

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 17 May 2016

Dear Member

The Council will meet on Wednesday 25 May 2016 at 12.30 pm at Huddersfield Parish Church, Byram Street, Huddersfield, HD1 1BU

(Please note, Agenda items 1 to 3 will be considered at the above venue. The meeting will then adjourn until 3pm and the remaining items of business will be considered in The Council Chamber, Huddersfield Town Hall, Huddersfield.)

Pages

1: To elect the Mayor for the ensuing year

To note.

2: To appoint a Deputy Mayor for the ensuing year

To note.

3: To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 23 March 2016

1 - 4

To agree and authorise the Mayor to sign as a correct record.

4: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

5: Announcements by the Mayor and Chief Executive

7 - 10

To note, including the results of the Local Council Elections held on 5 May 2016 and the acceptance of the Office of Councillors elected.

6: To receive any apologies for absence from Elected Members

To note.

7: Election of Leader of the Council

To elect the Leader of the Council, in accordance with Article 7 of the Constitution.

8: Notification of Deputy Leader, Cabinet Membership and Delegation of Executive Functions

The Leader will advise Council on the appointment of (i) the Deputy Leader and (ii) Cabinet portfolios and delegation of Executive functions.

9: Proposed Amendments to Council Procedure Rules (Reference from Corporate Governance and Audit Committee) 11 - 54

To consider and determine amendments to the Constitution of Kirklees Council.

(Report attached)

Contact: Julie Muscroft, Head of Legal, Governance and Monitoring - 01484 221000

10: Proposed Amendments to the Terms of Reference of Health and Wellbeing Board (Reference from Corporate and Audit Committee) 55 - 60

To consider and determine amendments to the Terms of Reference of Health and Wellbeing Board.

(Report attached)

Contact: Phil Longworth, Health Policy Officer

11: Proposed Amendments to Council Financial Procedure Rules (Reference from Corporate Governance and Audit Committee) 61 - 102

To consider and determine amendments to the Council's Financial Procedure Rules.

(Report Attached)

Contact: Martin Dearnley, Head of Audit and Risk

12: Proposed Amendments to Council Contract Procedure Rules (Reference from Corporate Governance and Audit Committee) 103 - 202

To consider and determine amendments to the Council's Contract Procedure Rules.

(Report attached)

Contact: Julie Muscroft, Head of Legal Governance and Monitoring

13: Meetings of Council - 2016/2017 (Reference from Corporate Governance and Audit Committee) 203 - 204

(Report Attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

14: Committees of the Council 205 - 206

To determine for the Municipal Year 2016/2017 the Committees of the Council.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

15: Corporate Parenting Board 207 - 210

To consider the re-establishment of Corporate Parenting Board for the 2016-2017 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer – 01484-221000

16: Allocation of Seats

211 -
212

To determine for the Municipal Year 2016/17 the allocation of seats on Committees to any Political Groups formed under the Local Government (Committees and Political Groups) Regulation 1990 or any substituted regulations and the allocation of seats to any Members of the Council who are not Members of any such Political Groups.

(Schedule attached)

Members are informed that it is proposed that arrangements for representation of Political Groups on the Committees and Panel listed below should NOT be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but should be as set out in the report to be circulated at this item:

Corporate Governance and Audit Committee
Health and Wellbeing Board
Overview and Scrutiny Management Committee

This notice is given in accordance with Section 17 of the 1989 Act and Regulation 20 of the Local Government (Committee and Political Groups) Regulations 1990. Each proposal will require approval with no Members of the Council voting against.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

17: Dates/Times of Committees, Boards and Panels

213 -
218

To determine for the Municipal Year 2016/2017

(Schedule attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

18: Membership of Committees, Boards and Panels and Ratio of Substitutes Panel 219 - 238

To determine for the Municipal Year 2016/17 the Membership of the Committees, Board and Panels in accordance with nominations from Group Business Managers, and the ratio of the Panel of Substitute Members for each Political Group.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

19: Appointment of Members to Joint Authorities 239 - 240

To determine for the Municipal Year 2016/17 arrangements for the allocation of seats on Joint Authorities.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

20: Appointment to Outside Bodies/Other Committees 241 - 250

To determine for the Municipal Year 2016/17 the appointment of representatives to other Committees, Outside Bodies etc. except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

21: Spokespersons of Joint Committees and External Bodies

251 -
252

To determine, for the Municipal Year 2016/17 the Council's spokespersons nominated to reply to oral questions at Council meetings upon any service provided by various organisations.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

22: To appoint the Chairs of the following Committees etc for the Municipal Year 2016/17, if considered appropriate

253 -
254

To determine for:-

- (a) Appeals Panel
- (b) Corporate Governance and Audit Committee
- (c) Health and Wellbeing Board
- (d) Licensing and Safety Committee
- (e) Overview and Scrutiny Management Committee
- (f) Personnel Committee
- (g) Policy Committee
- (h) Standards Committee
- (i) District Committees for:-
 - (i) Batley and Spen
 - (ii) Dewsbury and Mirfield
 - (iii) Huddersfield
 - (iv) Kirklees Rural
- (j) Strategic Planning Committee

Note: This list is based upon the approval of the proposal as set out at Agenda Item 14.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

By Order of the Council



Chief Executive

This page is intentionally left blank

Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 23 March 2016**

PRESENT

The Mayor (Councillor Paul Kane) in the Chair

COUNCILLORS

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Robert Barraclough	Councillor Donna Bellamy
Councillor Martyn Bolt	Councillor Cahal Burke
Councillor Jean Calvert	Councillor Andrew Cooper
Councillor Nosheen Dad	Councillor Jim Dodds
Councillor Eric Firth	Councillor Donald Firth
Councillor Charles Greaves	Councillor David Hall
Councillor Steve Hall	Councillor Mark Hemingway
Councillor Lisa Holmes	Councillor Erin Hill
Councillor Edgar Holroyd-Doveton	Councillor Judith Hughes
Councillor Mumtaz Hussain	Councillor Christine Iredale
Councillor Viv Kendrick	Councillor Musarrat Khan
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Robert Light	Councillor Terry Lyons
Councillor Andrew Marchington	Councillor Naheed Mather
Councillor Hanif Mayet	Councillor Peter McBride
Councillor Darren O'Donovan	Councillor Marielle O'Neill
Councillor Andrew Palfreeman	Councillor Abdul Patel
Councillor Nigel Patrick	Councillor Carole Pattison
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Hilary Richards
Councillor David Ridgway	Councillor Karen Rowling
Councillor Mohammad Sarwar	Councillor Cathy Scott
Councillor Phil Scott	Councillor David Sheard
Councillor Elizabeth Smaje	Councillor Ken Smith
Councillor Mohan Sokhal	Councillor Julie Stewart-Turner
Councillor Kath Taylor	Councillor Graham Turner
Councillor Nicola Turner	Councillor Sheikh Ullah
Councillor Molly Walton	Councillor Michael Watson
Councillor Gemma Wilson	Councillor Linda Wilkinson

112 **Announcements by the Mayor and Chief Executive**

Council held a one minute silence in remembrance of the victims of recent events in Brussels.

Council received tributes to the Elected Members who would not be seeking re-election at the end of the municipal year; Councillors Alvy, Mayet, Patel, Smith and Walton.

The Chief Executive provided an overview in respect of Agenda Item 7 (Minute No. 118 refers).

Council - 23 March 2016

- 113 Apologies for absence**
Apologies for absence were received on behalf of Councillors Alvy, Lowe, Pandor, Sims and J Taylor.
- 114 Minutes of Previous Meeting**
That the Minutes of the Meeting held on 17 February 2016 be approved as a correct record.
- 115 Declaration of Interests**
Councillor Calvert declared an 'other' interest in Agenda Item 17 (Minute No. 128 refers) on the grounds that she has a family member who is a council tenant.

Councillor Khan declared a disclosable pecuniary interest in Agenda Item 17 (Minute No. 128 refers) on the grounds that she is an employee of Home Group.

Councillor Hemingway declared a disclosable pecuniary interest in Agenda Item 18 (Minute No. 129 refers) on the grounds that his wife is employed by the University Medical School.

Councillor K Pinnock declared (i) a disclosable pecuniary interest in Agenda Items 16 and 20 (Minute No. 127 refers) on the grounds that she is a Non Executive Director of Yorkshire Water and (ii) an 'other' interest in Agenda Item 18 (Minute No. 129 refers) on the grounds that she is a Member of the University Council.
- 116 Inclusion and Diversity in Kirklees - Work on a New Policy Statement for 2016/17 (Reference from Cabinet)**
It was moved by Councillor O'Neill, seconded by Councillor Wilson and

RESOLVED - That the revised policy statement be approved and used to shape an Inclusion and Diversity strategy, Implementation Plan and the working practices of the Council and its services.
- 117 Tackling Poverty Strategy (Reference from Cabinet)**
It was moved by Councillor Kendrick, seconded by Councillor Ullah and

RESOLVED - That the Tackling Poverty in Kirklees Strategy Refresh be adopted.
- 118 Regional Devolution - Update (Reference from Cabinet)**
It was moved by Councillor Sheard, seconded by Councillor Light and

RESOLVED - That Council would reluctantly consider devolution with an Elected Mayor as long as governance arrangements are sound, preferably through an Elected Assembly.
- 119 Report of Members Allowances Independent Review Panel**
It was moved by Councillor Richards, seconded by Councillor Barraclough;

'That Council considers the recommendations of both the Corporate Governance and Audit Committee and the Members Allowances Independent Review Panel with a view to determining the Members Allowances Scheme for 2016/2017, with effect from 1 April 2016.

Whereupon it was moved by Councillor Sheard, seconded by Councillor Light and

RESOLVED - That the report and recommendations of the Members Allowances Independent Review Panel be accepted and approved.
- 120 Written Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies**
Item not considered (due to time constraints)
- 121 Minutes of Cabinet and Cabinet Committee (Local Issues)**
Item not considered (due to time constraints)

122 Holding the Executive to Account

Item not considered (due to time constraints)

123 Minutes of Other Committees

Item not considered (due to time constraints)

124 Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

Item not considered (due to time constraints)

125 Motion submitted in accordance with Council Procedure Rule 14 as to the Failings of Cabinet

Item not considered (due to time constraints)

126 Motion submitted in accordance with Council Procedure Rule 14 as to Scrutiny

Item not considered (due to time constraints)

127 Motion submitted in accordance with Council Procedure Rule 14 as to Flood Prevention Initiatives

A Composite Motion incorporating Agenda Items 16 and 20 (Minute No. 127 and 131 refer) was

Moved by Councillor O'Donovan, seconded by Councillor Bolt and

RESOLVED -

'This Council wishes to express its sympathy for those effected by the recent floods not only in Kirklees but more so in neighbouring Calderdale and Leeds.

This Council wishes to also express its gratitude to all the emergency services involved, particularly the Fire Service, who put their lives on the line to rescue those stranded or in danger of drowning.

Via our Emergency Planning and Highways service this Council was part of the reactive teams that responded to support these communities. We would like to thank officers from Kirklees and the Environment Agency for their dedication.

We would also like to acknowledge and thank the number of local people and voluntary sector groups from Kirklees that provided support.

Protecting the public from natural disasters and safeguarding the very existence of community and its infrastructure is one of the most important things a government does. If we fail to protect our homes, businesses, schools, places of worship and highways then we fail to protect people.

With a growing population and if we want to do more to sustain and improve local economies throughout the district of Kirklees, then those areas where threat of flooding in Yorkshire is an issue need to receive the requisite amount of funding, minimising the threat of flooding, the result of which will be a protected, stronger and more vibrant economy.

We call on the Government to raise the levels to funding to regional flood committees to adequately ensure new defences are built and existing defences are repaired and maintained.

This Council;

(i) Recognises that due to changing climate extreme weather is becoming more prevalent in the British Isles.

(ii) Notes the increasing frequency for vulnerable areas in Kirklees to suffer flooding and the impact that this has both emotionally and financially on residents and businesses from such incidents.

(iii) Accepts its legal and moral responsibility as the lead local flood authority.

(iv) Agrees that resolving the impact of flooding within Kirklees needs co-operation across Council borders and the involvement of public and private organisations and bodies.

Council - 23 March 2016

This Council therefore resolves to;

(i) Ask Cabinet to review the 2013 Kirklees Flood Risk Management Strategy.

(ii) Consult public, private and statutory bodies regionally and nationally to produce a mitigation and resilience strategy.

(iii) Submit the final document to Council for comment and to subsequently forward to Government and all agencies for their endorsement and inclusion on funding bids.”

128 Motion submitted in accordance with Council Procedure Rule 14 as to the Housing and Planning Bill

Item not considered (due to time constraints)

129 Motion submitted in accordance with Council Procedure Rule 14 as to Huddersfield University Health Centre

Item not considered (due to time constraints)

130 Motion submitted in accordance with Council Procedure Rule 14 as to Transatlantic Trade and Investment Partnership

Item not considered (due to time constraints)

131 Motion submitted in accordance with Council Procedure Rule 14 as to Flood Risk Management

(Minute No. 127 refers)

132 Feed-In Tariffs - Motion approved by Council on 7 October 2015

Item not considered (due to time constraints)

133 Welfare Reform - Motion approved by Council on 1 November 2015

Item not considered (due to time constraints)

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**DISTRICT COUNCIL ELECTIONS
THURSDAY 5 MAY 2016
RESULTS**

Ward: Almondbury Party: Conservative	Bernard McGuin 17 Syringa Street Marsh Huddersfield HD1 4PD
Ward: Ashbrow Party: Labour	James Homewood 27 Malvern Rise Newsome Huddersfield HD4 6DG
Ward: Batley East Party: Labour	Fazila Fadia 7 Church Walk Batley WF17 7DG
Ward: Batley West Party: Labour and Co-operative	Shabir Pandor 10 Blenheim Drive Westborough Dewsbury WF13 4WH
Ward: Birstall & Birkenshaw Party: Conservative	Andrew Palfreeman 3 Brownhill Drive Birkenshaw Bradford BD11 2AZ
Ward: Cleckheaton Party: Liberal Democrat	Kathryn Pinnock 10 Peaseland Close Cleckheaton BD19 3HA
Ward: Colne Valley Party: Labour	Rob Walker 29 Chapel Hill Linthwaite Huddersfield HD7 5NJ
Ward: Crosland Moor & Netherton Party: Labour	Manisha Kaushik 89 Norwood Road Huddersfield HD2 2YE

Ward: Dalton Party: Labour	Naheed Mather 7 Woodside Hill Huddersfield HD2 1DH
Ward: Denby Dale Party: Labour	Graham Turner 20 Beechfield Avenue Skelmanthorpe Huddersfield HD8 9BZ
Ward: Dewsbury East Party: Labour	Paul Kane 20 Bywell Close Dewsbury WF12 7LW
Ward: Dewsbury South Party: Labour	Gulfam Asif 6 Morton Grove Thornhill Lees Dewsbury WF12 9RA
Ward: Dewsbury West Party: Labour	Mussarat Pervaiz 7 Field Street Ravensthorpe Dewsbury WF13 3DG
Ward: Golcar Party: Liberal Democrat	Christine Iredale 5 Francis Street Milnsbridge Huddersfield HD3 4LF
Ward: Greenhead Party: Labour	Sheikh Ullah 93 Cross Lane Huddersfield HD4 6DJ
Ward: Heckmondwike Party: Labour	Steve Hall 5 Chalcraft Close Heckmondwike WF16 9QB
Ward: Holme Valley North Party: Independent	Charles Greaves 20 West Avenue Honley Holmfirth HD9 6HF

Ward: Holme Valley South Party: Conservative	Donald Firth 34 Penistone Road New Mill Holmfirth HD9 7JP
Ward: Kirkburton Party: Conservative	Richard Smith 2 Little Lane Wooldale Huddersfield HD9 1QF
Ward: Lindley Party: Liberal Democrat	Richard Eastwood 30 Goldington Drive Oakes Huddersfield HD3 3PS
Ward: Liversedge & Gomersal Party: Conservative	Michelle Grainger-Mead 53 Lower Lane Gomersal Cleckheaton BD19 4HY
Ward: Mirfield Party: Conservative	Martyn Bolt 112 Leeds Road Mirfield WF14 0JE
Ward: Newsome Party: Green	Andrew Cooper 76 Brockholes Lane Holmfirth HD9 7EB

This page is intentionally left blank



Name of meeting: Council (Annual)
Date: 25 May 2016

Title of report: Proposed Amendments to Council Procedure Rules

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Not applicable
Date signed off by Director & name	David Smith, 12 May 2016
Is it signed off by the Assistant Director - Legal & Governance?	Yes, 12 May 2016
Cabinet member portfolio	Resources

Electoral [wards](#) affected: N/A
Ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

To set out proposed changes to Council Procedure Rules (Part 4 of the Constitution) and seek approval by Council of those proposed changes.

