding by it
- debt is covered by a Charge (e.g. on property, land etc.)

Creating a provision for bad or doubtful debt does not mean that recovery action will stop. The Council will continue to take recovery action after the provision is made.

7.7.1. Payments received after 60 days

Where an outstanding debt is paid after day 60 and before day 91 the Business Unit will be credited with 50% of the income. The remaining 50% will be diverted to help balance the Council's overall budget.

If the debt is paid after day 90, 100% of the income will be diverted to help balance the Council's overall budget and the Business Unit will not receive any.

Exceptions to the '60 day rule' can only be approved by the Director of Finance. A list of the agreed exceptions is maintained by Central Debt Recovery Team in the Finance Service.

7.8. Bad Debt Write-offs

If recovery action is unsuccessful, the Council may write-off debts that are correctly due to it but which, for whatever reason, are no longer collectable

All possible recovery procedures should be pursued and exhausted within 12 months of the invoice date. After this timescale the outstanding debt should be written off unless;

- it is covered by an on-going payment arrangement
- there is on-going action, up to and including Court action, to recover the debt
- the debt has been recorded on the Local Land Charges Register.

Writing off a debt involves removing a debt from the Council's accounts using money that has been set aside as part of the bad and doubtful debt provision and will only be done in exceptional circumstances.

Write-offs must be proposed by the relevant Executive Director and approved and actioned by the Director of Finance.

By the time a debt is written off a full provision must have been created for it and reported to Members as part of the monthly budget monitoring process.

8. Purchasing

This section covers the principles related to procurement in the Council, the roles and responsibilities of officers and the principles that apply to the Council's Purchase to Payment (P2P) process. These are standard across all portfolios and must be complied with, unless an exception has been approved in writing in advance by the Director of Finance.

All Orders for goods or services are to be placed on the Council's Finance system or other systems as approved by the Director of Finance. Irrespective of the system used, the controls and processes detailed in these regulations will apply.

All procurement must comply with [Contracts Standing Orders](#) and the [Leader's Scheme](#).

8.1. Roles and responsibilities

8.1.1. [Director of Commercial Services](#)

The Director of Commercial Services is responsible for;

- ensuring that the Council's Standing Orders remain technically correct, up to date and fit for purpose.
- ensuring that the Council's Standing Orders are adhered to. All unauthorised breaches must be reported to him / her.
- considering requests for a waiver of Standing Orders and actioning them where appropriate
- ensuring there are proper processes and procedures in place for the commissioning and procurement of goods and / or services,
- providing advice and guidance on the procurement process
- ensuring that training and guidance is available for officers involved in the P2P process, and for
- approving suppliers used in the commissioning and procurement of goods and / or services.

8.1.2. [Director of Finance](#)

The Director of Finance is responsible for;

- ensuring that VAT related records e.g. invoices or credit notes, are stored and made available in line with H.M. Revenue and Customs (HMRC) directives.
- compliance with the requirements of the Construction Industry Tax Deduction Scheme (CITDS) in relation to the payment of invoices relating to repairs and renovation over the stipulated monetary limits.
- ensuring that, where required, the employment status of individuals is validated and all related records are stored and made available in line with HMRC directives.
- the approval and administration of all leasing and other credit arrangements. Records will be kept by the Director of Finance of all relevant financial information relating to these arrangements.

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8.1.3. Director of Finance and Executive Directors

The Director of Finance and Executive Directors are responsible for ensuring that all purchasing within their area of responsibility complies with the following principles:

- Expenditure shall not be incurred where it represents a departure from Council policy or where it is not wholly in accordance with the Council's approved Budget unless such expenditure is considered a matter of urgency. In these cases;
 - the Director of Finance must be consulted before incurring such expenditure, and all relevant provisions of the Leader's Scheme,
 - the Constitution must be complied with, and
 - particular attention is drawn to the urgency provisions in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- Where any consents are required from a Government Department or other relevant body, these shall be obtained before any expenditure or commitment is incurred.
- Appropriate controls must be in place that ensure the integrity of expenditure incurred in the name of the Council and constrains expenditure to within the legal powers of the Council.
- Suppliers providing services to the Council must have the necessary HMRC certification enabling them to be paid through the Council's payments system. Contractors failing to comply with the conditions or to provide evidence of the necessary certification should be set up as temporary employees of the Council and paid through the payroll.

8.1.4. The Executive Directors

The Executive Directors are also responsible for ensuring that purchasing to payment arrangements within their area of responsibility comply with;

- these Regulations
- the Council's Constitution, and Leader's Scheme Contracts Standing Orders
- Procurement policies
- The Guide for the Procurement of Consultancy
- HMRC requirements for checking employment status of individuals or groups of workers
- Corporate financial policies and standards
- EU and domestic law,
- Health and Safety Regulations
- Environmental Policy

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8.1.5. Budget Managers

Budget Managers with responsibility for incurring expenditure on behalf of the Council must ensure that;

- the Council is obtaining value for money and that all expenditure complies with the [Council's Contracts Standing Orders](#).
- In–House and Corporate Contract providers are used wherever possible. Where this is not considered appropriate, advice must be sought from Commercial Services on choosing an alternative supplier and [Contracts Standing Orders](#) must be complied with.
- compliance with the Council's Contracts Standing Orders and all relevant procurement processes is documented and the evidence retained.
- any relationships with existing or potential Council contractors are declared prior to the obtaining of quotations or the awarding of contracts.

8.1.6. All Officers involved in P2P process

All officers involved in the ordering and purchasing processes must;

- refer to the Council's Contracts Standing Orders for details of procurement procedures to be followed, with special attention to the need to use In–House and Corporate Contract providers.
- formally declare any relationships with existing or potential Council contractors prior to the obtaining of quotations or the awarding of contracts.
- withdraw from any P2P process when either they themselves or a member of their family or one of their close associates are involved directly or indirectly with the transaction.

Note: Officers' attention is drawn to the provisions of Section 117, Local Government Act 1972, under which certain failures by an Officer to declare an interest in a contract with the Council may be punishable as a criminal offence.

8.2. **Ordering of goods and services**

A purchase order is required for all purchases of goods and services and one must be processed before requesting the supply.