2. Key points

Appendix 1, attached, sets out (shown in blue text), proposed revisions to Council Procedure Rules. The changes have been made in response to suggestions for areas of change or requirements for clarification that have arisen during the 2015/2016 municipal year.

The key changes as set out in Appendix 1 are as follows;

- To incorporate the receipt of Minutes of Meetings of West Yorkshire Combined Authority.

Council now routinely receives minutes of the meetings of West Yorkshire Combined Authority, and it is therefore appropriate for this to be accommodated within the procedural order. This has been incorporated at CPR 5.

- To incorporate debates scheduled in accordance with the Council's Petitions Scheme within the procedure of meetings of Council.
It is appropriate for CPRs to take account of the Council's Petitions Scheme. 9B has now been inserted to set out the provisions of the scheme.

- To receive responses to previously agreed Council Motions at an early part of the Council meeting.

Council Procedure Rules currently set out the receipt of responses to Motions at the end of the agenda, and so consequently, these are often not considered due to the meeting being out of time. It has been requested by Members that the receipt of such information is changed in the procedural order. This has been inserted at CPR 5:2:l.

- To regulate the timeframe for the resubmission of Council Motions which are not considered due to time constraints.

Council Procedure Rules do not currently provide guidance as to the timescales for when motions may be resubmitted to meetings if they are not considered. Consequently, in order to provide clarification, CPR 14 (1) has been amended to set out that any re-submissions can be accepted from 10.00am onwards on the day following a Council meeting. Any motions re-submitted shall be listed in the same order as they were listed on the agenda of the previous meeting. Any further (new) motions shall be listed after re-submitted motions.

Additional drafting amendments have also been made to Council Procedure Rules 11(b), 13(2)(ii), 14 (7), 16(2), 35(8), 37 and 47(1). These changes are illustrated in blue text in the appended report.

3. Implications for the Council

The Council's Procedure Rules are reviewed and updated annually to ensure that they are fit for purpose and allow meetings of the Council to be conducted in a fair, democratic and consistent manner.

4. Consultees

The report was considered by Corporate Governance and Audit Committee on 22 April 2016. The Committee endorsed the

amendments, and also requested an additional rule, which has now been incorporated at Paragraph 15 (4) (iii) of the attached document.

5. Next steps

Subject to approval, to implement with immediate effect.

6. Officer recommendations

That the proposed changes to Council Procedure Rules, as set out within the appendix of the report, be approved.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Julie Muscroft, Assistant Director – Legal, Governance and Monitoring

This page is intentionally left blank

COUNCIL PROCEDURE RULES

(Approved by Council on 20 May 2015)

Formatted: Font color: Auto

(A) Meetings of the Council

1. Annual Meeting of the Council

(1) Timing and Business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. Within those limits the date, time and venue may be proposed by the Corporate Governance and Audit Committee and will be determined by the Council.

At the Annual Meeting the agenda will be as follows:

CIVIC AND PROCEDURAL

- (a) choose a person to preside if the Mayor and Deputy Mayor are absent;
- (b) elect the Mayor;
- (c) appoint the Deputy Mayor;
- (d) approve as a correct record the Minutes of the previous meeting of the Council;
- (e) receive any announcements from the Mayor and the Chief Executive
- (f) following a local election (other than a by-election) receive the report of the Chief Executive upon:
 - a) The result of the elections of Councillors to the Wards of the Council
 - b) The acceptance of office of Councillors elected

ELECTION OF THE EXECUTIVE

- (g) elect the Leader of the Council and determine his/her term of office (as necessary);

CONSTITUTIONAL BUSINESS

- (h) appoint, in accordance with paragraph (2) of this Rule the Overview and Scrutiny Management Committee, the Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, of this Constitution);
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) approve a programme of ordinary meetings of the Council for the year;

- (k) consider any other business set out in the notice convening the meeting; and
- (l) no other business will be considered at the Annual Meeting other than in exceptional circumstances to be determined by the Mayor in consultation with the Chief Executive.

(2) Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (i) decide the size and terms of reference for those Committees to be established for the municipal year;
- (ii) decide, when relevant, the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iii) receive nominations from Group Business Managers of Councillors to serve on each Committee;
- (iv) determine representation on outside bodies and where appropriate political ratios;
- (v) elect Chairs and appoint Deputy Chairs (where appropriate) of the Council's Committees for the ensuing municipal year. If the Council does not make these appointments, Committees may appoint their own Chair and Deputy Chair (where appropriate) subject to confirmation at the next meeting of the Council;
- (vi) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. Ordinary and Additional Meetings of Council, Notice of and Summons to Meetings

Dates of Council Meetings

- (1) All meetings of the Council, with the exception of:
 - any called as Extraordinary Meetings; or
 - changes made to meeting dates as proposed by the Corporate Governance and Audit Committee and agreed by Council during the municipal year,

shall be held on dates fixed by the Council at the Annual Meeting on the recommendation of the Corporate Governance and Audit Committee

Extraordinary Meetings

- (2) Those listed below may request the Assistant Director - Legal, Governance and Monitoring to call Council meetings in addition to ordinary meetings:
 - (a) the Council by resolution;

- (b) the Mayor, following consultation with the Chief Executive or following a written requisition signed by five Members of the Council;
- (c) the Chief Executive, the monitoring officer and section 151 officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

~~And any petitions, deputations or questions considered at the HEA Cabinet meeting before such Extraordinary meeting will be limited to the issue being considered at such meeting~~

Venue and Start Time

- (3) All ordinary meetings of the Council will be held at 6.00 p.m. in the Town Hall, Huddersfield, or at such other times and places as may be agreed in respect of particular meetings by the Mayor and the Leader of the Council or on the recommendation of the Corporate Governance and Audit Committee.

Council Summons

- (4) The date, time and venue for each Council meeting will be shown in the summons for the meeting which will be issued by the Assistant Director - Legal, Governance and Monitoring at least 5 clear days before a meeting. The summons will specify the business to be transacted and will be accompanied by reports where appropriate.

Chair of Meeting

- (5) Any power or duty of the Mayor in relation to the conduct of a meeting shall be exercised by the Deputy Mayor or in their absence the person elected to preside at the meeting.

3. Budget Meeting

The Council may specify that one meeting will solely be the Council's budget meeting. At that meeting the only items will be to agree the budget, the capital programme and the level of Council tax for the following financial year, together with any issues connected with the budget and anything else which the Mayor in consultation with the Chief Executive considers appropriate for inclusion.

4. Quorum of Council

- (1) The quorum for a Council meeting shall be one quarter of the total number of the Members of the Council.
- (2) If there is not a quorum at a meeting, then consideration of any items of business not dealt with shall be adjourned to a date and time to be chosen by

the Mayor at the time when the meeting is adjourned or to the next meeting of the Council.

5. Order of Business

- (1) There shall be two types of ordinary meeting of the Council,
- one which focuses on **Holding the Executive to Account** and
 - one which focuses on **Key Discussions**.

The designation of each Council meeting shall be set (and published) at the start of the municipal year by the Chief Executive in consultation with the Group Leaders, but may be changed during the course of the year by the Chief Executive in consultation with the Group Leaders if it is considered necessary for the efficient operation of the Council, provided that no less than four ordinary meetings are designated as **Holding the Executive to Account**.

The content and running order of the business to be transacted at each ordinary meeting of Council may be altered in advance by the Chief Executive in consultation with the Mayor and Group Leaders if it is considered necessary or appropriate for the efficient operation of the Council.

The following items shall be included in all ordinary meetings of the Council in the order shown:

PROCEDURAL

- a) To choose a person to preside if the Mayor and Deputy Mayor are absent.
- b) Announcements by the Mayor or the Chief Executive.
- c) To receive apologies.
- d) To approve as a correct record and sign the Minutes of the previous meeting of the Council.

e) To receive declarations of interest.

f) To receive and consider any petitions referred in accordance with the Council's Petitions Scheme.

e)g) To receive Minutes of meetings of the West Yorkshire Combined Authority.

DECISION MAKING

f)h) To deal with any matters expressly referred by Cabinet or a Committee to Council for approval.

- (2) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Holding the Executive to Account** meetings (provided that there is sufficient such business at any one meeting), and such business shall follow on from that set out in (1) of this Rule as follows:

Revised May 2015

Formatted: Indent: Left: 1 cm, No bullets or numbering, Tab stops: Not at 1.64 cm

CABINET AND COMMITTEES

g) To deal with written questions by Members to the following under Rule 12:

- Chairs of Committees, Sub Committees and Panels
- Spokespersons of Joint Authorities and External Bodies (as defined at Rule 13)

h) To ~~hear~~ receive reports from Cabinet members in accordance with Rule 13.

k) To deal with questions to Cabinet members generally, or in relation to minutes of Cabinet put to Council for information or to hear statements from Cabinet members in accordance with Rule 13.

MEMBER MOTIONS

i) [To receive responses to Motions agreed at previous meetings of Council](#)

j) To consider motions issued under Rule 14, if any, in the order which they have been received by the Assistant Director – Legal, Governance and Monitoring.

GENERAL

k) Other matters for consideration by Council including reports back on Resolutions from previous Council meetings.

l) To deal with any business expressly required by statute to be dealt with by the Council

(3) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Key Discussion Meetings** (provided that there is sufficient such business at any one meeting) and such business shall follow on from that set out in (1) of this Rule as follows:

KEY ISSUES

m) To receive presentations and/or reports on key issues and debate the same in accordance with Rule 18 (23).

OVERVIEW & SCRUTINY

n) To receive reports from Overview & Scrutiny Management Committee and its panels and to hold a debate in accordance with Rule (18 (22)) (Move before key discussion)

MEMBER MOTIONS

o) [To receive responses to Motions agreed at previous meetings of Council](#)

Formatted: Indent: Left: 1.9 cm, No bullets or numbering

p) To consider motions issued under Rule 14, if any, in the order which they have been received by the Assistant Director – Legal, Governance and Monitoring.

GENERAL

q) Other matters for consideration by Council including reports back on Resolutions from previous Council meetings.

r) To deal with any business expressly required by statute to be dealt with by the Council.

- (4) The order of items (f) to (h) or (i) (as appropriate) or (f) to (m) or (n) (as appropriate in the case of Key Discussion Meetings) may be changed or any of the items omitted at any one meeting:
- a) by the meeting by means of a motion passed without discussion;
 - b) by the Chief Executive in consultation with the Mayor.
- (5) Any discussion falling within (m) above shall begin no later than 7:00 pm irrespective of whether the business before it on the agenda has concluded, such other business shall resume once the key discussion issue is complete.

6. Limitation of Business

The items of business for consideration at the Council meeting will be limited to those set out in the agenda for the meeting, with the exception of:-

- (a) items of business required by these Rules to be dealt with at the meeting or
- (b) items of urgent business for which the Mayor and Chief Executive shall have prior notice and which the Mayor in consultation with the Chief Executive considers appropriate for discussion at the meeting.

7. Minutes

Correct Record

- (1) The Mayor shall put the motion "that the Minutes of the previous meeting or meetings be approved and signed as a correct record."

Accuracy

- (2) No discussion shall take place on those Minutes except on their accuracy, and any questions on their accuracy shall be raised by motion. After any questions on the Minutes have been dealt with the Mayor shall sign the Minutes.

Submission to Council

- (3) The Minutes of each Council meeting (including Extraordinary Council meetings convened in accordance with paragraph 3 of Schedule 12 to the Local Government Act 1972) shall be presented to the next scheduled

Council meeting for approval.

8. Announcements by the Mayor, Leader of the Council, Cabinet Members and Chief Executive

- (1) No discussion shall take place on any announcement made by the Mayor or Chief Executive.
- (2) Any Member may propose that the subject matter of any announcement be referred to Cabinet or an appropriate Committee, Sub-Committee, or Panel and such a motion, on being seconded, shall be put to the vote immediately.

9A. Presentation of Petitions /Deputations and Questions to 'Holding the Executive to Account' Cabinet'

There shall be a meeting of Cabinet (Holding the Executive to Account) convened to take place for at least an hour immediately before each meeting of Council (other than the Annual Meeting, Budget Meeting or any Extraordinary Meetings) at which it will consider :

- (1) any petitions and deputations on which the Council has powers or duties or which affect the area of Kirklees in accordance with Rules 9 and 10;
- (2) any questions from the public in accordance with Rule 11; and
- (3) any questions by Members to the Leader or Cabinet Members in accordance with Rule 12

9B Petition Scheme Debates

In accordance with the Council's Petition Scheme, the Petition Organiser will be permitted five minutes to present their petition. The subject matter will then be debated by Council for a maximum of 15 minutes.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

9. Presentation of Petitions by Members of the Council

Presentation of Petitions

- (1) Petitions on issues on which the Council has powers or duties or which affect the area of Kirklees may be presented by a Member or any member of the public to the HEA Cabinet meeting referred to in Rule 9A before any meeting of the Council (except the Annual Council meeting or the Budget Meeting) or an appropriate Committee, Sub-Committee or Panel meeting.
- (2) When a petition is received at a meeting no discussion shall take place on the item.

Referral of Subject Matter

- (3) The Chair may direct that the subject matter of a petition be referred to an appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

Revised May 2015

10. Deputations

Receiving of Deputations

- (1) Deputations on issues on which the Council has powers or duties or which affect the area of Kirklees may be received at any meeting of a HEA Cabinet meeting referred to in Rule 9A, or at any meeting of an appropriate Committee, or Sub-Committee. The Chair in consultation with the Chief Executive shall have discretion to decide whether or not to receive the deputation.
- (2) The Chair shall also have the discretion to limit the number of deputations which may be received together with the time allowed for each deputation, particularly in relation to deputations concerning the same subject matter.

Deputations which will not be received

- (3) A deputation will not be received if the Chief Executive considers that it includes references to the following:
 - (a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.
 - (b) Information relating to complaints made under statutory provisions which have not been finally dealt with.
 - (c) Information concerning the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.
 - (d) Information of a personal nature or which is defamatory, offensive, frivolous, repetitive or vexatious.
- (4) Deputations with the sole or predominant purpose of promoting any company's or individual's own business interests or financial position will not be permitted.
- (5) If the Chair is of the opinion that the deputation is of a personal nature, or that in the interests of the Council it is undesirable or is otherwise out of order, he or she shall not allow the deputation to be put.

Size of Deputation and Speech

- (6) The deputation shall not exceed five persons. Only one person shall speak, and the speech shall not exceed five minutes.
- (7) When a deputation is received at a meeting, no discussion shall take place on the item but the relevant Cabinet Member shall respond to the deputation. The Cabinet Member's response shall not exceed five minutes.
- (8) The Chair shall have the discretion to allow any other Cabinet Member to respond to a deputation if appropriate. For example, in order to respond to personal attacks made during the course of a deputation. Such response shall not exceed five minutes.

Referral of Subject Matter

- (9) The Chair may direct that the subject matter of a deputation be referred to an appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

11. Questions by Members of the Public at HEA Cabinet, Committee, Sub-Committee and Panel meetings

Who Can Ask A Question?

(1)(a) At a HEA Cabinet meeting (as referred to in Rule 9) any Member of the public resident in Kirklees may subject to the provisions of this Rule ask, the Leader, or any Members of Cabinet, a question on any issue which comes within that individual's area of responsibility and which affects the area of Kirklees.

~~(b) They The Cabinet Member may also, subject to the provisions of this Rule, ask that a question be referred to the Mayor or any Chairs of a Committee or any joint authority spokesperson and the Mayor, Chair or joint authority spokesperson shall respond within a reasonable period of time to such question.~~

Formatted: Strikethrough

Formatted: Strikethrough

At any Committee, Sub-Committee or Panel meeting, any such Member of the public may similarly ask the Chair of that body a question on any issue over which that body has any powers or duties.

When Questions Cannot Be Asked

- (2) Questions may not be asked at the HEA Cabinet meeting before:-
- (a) the Annual Council Meeting
 - (b) the Budget Meeting;
- or during the period from:
- (c) the announcement of a General Election to polling day (inclusive) or
 - (d) the publication of the notice of ordinary elections for the Council to polling day (inclusive).

Questions Which Will Not Be Answered

- (3) Questions will not be answered if the Chief Executive considers that they include references to the following:-
- (a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.

- (b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.
- (c) Questions about the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.
- (d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.

Questions To Be Within Terms of Reference

- (4) The Chair or Leader may decline to answer a proposed question if in his or her opinion it is not within the terms of reference of the Cabinet, Committee, Sub-Committee or Panel concerned or is not relevant to the functions of the Cabinet, Committee, Sub-Committee or Panel concerned.

Time Allowed for Questions

- (5) The period allowed for the asking and answering of public questions at any one meeting shall not exceed 15 minutes. Any Member of the Cabinet, Committee or Panel may move an extension of this period should there be questions unanswered. Such a motion shall be moved and seconded and be put without discussion. At any one meeting no person may ask more than two questions and no more than two questions may be asked on behalf of one organisation. A questioner may also put one supplementary question to the Member for each original question asked. Any question which cannot be dealt with during public question time will be dealt with by a written answer.

Answers to Questions

- (6) The Member to whom the question has been put may nominate another Member to answer (if that Member agrees).

The Member to whom the question has been put may not refuse to answer the question.

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the desired information is contained in a publication of the Council, the Cabinet or a Committee, Sub-Committee or Panel
- (c) a written answer where the reply to the question cannot conveniently be given orally.

Recording in Minutes

- (7) The Assistant Director - Legal, Governance and Monitoring shall record in the Minutes of the meeting the question(s) and the name of the respondent.

Questions Ruled Out of Order

- (8) If the Chair is of the opinion that the question is of a personal nature, or that in the interests of the Council it is undesirable or is otherwise out of order, he or she shall not allow the question to be put. This right of refusal also applies to the Chair at a Committee, Sub-Committee or Panel meeting.

Referral of Subject Matter

- (9) In the case of public questions presented to HEA Cabinet meetings, there shall be no discussion on the question or the answer but a Member may propose that the subject matter of the question be placed on the Agenda for the next ordinary meeting of Cabinet or an appropriate Committee, Sub-Committee or Panel. Such a motion shall be moved and seconded and put without discussion.

12. Written Questions by Members

(for procedure see Rules 5(2) (j) and 9A)

The exemptions as set out at CPR 11 (3) also apply to this Rule (CPR 12)

The following provisions shall apply to written questions by Members which must be received by the Assistant Director - Legal, Governance and Monitoring by 10.00 a.m. on the working day before the Council meeting. (In the case of written questions to the Leader or a Member of Cabinet the questions will be considered at the HEA Cabinet as referred to in Rule 9A and as set out below)

- (1) Any member of Council may put a written question to the Leader of the Council, a member of the Cabinet, a Chair of a Committee, Sub-Committee or Panel or a spokesperson of a Joint Committee or External Body, as defined at Rule 13 (4). Subject to the Mayor's/Chair's discretion, a 3 minute time limit applies for individual questions to be put.
- (2) The Mayor/Chair in consultation with the Chief Executive may determine that a question shall not be put where the question is substantially the same as a question put at a meeting of the Council/HEA Cabinet within the preceding six months or the question appears defamatory, vexatious or requires the disclosure of confidential or exempt information.
- (3) Priority will be given to questions submitted previously to Cabinet or any Cabinet Committee which have not been answered at the relevant meeting due to time constraints.
- (4) Following consideration of any questions arising from Rule 12 (1) above, questions will be timetabled in the order which they are received by the Governance Team.

- (5) If a Member who has submitted a question in accordance with Rule 12 is not present at the meeting at the time when the question(s) submitted is/are due to be put to a Member the question(s) will fall.
- (6) The Member to whom the question has been put shall give an oral answer at the Council/HEA Cabinet meeting or may nominate at any time before or during a meeting another Member to answer if that Member agrees.
- (7) An answer may take the form of:
 - (a) a direct oral answer; or
 - (b) a reference to a publication of the Council which contains the desired information; or
 - (c) a written answer circulated to all Members within 7 days of the Council/HEA Cabinet meeting.
- (8) The period allowed for written questions at any one meeting shall not exceed 30 minutes. A 5 minute time limit shall apply for individual responses to questions. The same time limit shall also apply to individual responses to supplementary questions, subject in both cases to the Mayor's discretion to increase the time allowed for responses in appropriate circumstances.
- (9) Where written questions are not addressed within the above timescale, then the question will be referred to the next relevant Cabinet / Committee / Sub-Committee / Panel meeting for reply. Any such questions will only be responded to if the Member who put forward the original question to the Council meeting is in attendance at the Cabinet / Committee / Sub-Committee / Panel meeting to ask the question or if the Member, within 7 days of the Council/HEA Cabinet meeting, has requested a written response to his / her question. Written questions to spokespersons of Joint Authorities or any Other Bodies not dealt with within the above timescale will be answered by means of a written reply within 7 days of the meeting and be circulated to all Members of the Council.
- (10) When an answer to a written question has been given, the Member who asked it may ask one supplementary question relating to the same topic. Such a supplementary question must follow straight on from the Member's answer to the original question. In circumstances where the responding Councillor has elected, pursuant to Rule 12(7)(c), to provide a written answer to a question, no supplementary question will be permitted.
- (11) A written question, as well as any supplementary question, must be relevant to the Terms of Reference or powers or duties of Cabinet or of the relevant Committee / Sub-Committee / Panel / Joint Committee or External Body or affect the area of Kirklees and should not be of a personal nature or one which is defamatory, offensive, frivolous, repetitive or vexatious.
- (12) The Assistant Director - Legal, Governance and Monitoring shall record in the Minutes of the meeting the question(s) and the name of the respondent. This will not include any supplementary question and the

answer thereto. Supplementary questions and answers will be recorded as part of the webcast and held on the public webcast facility for a period of 12 months.

13. Procedure at Council Meetings in Relation to Reports and/or Minutes of Cabinet and Committees

- (1) *Minutes for Information / Reports which require approval*
 - (i) Any matter expressly referred to Council by Cabinet or a Committee for determination shall be dealt with first.
 - (ii) Minutes of meetings of Cabinet and Committees shall be presented to Council meetings for information as a basis for questioning and comment. There shall be no need for any motion or vote to receive them. If the minutes are not considered due to lack of time they shall be deemed to have been presented to Council and will not, therefore, require resubmission.
- (2) *Questions / Comments on Cabinet Minutes*
 - (i) The Minutes of Cabinet shall be submitted to Ordinary meetings of the Council followed by those of the Cabinet Committee – Local Issues.
 - (ii) Prior to the start of questions to Cabinet Members, Portfolio Holders may make a report, not exceeding 10 minutes in length per Cabinet Member, setting out his / her Portfolio Plan for the municipal year, or on progress against that Plan. Comments and statements by Cabinet Members shall not exceed 30 minutes in duration [including any questions arising from the information provided](#). All Cabinet Members will be required to make Council aware of their Portfolio Plan at the start of the municipal year either verbally or in writing circulated to all Members and to report on progress against that Plan at least once in the municipal year.
 - (iii) Questions may be asked by any Member of any Cabinet Members whether on a specific matter contained within the minutes or any matter generally which is in the portfolio of the Cabinet Member. There is no restriction on the number of questions Members may ask within the allotted time but each individual Member is only permitted to ask one question together with one supplementary question at any one time.
 - (iv) Any member may, in addition to or instead of exercising their rights under Rule 13(2)(iii), comment once for a maximum of five minutes on any item within the Cabinet minutes presented to the meeting.
 - (v) The portfolios will appear in alphabetical order on the Agenda and questions will be addressed to the Cabinet Member whose portfolio is at the top of the list. Once questions to that Cabinet Member have been completed, his or her portfolio will fall to the bottom of the list and questions will be addressed to the second, third etc., until the allotted time is completed whereupon the portfolio of the Cabinet Member being questioned will fall to the bottom of the list. At the next meeting the list will begin where it ended at the previous meeting, subject to the

portfolio which is the subject of a progress report to the meeting being at the top of the list. During this item Members will have the opportunity to question Cabinet Members (and other Members appearing on the schedule) on meetings/discussions with external organisations. Any such question will be answered immediately in the manner provided for in Rule 13(4).

- (v) Subject to 5(i) of this Rule, Cabinet members will have a right of reply before questions are put to the Cabinet member next in alphabetical order.
- (vi) In circumstances where the Leader has no specific portfolio allocated to him/her the Agenda will provide that he/she heads the list of Cabinet Members for the purposes of Rule 13(2)(v). Once questions to the Leader have been completed he/she will fall to the bottom of the list and questions to Cabinet Members with specific portfolios will proceed in accordance with the provisions of Rule 13(2)(v).

(3) *Questions / Comments on Committee Minutes*

- (i) The Minutes of other Committees submitted to Ordinary meetings of the Council shall be set out in alphabetical order.
- (ii) Any Member may comment on any item within the Committee minutes presented to the meeting
- (iii) Any Member may ask the chair of the relevant Committee a question upon any item within that Committee's Terms of Reference .
- (iv) The Chair of Cabinet, a Cabinet Committee or Cabinet Member or the Chair of a Committee may make a statement at the time that the report/Minutes is/are considered on any matter within the Terms of Reference or which is relevant to the function of Cabinet or that Committee, or which is a matter of importance.

(4) *Questions to Chairs of Committees/Sub-Committees/Panels, Lead Members of Standing Scrutiny Panels and Spokespersons of Joint Committees and External Bodies*

(The exemptions as set out at CPR 11 (3) also apply to this Rule (CPR 13)

- (i) Any Member may ask the Chair of the relevant Committee/Sub-Committee/Panel or the Lead Member of a Standing Scrutiny Panel a question upon any item within the Terms of Reference of that Committee/Sub-Committee/ Panel or Standing Scrutiny Panel (as applicable). Any Member may also ask a question of the relevant spokesperson for any of the Joint Committees or external bodies (including regional and sub-regional bodies) identified in Rule 13(4)(ii).
- (ii) For the purposes of this Rule, questions may be asked of spokespersons or representatives of the following Joint Committees or External Bodies:
 - (a) Kirklees Neighbourhood Housing

- (b) Kirklees Active Leisure
- (c) West Yorkshire Combined Authority (and its Committees)
- (d) West Yorkshire Fire and Rescue Authority
- (e) West Yorkshire Police and Crime Panel
- (f) West Yorkshire Joint Services Committee

(The Council's Monitoring Officer may update the above list as appropriate).

(iii) The list to persons (by virtue of position) to whom questions can be asked will be set out in the agenda in alphabetical order and questions will be addressed in the order listed. At the next meeting, the list will begin where it ended at the previous meeting.

(5) *Time Permitted*

- (i) Subject to the time limit for speaking set out in CPR 13 (2) the maximum time permitted for consideration of matters in CPR (1) – (3) including comments and questions on Minutes to Cabinet Members shall be a maximum of 60 minutes, and the time permitted for comments and questions to Chairs of Committees/Sub Committees/Panels and representatives on outside bodies shall be a maximum of 30 minutes, provided that there is provision under Rule 5 for consideration of issues under CPR 13.

14. Notices of Motion

Submission of Motions

- (1) Every notice of motion (with the exception of those proposed in accordance with Rules 15, 18(16) and 19) shall be submitted in writing and delivered to the Assistant Director - Legal, Governance and Monitoring by 9.00 a.m. on the sixth working day before the date of the Council meeting. Each motion must be signed by not less than two Members of the Council. Motions (including re-submitted Motions pursuant to CPR 16(5)) will only be accepted for the next scheduled Council meeting (except Annual and Budget Councils) from 10.00am onwards following the day of the previous Council meeting. Any motions re-submitted will be listed on the agenda in the same order as they were listed for the previous meeting. Any further (new) motions will be listed after re-submitted Motions. The Chief Executive, in consultation with the Mayor, shall have authority to re-order the Motions as appropriate. The Chief Executive will inform Group Leaders when such action is being taken.

Recording of Motions

- (2) The Assistant Director - Legal, Governance and Monitoring will record the date and time of receipt of each motion in a register. This register shall be open to inspection to every Member of the Council.

Motions Which Have Revenue Effects

- (3) No Motion may have the effect of increasing the expenditure or reducing the

revenue of the Council other than in the form of a reference to Cabinet or the appropriate Committee for consideration. (This provision does not apply for the setting of the Council Tax).

Relevance

- (4) Every motion shall be relevant to some matter in relation to which the Council has powers or duties and which affects the area of Kirklees.

Motions Not Accepted

- (5) If notice is given of any motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper, the Chief Executive in consultation with the Mayor shall determine whether to accept its inclusion on the agenda. If a motion is not deemed acceptable the Chief Executive shall inform the Members who gave notice of the item.

Withdrawal

- (6) A Member who has given notice of motion may subsequently withdraw by writing to the Assistant Director - Legal, Governance and Monitoring.

Inclusion on Council Agenda

- (7) The Assistant Director - Legal, Governance and Monitoring shall set out in the agenda for each Council meeting the motions received and accepted in the order they were received. ~~A Member may, at the time when a motion is delivered to the Assistant Director - Legal, Governance and Monitoring also give written notice of a request for the motion to be considered as a later item on the Council agenda.~~

Moving of Motions

- (8) If a motion set out in the summons is not moved either by the Member who gave notice or by another Member on their behalf, it shall be treated as withdrawn and shall not be considered again without fresh notice. Alternatively, the Council may consent to postpone consideration of a motion to the next meeting.

Receipt of Amendments

- (9) Any proposed amendment to a motion which has been included in the summons for a meeting, shall be delivered to the Assistant Director - Legal, Governance and Monitoring in accordance with the following timescales:-
- (a) by 10.00am on the day of Council if the meeting is to start at 6.00 p.m.
or
 - (b) by 2.00 p.m. on the day before a Council meeting which is to start in a morning.

Motions on Identical Subjects

- (10) Where motions have been submitted to Council by different groups which relate to the same subject matter, then the movers shall be given the opportunity to agree a composite motion by 2.00 p.m. on the second working day before the date of the Council meeting. Notice of the composite shall be given to the Assistant Director - Legal, Governance and Monitoring who will notify the groups or individual Members to allow them to consider the proposals.

Alterations to Motions and Amendments

- (11) Alterations to the wording of any motion or amendment (made in accordance with Council Procedure Rule 18:(11) may be made with the agreement of the Members moving and seconding the motion or amendment and with the meeting's consent' provided that when such alterations are agreed copies shall be made available. Only alterations which could be made as an amendment may be made.

Need for Debate

Formatted: Font: Italic

- (12) With the exception of those moved under (5) of this Rule, no motion made under this Rule may be voted on unless there has been a debate.