Exceptions to this would be for the payment of utilities, recurring payments, 'multiple' and 'one-off' payments.

Verbal orders must not be used in normal Council operations and should take place only in wholly exceptional circumstances. Any verbal orders must be followed immediately by the issue of a fully authorised order. Officers making verbal orders can expect to be asked to support their decision by the Director of Finance and Director of Commercial Services.

Different Purchase Order types are in place to meet expenditure requirements including those that are not for the supply of goods or services.

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Orders must fully detail the goods and services to be supplied and the budget from which the expenditure is to be met. Final costs or an estimate of the costs of the goods or services ordered (net of VAT) should also be provided.

Orders must only be raised for goods and services provided to the Council or on official Council business. Individuals must not raise official orders for their own private use.

Variations must only be actioned through properly authorised amendments to orders. Issued orders must not be amended verbally with the supplier.

8.3. Authorisation of expenditure

8.3.1. Purchase Orders

Before authorising an order, Approvers must ensure that the proper approval for the spending has been obtained in line with the Council's decision making framework. In other words, the decision to spend the money must have been taken by Council, the Leader, Cabinet, a committee, an individual Member or an Officer exercising delegated powers.

These Officers must also ensure that the Council's procurement rules and Standing Orders have been complied with before approving any order.

Authorisation in accordance with the requirements set out below is not a substitute for formal approval as required by Leader's Scheme, the Council's Standing Orders and Procurement Policy

Before authorising an order, managers, who must have written authority from the relevant Executive Director to do so, should be satisfied that:-

- the Order represents legitimate liabilities of the Council,
- the required checks have been evidenced,
- sufficient budgetary provision exists to cover the payment,
- the expenditure is correctly coded, and
- all necessary documentation is attached

8.3.2. Authorisation to pay Utility Bills.

These will be authorised in line with the procedures as approved by the Director of Commercial Services and the limits as detailed in the Authorisation Matrix below.

8.3.3. Authorisation of Recurring, Multiple, One-Off and Foreign Payments

These will be authorised in line with the procedures as approved by the Director of Finance and the limits as detailed in the Authorisation Matrix below.

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8.3.4. Authorisation Matrix

The list of Officers authorised to approve Purchase Orders will comply with this section of the Regulations and will be held in the Council's Finance System or other systems as approved by the Director of Finance.

All purchase orders must be approved in line with the Council's authorisation matrix as shown below.

Order Amount	Authorisation Level
£0 - £249	Supervisor / Line Manager
£250 - £499	Middle Manager
£500 - £2,499	Business Unit Manager
£2,500 - £24,999	Assistant Head of Service / Assistant Director
Over £25,000	Head of Service / Director / Asst Chief Executive / Chief Executive
Orders over £250 must also be reviewed by the Council's Commercial Processes Team to ensure compliance with Council Standing Orders etc.	

The values in this matrix are set at levels deemed necessary by the Director of Finance for the proper control of expenditure.

Where, if after such consultation as he / she deems to be appropriate, the Director of Finance considers that the values should be revised in order to maintain that control, she / he may change them at any time.

For the avoidance of doubt, this matrix will apply to all orders including orders connected to the spending of Grant funding, contract payments and partnership arrangements where the Council's finance system is used to make a payment.

The existence of a Cabinet report approving a grant payment or awarding a contract does not over-ride the authorisation matrix.

This matrix will also apply to the authorisation of payments detailed above which do not require a Purchase Order.

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8.4. Delivery of Goods and Services

Deliveries of goods and services should be checked to ensure that they are in accordance with the official order, taking account of, as a minimum;

- cost
- quantity
- quality, and
- fitness for purpose

Delivery notes must be retained for verification purposes in accordance with the Financial Documents Retention Schedule appended to these Regulations.

Officers are required to enter a receipt on the Council's finance system, or other systems, as approved by the Director of Finance to confirm delivery of the goods or services.

8.5. Payments to suppliers

8.5.1. Supplier invoices

Suppliers will be expected to provide an electronic invoice through the Council's procurement system.

Where paper invoices are unavoidable these should be sent directly to the Council's outsourced provider of the accounts payable service for prompt processing and on no account should they be sent directly to the service requesting the supply.

Failure to adhere to this rule may result in delays to the payment process.

Any paper invoices will be scanned and attached to the invoice records by the outsourced provider of the accounts payable service.

8.5.2. Payments

No payment will be made unless supported by an appropriately authorised and receipted Purchase Order. Exceptions to this are Recurring, Multiple, One-Off and Foreign Payments as described above.

Where the details on both the supplier invoice and the receipted order are the same, or within tolerance levels agreed by the Director of Finance, the automated matching process will clear the invoice for payment in accordance with the Council's standard payment terms.

Where the details are not the same and are outside the agreed tolerance levels, then the order raiser should either raise a returns note in the P2P system or request a credit note from the supplier to resolve the mismatch.

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8.5.3. Standard payment terms

The Council's standard payment terms are 30 calendar days from the date that a valid invoice is received by the Council. Any variation to this standard must be agreed by the Director of Commercial Services either as part of the letting of a contract or by ad-hoc exception to the standard terms.

In accordance with the [Council's Standing Orders \(C7.7\)](#) advice must be sought from Director of Commercial Services where a supplier makes a request for payment in advance.

9. **Internal charges**

The Council's internal charging system covers;

- specific ordering and the consequent recharges
- Agreed Annual Service Level Agreements and the consequent recharges
- Overhead apportionment.

A fundamental requirement of the internal charging system is that both customers and suppliers are clear that the system is in operation and that they adhere to the relevant procedural guidance.

9.1. **Roles and responsibilities**

9.1.1. Executive Directors

Executive Directors are responsible for ensuring that their managers and staff follow the procedures relating to internal charges, including the requirement for an internal order and the use of specified financial codes.

9.1.2. Director of Finance

The Director of Finance is responsible for ensuring that there are proper processes and procedures in place to support the internal charging system, including details of specific financial codes.