15. Motions and Amendments Which May Be Moved Without Notice

The following motions and amendments may be moved without notice:

- (1) Appointment of a Chair of the meeting at which the motion is moved.
- (2) Questioning the accuracy of the Minutes of the previous meeting of the Council.
- (3) To change the order of business in the Agenda.
- (4) Reference to Cabinet a Committee, Sub-Committee or Panel for further consideration.
- (5) Appointment of Leader or a Committee, or Member thereof arising from an item on the Agenda for the meeting.
- (6) That leave be given to withdraw a motion.
- (7) Motions and amendments in respect of urgent business under Rule 6.
- (8) That the Council proceed to the next business.
- (9) Motions under Rule 11(5) and 11(9) as to questions by electors at Council Meetings.
- (10) Amendments to any motion to approve the recommendations of Cabinet or a Committee.

- (11) That the question be now put.
- (12) Amendments to any Motion except amendments to notices of motion pursuant to Rule 14(8) and (9) or where notice is required under Rule 19.
- (13) That the debate be now adjourned.
- (14) That the Council do now adjourn.
- (15) Adoption of reports of Officers and any consequent resolutions.
- (16) Suspending these Rules in accordance with Rule 47.
- (17) Motion to exclude the public.
- (18) That a Member named under Rule 21 be not heard further or leave the meeting.
- (19) Giving consent or leave of the Council where the consent or leave of the Council is required by these Rules.
- (20) That the subject matter of an announcement made by the Mayor, or the Chief Executive under Rule 8 be referred to Cabinet or the appropriate Committee, Sub-Committee or Panel.
- (21) Motions under Rule 16 to continue a Council meeting after 9.00 p.m.
- (22) That the Council do now adjourn for discussion in smaller groups or in some other form.

16. Termination and Adjournment of Meeting

- (1) The Mayor, in consultation with the Chief Executive, may adjourn the meeting at any time.
- (2) A meeting of the Council (except the Annual Meeting) shall terminate at 9.00 p.m. unless a Member moves, [prior to 9.00pm](#), a motion that the meeting shall continue until (i) a later time (to be specified in the motion) or (ii) the conclusion of the business of the meeting. If the motion is seconded it shall be put to the meeting without comment.
- (3) If the motion is passed the meeting shall continue until the time specified or until the conclusion of the business of the meeting.
- (4) At 9.00 p.m. or such later time as the Council has agreed, the Mayor shall have discretion to grant an additional period of time to allow the item under consideration at that time to be concluded. Otherwise, the Mayor shall
 - a) allow no further points of order to be raised by any other Member.
 - b) interrupt the discussion of the item being considered by the meeting.

- (c) allow the proposer of the motion then under consideration a maximum of five minutes to reply to the debate unless he/she seeks leave to withdraw the motion.
 - (d) put (without discussion) all of the questions necessary to dispose of that motion, unless the motion is withdrawn.
 - (e) put (without discussion) all of the questions necessary to complete the consideration of any reports of Cabinet or any Committee, which are on the Agenda for the meeting, unless the Member appointed to preside in any such body (or a person on his/her behalf) indicates a wish to the contrary.
- (5) Any Motion given under Rule 14 not considered at an Ordinary Council meeting due to time constraints shall automatically be deemed withdrawn unless the Assistant Director – Legal, Governance and Monitoring receives written confirmation (from the Member or Group who submitted the Motion) by 5pm on the fifth working day following that Council meeting that the Motion should be rolled over for consideration at the next Ordinary Council meeting.
 - (6) Where proceedings are in progress either at 9.00 p.m. or at a later time (specifically agreed by the Council in accordance with a motion to that effect), the provisions of Rule 24(3) as to recorded votes shall not apply.
 - (7) Following any processes outlined above, the Mayor shall finally close the meeting.

17. Opposition Priority Business

- (1) This Rule applies where there is a majority group of members of the Council.
- (2) A minority group may require that any one item of business placed on the Agenda for any Council meeting be treated as opposition priority business. Such a requirement will only be considered if the Leader of that Group has submitted it in writing to the Chief Executive at least seven days before the Council meeting.
- (3) Where the Chief Executive receives more than one such request for a meeting, he/she shall decide which shall be selected so as to ensure that as far as is possible each minority group's share of opposition priority business reflects the relative size of those groups in the period from the last Annual Meeting of the Council.
- (4) Assistant Director - Legal, Governance and Monitoring shall indicate on the Agenda which item of business (if any) is to be treated as opposition priority business.
- (5) If consideration of an item of opposition priority business has not begun two hours after the start of the meeting it will be brought forward and considered immediately after the conclusion of the item of business then under discussion.

18. Rules of Debate

Revised May 2015

Motions and Amendments

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice of the motion or amendment has already been submitted in accordance with Rules 14 and 19, the Mayor may also require that it be written out and handed to him/her before it is discussed further or put to the meeting.
- (2) Members when seconding a motion or amendment may, if they then declare their intention to do so, reserve their right to speak until a later period in the debate on the motion or any amendment.

Seconders Speech

- (3) The Member seconding the motion or amendment and reserving the right to speak shall further indicate to the Mayor during the debate when he/she wishes to speak.

List of Names of Those Wishing to Speak

- (4) During the debate Members should indicate their wish to speak by use of their individual voting console. The Mayor shall have absolute discretion to alter the order of those wishing to speak and may close the list at any time. This provision does not apply to:
 - the Mayor
 - the mover of the original motion
 - the seconder of the original motion who has reserved the right to speak
 - Members rising on a point of order or to provide a personal explanation
 - persons moving motions and amendments under Rule 15

Addressing the Mayor

- (5) Unless the Mayor indicates otherwise, a Member must stand and address the Mayor while speaking. If two or more Members rise, the Mayor shall request one to speak and the other(s) to be seated. While a Member is speaking the other Members shall remain seated and be silent, unless rising on a point of order or in personal explanation.

Content and Length of Speeches

- (6) No speech of a Member of the Council in moving a motion to adopt the report of Cabinet or a Committee, or a motion under Rule 14 shall exceed 10 minutes and no other speech on any item before Council shall exceed 5 minutes, except:-
 - (a) by consent of the Council, or

- (b) the Leader's annual budget speech on the setting of the amounts of Council Tax.

Additional Time For Speeches

- (7) If the Mayor is of the opinion that the subject matter is of special importance or the Member requests additional time, the Mayor may permit the Member to continue for as long as the he/she allows.

When a Member May Speak Again - Adoption of Reports

- (8) On a motion to adopt the report of Cabinet or a Committee, a Member may speak once in general regarding the report. In addition, he/she may move or second or speak to one amendment only on each item in the report requiring a decision by the Council.

When a Member May Speak Again - Other Motions

- (9) On any other motion a Member shall speak only once whilst the motion is the subject of debate. A Member may also move, second or speak to one amendment. If consideration of an amendment begins before a Member has had the opportunity to speak on the motion he/she may still exercise the right to speak on the motion.

Exceptions to Speaking Only Once

- (10) The requirement that a Member shall only speak once shall not prevent a Member from speaking:
 - (i) in exercise of a right to reply,
 - (ii) on a point of order,
 - (iii) by way of personal explanation.

Amendments to Motions

- (11) An amendment shall be relevant to the motion and shall be either:
 - (a) to refer a subject of debate to Cabinet or a Committee, for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;

The omission, insertion or addition of words must not have the effect of blocking

the motion which is under consideration by the Council. In addition the amendment must not have the effect of increasing the expenditure or reducing the revenue of the Council other than in the form of a referral to Cabinet or the relevant Committee for consideration. (This provision does not apply for the setting of the Council Tax).

Discussion of Amendments

- (12) Except where the voting procedure in Rule 24(6) applies only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. However, the Mayor may permit two or more amendments to be discussed together if he/she considers that this would be helpful in the circumstances. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

Motion as Amended

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

Withdrawal of Motion/Amendment

- (14) A motion or an amendment may be withdrawn by the proposer with the consent of the seconder and of the Council (which shall be decided upon without debate). No Member may speak on it after the proposer has been granted permission for its withdrawal.

Right of Reply

- (15) The proposer of a motion shall have the right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the proposer of the original motion shall have also the right to reply at the close of such debate on the amendment, and shall not otherwise speak on the amendment. Such a reply shall be confined to matters raised in the debate on the motion or amendment, as the case may be. The proposer of an amendment shall have no right to reply to the debate on the amendment. However where an amendment is carried the proposer of that amendment (now the substantive motion) shall have a right of reply at the close of the debate on any subsequent amendment.

Motions which may be moved during debate

- (16) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business
 - (e) that the question be now put;

- (f) that a Member be not further heard on the item of business before the Council;
- (g) by the Mayor under Rule 21(2);
- (h) to exclude the public;
- (i) to withdraw or amend proceedings in accordance with paragraph (14) of this Rule.

Closure Motion

- (17) A Member may move without comment at the conclusion of a speech of another Member "That the question be now put", "That the debate be now adjourned" or "That the Council do now adjourn". If such a motion is seconded, the Mayor shall proceed as follows:-
- (a) On a motion "that the question be now put", the Mayor shall put this motion to the vote, unless he or she is of the opinion that the matter before the meeting has not been discussed sufficiently. If the motion 'that the question be now put' is voted on and carried, the Mayor will allow the proposer of the original motion the right to reply under paragraph (15) above before putting the motion under discussion to the vote.
 - (b) On a motion "to adjourn the debate or meeting". The Mayor shall put the motion for an adjournment to the vote without giving the mover of the original motion the right to reply, if he or she is of the opinion that the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed at that meeting.

Point of Order and Personal Explanation

- (18) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of one of these Rules or the law and the Member shall specify the Rule or the law and the way in which it has been broken. A personal explanation shall be confined to some material part of a speech by the Member in the Council meeting which may appear to have been misunderstood in the present debate. A personal explanation may not be made in any other circumstances and in particular reference in a speech to another Member does not give that Member any right of personal explanation except in circumstances specified above.
- (19) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation will be final.

Relaxation by the Mayor of Rules of Debate

- (20) Before the start of the debate on any item or motion the Mayor may determine, after consultation with the Chief Executive, that any of the requirements of this Rule shall be relaxed or waived during the debate on that item or motion.

Mayor's Authority

- (21) Whenever the Mayor rises during a debate, a Member who is standing and speaking shall sit down and the Council shall be silent. Afterwards, a Member may continue his or her speech unless the Mayor determines otherwise.
- (22) The time permitted for consideration of scrutiny reports under Rule 5 (3) (n) shall be a maximum of 60 minutes.
- (23) The time permitted for consideration of key issues shall be a maximum of 60 minutes
- (24) The time permitted under (22) and (23) of this Rule may be extended at the discretion of the Mayor in consultation with the Chief Executive.

Mayor's Casting Vote

- (25) The Mayor, or in their absence, the person presiding at the Council meeting, shall have a second or casting vote in the case of an equality of votes.

19. Motion to Make Statutory Calculations and to set Amounts of Council Tax

Motion referred from Cabinet

- (1) At least 14 days before the date fixed for calculating the amounts required under Sections 32 to 36 of the Local Government Finance Act, 1992, and setting the amounts of Council Tax, the Chief Executive shall distribute to all Members of the Council the motion which has been proposed by the Cabinet for the Council, together with the draft Revenue Budget.

Motion distributed by the Leader

- (2) If the Cabinet is not able to recommend a motion to the Council meeting, the Leader shall distribute to all Members of the Council at least 14 days in advance a motion to be presented to the Council meeting together with the draft Revenue Budget. This motion must be presented in the names of the Chair of the Cabinet and be supported by at least two other Members of the Council.

Amendments

- (3) An amendment to a motion proposed under paragraph (1) above, cannot be moved unless it has been approved by the Chief Executive at least 7 days prior to the date of the Budget Meeting. The Notice of such an amendment must be delivered to the Chief Executive and must specify the terms of the proposed amendment and the effect which it will have on the draft Revenue Budget.

Amendments to the Budget Motion cannot be accepted unless the Chief Executive is satisfied, upon the advice of the Director of Resources, that the proposed amendment is financially sound and sustainable.

Notification of Amendments

- (4) The Chief Executive shall inform all Members of the Council of any amendments received.

Debating the Motion and Amendments

- (5) (i) The Mover of any Amendment to the Budget Motion shall speak for no longer than ten minutes, or for the same time taken by the Mover of the Budget Motion, whichever is the longer.

(ii) If a motion or an amendment described in paragraph (1), (2) and (3) above is not carried at the Council meeting, further motions and amendments may be moved and seconded without notice for consideration and determination. Copies of these additional motions or amendments must be made available to each Member of the Council by the mover or seconder before any debate begins.

(iii) In the event that an amendment is approved, thereby becoming the substantive motion, this resolution shall become the Council's budget and no further amendments shall be debated or voted upon.

Limitations

- (6) The introduction of a new motion or amendment on the day of the Council meeting by a Political Group represented on the Council will not be permitted unless it gave notice of a motion or an amendment under paragraph (1), (2) and (3) above for inclusion on the summons for the meeting.

Recording of Votes relating to Council Tax etc.

- (7) Immediately after any vote is taken at a Budget Decision Meeting of the Council on any decision or amendment relating to the approval of the General Fund, or the statutory calculation for the setting of the Council Tax, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting,
- (8) For the purposes of Rule 19 (7)
- a) "Budget Decision" means a meeting of the Council at which it:
- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(b); or
 - (ii) issues a precept under Chapter 4 of the Part 1 of that Act;

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

20. Motion affecting persons employed by the Council

If a question arises at a meeting of the Council on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of

any person employed by the Council, it shall not be considered until the Council has determined whether or not the public and press shall be excluded.

21. Members Conduct

Member not be heard

- (1) If at a Council meeting any Member of the Council (in the opinion of the Mayor) persistently disregards the ruling of the Mayor or behaves irregularly, improperly, offensively or obstructs the business of the Council, the Mayor or any other Member may move "That the Member named be not heard further on the item of business before the Council". If the motion is seconded it shall be determined without discussion.

Member to leave the meeting

- (2) If the named Member continues his or her misconduct after a motion under paragraph (1) above has been carried, the Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting for as long as he/she considers necessary.

General Disturbance

- (3) In the event of general disturbance which in the opinion of the Mayor renders the despatch of business impossible, the Mayor may decide to adjourn the meeting of the Council for as long as he/she considers necessary.

Mayor's Power to Adjourn

- (4) The provisions of this Rule do not limit the Mayor's power to adjourn the meeting at any time under Rule 16(1).

22. Disturbance by the Public

If members of the public interrupt the proceedings of any meeting, the Mayor shall warn them regarding their conduct. If they continue the interruption, the Mayor shall order their removal from the room. In case of general disturbance in any part of the room open to the public, the Mayor shall order that part to be cleared.

23. Previous Decisions and Motions

Motion to rescind a previous decision

- (1) No motion to rescind any decision taken within the preceding six months, and no motion or amendment with the same effect as one which has been rejected within the preceding six months, shall be proposed unless notice has been given in accordance with Rule 14 and has been signed by at least 10 Members of the Council. When any such motion or amendment has been disposed of by the Council, no similar motion may be proposed within a further period of six months.

Motion similar to the one previously rejected - exceptions

- (2) This Rule shall not apply to motions moved on a recommendation of Cabinet or a Committee, or to motions or amendments moved in accordance with Rule 19.

24. Voting

Show of Hands / Voting Equipment

- (1) Voting at Council meetings shall be as directed by the Mayor, either by a show of hands or by use of the electronic voting equipment unless a Ballot is agreed under paragraph (5). Where a recorded vote is taken under paragraphs (3) and (4) below, then the result of the vote shall be recorded by the process under paragraph (4) below.

Casting Vote

- (2) The Mayor, or in his/her absence the Deputy Mayor or the Chair at the time the vote is taken shall have a second or casting vote.

Recorded Vote

- (3) Any Member of the Council may request that a recorded vote be taken on an item to record how each Member present at the meeting intended or decided to vote. This request for a recorded vote will only be acceptable if it is supported by at least five other Members and is made before the Mayor has announced the result of the vote.

Ballots

- (4) The vote will take place by ballot at the request of any Member supported by at least five other Members. The Mayor/Chair will announce the numerical result of the ballot immediately the result is known.

Right to require individual votes to be recorded

- (5) At any meeting of the Council a Member may require that his or her decision in voting for or against or abstaining on an item on the Agenda be recorded in the Minutes of the meeting. This will be effective only if it is proposed by the Member before the Mayor has announced the result of the vote.

Voting on Appointments (including Mayor and Leader)

- (6) If there are more than two persons nominated for any appointment to be filled by the Council (including the election of the Mayor and the Leader) and there is no overall majority vote in favour of one person, the following procedure will apply. The name of the person who has received the least number of votes will be struck off the list of nominations and a fresh vote will be taken. This procedure will continue until a majority vote is given in support of one of the persons nominated.

25. Failure to Attend Meetings

- (1) In accordance with the Local Government Act 1972, if a Councillor attends no meetings of the Authority for six months the Chief Executive will tell the Council (unless the Member has been granted leave of absence by the Council). The Council will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the Member will cease to be a Member of the Council.
- (2) For the purpose of this Rule a meeting of the Authority shall include:-
 - * the Council, Cabinet or any Committee, Sub-Committee or Panel; or
 - * any Joint Committee or Joint Board which has Council functions delegated to it;
 - * any other body at which the Member represents the Council.

26. Interests of Members which are not Disclosable Pecuniary Interests

- (1) Any Member who has an interest which is not a Disclosable Pecuniary Interest as described in paragraph 5 of the Council's Code of Conduct in any matter shall comply with the requirements of that Code in respect of that interest ("Other Interest").
- (2) A Member of the Council may declare in a register kept by the Assistant Director - Legal, Governance and Monitoring his/her membership of any organisation which requires details of its aims, duties or membership to be kept secret. This register will be open to public inspection during office hours.

27. Interpretation of these Rules

The ruling of the Mayor, after consultation with the Chief Executive, as to the construction or application of any of these Rules, or as to any proceedings of the Council shall be final.

(B) Members and Officers Etc

28. Leaders and Business Managers

- (1) Members of the Council may be chosen by each of the political groups on the Council to act as the Leaders, Deputy Leaders and Business Managers of those groups.
- (2) The names of the Leader, Deputy Leader and Business Manager appointed by a political group represented on the Council shall be notified to the Chief Executive. The powers of a Leader shall also be exercisable by the Deputy Leader in the absence of the Leader.

29. Inspection of Documents

- (1) A Member of the Council may, for the purposes of his/her duty as a

Councillor, on application to the Assistant Director – Legal, Governance and Monitoring, inspect any document which has been considered by the following subject to the provisions of the Local Government (Access to Information) Act 1985 and the Local Government Act 2000 being met in relation to items determined as exempt information:

Council
a Committee
a Sub-Committee
a Panel

For the same purposes a Member may also request that he or she be supplied with a copy of the document. This will be provided if it is practicable.

- (2) Members should not inspect or request a copy of any document relating to a matter in which they have a prejudicial interest as defined in the Council's Code of Conduct. The Assistant Director – Legal, Governance and Monitoring may decline an application from a Member to inspect a document which would be protected by privilege arising from the relationship of solicitor and client in the event of legal proceedings.
- (3) Copies of all reports and minutes associated with the following meetings shall be kept by the Assistant Director – Legal, Governance and Monitoring in accordance with the requirements of the Local Government (Access to Information) Act 1985 and the Local Government Act 2000.

Council
a Committee
a Sub-Committee
a Panel

These shall be open to inspection by any Member of the Council during office hours subject to the provisions of those Acts being met in relation to items determined as exempt information.

- (4) The Chief Executive or any Officer of the Council may decline a Member's request to inspect a document, if it contains confidential information. The only exceptions to this rule will be if the Member has a legal right to inspect a document or has obtained the consent of the Cabinet (for matters within its remit) or the Corporate Governance & Audit Committee (for all other matters).
- (5) Rights in respect of documents under the control of the Cabinet are set out in Rules 24 and 25 of the Access to Information Procedure Rules.

30. Orders Regarding Works; Inspection of Lands, Premises, etc.

A Member of the Council shall not issue any order regarding any works which are being carried out by or on behalf of the Council. In addition he or she shall not claim, by virtue of being a Member of the Council, any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

31. Representation of the Council on Other Bodies

If any Member of the Council is nominated or appointed by or on behalf of the Council to serve as a Member of another body, the appointment shall stand until the next Annual Meeting of the Council or until the first meeting thereafter of the Cabinet or Committee making the nomination or appointment unless:

- (a) the constitution of the other body makes different provisions, or
- (b) the Council (or the Cabinet, in the case of nominations made by it) at any other time resolves otherwise.
- (c) the Member resigns from the outside body by the method required by the body or, if none, by notifying in writing to the Assistant Director - Legal, Governance and Monitoring.

32. Interest of Officers in Contracts

The Assistant Director - Legal, Governance and Monitoring shall keep a register to record the details of any Officer of the Council who has given notice of a pecuniary interest in a contract as described by Section 117 of the Local Government Act 1972. This register shall be open to inspection by any Member of the Council during office hours.

33. Third Party Recording¹ of Committees, Boards and Panels

- (1) The Council wants to be open and transparent in the way in which it conducts its decision-making.
- (2) Recording is allowed at all meetings of the authority² to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.
- (3) Filming or other recording of all meetings of the authority, whilst those meetings are to the public, is permitted^{3 4}.
- (4) Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the meeting of their intentions to record prior to the commencement of the meeting.
- (5) Recordings may only be taken overtly from the area designated for the public and;
 - a. Recording devices must be in silent mode;
 - b. No flash or additional lighting is permitted;
 - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.
- (6) The Chair of a meeting has the authority to instruct that recordings be stopped where⁵:

¹ This includes both video and audio recording.

² Including full Council, committees (boards and panels) established by full Council.

³ In accordance with any regulations relating to such matters.

⁴ All agendas will indicate that records may be made at the meeting by third parties; signage will also be displayed indicating this.

⁵ In all cases recording equipment must be switched off.

- a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed;
- b. There is public disturbance or a suspension/ adjournment of a meeting;
- c. The recording has become disruptive or distracting to the good order and conduct of the meeting;
- d. Continued recording is against the wishes of an individual⁶.

34. Confidentiality of Meetings and Recording of Proceedings

- (1) The Council's meetings will be held in public unless the Access to Information Procedure Rules permit the public to be excluded. Those Rules also deal with public access to documents.
- (2) Any person attending a meeting may take written notes of the proceedings.
- (3) A Member or employee of the Council shall not disclose to any person any document or any matter contained in any document which is marked "Confidential" or "not for publication" except with the permission of the Council, Cabinet, Committee, Sub-Committee, or Panel which considered the item, or if the person concerned has a legal right to inspect the document.

(C) Relating To Committees, Sub-Committees, Panels Etc

35. Appointment of Committees, Sub-Committees and Panels

- (1) The Council at its Annual Meeting will establish those Committees which are required by law and such other Committees as are deemed necessary to carry out the work of the Council during the municipal year. The Council may at any other time establish new Committees, which are considered necessary to carry out the work of the Council.
- (2) The Council subject to any statutory provision:-
 - (i) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee, or alter its membership.
 - (iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels.

Appointment of Sub-Committees, Panels etc

- (3) At the first meeting of a Committee in the municipal year, it shall establish such Sub-Committees or Panels as are considered necessary. Committees subject to any statutory provision,
 - (i) shall not appoint any Member of a Sub-Committee or Panel so as to hold office later than the next Annual Meeting of the Council.

⁶ Where members of the public raise an objection to being recorded, then those individuals will not be filmed. However continued audio recording will be permitted where the contributions are material to the resolutions to be made.

- (ii) may at any time dissolve a Sub-Committee or Panel or alter its membership, and
 - (iii) may delegate to any such Sub-Committee or Panel any power or duty delegated to the Committee by the Council.
- (4) A Committee may establish other Sub-Committees or Panels at any time in the municipal year.

Membership of Committees, Sub-Committees, Panels etc.

- (5) The Members on each Committee, or Sub-Committee or Panel shall (so far as legally required) be selected by each of the Political Groups represented on the Council, on the basis of their proportional representation at the date that the Committee, or Sub-Committee, or Panel is appointed.

Proportional Representation of Political Groups not to apply

- (6) The Council may determine that proportional representation shall not apply to any Committee, and any Committee may make a similar determination with respect to any of its Sub-Committees or Panels subject to compliance with the requirements of Section 17 of the Local Government and Housing Act 1989.

Substitute Members

- (7) At the Annual Meeting of the Council a panel of substitute Members will be established, to be available to replace Members of Committees, and Sub-Committees, (except the Health and Well-being Board, the Overview and Scrutiny Management Committee, the Overview and Scrutiny Panels, District Committees, Employee Relations Sub Committee, the Standards Committee and the Standards Sub-Committee) at each meeting during the municipal year as and when required. The names of those Members included on the panel of substitutes will be placed on every notice for a relevant Committee, or Sub-Committee meeting.

Changes to the Substitute Panel and Members of a Committee, Sub-Committee and Panel

- (8) The Business Manager to each Group shall provide the Assistant Director - Legal, Governance and Monitoring within ~~nine-six clear working~~ days of notice of
- (i) any change(s) to the names of those Members included on the panel of substitutes approved by the Annual Council Meeting.
 - (ii) any change(s) to the membership of a Committee or Sub-Committee, which do not involve a member of that substitutes panel.

Formatted: Strikethrough

Notice of Substitutes cannot be revoked

- (9) After notice of a substitution has been given for a Committee, Sub-Committee, or Panel meeting it cannot be revoked. Once a Committee or Sub-Committee, or Panel has begun the Member who has been substituted will only be entitled to attend the meeting as an observer. If a Committee or Sub-Committee or Panel meeting is adjourned the change(s) in membership will stand for the purpose of the reconvened meeting.

Membership of a Sub-Committee or Panel to include persons who are not Members of the parent Committee

- (10) The membership of a Sub-Committee or Panel may include persons who are not Members of the Committee by which the Sub-Committee or Panel was appointed.
- (11) Except in cases required by law, or permitted by law and agreed by the appointing body, no co-opted member of any Committee, Sub-Committee or Panel shall be entitled to vote on any matter considered by it.

36. Observer Attendance by Councillors at Committees, Sub-Committees or Panels

- (1) Subject to paragraphs (3) and (4) below a Councillor who is not a Member of a Committee, Sub-Committee, or Panel may attend any meeting as an observer. That Councillor shall have the same speaking rights as any Member of that Committee Sub-Committee or Panel. The Councillor cannot:-
- (a) speak on any item considered in the private session of the meeting.
 - (b) attend for any item of business in which he or she has a disclosable pecuniary interest as defined in the Council's Code of Conduct for Members and Co-optees ("the Code") unless an appropriate dispensation has been granted by the Council's Monitoring Officer.
 - (c) attend for any item of business on the Committee, Sub-Committee or Panel agenda which personally relates to them as a Councillor or otherwise.
 - (d) remain in a meeting of the Committee, Sub-Committee, or Panel after receiving advice from the Assistant Director – Legal, Governance and Monitoring that he or she should be excluded from the meeting.
 - (e) retire with a Committee, Sub-Committee, or Panel which is exercising a quasi judicial or administrative function when it is considering its decision.
- (2) Any Member attending a meeting of a Committee, Sub-Committee, or Panel shall under the Agenda Item of "Membership of Committees, Sub-Committees etc." identify themselves as an observer.
- (3) Councillors who attend a Planning Committee or Sub-Committee but who:

- (a) Are not members of that Planning Committee or Sub-Committee; or
- (b) Are members of that Planning Committee or Sub-Committee but who have indicated that they will not be voting on an application because, for example, they believe that they may have predetermined it or wish to make representations rather than participate in the determination of the application

shall be entitled to speak once for a maximum of five minutes.

37. Attendance by Members of the Public - Permission to Speak

Any member of the public attending a meeting of the Council (with the exception of the Annual Meeting or the Budget Council) a Committee, Sub-Committee, or Panel (or any other meeting open to the public) may, with the permission of the Mayor/Chair, speak on any item of business to be transacted at that meeting. [This speaking right shall not apply to persons who have presented a deputation on the same subject matter at the same meeting.](#) That person shall not be permitted to remain in the meeting when consideration is being given to confidential or exempt information.

38. Appointment of Chairs and Deputy Chairs of Committees and Sub-Committees/Panels, Lead Members of Scrutiny Panels and Appointments to Outside Bodies, etc

- (1) At the Annual Meeting of the Council, the Council will -
 - (i) appoint the Chairs and if considered appropriate the Deputy Chairs of Committees. In default of such appointments by the Council, every Committee, shall be empowered to make the appointment subject to confirmation by the Council;
 - (ii) appoint the Lead Members of the Standing Overview and Scrutiny Panels;
 - (iii) appoint the Members of Outside Bodies, except where membership is appointable by the Cabinet or a Committee, and
 - (iv) agree the dates of meetings of Committees, Sub-Committees, and Panels for the Municipal Year. The alteration of a date may be determined by the respective Chair in consultation with the Assistant Director - Legal, Governance and Monitoring provided that 7 days notice of the revised date can be given.
- (2) The Council may at any other time appoint the Chairs (and if considered appropriate the Deputy Chairs of Committees) and the Lead Members of Scrutiny Panels, for the remainder of the Municipal Year.
- (3) At the first meeting of each Committee in the Municipal Year the Chair and if considered appropriate Deputy Chair of its Sub-Committees or Panels shall be appointed for that year.

- (4) Any Committee shall when appointing a Sub-Committee, or Panel under Rule 35(4), also appoint a Chair and if considered necessary a Deputy Chair.
- (5) In the absence of the Chair and Deputy Chair or Lead Member of the Scrutiny Panel (where appropriate) from a meeting, a Chair shall be chosen for the duration of that particular meeting or until the official Chair, Deputy or Lead Member (as recognised by Council) arrives. The Chair, Deputy Chair or Lead Member (as appropriate) will then assume the Chair when the item under discussion at the time of his or her arrival has been dealt with.
- (6) The Chair and Deputy Chair of every Committee, Sub-Committee/ Panel and the Lead Member of each Scrutiny Panel shall be a Member of the Council.
- (7) A Member of a Committee, Sub-Committee, or Panel may resign membership and the Chair or Deputy Chair of a Committee, Sub-Committee/Panel/ Sub-Group or the Lead Member of a Scrutiny Panel, may resign office by giving notice in writing to the Chief Executive. Any such resignation shall take effect on the date of receipt of the notice.
- (8) The removal from office of the Chair or Deputy Chair of a Committee may only be agreed by the Council on the recommendation of the Corporate Governance & Audit Committee. The removal from office of the Chair of the Overview and Scrutiny Management Committee or any Lead Member of a Scrutiny Panel may only be agreed by Council on the recommendation of that Committee. Only the Committee which appointed a Sub-Committee or Panel may remove the Chair or Deputy Chair of that Sub-Committee or Panel from office.
- (9) No Member of the Cabinet may be appointed as Chair of Appeals Panel, Corporate Governance and Audit Committee, Licensing and Safety Committee, an Planning Area Sub-Committee, Overview and Scrutiny Management Committee (or as the Chair of Health Scrutiny Panel), or Standards Committee.

39. Quorum of Committees, Management Boards, Sub-Committees and Panels

- (1) Except where ordered by the Council, or authorised by statute, business shall not be transacted at a meeting of any Committee, unless at least one third of the number of the body are present.
- (2) Except where ordered by the Council, or authorised by statute or by the Committee which has appointed it, business shall not be transacted at a meeting of any Sub-Committee or Panel unless at least one third of the number of the Sub-Committee or Panel are present.
- (3) If the Chair declares there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at a date and time fixed by the Chair. If no such date is fixed the business will be considered at the next meeting.
- (4) Where a Committee or Sub-Committee sits to consider an appeal, only those Members who are eligible to attend shall count for the purpose of a quorum.