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10. Payroll, Expenses and Petty Cash Floats

10.1. Roles and responsibilities

10.1.1. Executive Directors

Executive Directors are responsible for ensuring;

- that payroll information is correct and is provided within the agreed timetables for the running of the payroll.
- that all amendments to the payroll, e.g. Post and Establishment changes, individual contract changes etc., are notified in line with the procedures as approved by the Director of Human Resources.
- that all payments to employees are
 - made through the payroll
 - that they are made only to official employees,
 - in accordance with individual contracts of employment, and
 - that all necessary information is supplied so that deductions including PAYE and Superannuation are properly administered.
- that when payroll costs are checked this is done so by officers not responsible for amendments to the payroll.

Executive Directors are responsible for determining any petty cash requirements for their Portfolio subject to approval by the Director of Finance or one of his/her authorised officers. This amount should represent a balance between the need for ready access to cash for small local payments, the risk of holding cash on the premises and the security arrangements required.

They must ensure that procedures are in place to formally assign responsibility for all floats and that the officer is properly trained in the administration of the float.

10.1.2. Director or Human Resources

The Director of Human Resources is responsible for approving and controlling arrangements for the payment of all salaries, wages, pensions, expenses and any other payments to all employees and former employees of the Council.

10.1.3. Director of Finance

The Director of Finance is responsible for;

- approving the arrangements for payment of all salaries, wages, pensions, expenses etc. made by the Director of Human Resources.
- formulating and approving procedures related to Payments to Individuals and the Administration of Petty Cash Floats.
- approving changes to the accounting and taxation elements of the payroll system.

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10.2. Payroll

The payment of all salaries, wages, pensions, expenses and any other payments to all employees and former employees of the Council must only be made under arrangements approved and controlled by the Director of Human Resources and approved by the Director of Finance.

Amendments to the payroll, e.g. for absences and variations to pay, shall be limited to those Officers authorised to do so.

Payment of fees to individuals who are not Council employees must be made through the Purchase to Payment system and in accordance with the requirements of HM Revenue and Customs and the relevant procedures as laid down by the Director of Finance and the Director of Commercial Services.

Payment and personnel records must be held securely.

10.3. Expenses

Members and officers will only be entitled to travel, subsistence and incidental expenses where these are incurred legitimately in performing duties on behalf of the Council in line with the agreed policy and rates. Claims should be made in line with relevant Council policies including the requirement to forward receipts to the Council's outsourced provider of the payroll service. All such payments will be made through the payroll system.

Payments of expenses to individuals who are not Council employees must be made through the Purchase to Payment system in accordance with the procedures as laid down by the Director of Finance.

Expenses incurred by agency staff should be included in the Agency charge and paid through the Purchase to Payment system.

10.4. Petty Cash floats

10.4.1. Payments from a float and re-imbusements

The use of monies from petty cash floats must be limited to non-payroll related expenditure up to a maximum of £25 for which there is proper authority and provision in the budget but which do not justify an order being raised through the Purchase to Payment system. Petty cash should not be used for the payment of regular suppliers other than in exceptional circumstances, when prior approval must be obtained from Heads of Service.

Wherever possible purchases should be made in advance and, if applicable, VAT receipts provided before the petty cash is issued.

At the manager's discretion, a maximum of £5 employee related expenses may be paid from a petty cash float where an employee has been requested to travel to meet a service need and has no way of funding this.

Personal or third party cheques must not be cashed or money borrowed from petty cash floats. Private monies are not to be used to supplement the floats

Cash income from other sources must not be used to reimburse petty cash unless specific arrangements are in place.

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10.4.2. Responsibilities of the float holder

Officers who have been assigned responsibility a float must ensure that they follow the procedures related to the administration of petty cash floats as laid down by the Director of Finance.

10.4.3. Personal credit card transactions

The use of personal credit cards by officers for petty cash transactions shall be limited to **exceptional** circumstances where petty cash would be appropriate but is not available.

11. Bank accounts and credit cards

11.1. Bank Accounts

Bank accounts in the name of the authority may only be opened and / or closed with the authority of the Director of Finance. This includes associated bank accounts which the Council does not directly control, e.g. joint arrangements etc. The Director of Finance is responsible for all negotiations of banking terms with the Council's Bankers.

All stand-alone systems which actually create payments and do not interface with the financial ledgers must have a separate bank account and consequent local reconciliation responsibilities. These are the Payroll interfaces, and systems which create BACS files or print cheques.

11.2. Reconciliations

Bank reconciliations should be completed on at least a monthly basis by an officer who is not responsible for the processing of payment and receipt transactions through the bank accounts. The Director of Finance is responsible for ensuring that reconciliations, together with supporting documentation, are reviewed and appropriately certified.

11.3. Banking transactions

The Director of Finance is responsible for maintaining an authorised signature list for Banking Transactions. The authorised signatories will be determined and approved by the Director of Finance in consultation with the Individual Cabinet Member for Finance. Authorised Signatories will normally be senior Officers who report directly to the Director of Finance.

A copy of the list is available in the [Financial Protocol](#) appended to these Regulations.

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11.4. Credit cards etc

Credit cards, charge cards and other payment methods held in the Council's name may only be opened, closed and managed by the Director of Finance.

11.4.1. Reconciliations

Reconciliations of credit card etc. accounts should be completed on at least a monthly basis by an officer who is not responsible for the processing of payment and receipt transactions through the bank accounts. The Director of Finance will ensure that reconciliations, together with supporting documentation, are reviewed and appropriately certified.

11.5. Banking arrangements

The Director of Finance will maintain an authorised signature list for Banking Transactions. The authorised signatories will be determined and approved by the Director of Finance in consultation with the Individual Cabinet Member for Finance. Authorised Signatories will normally be senior Officers who report directly to the Director of Finance.

A copy of the list is available in the [Financial Protocol](#) appended to these Regulations.

12. Taxation

12.1. Roles and responsibilities

12.1.1. Executive Directors

Executive Directors are responsible for ensuring that the VAT element of any transaction is considered with the objective of maximising VAT recovery where this is consistent with effective delivery of the service and minimising the level of irrecoverable VAT being incurred by the Council. In practice this means that they are responsible for;

- ensuring that VAT is properly accounted for on all transactions entered into by the Council,
- keeping VAT records within their area of activity , with a proper allocation of costs to exempt and other activities
- complying with all VAT legislation and regulations applicable to the delivery of their service, and
- monitoring and planning for any changes in VAT legislation or regulations which affect their areas of activity.