- (5) No quorum may be less than two Members.
- (6) Committees, Sub-Committees and Panels shall be entitled to meet and transact business prior to the appointment of Co-opted Members.
- (7) Co-opted Members of a Committee, Sub-Committee or Panel shall only be counted for the purposes of a quorum at a meeting, if the Committee, Sub-Committee or Panel has no delegated powers and can only make recommendations.

40. Meetings of Committees, Sub-Committees and Panels and Agenda Papers

- (1) Every scheduled meeting of a Committee, Sub-Committee or Panel shall be summoned by the Assistant Director - Legal, Governance and Monitoring through the issue of a notice for the meeting where practical at least 7 days prior to the meeting. The items of business for consideration at the meeting will be set out in the Agenda for the meeting. No additional items of business will be allowed unless the Chair for the meeting determines that they are urgent.
- (2) The Leader of each Political Group (or in his/her absence the Deputy Leader of each Group) shall notify the Chief Executive, in writing, not less than 14 days before the date of the intended meeting to which the item should be submitted of any item(s) which he/she wishes to include on the Agenda of any Committee, Sub-Committee or Panel of the Council. The notification shall include such information as is necessary to enable the Chief Executive to determine whether the subject matter requires consideration by the Committee, Sub-Committee or Panel. The Chief Executive shall determine the appropriate body to which the item shall be referred and notify the Group Leader (Deputy Group Leader) of the date of that meeting which shall be the next available meeting. Any item which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper shall not be accepted and the decision of the Chief Executive shall be final.
- (3) The Chair (or Deputy Chair) of a Committee, Sub-Committee or Panel with the approval of the Leader of the Council, may instruct the Assistant Director – Legal, Governance and Monitoring to call a meeting of a Committee, Sub-Committee or Panel at any time.
- (4) An additional meeting of a Committee, Sub-Committee or Panel can be summoned if the Assistant Director - Legal, Governance and Monitoring receives a request in writing from at least half of the Members of the Committee, Sub-Committee or Panel to do so. Assistant Director - Legal, Governance and Monitoring in consultation with the Chair may also summon a special meeting upon any emergency. The summons for such meetings shall set out the business for the meeting and no other items of business will be considered.

41. Procedure Rules to apply to Committees, Sub-Committees and Panels

Procedure Rules 9, 10, 11, 15 and 18 (except those parts which relate to speaking more than once) 20, 21, 22, 25, 26, 27 and 34 shall, with any necessary modifications, apply to meetings of Committees, Sub-Committees and Panels.

42. Voting in Committees, Sub-Committees or Panels

- (1) Voting at a meeting of a Committee, Sub-Committee or Panel shall be by a show of hands or by use of the electronic voting equipment, where appropriate. Alternatively the Committee, Sub-Committee or Panel may require the Assistant Director - Legal, Governance and Monitoring to take a vote by ballot on any motion or amendment which is put to the meeting.
- (2) The Chair at a Committee, Sub-Committee or Panel meeting shall have a second or casting vote in the case of an equality of votes.
- (3) If there are more than two persons nominated for any appointment to be filled and there is no overall majority in favour of one person the following procedure will apply. The name of the person (or persons, if equal) who has received the least number of votes will be struck off the list of nominations and a fresh vote will be taken. This procedure will continue until a majority vote is given in support of one of the persons nominated.
- (4) At any meeting of a Committee, Sub-Committee or Panel (including joint bodies etc.) a Member may require that his or her decision in voting for or against a question (or his or her abstention from voting) be recorded in the Minutes of the meeting. Such a requirement must be proposed by the Member immediately after the vote is taken.
- (5) At any meeting of a Strategic Planning Committee or a Planning Sub-Committee a recorded vote of decisions on Planning Applications shall take place.

43. Working Parties, etc

- (1) Any Committee, Sub-Committee or Panel may establish a Working Party or Sub-Group (which may include Officers) to undertake a detailed study of any matter(s). A Working Party or Sub-Group shall not have delegated powers and shall not constitute a formal Sub-Committee.
- (2) The terms of reference for any Working Party or Sub-Group shall state their objectives and dates etc. for reporting on their findings.
- (3) The Chair (and Deputy Chair) of a Committee, Sub-Committee or Panel responsible for establishing a Working Party or Sub-Group if not appointed in their own right, shall be entitled to attend and speak at all meetings.

44. Reports to Council

- (1) The Chair may request the Assistant Director - Legal, Governance and Monitoring to include in the report of a Committee, a reference to any particular matters which were considered in the meeting.
- (2) In accordance with the Agenda for the Council meeting.
 - (a) The Chair of a Committee, (or in their absence any other Member of the Committee) shall propose a motion to seek the Council's approval on

any matter expressly referred by the Committee, to Council for determination.

- (b) The Mayor (or in his/her absence the Deputy Mayor or any other Member of the Council) shall propose a motion to seek the Council's approval to the receipt of any report of a meeting of Cabinet or any Committee.

45. Reports of Sub-Committees and Panels

A report of the proceedings of a Sub-Committee or Panel meeting shall be presented to the next convenient meeting of the parent Committee or Cabinet.

(D) Miscellaneous

46. Variation and Revocation of Procedure Rules

- (1) Any motion to add to, vary or revoke these or any other Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (2) Paragraph (1) of this Rule shall not apply to any review of Procedure Rules proposed at the Annual Meeting of the Council or to a specific recommendation by the Cabinet or a Committee to the Council to add to, vary or revoke any Procedure Rules.

47. Suspension of Procedure Rules

- (1) At any meeting a motion may be moved to suspend the use of any of the preceding Procedure Rules for any item(s) of business included on the Agenda for that meeting. [The Motion should specify the relevant Council Procedure Rule/s to be suspended.](#)
- (2) A motion to suspend Procedure Rules shall not be moved without notice unless at least one half of the Members of the Council, Committee, Sub-Committee or Panel are present.

48. Standards of Conduct in Public when representing the Council

Members have an obligation when taking part in Council and Committee meetings etc, held in public to comply with the protocol on standards of conduct in public approved by the Standards Committee and incorporated in Part 5 of the Constitution.

49. Appointment of Leader or Mayor Other than at Annual Meetings of Council

- (1) In the event that the Leader of the Council resigns part way through his or her term of office, or is incapacitated (to such an extent that they are no longer able to reasonably carry out their duties and responsibilities as Leader) or otherwise dies in office the Deputy Leader will act as Leader of the Council in accordance with Article 7 of the Council Constitution until such time as an election takes place and

a new Leader of the Council is successfully elected. Such an election shall take place at the next possible meeting of Council or at an Extraordinary Meeting of Council convened for such a purpose.

- (2) In the event that the Mayor resigns from office part way through his or her term of office or otherwise dies in office the Deputy Mayor shall act in his or her place for the remainder of the Mayors term of office.

50. Relevant Definitions

“Municipal Year” defines the period between each meeting of Annual Council, which normally take place during May.

“Group Leaders” is the term referring to the Leader of each political group which is represented on the Council.

“Key Discussion” is the description of format for a presentation followed by a discussion and debate which takes place over 60 minutes at ordinary meetings of the Council which are designated as Key Discussion meetings.



Name of meeting: Annual Council

Date: 25 May 2016

Title of report: Proposed revisions to the terms of reference for the Health & Wellbeing Board

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan ?	N/A
Is it eligible for "call in" by Scrutiny ?	N/A
Date signed off by <u>Director</u> & name	
Is it signed off by the Director of Resources?	David Smith - 28 April 2016
Is it signed off by the Assistant Director – Legal, Governance and Monitoring?	Julie Muscroft - 3 May 2016
Cabinet member portfolio	

Electoral [wards](#) affected: N/A

Ward councillors consulted: N/A

Public or private: **Public**

1. Purpose of report

The purpose of this report is to seek approval to the proposed amendments to the Terms of Reference for the Health and Wellbeing Board.

2. Key points

On the 24 September 2015, Board members participated in a development session led by the Local Government Association.

Outputs from the session were that the Board would clarify its role and purpose, improve understanding of the purpose and role of other boards and organisations and build constructive relationships across these bodies.

Following the development session it was agreed that the Terms of Reference for the board (see attached) would be strengthened to reflect the discussion and output from the session.

The proposed revisions to the Terms of Reference were presented to the Health and Wellbeing Board on the 28 April 2016. The Board formally accepted the revisions and recommended their adoption to Corporate Governance and Audit Committee and Annual Council.

3. Implications for the Council

That the existing partnership arrangements between the council and health providers be strengthened.

4. Consultees and their opinions

Health and Wellbeing Board agreed the revisions.

The report was considered by Corporate Governance and Audit Committee on 16 May 2016, where the revisions to the terms of reference were supported. A minor drafting was suggested and it was agreed that the word 'health' be deleted in the 'Invited observers' paragraph (as shown in the attached appendix).

5. Next steps

To implement, if approved.

6. Officer recommendations and reasons

That the revised Terms of Reference of the Health and Wellbeing Board be approved.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

Phil Longworth, Health Policy Officer Tel: 01484 221000
Jenny Bryce-Chan, Governance Officer Tel: 01484 2210020

9. Assistant director responsible

Julie Muscroft, Assistant Director, Legal Governance and Monitoring

Health and Wellbeing Board

Membership

Membership of the Board includes Councillors, NHS Clinical Commissioning Group representatives, Healthwatch and Council Directors.

Voting members

- Three Members of Kirklees Council's cabinet, one of whom may be the Leader
- One Senior Councillor from the main opposition group
- One Councillor from a political group other than the administration and main opposition group
- Director for Children and Young People
- Director for Public Health
- Director for Commissioning, Public Health and Adult Social Care
- One representative of local Kirklees Healthwatch
- Three representatives of North Kirklees Clinical Commissioning Group
- Three representatives of Greater Huddersfield Clinical Commissioning Group

Non-voting members

- Chief Executive Kirklees Council
- Member of NHS England (Statutory requirement: to participate in the board's preparation of JSNA / JHWS and if requested to participate in exercise of the commissioning functions of the Board in relation to the Kirklees HWB Area)

Invited observers

Chief Executive or nominated representative of significant ~~health~~ partners:

- Mid Yorkshire Hospitals Trust
- Calderdale and Huddersfield Foundation Trust
- South West Yorkshire Partnership Foundation Trust
- Current community health provider
- **West Yorkshire Police**

Terms of Reference

The Health and Wellbeing Board is a statutory Committee of the Council. The Board brings together the NHS and the Council to provide leadership in ensuring a strategic approach to providing integrated working in relation to arrangements for providing health and social care services.

Purpose and Functions of the Board

- To be responsible for the health and wellbeing of the people of Kirklees, using collective resources to ~~reduce~~ **improve** health **and wellbeing**, **reduce health** inequalities and **tackle variations** ~~address variances~~ in the quality of health and social care.
- To develop, **publish** and own the Joint Strategic Needs Assessment for Kirklees (JSNA) to **inform local planning, commissioning and delivery of services** and meet the legal responsibilities of Kirklees Council and the Clinical Commissioning Groups.
- To develop, **publish** and own the Joint Health and Wellbeing Strategy for Kirklees, based on the JSNA and other local intelligence, to provide the overarching framework for **planning, commissioning and delivery of services** ~~including consideration of the pooling of budgets~~
- To provide the structure for overseeing local planning and accountabilities for health and wellbeing related services and interventions **and the development of integrated sustainable health and social care systems.**
- To promote ~~an ethos of~~ integration and partnership **working with the NHS, social care, public health and other bodies** in the planning, commissioning and delivery of services to improve the wellbeing of the whole population of Kirklees.
- To **ensure the involvement** ~~involve~~ and **engagement of** service users, patients and the wider public in ~~order to influence and inform the broader work of the Board~~ **planning, commissioning and delivery of services to improve the wellbeing of the whole population of Kirklees.**
- To provide leadership and oversight of key strategic programmes, such as the **Sustainability and Transformation Plan**, Better Care Fund, and **to encourage use of associated fund arrangements where appropriate.**
- **To provide assurance that the commissioning and delivery of plans of partners have taken sufficient account of the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.**
- To publish and maintain a statement of needs for pharmaceutical services across the Kirklees area.
- To ensure that the Council's statutory duties in relation to health protection arrangements and plans are delivered through the work of its sub-committee, the Kirklees Health Protection Board.

- To exercise any other functions of the Council delegated to the Board by the Council.
- ~~To bring together key NHS, public health and social care leaders across the Kirklees area~~
- ~~To consider how best to ensure more collaborative working to reduce duplication and improve productivity within health and social care services, with appropriate reinvestment within this economy.~~
- ~~Have the flexibility to go beyond its minimum statutory duties to promote joining-up of a much broader range of local services (i.e. further integration of health with more services around the wider determinants of health and wellbeing).~~

Voting Rights

All statutory members of the Health and Wellbeing Board have voting rights.

In accordance with The Local Authority (Public Health, Health and Wellbeing boards and Health Scrutiny) Regulations 2013, if the Council's wishes to alter the voting rights **and membership** the board must first be consulted on any proposed amendments.

Substitute Members

Voting Board Members can send a substitute to represent them should they be unable to attend and if appropriate cast their vote.

Quorum

The quorum for the board will be attendance by 50% of the accountable bodies and 50% of the membership.

This page is intentionally left blank



Name of meeting: Council (Annual)
Date: 25th May 2016

Title of report: Proposed Amendments to Financial Procedure Rules 2016

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	David Smith: 28 April 2016
Is it signed off by the Director of Resources?	As above
Is it signed off by the Assistant Director- Legal , Governance & Monitoring?	Yes; 12 April 2016

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Public report

1. Purpose of report

This report sets out proposed changes to Financial Procedure Rules (FPR) starting from 1st June 2016.

2. Key points

Each year the Council, taking advice from the Corporate Governance & Audit Committee consider revisions to Financial Procedure Rules (FPRs)

Financial Procedure Rules

There are a number of areas recommended for change. Most of these are of a minor nature, but a large part of the control mechanism for Capital Investment Planning (part3) Expenditure is substantially simplified, and procedures aligned more closely with the arrangements designed to control the revenue budget.

The texts that are amended are shown in track changes in the attached appendix

3. Implications for the Council

These changes maintain an appropriate control environment for the operation of the council's activities.

4. Consultees and their opinions

The Director of Resources and Assistant Director (Legal, Governance & Monitoring) have had an opportunity to comment and their views have been incorporated in the text.

The meeting of Corporate Governance and Audit Committee considered the proposed amendments at its meeting of 22 April 2016 and endorsed the changes subject to the retention of the current words at paragraph 2.10/3.16 (now 3.14) of the report, as is reflected in the attached appendix. This retained the obligation for the cabinet to report summary information to Cabinet at least twice each year

5. Next steps

If approved, the changes will be operational from 1st June 2016.

6. Officer recommendations and reasons

That the recommended changes to Financial Procedure Rules(FPRs), as set out in the report, be approved.

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer and relevant papers

Martin Dearnley
Head of Audit & Risk
01484 221000

Appendices to this report:
Draft Financial Procedure Rules 2016

Relevant papers;
Current (April 2015) FPRs

9. Director/Assistant Director responsible

David Smith Director of Resources
Debbie Hogg Assistant Director Financial Management, Risk, Performance and IT.

This page is intentionally left blank

KIRKLEES COUNCIL

FINANCIAL PROCEDURE RULES

June 2016~~April 2015~~

Financial Procedure Rules

Introduction

These Financial Procedure Rules set out the framework which the Council will use in managing its financial affairs. They set out levels of responsibility and give authority to the Cabinet, Members and Officers and are intended to promote good practice in the use of public funds.

A guide to the Financial Procedure Rules will be published on the Intranet to help users understand and implement good financial management. Users should contact the Director of Resources or his staff if assistance or clarification is needed.

Contents

1. Financial Governance
2. Revenue Budget Preparation and Management Revenue Budget
3. Capital Investment Plan Preparation and Management
4. Financial Systems, Procedures and Grants
5. Internal Audit
6. Insurance
7. Assets
8. Security
9. Treasury Management
10. Banking Arrangements, Cheque Signing and Imprest Accounts
11. Income
12. Payment of Invoices
13. Payment Cards
14. Salaries, Wages and Pensions
15. Travel, Subsistence and other Allowances
16. Taxation
17. Gifts and Hospitality
18. Working with Clients and Contractors
19. Unofficial and Voluntary Funds
20. Financial Control of Partnerships, Joint Ventures, Associated Organisations and Similar Arrangements.
21. Purchasing of Works, Goods and Services

Financial Procedure Rules
Definitions

Activity Budget	A standard sub division of a Service Budget
Asset	An item belonging to the Council that has a value ; It can include buildings, equipment, vehicles, stocks, stores, money and items of intellectual value
Associated Organisation	An organisation in which the Council has a majority or substantial shareholding, or exercises substantial influence through its funding of the organisation.
Business Case	A written document, setting out the reasons for a project, including analysis of options, risks and resources needed.
Cabinet Member	A single member of the Cabinet.
Central Budget	A budget which is held centrally and for which statutory Chief Finance Officer is accountable (in accordance with any rules established in these procedures, or by Council, or Cabinet)
Controllable Budget	A budget which is allocated to a Director , and for which the Director is accountable, in accordance with any rules established in these procedures, or by the Director of Resources, or by Council, or Cabinet
Director	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive.
Director of Resources	The Director –or other officer- who is the council's statutory .Chief Financial Officer. Any rules applying to a Director apply equally to the Director of Resources when behaving as a service Director.
Directorate	The consolidated Service plans and activity budgets that fall within the responsibility of any one director
Fixed Asset	Any physical item having a long term value –such as a vehicle, or property.
Irregularity	An unexpected or inappropriate event or behaviour
Land Asset	Means the property of the Council that is freehold or leasehold property (including any buildings on it), rights of possession of land, easements and/or other estates or interests in land.
Medium Term Financial Plan	Three year Revenue Budget Plan and Capital Investment Plan.
Named Project	A project (forming part of a Capital Programme) identified by Cabinet (or any other body or person so authorised by Cabinet) for inclusion in the Capital Plan.
Officer	An employee of the Council or other person contracted to carry out functions where these Financial Procedure Rules apply.
Partnership	Any organisation with which the Council has a formal or informal agreement to act together.
Programme Area	A group of projects having a similar purpose in the Capital Investment Plan.
Project	A single scheme included separately in the Capital

	Investment Plan, or as a part of a programme area.
Rollover	A mechanism for transferring budgets between financial years.
Service Plan	A statement of objectives plans, performance measures and the use of resources for a Service.
Specified Project	A project specified by Council for inclusion in the Capital Plan.
Virement	The transfer of resources from one budget to another.

1. **FINANCIAL GOVERNANCE**

- 1.1 The Council has a statutory duty to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs. The Council has resolved that the Director of Resources is the responsible officer.
- 1.2 The Council will approve Financial Procedure Rules to be used by all members and officers.
- 1.3 The Corporate Governance & Audit Committee is responsible for approving the Council's Annual Statement of Accounts
- 1.4 The Cabinet is responsible for ensuring that the Financial Procedure Rules are followed across the Council. The Corporate Governance & Audit Committee is also responsible for reviewing the Financial Procedure Rules annually and for making recommendations for any changes to the Council.
- 1.5 The Corporate Governance & Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management arrangements. The Cabinet is responsible for assessing the risk of activity undertaken by the Council.
- ~~1.6 The Personnel Committee is responsible for recommending to Council the annual Pay Policy statement and strategy, for implementation each April.~~
- 1.7 The Director of Resources is responsible for the proper administration of the Council's financial affairs, and particularly for:-
- a) Providing financial advice and information to members and officers;
 - b) Setting standards for good financial management and monitoring compliance with those standards;
 - c) Advising on the key financial controls necessary to secure sound financial management;
 - d) Ensuring that proper systems of internal control are operated;
 - e) Co-ordinating the preparation of the Revenue Budgets and the Capital Investment Plan;

- f) Determining the accounting policies and financial procedures and records for the Council;
 - g) Preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice;
 - h) Treasury management activities;
 - i) Preparing a risk management policy statement and promoting it throughout the Council;
 - j) Maintaining an effective internal audit function;
 - k) Ensuring proper professional practices are maintained within the finance function; and
 - l) Managing the Council's taxation affairs.
- 1.8 The Director of Resources must report to the Council's Monitoring Officer and to the Council if:-
- a) A decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful; or
 - b) There has been, or is about to be, an unlawful action resulting in a financial loss to the Council;
- and the Councils Monitoring Officer will take all appropriate and necessary steps to deal with the matter.
- 1.9 The Director of Resources may issue any instruction intended to fulfil these responsibilities and is entitled to any information or explanations as he/she may require.
- 1.10 Directors must ensure that financial systems and procedures used in their service areas are adequate to record and control all transactions and to achieve adequate levels of internal check and control.
- 1.11 Directors must make arrangements to ensure that all officers involved in financial matters are aware of, and competent in the use of, these Financial Procedure Rules. The extent of delegated authority to officers must be recorded.
- 1.12 Directors must ensure that any report to Cabinet contains the financial implications of any proposals. These financial implications must be agreed with the Director of Resources.
- 1.13 Where, as a result of legislation or decision of the Council, part of the Council's functions are delivered by an associated organisation including any partnerships of which the Council is a member or participant, funded partly or wholly by the Council, the organisation must submit for approval by the Council its own arrangements for corporate governance. These arrangements will incorporate the spirit of the Council's Financial Procedure Rules, and will include the Council's right of access to financial information about the associated organisation.
- 1.14 Schools with delegated budgets are subject to, and must comply with , the 'Kirklees Scheme for Financing Schools', which has tailored these Financial Procedure Rules for use in those Schools.

1.15 A reference in the Financial Procedure Rules:-

- a) To a Director includes where appropriate the Chief Executive.
- b) To the Cabinet includes Cabinet committees;
- c) To the Director of Resources includes his or her nominees; and
- d) To an officer means any employee of the Council, or other persons contracted to carry out functions where these Financial Procedure Rules apply.

2. **REVENUE BUDGET PREPARATION AND MANAGEMENT**

Responsibilities

- 2.1 The Council is responsible for determining the Council's Medium Term Financial Plan (MTFP) comprising a multi-year General Fund Revenue Budget Plan (including the revenue consequences from the Capital Investment Plan) and setting the level of Council Tax for the following financial year. The multiyear plan will normally be for a period of 3 years.
- 2.2 The Cabinet is responsible for recommending to the Council a Medium Term Financial Plan comprising a multi-year General Fund Revenue Budget Plan and Capital Investment Plan and for implementing it when determined.
- 2.3 The Cabinet is responsible for approving the setting of Council Tenant Rents, and other rents and service charges within the Housing Revenue Account (HRA), each year, within the scope of existing HRA rent and charging policies.

Budget Preparation

- 2.4 The Cabinet will submit no later than the October meeting of the Council each year a provisional budget strategy for the following three years. The starting point will be the existing multi-year plans rolled forward from the previous year, including a high level review of Council funding and spend assumptions across the next 3 years. Any resultant gap between funding and spend forecasts will inform target spending controls over the new MTFP period
- 2.5 The Director of Resources is responsible for establishing budget procedures, including determination of the following:
 - i) target spending controls for the Council budget over the MTFP, and their allocation to Directors, as appropriate,
 - ii) the format for budget documentation,
 - iii) a corporate budget timetable, and
 - iv) to report on any amendments put forward as part of the Council's budget process

- 2.6 The provisional budget strategy will include arrangements for wider public engagement on budget options being considered.
- 2.7 Directors will produce draft budget proposals to meet target spending controls for Council budgets over the MTFP, in accordance with budget procedures and the annual budget timetable as set out by the Director of Resources. These draft budget proposals will show how resources are to be allocated across activities, taking into account any service changes, performance targets, and the specific requirements of any relevant legislation, including service equalities impacts, in formulating budget options for Cabinet consideration.
- 2.8 The Cabinet will consider these proposals in detail and make its recommendations to the Council at least 14 days before the date set for the meeting of the Council which will determine the Council's Budget for the next financial year.
- 2.9 The Director of Resources will advise the Cabinet and the Council on the overall budget, the levels of Council Tax, the use of reserves and the need for contingency budgets, and on the risks involved in the forecasts of spending levels and income. The annual budget report must make reference to all matters required by legislation or appropriate professional guidance, including matters such as the Pay Policy Statement and strategy.

Budget Management

- 2.10 The Cabinet is responsible for implementing the Corporate Plan within the resources allocated in the Revenue Budget. The Cabinet will provide summary revenue monitoring information to the Council at least twice per year.
- 2.11 The Director of Resources will determine which budgets are "controllable" by Directors, and will allocate the specific budgets that each Director has responsibility to manage.
- 2.12 These budgets will normally align with the Directorate structure of the Council, but may also reflect the cross council (transformational) structure of the Council. The Director of Resources will determine which budgets may be considered together for the purposes of delegated virement authority (per FPR 2.20 to 2.24 below).
- 2.13 Directors are responsible for managing controllable budgets within their delegated authority and should exercise proper budgetary control in order to achieve Corporate Plan and Service Plan objectives.
- 2.14 Directors are authorised to incur any expenditure included in the approved revenue budget, as amended by any Virement including obtaining and accepting quotations and providing grants and loans, subject to other requirements of CPRs and FPRs.

2.15 Directors must report on budget management. They must take action to avoid overspending budgets and report any difficulties to the Director of Resources. These reports must be in a format and to a timetable prescribed by the Director of Resources.

2.16 Where a Director is reporting a projected overspending of more than £500,000 on an activity that cannot be addressed through budget virement, ~~the Director must~~ this will be highlighted by the Director of Resources as part of the report to the Cabinet on the overall management of the Revenue Budget on a quarterly basis through the year ~~prepare a report to Cabinet,~~ setting out the reasons for the overspending and management options ~~for eliminating or reducing the overspending.~~

~~When a Director reports under Financial Procedure Rule 2.16,~~ The Cabinet is responsible for approving an action plan.

~~The Cabinet is responsible for monitoring the implementation of the action reviewing management options plan,~~ and for taking recommending such further steps as are necessary to align activity with resources.

2.17 The Director of Resources is accountable for all central budgets, which will be managed in the same way as activity budgets.

2.18 The Director of Resources has delegated authority to review the requirement for existing Council Provisions and earmarked Reserves, in-year, and to report any new Reserves or Provisions requirements to Cabinet.

2.19 Directors should delegate authority to commit budgets to the appropriate level of management, make arrangements to set out clearly the extent of authority of managers, and review the performance of managers in managing these budgets.

Virements

2.20 Directors are authorised to transfer resources within an activity budget without limit providing the Service Plan for the activity is not changed in a material way.

Virement which is associated with a change in the level of service from that set out in the service plan must be approved by the Cabinet.

2.21 Directors, in consultation with the appropriate executive member(s), are authorised to transfer resources between controllable activity budgets subject only to the cumulative Virements on any one activity not exceeding 10% of the original gross directorate budget or £500,000, whichever is the smaller.

2.22 The Cabinet is authorised to transfer resources (undertake a Virement) of more than £500,000 between activity budgets, subject only to the cumulative Virements on any one Directorate not exceeding 10% of the original gross budget, or £2m, whichever is the smaller. Cumulative Virements above these thresholds requires Council approval.

The Cabinet may authorise the transfer of up to £500,000 , cumulative in any one financial year, from the revenue budget to add additional resources to the capital plan. Directors can authorise the transfer of up to £100,000 cumulative in any one financial year, from the revenue budget to add additional resources to the capital plan.

- 2.23 Virement is specifically not allowed where the transfer of resources is from budgets for capital charges, simple service level agreements (SLAs) or statutory taxes and levies.
- 2.24 All Virements will be recorded in a way prescribed by the Director of Resources who will arrange for Virements to be incorporated into subsequent financial monitoring reported to the Cabinet.

Rollover

- 2.25 Rollover is a mechanism for transferring budget provisions from one year to the next, or vice versa.
- 2.26 The Council, in determining the Revenue Budget for a particular year, will also determine the arrangements for rollover for that year. The Council will determine changes to the Council's Revenue Budget arising from the rollover process.
- 2.27 The Cabinet is responsible for recommending changes to the Revenue Budget arising from the rollover process.
- 2.28 In the rollover process, there will be a presumption that the overall level of resources available to support rollover proposals will not exceed the net under spend of the Council as a whole for that year.
- 2.29 Subject to the parameters set out in FPR 2.28 above, there will be a presumption that rollover entitlement will be considered at a Directorate level in the first instance, and will not exceed the Directorate's net under spend position for that year.

Other

- 2.30 Where during any year a material change of funding (and or any change associated activity) arises this must be reported to Cabinet along with a statement of any associated change in the risk profile.(for example a change from outsourced to direct employment may have the same overall cost, but may significantly increase the Council's risk).
- 2.31 Where, as a result of a mistake or error by an officer, the Council becomes liable for any charges, penalties or additional expenses, such costs will be met by the activity in which the error is made.
- 2.32 Whenever the Cabinet becomes aware –following a report from the Director of Resources- that a reduction in resources during the current or future years

may impact on the Councils financial position, it may take such steps as it considers necessary to reduce activity immediately or at a stage prior to the next budget Council in order to address this factor.

- 2.33 The Director of Resources will report to the Cabinet on the overall management of the Revenue Budget on a quarterly basis through the year. At least a summary of this information will be published on the council website.
- 2.34 After the end of each financial year, the Director of Resources will report to the Cabinet and the Council on the outturn financial performance and proposed rollover of each Directorate and of the Council as a whole.

3. **CAPITAL INVESTMENT PLAN PREPARATION AND MANAGEMENT**

General

- 3.1 All capital investment must be made in recognition of the CIPFA 'Prudential Code for Capital Expenditure', and take account of affordability, prudence and financial sustainability, value for money, stewardship, organisational objectives, and practicality. ~~In order to achieve this, Directors must prepare a business case in respect of each project (or programme).~~

Responsibilities

- 3.2 The Council is responsible for determining the Council's Capital Investment Plan and approving the prudential indicators and limits that support the capital investment.
- 3.3 The Cabinet is responsible for recommending to the Council at the same time as the proposed Revenue Budget, a multi-year Capital Investment Plan and the prudential indicators and limits that support the recommended capital investment.
- and
- 3.47 The Council will determine allocations of capital resources to programme areas, or to specified projects.

3.5 The Cabinet is responsible for implementing ~~the Capital Plan when determined approved by Council, in line with any stated Council policies, or strategies~~

- 3.6 The Director of Resources will advise the Cabinet and the Council on the overall Capital Investment Plan and levels of funding available. -The Director of Resources must confirm the robustness of the capital plan and assess and report to Cabinet on the revenue effects of the capital plan (financing, additional running costs, savings and income) and indicating the prudential indicators and limits that support the capital investment.

Capital Investment Plan Preparation.

- ~~3.5~~ 7 The Director of Resources will prepare draft investment plans in accordance (where set) with the planning totals. Directors are responsible for

providing details of all programmes and projects in a format prescribed by the Director of Resources.

~~3.6 The Cabinet will consider these proposals in detail and make its recommendations to the Council at the same time as the proposed Revenue Budget.~~

~~3.7 The Council will determine allocations of capital resources to programme areas, or to specified projects.~~

Plan Management

~~3.8 The Cabinet is responsible for implementing the Capital Investment Plan within the resources allocated.~~

3.89 Where the Council has allocated resources to a programme area, the Cabinet will determine the allocation of resources from the programme area to named projects.