Executive Directors must also advise the Director of Finance of any capital projects which are under consideration which contain the risk of irrecoverable VAT being incurred by the Council, whether by way of exempt input tax or otherwise.

In circumstances where an individual, rather than a company, is engaged to provide a service to the Council, Executive Directors are responsible for ensuring that all HM Revenue and Customs regulations relating to that engagement are adhered to.

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12.1.2. Director of Finance

The Director of Finance is responsible for ensuring that;

- appropriate taxation advice is available to Executive Directors to ensure compliance with relevant legislation.
- where the tax implications of a project are of sufficient complexity to warrant additional support then appropriate external advice will be sought. In these circumstances the Director of Finance will rely on the wording of CIPFA's Statement of Professional Practice to determine when appropriate help, advice and guidance is required.
- an appropriately skilled team is available to discharge the Council's VAT responsibilities. This Team will receive all training necessary to provide appropriate service delivery and challenge

The Director of Finance is also responsible for the preparation and submission of VAT Returns to H M Revenue and Customs. Such Returns are to be submitted at times which maximise the cash flow benefit to the Council, but in any event not later than the deadlines agreed with H. M. Revenue and Customs.

12.2. Penalties and charges

Portfolio budgets will bear the financial impact of any penalties or other charges imposed by H M Revenue and Customs in respect of transactions entered into by that Portfolio.

13. Stores, Stock, Equipment and Security

Executive Directors are responsible for the care, custody and recording of stocks and equipment. This will include the following:

- Controlling access to stores etc. and ensuring that stocks and assets are only used on Council business.
- Ensuring that arrangements are sufficient to ensure that additions to, as well as issues from, stock are controlled and accurately entered on the appropriate records.
- Maintaining a record of stock in hand of each item held to be physically checked at a frequency determined by Executive Directors which reflects such factors as stock values, usage etc.
- Maintaining a register of assets removed from Council premises. This includes but is not limited to assets such as laptops, mobile phones, BlackBerries and RAS cards issued to officers.
- Maintaining an inventory of all assets over £100 in value, together with all attractive and portable items below this figure. The inventory should detail make, model, serial number and purchase value. Items should be recorded promptly in the inventory, at the point of purchase. The inventory should as a minimum be checked on an annual basis by physical verification of assets by an officer not involved in its compilation. A list of missing items should be provided to the Heads of Service, who will decide on the action to be taken.

- Reporting obsolete items to the relevant Head of Service for approval to write-off. Following formal, documented approval, the relevant Inventory Records should be amended accordingly.
- Providing the Director of Finance with a certificate of the stock and value held by their Portfolios at the end of each financial year as well as such information as is required in relation to stores for the accounting, costing and financial records.

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Assets shall not be removed from the Council's premises, unless on official Council business and should not be used other than for official Council purposes or in line with arrangements sanctioned by the Council, Cabinet, an Executive Director or a Director.

All information assets such as non-public paper records, IT equipment used to access information and the computer network, must be identified, recorded and have an appointed asset owner and be appropriately protected at all times. Further details can be found in the Council's Information Security Policy.

Some external funding regimes require specific arrangements for recording the equipment that is purchased and used to deliver the objectives of the funding. Executive Directors are responsible for ensuring that all requirements are met in this respect.

14. Retention of Records

14.1. Roles and responsibilities

14.1.1. Executive Directors

Executive Directors are responsible for ensuring that all records, as defined by the Council's Document and Records Management Policy are managed in line with that Policy and that they are retained for a period that satisfies the requirements of H M Revenue and Customs, the Council's External Auditors and any other appropriate Body. The [Financial Records Retention Schedule](#), appended to these Regulations, provides guidance on appropriate retention schedules

For any service specific records, Executive Directors are responsible for determining the retention periods with the appropriate external bodies.

Where activities, decisions or transactions are being carried out on behalf of the Council, such as in a partnership agreement, Executive Directors responsible for ensuring that appropriate records management contractual terms are in place so as to comply with the Council's Document and Records Management Policy.

14.1.2. Director of Finance

The Director of Finance is responsible for producing and maintaining a schedule on the retention periods covering financial records in accordance with current best practice. The Financial Records Retention Schedule is appended to these Regulations ([Appendix C](#))

14.2. Records for external funding

As per Section 6 of these Regulations, all evidence required by external funding bodies must be collected and retained in line with the conditions / criteria as outlined in the funding agreement.

Where the retention period in the agreement exceeds the one prescribed in the Financial Records Retention Schedule, (see [Appendix C](#)) the funder's requirements will take precedence.

Documents pertaining to ERDF supported projects must be retained until at least 3 years after the UK receives its final payment to the programme from the EC. .

Where the retention periods required by the funder are less than those specified in the Financial Records: Recommended Retention Schedule (Appendix C of these Regulations) the latter should be followed.

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15. Financial Systems

The Council's finance system is Oracle Enterprise One and this system will be the Council's prime source of accounting and financial information

15.1. Roles and responsibilities

15.1.1. Director of Finance

The Director of Finance is responsible for;

- the Council's accounting system from which the Council's audited Accounts are produced.
- controlling access to the Council's systems and information
- ensuring both the accuracy and security of the data.
- ensuring that the financial controls of systems interfacing with the corporate accounting system are robust and in line with the Council's information governance policies.

15.1.2. Executive Directors

Executive Directors are responsible for;

- reconciling relevant feeder systems back to the information reported in the corporate accounting system.
- ensuring that Portfolio systems, e.g. CareFirst, produce financial returns in a format and to timescales required by the Director of Finance.
- controlling the access to Portfolio systems and information, and for ensuring both the accuracy and security of the data.
- ensuring, in consultation with the Data Protection and Information Security Officer, that the data held on their systems, whether held as hard copy or in electronic format, is in accordance with EU or domestic data protection legislation. Business Partners from the Business Information Systems (BIS) Team should be consulted for advice and guidance on data protection and information management issues.
- ensuring that the Director of Finance and their Business Information Systems Business Partner are consulted prior to the purchase and implementation of any new computerised financial systems. This includes any income collection systems.

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16. Accounting

The Director of Finance is responsible for the form and content of the Council's Accounts and for producing the Council's Accounts for approval by the Audit Committee.

The Accounts must present a true and fair view of the financial position and transactions in respect of that financial year and be prepared in accordance with statutory requirements and all applicable professional Codes of Practice.

The Accounts will be prepared on an accruals basis.

The Accounts will be prepared on a prudent basis with income only included if it is likely to be received. Proper allowance should be made for known liabilities and losses.

16.1. Accounting during the Financial Year

All Accounts and Accounting Systems must be properly maintained throughout the year to provide timely and accurate information.

All financial transactions must be properly accounted for and adequately supported and referenced back to original documents and working papers which initiated the transaction.

Holding and Suspense Accounts must be reconciled at least monthly. Reconciliations must be produced and authorised by Officers not directly responsible for the transactions in the accounts.

Control accounts, e.g. debtors and Bank Accounts, must be reconciled on a monthly basis.

Access to accounting information will be controlled by the Director of Finance.

16.2. Year-end Requirements

At the end of each financial year the Director of Finance will produce a timetable and notes of guidance for the production of Final Accounts.

All balances on Control Accounts, e.g. Debtor Control, must be justified. Balances may only be carried forward into the next year if there is a reasonable prospect that they will be cleared.

The Accounts for the year should be "closed" at the end of business on 31 March and all income received and payments made to that date must be accounted for. The Officers responsible must certify sums held, i.e. not banked, at the close of business on 31 March.

Accruals must be supported by evidence and the Director of Finance will require copies of evidence for material accruals. The process and amounts will be specified in the year-end guidance issued by the Director of Finance.

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The Officers responsible for cash floats and other cash accounts must balance and certify the amount of cash held at the close of business on 31 March.

Officers responsible for stocktaking must certify the value of stock / stores at close of business on 31 March.

Expenditure and income due for the year, but not paid or received by 31 March must be accounted for. The Officers responsible must certify the transactions concerned.

Appropriate working papers, records and prime documentation must be maintained in support of the above requirements. These will be used to substantiate the Accounts and provide a clear Audit trail.

17. Internal Audit

The Council's S151 Officer is responsible for maintaining a continuous internal audit of all the Council's financial records and operations. S /he shall be given such facilities, information and explanations as is deemed necessary to enable this to be done. Internal Audit has been provided with the authority to access any Council Officer and information necessary to carry out their duties on behalf of the Section 151 Officer.

The Charter and Terms of Reference for the Internal Audit function are contained in the Chief Internal Auditor's [annual report to the Audit Committee](#).

An Annual Audit plan is prepared by the Chief Internal Auditor and agreed by the Audit Committee and the Council's Section 151 Officer. This is designed to cover the most significant risks faced by the Council.

As part of the audit planning process, and in line with the requirements of the Council's Risk Management Framework, Executive Directors are responsible for managing risk and for informing Internal Audit of the risks that are prevalent in their area. They are also responsible for agreeing and implementing relevant Audit recommendations.

Internal Audit report the output of its activity to the Council's Audit Committee.

17.1. Reporting potential or actual theft , fraud or corruption

Executive Directors are responsible for ensuring that they have in place adequate processes for ensuring that the Section 151 Officer is immediately notified of any circumstances indicating the possibility, or actual identification, of irregularity in funds, stores or other property of the Council. The reporting of such matters to the Council's Internal Audit Service shall be considered adequate for discharging this responsibility.

The Council's "Code of Conduct for Employees" and 'Whistleblowing Policy' as contained in [Part 5 of the Council's Constitution](#) requires any Council officer, who becomes aware of potential theft, fraud or corruption, to bring any concerns to the attention of the appropriate manager.

All employees of the Council are required to conduct themselves and carry out their duties in line with the requirements of the Code of Conduct and to comply with all Council agreed policies and procedures.

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18. Companies, Joint Ventures, Partnerships, Joint Committees etc.

Where the Council has a controlling interest in Companies, Joint Ventures, Partnerships, Joint Committees, or is the Lead Authority, then these organisations will be required to use the Council's finance system and to follow these regulations.

Where the Council is involved as a minority interest in partnership arrangements or Joint Committees that use their own finance systems, the arrangement must include an agreement on appropriate, robust financial governance control arrangements to the satisfaction of the Director of Finance. In these circumstances the controls in these Regulations will be used as a starting point for that agreement

No agreement shall be entered into with a Partnership which commits the Council to additional expenditure or other financial risk without approval as set out in the arrangements contained in other sections of these Regulations and the Leader's Scheme. The relevant Executive Director, in conjunction with the Director of Finance will report at least annually to the appropriate portfolio holding Member and the Cabinet Member for Finance on the financial affairs of the partnership body.

19. Grant (Gift) arrangements

19.1. Roles and Responsibilities

19.1.1. Director of Commercial Services

The Director of Commercial Services is responsible for ensuring there are proper processes and procedures in place for the commissioning and procurement of goods and / or services, and for the making of grant aid or 'investing' agreements.

19.1.2. Executive Directors

Executive Directors are responsible for ensuring that any funds that are established to make individual grants from are properly approved in accordance with the Leader's Scheme

They are responsible for ensuring that all grant payments to voluntary organisations or other recipients of grant aid are properly approved in accordance with the Leader's Scheme, these Regulations and all other relevant documentation.

Where a grant payment is withdrawn or reclaimed, Executive Directors are responsible for ensuring that this is agreed in accordance with the Leader's Scheme.

Executive Directors are also responsible for ensuring that the external relationship with any recipient of grant aid is managed in accordance with all guidance provided by the Director of Legal Services.

Executive Directors are responsible for ensuring that any Grant / Gift arrangements within their area of responsibility are made in line with the [Commissioning and Procurement Policy](#), and all other relevant processes and procedures.

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20. Council Supply Agreements

Executive Directors are responsible for ensuring that Council Supply Agreements within their area of responsibility are approved in accordance with the requirements of the Leader's Scheme, including the need to seek the opinion of either the Executive Director, Resources or the Director of Finance.

A Council Supply Agreement means a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid.)

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Appendices

A. Financial Protocol for Financial Year [2012]

A.1. Introduction

The Council's Financial Regulations set out the high level financial rules within which all officers are required to work, without exception. More detailed Financial Procedures are available on the intranet that set out how the detailed processes underpinning these Regulations operate.

This annual Financial Protocol complements the Regulations and Policies by describing the roles and relationships of the main parties involved in the Council's financial management arrangements. It is therefore a means to help ensure that those roles and relationships;

- ensure adherence to Financial Regulations and Policies;
- help the Council to achieve Sound Financial Management and work towards World Class standards;
- support the statutory ("section 151" – see below) duties of its Chief Finance Officer.

The Protocol will be refreshed annually by the Director of Finance for signing off with Executive Directors and Directors of Business Strategy.

A.2. Role of the Executive Director - Resources

The Executive Director of Resources will be the responsible officer (Chief Finance Officer - CFO) for the purposes of s151 of the Local Government Act 1972 and s114 of the Local Government Finance Act 1988. The Executive Director of Resources therefore has a statutory responsibility to ensure that the Council makes arrangements for the proper administration of the Council's financial affairs. This includes ensuring the production and monitoring of the Financial Regulations. The Executive Director of Resources will recommend amendments to the Financial Regulations to the Council where she / he considers these to be in line with any changes to recommended best practice or essential service requirements or otherwise appropriate.

The Executive Director of Resources, as a member of the Council's Executive Management Team will ensure that the s151 role is discharged at this strategic level. On a day-to-day basis all s151 responsibilities may be discharged by the Director of Finance, who will act on behalf of the Executive Director -Resources in ensuring proper discharge of these statutory responsibilities. The Director of Finance is authorised to sign any and all grant claims, statutory returns or other documents that require the authority of the s151 officer on behalf of the Council. Nothing in this paragraph diminishes the ultimate financial responsibility of the Executive Director –Resources.

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A.3. Role of the Director of Finance

A.3.1. Statutory requirements

The Executive Director of Resources is the Council's responsible officer (Chief Financial Officer - CFO) for the purposes of s151 of the Local Government Act 1972 and s114 of the Local Government Finance Act 1988. On a day-to-day basis these duties are discharged by the Director of Finance.

The duties of the CFO can be summarised as:

- s151 – One officer shall have the responsibility to ensure that the local authority makes arrangements for the proper administration of its financial affairs.
- s114/114A - The CFO shall make a report if it appears to him / her that the Authority, a Committee, an Officer, the Executive or someone on behalf of the Executive;
 - has made, or is about to make, a decision involving the authority incurring expenditure which is unlawful,
 - has taken, or is about to take, action which if pursued would be unlawful and likely to cause loss or deficiency on part of the authority, or
 - is about to make an unlawful entry in the accounts

The CFO shall also make a report if it appears that expenditure of the authority is likely to exceed its resources.

A.3.2. Contravention of Standing Orders

In addition to the above statutory requirements, the CFO shall make a report if, in his / her view, Standing Orders have been contravened.

A.3.3. Responsibility for the Finance Service

The Director of Finance is responsible for the whole of the unified finance service within the Council. Beyond its statutory duties the Finance Service will:

- lead on the corporate financial strategy for the Council, in conjunction with the Executive Management Team,
- set clear corporate standards for “world class” financial management and ensure adherence to them,
- provide an effective business partner service to Portfolios,
- maximise efficiency and effectiveness by providing excellent shared and self service financial services,
- ensure that finance staff are confident and competent in their duties, and
- provide support and training for service managers in finance competencies.

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A.3.4. Financial implications of all decisions

The financial implications of all decisions, through reports or other means, will be signed off by Finance Business Partners on behalf of the Director of Finance or directly by the Director of Finance as appropriate.

Directors of Business Strategy will also need to be involved in this process but they cannot substitute for the Finance Business Partners. The Council's Financial Regulations set out the rules for reporting financial implications.

A.3.5. Financial Returns and Grant Claims

The Director of Finance or authorised Finance Officers will sign-off all Financial Returns and Grant Claims for the Council. Details of the authorised Finance Officers are shown below and will be published alongside the Constitution as amended from time to time. The authorised Finance Officers will be responsible for signing returns / claims relating to their managerial areas of responsibility but will also authorise other returns / claims in the absence of the Director of Finance.

Deputy Director of Finance (Business Partner Resources; Strategic Finance & Financial Systems Support)	Grants and returns relating to Resources Portfolio, Strategic Finance and other corporate issues.
Assistant Director of Finance (Business Partner Place; External Funding; Business Partner Capital)	Grants and returns relating to, External Funding, Capital and the Place Portfolio
Assistant Director of Finance (Business Partner Communities Revenues & Benefits; Debt Recovery)	Grants and returns relating to Communities Portfolio Revenues & Benefits and Debt Recovery
Assistant Director of Finance (Business Partner Children, Young People and Families: Internal Audit)	Grants and returns relating to CYPF Portfolio.

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A.3.6. Documentation related to banking transactions

The Director of Finance or authorised Finance Officers will sign-off documentation related to banking transactions (see Section 11.1 of these Regulations).

Executive Director of Resources
Director of Finance
Deputy Director of Finance (Business Partner Resources; Strategic Finance & Financial Systems Support)
Assistant Director of Finance (Business Partner Place; External Funding; Business Partner Capital)
Assistant Director of Finance (Business Partner Communities ;Revenues & Benefits; Debt Recovery)
Assistant Director of Finance (Business Partner Children, Young People and Families: Internal Audit)
Assistant Director of Finance (Project & Commercial; Taxation and Treasury Management)
Senior Finance Manager (Business Partner Place and External Funding)
Senior Finance Manager (Business Partner Communities)
Senior Finance Manager (Revenues and Benefits, Debt Recovery)
Senior Finance Manager (Business Partner CYPF)
Senior Finance Manager (Strategic Finance)

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A.3.7. Approval of virements between Services and Portfolios

The Director of Finance or authorised Finance Officers will sign-off requests for virements under £500,000 between Portfolios and Services (see Section 3.5.4 of these Regulations).

Director of Finance
Deputy Director of Finance (Business Partner Resources; Strategic Finance & Financial Systems Support)
Assistant Director of Finance (Business Partner Place; External Funding; Business Partner Capital)
Assistant Director of Finance (Business Partner Communities ;Revenues & Benefits; Debt Recovery)
Assistant Director of Finance (Business Partner Children, Young People and Families: Internal Audit)

A.3.8. Emergency approval of capital schemes

All requests for emergency approvals of capital schemes must be referred to the Executive Director – Resources or the Director of Finance or the Finance Service Officers authorised to act on his or her behalf.

Director of Finance
Deputy Director of Finance (Business Partner Resources; Strategic Finance & Financial Systems Support)
Assistant Director of Finance (Business Partner Place; External Funding; Business Partner Capital)

A.3.9. The Finance Business Partner

The Director of Finance will designate Finance Business Partner resources to provide financial advice and support to each Portfolio. The Finance Business Partners will be part of the unified finance service and their line report will be within the Director of Finance's structure. They will be held accountable for their performance to the Portfolio via the Director of Business Strategy role on behalf of the Executive Director and Portfolio Leadership Team. The ultimate responsibility for performance of the Finance Business Partner role remains with the Director of Finance.

The Director of Finance will ensure that arrangements are in place to effectively manage the relationships between Finance Business Partners and their services, Directors of Business Strategy and Executive Directors.

A.4. Role of the Executive Director:**A.4.1. Responsibility to run services within cash allocation**

The Executive Director reconfirms his / her responsibility to run services within the cash allocation agreed at the special meeting of the Sheffield City Council on 1st March 2013, subject to subsequent adjustments approved within the Council's Financial Regulations, Constitution and Leader's Scheme of Delegation of Executive Functions.

A.4.2. Framework of Financial Accountability

In order to meet the statutory requirements and to protect the Council's overall financial interest the Executive Director agrees that;

- they will develop and maintain a clear, written accountability framework for the budgets held by each service and Business Unit / cost centre manager which will be linked to the sign off of this Protocol,
- arrangements are in place to ensure that the Portfolio has a clear framework for ensuring compliance with the Council's Financial Regulations and Financial Policies,
- their Director of Business Strategy will liaise with the Finance Business Partners and provide assurance annually to the Executive Director and Executive Director of Resources that the arrangements are sound;

Executive Directors are responsible for ensuring that these arrangements are working effectively, that there are proper arrangements for making managers accountable for the use of financial resources and for reviewing financial management performance.

A.4.3. Provision of financial advice to Portfolio

Finance Business Partners will act on behalf of the Director of Finance in their Portfolio and will be given the access to information and meetings that this requires.

The Finance Business Partner will be the professional financial adviser to the Portfolio and will agree the Financial Implications of all reports.

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A.5. Joint Responsibilities of the Director of Finance and Executive Directors

The Executive Directors and Director of Finance will work co-operatively within the Council's Financial Regulations to ensure the effective management of the Council's financial arrangements. This will involve a commitment to influence the culture of financial management in the Council through joint working of core and business partner finance staff and the relationships between Finance Business Partners and service managers in areas such as:

- ensuring there are adequate forums for staff meetings and communications, e.g. between Finance Business Partners and Directors of Business Strategy and between Finance Business Partners and other Directors,
- training and development of finance staff and service managers to meet required financial competencies, and
- rotation and secondment of Finance Service staff to meet service needs and individual development needs.

A.6. Role of the Directors of Business Strategy

A.6.1. General responsibilities of the Directors of Business Strategy

The Director of Business Strategy (DoBS) is responsible for ensuring that:

- the Executive Director of Resources' S151 responsibilities can be discharged.
- Portfolio business is conducted in a manner that meets the highest standards of financial management, and
- the resources of the Portfolio's services are targeted at priorities and demonstrate value for money.

A.6.2. Reporting of financial issues

In relation to financial issues and implications the Director of Business Strategy is responsible for;

- making an immediate report to the Director of Finance on any financial issues of significance
- ensuring that financial implications are brought to the attention of PLT or other decision making bodies in the Portfolio, and
- ensuring that no decisions with financial implications are considered or made without being signed off by the Finance Business Partner.

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A.6.3. Framework of Financial Accountability

The Director of Business Strategy is responsible for;

- developing and maintaining a framework for financial accountability with the Finance Business Partners, which will be linked to the sign off of this Protocol,
- providing annual assurance to the Executive Director and Director of Finance on the accountability frameworks for budgets and compliance with financial regulations,
- working closely with the Finance Business Partner(s) for the Portfolio to agree a more detailed protocol on roles with the Director of Finance and Finance Business Partner for key processes such as the financial strategy and budget monitoring.

A.6.4. Collaboration and Communication.

The Director of Business Strategy is responsible for ensuring that;

- the Finance Business Partner has direct access to Portfolio Leadership Teams or other meetings in the Portfolio when required,
- there are opportunities for regular liaison with the Finance Business Partners and Director of Finance,
- the Finance Business Partner or corporate shared services are the only means through which financial services and advice are provided to the Portfolio (preventing “grow back” of financial services)

A.6.5. Recruitment to post of Director of Business Strategy

The Executive Director of Resources will be involved in agreeing role descriptions and all recruitment processes to the Directors of Business Strategy posts.

Signed:

Executive Director - Resources.....

Executive Director.....

Director of Finance.....

Director of Business Strategy

Date:

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B. Financial implications template v1.00 – See separate document**C. Financial Records: Recommended Retention Schedule**

(Note that all figures used relate to years, e.g. Current + 6 is Current Year's records plus the previous 6 years documents)

C.1. Accountancy/Financial

General example of type of Record	Recommended Retention	Action after retention
Abstract of accounts	Current + 6	Destroy as confidential records
Annual Budget	Current + 6	Destroy as confidential records
Annual statements	Current + 6	Destroy as confidential records
Budgetary control records	Current + 6	Destroy as confidential records
Costing records	Current + 6	Destroy as confidential records
Estimate working papers	Current + 2	Destroy as confidential records
Financial ledgers	Current + 6	Destroy as confidential records
Grant claim records	Current + 6	Destroy as confidential records
Investment records	Current + 2	Destroy as confidential records
Journals	Current + 6	Destroy as confidential records
Leasing Records	Current + 2	Destroy as confidential records
Record re closing ledgers	Current + 6	Destroy as confidential records
School Fund records	Current + 6	Destroy as confidential records
Telephone call records	Current + 2	Destroy as confidential records
VAT claims	Current + 6	Destroy as confidential records
VAT records	Current + 3	Destroy as confidential records
Voluntary fund accounts	Current + 6	Destroy as confidential records

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Type of Record	Recommended Retention	Action after retention
Tender Issuing and Return		
The process involved in the issuing and return of a tender (Opening Notice)	1 year after start of contract	Destroy as confidential records
Evaluation of Tender		
Successful tender document	Ordinary Contract: 6 years after the terms of contract have expired. Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records Destroy as confidential records
Unsuccessful tender document	1 year after start of contract	Destroy as confidential records
Post Tender Negotiation		
The process in negotiation of a contract after a preferred tender is selected	1 year after the terms of contract have expired	Destroy as confidential records
Awarding of Contract		
The process of awarding contract	Ordinary Contract: 6 years after the terms of contract have expired. Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records Destroy as confidential records
Contract Management		
Contract operation and monitoring	2 years after terms of the contract have expired.	Destroy as confidential records
Management and amendment of contract	Ordinary Contract: 6 years after the terms of contract have expired. Contracts Under Seal: 12 years after the terms of the contract have expired.	Destroy as confidential records Destroy as confidential records

C.4. Creditor records

Type of Record	Recommended Retention	Action after retention
Copy orders	Current + 2	Destroy as confidential records
Credit notes	Current + 6	Destroy as confidential records
Creditor invoices	Current + 6	Destroy as confidential records
Delivery notes	Current + 2	Destroy as confidential records
Imprest documentation (petty cash)	Current + 2	Destroy as confidential records
Period payment records	Current + 6	Destroy as confidential records

C.5. Income records

Type of Record	Recommended Retention	Action after retention
Cash books	Current + 6	Destroy as confidential records
Correspondence (income)	Current + 2	Destroy as confidential records
Debtor accounts (records non-current)	Current + 2	Destroy as confidential records
Dinner/milk registers	Current + 6	Destroy as confidential records
Income posting slips and tabulations	Current + 2	Destroy as confidential records
Periodic income records	Current + 2	Destroy as confidential records
Receipt books	Current + 2	Destroy as confidential records
Record of receipt books issued	Current + 2	Destroy as confidential records
Registrar's quarterly returns	Current + 2	Destroy as confidential records
Sales records	Current + 2	Destroy as confidential records

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C.6. Insurance records

Type of Record	Recommended Retention	Action after retention
Expired insurance contracts	Current & Permanent preservation	Destroy as confidential records
Insurance claim (fire)	Current + 4	Destroy as confidential records
Insurance claim (vehicle)	Current + 4	Destroy as confidential records
Insurance claim (public employer's liability)	Current + 6	Destroy as confidential records
Insurance policy documentation	Current & permanent	Destroy as confidential records
Insurance register	Current & permanent	Destroy as confidential records

C.7. Miscellaneous records

Type of Record	Recommended Retention	Action after retention
Capital works tabulations	Current + 2	Destroy as confidential records
Car leasing and mileage records	Current + 6	Destroy as confidential records
Car Loans	Current + 6	Destroy as confidential records
Computer system documentation	Current + 2	Destroy as confidential records
Inland Revenue docs	Current + 6	Destroy as confidential records
Internal requisitions	Current + 1	Destroy as confidential records
Inventory records	Current + 6	Destroy as confidential records
Land searches	Current + 6	Destroy as confidential records
Member allowance (statutory registers)	Current + 2	Destroy as confidential records
Minutes	Current + 2	Destroy as confidential records
Postal remittance registers	Current + 2	Destroy as confidential records
Road fund licence records	Current + 2	Destroy as confidential records
School meal records	Current + 2	Destroy as confidential records
Small holdings records	Current + 2	Destroy as confidential records
Stock lists	Current + 2	Destroy as confidential records
Travel claims	Current + 6	Destroy as confidential records
Vehicle logs	Current + 2	Destroy as confidential records

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C.8. Payroll Records

Type of Record	Recommended Retention	Action after retention
BACS amendments and output	Current + 3	Destroy as confidential records
Copy payslips	Current + 6	Destroy as confidential records
Correspondence	Current + 6	Destroy as confidential records
Payroll adjustment documentation	Current + 6	Destroy as confidential records
Part – time employees' claim forms	Current + 6	Destroy as confidential records
SSP records	Current + 4	Destroy as confidential records
SSP variations	Current + 3	Destroy as confidential records
Staff transfer records	Current + 6	Destroy as confidential records
Starters forms	Current + 2	Destroy as confidential records
Tax and NI records	Current + 6	Destroy as confidential records
Tax code notifications	Current + 2	Destroy as confidential records
Timesheets and Pay Returns	Current + 6	Destroy as confidential records
Union documentation	Current + 2	Destroy as confidential records
Personnel files	Current + 2	Destroy as confidential records
Staff contracts	Current + 6	Destroy as confidential records
Unsuccessful applications	Current + 1	Destroy as confidential records

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SHEFFIELD CITY COUNCIL – MEMBERS’ CODE OF CONDUCT

Introduction

This Code applies to members of this authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code. Members include all Elected Members and co opted members.

The Code sets out the standards which are required of all members of the authority in carrying out their duties, and in their relationships with the Council and its officers.

Members are a representative of this authority and the public will view you as such, therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the following principles of public life which each member should comply with:

Selflessness

Holders of public office should act solely in terms of the public interest.

~~They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.~~

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

~~Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.~~

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

~~In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.~~

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to ~~whatever the~~ scrutiny necessary to ensure this is appropriate to their office.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

~~Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.~~

Honesty

Holders of public office should be truthful.

~~Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.~~

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

~~Holders of public office should promote and support these principles by leadership and example.~~

This Code does not cover matters under the Localism Act 2011 where criminal sanctions will apply.

1. General Obligations

1.1 When acting in your role as a member of the authority you:

- (a) Must treat others with respect.
- (b) Must not conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of members.
- (c) Must not bully or intimidate any person
- (d) Must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -

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