3.910 The Cabinet is authorised to:

~~(1) Transfer resources within a programme area without restrictions.~~

~~(1) Transfer resources between any project or programme area up to a maximum of £500,000 in any financial year.~~

~~(2)~~

~~(3)(2) 3.11 The Cabinet is authorised to transfer resources between programme areas or specified projects, subject only to the maximum amount of Virement in any one year on any programme or specified project not exceeding 10% or £500,000, whichever is the smaller. Where the 10% is less than £100,000, Virement of £100,000 will be allowed. The 10% limit does not apply to transfers from the Capital Contingency.~~

~~3.12 The Cabinet may delegate its authority under Financial Procedure Rules 3.10 and 3.11 to individual Cabinet members, to District Committees, to Directors or, in the case of the Housing Investment Plan, to the Board of Kirklees Neighbourhood Housing Limited. The Cabinet is required to determine arrangements for delegation, which may differ between service areas. These delegations must be agreed annually by the Cabinet. (Delegation is not permitted to persons or organisations other than those listed in this paragraph)~~

3.103 Directors are responsible for managing programmes and projects, and must make appropriate arrangements to control projects and avoid overspending.

Directors are authorised to transfer resources to or from any project, or to or from any unallocated resources within a programme area up to a maximum of £100,000 in any financial year.

~~They must prepare regular reports on the progress of projects in a format and to a timetable prescribed by the Director of Resources, and take action to avoid overspending the amounts provided in the Capital Investment Plan and report any difficulties to the Director of Resources.~~

Cabinet may transfer up to £500,000, and Directors up to £100,000,

cumulatively in any one year, from the revenue budget to add resources to provide additional resources to current or new projects included in the capital plan.

3.11 Transfer of resources must recognise funding arrangements. Transfer is not permitted between HRA funded and General Fund funding streams, nor in respect of any project to the extent that it is funded by a project specific third party grant.

3.12 The Cabinet may delegate its authority under Financial Procedure Rules 3.910 and 3.104 to the Board of Kirklees Neighbourhood Housing Limited. The Cabinet may also allow additional delegated authority to Directors, this to be agreed on an annual basis.

3.13 Any decision on resource allocation by Cabinet, Directors or Subsidiary Organisations (3.9 to 3.12) must recognise any policy decisions of Council; Any decision on resource allocation by Directors or Subsidiary Organisations (3.10-3.12) must recognise any policy decisions of Cabinet.

~~Virement~~

3.14 The Cabinet may delegate to Directors its authority to exercise Virement within a programme area provided that;

- the spending on the whole programme area being contained within the resources allocated;
- the Virement of additional resources into or from a project being less than the tolerance levels set out in Financial Procedure Rule 3.21;

and

- Directors report retrospectively to Cabinet on the use of this authority as part of the quarterly monitoring on the Capital Plan.

3.15 All Virement will be recorded in a way prescribed by the Director of Resources, who will arrange for Virements to be reported to the Cabinet.

3.146 The Director of Resources will report to the Cabinet on the overall management of the Capital Investment Plan on a quarterly basis through the year at least four times per year.(including the reporting of virements in respect of each programmes and project The Cabinet will provide summary monitoring information to the Council at least twice per year.

Progressing investment decisions

3.158 The Chief Executive will may establish a Strategic Investment Board to oversee investment in capital programmes and projects (and revenue projects as approved by Management Board). This Board will consider business cases and has authority to give instruction to Directors and provide advice to Cabinet in relation to delivery of investment. Directors must prepare a business case (in a format prescribed by the Director of Resources, but which must include reference to the costs of capital, the consequential revenue costs of borrowing, and any operating expenditure and income associated with the investment) for each project or programme area. The Strategic Investment

~~Board may permit Directors to proceed with planning applications and the completion of feasibility studies and option appraisals as part of developing a business case arrangements to ensure effective deployment of capital resources, including the preparation of business cases, option appraisal etc designed to ensure project effectiveness and value for money, and to assist Council to determine its Capital Investment Plan, and assist Cabinet with the allocation of programme area budgets to specific projects.~~

~~3.16 The Director of Resources will grant approval to each specific project when satisfied that: d) — The incurring of the expenditure has been authorised by the Director of Resources; and~~

~~3.19—The Cabinet will approve each business case. The Cabinet will in some instances decide that the business case should be prepared for a whole programme area, or a group of projects. The Cabinet may delegate some or all of its authority to:~~

~~(a) Approve business cases~~

~~and or~~

~~(b) Identify projects that fall within a business case~~

~~—— to individual Cabinet Members, to District Committees, in the case of Housing Revenue investment to Kirklees Neighbourhood Housing Ltd, or to Directors. These delegations must be agreed annually by the Cabinet. (Delegation is not permitted to persons or organisations other than those listed in this paragraph)~~

~~3.20—In respect of each project authority to proceed only arises when the Cabinet, or other body or person authorised by 3.19, has approved the Business Case and (if applicable) named project allocation. Directors are authorised to proceed (as appropriate) to land acquisition, detailed design and to commit to contracts providing:~~

~~-~~

~~a) The projects appears on a schedule of named projects (approved by Council or Cabinet).~~

~~b) a) — That the total costs of a project including tenders or quotations, fees etc, are estimated to be less than or equal to the amount approved in the business case and the Capital Investment Plan; or~~

~~b)W — That where the total costs of a project exceed the amount approved in the business case and the Capital Investment Plan and the excess is within agreed tolerance levels(3.21), and the appropriate Virement additional resources has been approved; (3.9, 3.10).~~

~~ce) Any# necessary external approvals, if any, have been obtained;~~

~~d) The project will not led to any unexpected or unplanned costs, not envisaged by the business case or optional appraisal.~~

~~a) —~~

~~d) — The incurring of the expenditure has been authorised by the Director of Resources; and~~

~~3.17 e) Directors have authority to progress projects once the approval at 3.16 has been given. They must ensure compliance also with Contract Procedure Rule. That any contracts over £100,000 have been signed by the Assistant Director Legal Governance & Monitoring~~

~~3.21 The tolerance levels set out in Financial Procedure Rule 3.20(b)~~

Current project value	% Tolerance	Minimum value
£0-£249,999	10%	£15,000
£250,000 to £499,999	8%	£25,000
£500,000 to £749,999	6%	£40,000
£750,000 to £1,249,999	5%	£45,000
£1,250,000 to £1,999,999	4%	£60,000
£2,000,000 and above	3%	£80,000

~~3.22 The Director of Resources will authorise the incurring of the full project costs provided he/she is satisfied that the approval will not give rise to any further expenditure not provided for in either the Capital Investment Plan or the Revenue Budget, and there is no other material change to any circumstance. In the event of material change, the processes described at 3.18 and 3.19 must be repeated~~

~~3.2318 The Directors of Resources and Strategic Investment Board are responsible for post implementation reviews of capital projects to assess the outcome of investment programmes and projects, and the extent to which these achieved the planned objectives set out in the business case. This assessment will to be used to influence future investment planning and conclusions reported in summary to Cabinet as a part of the capital investment planning process.~~

4. FINANCIAL SYSTEMS, PROCEDURES AND GRANTS

- 4.1 The Director of Resources is responsible for the operation of the Councils accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the Director of Resources.
- 4.2 Any changes to financial procedures to meet the specific needs of a Service must be agreed between the Director and the Director of Resources.
- 4.3 Directors must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training that has been approved by the Director of Resources.
- 4.4 Directors are responsible for the proper operation of financial processes in their own departments and must ensure that all financial, costing, and other statistical information is recorded fully and accurately.
- 4.5 Directors must ensure that financial documents are retained in accordance with the Council's approved retention schedule.

- 4.6 As far as practicable, Directors must make arrangements for the separation of duties between the carrying out of transactions and the examining and checking of transactions.
- 4.7 Directors in consultation with Cabinet Members, may apply for grants from any funding body, providing the proposed activity is consistent with the approved service plan and Council policy.
- 4.8 Directors must ensure a detailed business case is prepared, in consultation with the Director of Resources, in respect of any grant offer. Any material grant conditions must be agreed with the Assistant Director Legal Governance & Monitoring
- 4.9 Directors are authorised to accept any offer of grant and subsequent grant conditions up to a maximum of £100,000, or 5% of the gross revenue budget (capital plan where the grant funding is for capital purposes) for the activity, whichever is the higher.(this includes grants from government and third parties which do not involve an application process)
- 4.10 The Director of Resources in consultation with the Assistant Director Legal Governance & Monitoring and the appropriate Director is authorised to apply for, and or approve the acceptance of grants in all other circumstances.
- 4.11 Grant claims, financial returns and submissions must be completed by the relevant Director and the Director of Resources for submission to the relevant government department, agency or organisation.

5. **INTERNAL AUDIT**

Responsibility & Authority

- 5.1 The Director of Resources must arrange and direct a continuous internal audit, which is an independent review of the accounting, financial and other operations of the Council.
- 5.2 The Head of Audit & Risk will report directly to the Chief Executive, the Chair of the Corporate Governance & Audit Committee or the External Auditor in any circumstance where the functions and responsibilities of the Director of Resources are being reviewed.(other than routine reporting of work carried out)
- 5.3 The Head of Audit & Risk has authority to:-
- (a) Enter at all times any Council premises or land or location from which Council services are provided;
 - (b) have access to all property, records, documents and correspondence relating to all activities of the Council;
 - (c) require and receive explanations concerning any matter; and

- (d) Require any employee of the Council, without prior notice, to produce cash, stores or any other property for which they are responsible.

The Director of Resources has the same authority for any accounting or associated purpose.

Planning & Reporting

- 5.4 The Head of Audit & Risk must plan and report (in accordance with the Audit Charter, Public Sector Internal Audit Standards and any instruction from the Councils Corporate Governance & Audit Committee) upon:-
 - a) The risks inherent in and associated with each system;
 - b) The soundness, adequacy and application of the financial and other management controls and systems within each Service;
 - c) The extent of compliance with, and the financial effects of, established policies, plans and procedures;
 - d) The extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause;
 - e) The suitability, accuracy and reliability of financial and other management data within the organisation; and
 - f) Value for money aspects of service provision.
- 5.5 In respect of any audit report or communication issued, the Director must reply within 4 weeks indicating the action proposed or taken, by whom and including target dates. Where a draft report is issued for initial comments a reply must be made within 2 weeks of issue.
- 5.6 The Head of Audit & Risk will provide a written summary of the activities of the Internal Audit function to the Corporate Governance & Audit Committee at least four times per year and an Annual Report produced for consideration by, Cabinet and Corporate Governance & Audit Committee, including an audit opinion on the adequacy and effectiveness of the Council's risk management systems and internal control environment.

The Head of Audit & Risk will review the system of internal audit on an annual basis (and arrange for an external assessment once every 5 years) and report the outcome to the Corporate Governance & Audit Committee.

Investigations and Suspected Fraud, Corruption or Bribery.

- 5.7 The Chief Executive and Directors must ensure that all Members and employees are:-

- a) Aware of the Council's Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy;
- b) Aware of the Whistleblowing Strategy; and
- c) Operating in a way that maximises internal check against inappropriate behaviour.

The Director of Resources is responsible for the development and maintenance of the Anti-Fraud, Anti-Corruption and Anti Bribery Strategy and Whistleblowing Strategy and for directing the Council's efforts in fraud investigation.

- 5.8 It is the duty of any officer who suspects or becomes aware of any matter which may involve loss or irregularity concerning cash, stores or other property of the Council or any suspected irregularity in the operations or exercise of the functions of the Council to immediately advise the Director. The Director concerned must immediately notify the Head of Audit & Risk who may take action by way of investigation and report.
- 5.9 Where, following investigation, the Head of Audit & Risk considers that there are reasonable grounds for suspecting that a loss has occurred as a result of misappropriation, irregular expenditure or fraud, consultations will be held with the Director on the relevant courses of action, including the possibility of police involvement and the invoking of any internal disciplinary procedure in accordance with the relevant conditions of service.

(Claimant fraud in respect of Housing Benefit and Council Tax Reduction and Discounts (where the claimant is not an employee or Member of the Council) is currently investigated by the Customer and Exchequer Service).

6. **INSURANCE**

- 6.1 The Director of Resources, in consultation with Directors is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. He/she will control all claims and maintain records of them. He/she has authority to receive or make claims on behalf of the council and negotiate and agree all settlements.
- 6.2 Directors must promptly notify the Director of Resources in writing of all new risks or Assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.
- 6.3 In the event of any insurance claim or occurrence Directors must:-
- a) Not admit liability where this may prejudice the outcome of any settlement;
 - b) Promptly notify the Director of Resources, in writing, of any loss, liability, damage or any event likely to lead to a claim; and

- c) Inform the Police in the case of loss or malicious damage to Council property.
- 6.4 Directors must consult the Director of Resources and the Assistant Director Legal Governance & Monitoring as to the terms of any indemnity the Council is required to give.
- 6.5 The Director of Resources will determine the extent of insurance cover which must be provided for in any external contract for the supply of goods, works or services. The Director of Resources, in consultation with the Director and Assistant Director Legal Governance & Monitoring, may reduce the cover requirements in respect of specific contracts.

7. **ASSETS**

- 7.1 Directors are responsible for the care and custody of all current and Fixed Assets of the relevant service (including stocks, stores, inventory items and all other items used for the Council's purposes, including property). These items must only be used for the authorised purposes of the Council.
- 7.2 Directors must ensure that contingency plans exist for the security of Assets and the continuity of service in the event of any disaster, significant event, or system failure.

Disposal of Assets

- 7.3 Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, or disposal in accordance with Contract Procedure Rules, except when the Cabinet instructs otherwise.
- 7.4 Leased items (excluding Land Assets) should only be disposed of in accordance with instructions of the lessor.

Stores

- 7.5 Directors must keep records of all stock held. The Director of Resources will determine which items will be subject to stock accounting, the methods of recording and valuation. An appropriate system of continuous stock taking must be agreed with the Director of Resources
- 7.6 Directors must arrange periodical or continuous checks of stock. This should be by persons independent of the management of the stock. These arrangements must ensure that all items of stock are checked at least once per year. The Director of Resources will be notified of any discrepancies revealed by periodic checks, and is authorised to amend records accordingly.
- 7.7 Stock holdings should be kept at minimum levels consistent with normal working practices

Inventories

- 7.8 Directors are responsible for ensuring that detailed inventories of all land, buildings, equipment, specialist furniture, specialist fittings, vehicles, plant and machinery are compiled and kept up-to-date. New inventory items must be entered promptly and redundant items (other than Land Assets) deleted and disposed of in accordance with Financial Procedure Rule 7.3. The form of inventory and the type of Assets recorded thereon will be determined by the Director of Resources after consultation with the appropriate Director.
- 7.9 The inventory should include:-
- a) The nature, type, model, serial number, location, quantity, value, date of acquisition;
 - b) All items valued at, more than £100;
 - c) Items of a lesser value which are portable and attractive; and
 - d) Evidence to indicate an inspection has been carried out.
- 7.10 Directors are responsible for ensuring that inventory items owned by another Directorate, but used operationally by their service areas are subjects to an appropriate risk based level of control. When Assets are loaned to employees, or other organisations, the Director must record the reason for the loan, date/periods and name of the receiver, and ensure recovery at the end of the period at which the purpose of the loan has expired.
- 7.11 Inventory items must (where appropriate) be security marked, stamped or engraved with the Council's name.
- 7.12 Each Director is responsible for ensuring risk based checking of the inventory and must notify the Director of Resources of any discrepancies revealed by these checks.

Fixed Assets Register

- 7.13 The Director of Resources must ensure that a Register of Fixed Assets is maintained.
- 7.14 Each Director must ~~immediately~~ notify the Director of Resources of the:
- (1) acquisition of any land, property or vehicle and any other assets having a value of more than £10,000.
- ~~7.15 Each Director must immediately notify the Director of Resources of the~~ (2) disposal (or transfer to another Service) of any Asset (or part of any Asset) which is included on the Register of Fixed Assets.
- 7.16 In respect of any item acquired by lease (other than a Land Asset) the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company

the item must be suitably marked as the property of that company.

Land Assets

7.17 The Assistant Director Physical Resources & Procurement must maintain a detailed record of all Land Assets owned by the Council (except dwellings provided for general letting) and is responsible for the security and custody of all title deeds and must maintain a suitable register of Land Assets.

7.18 The disposal of Land Assets is dealt with in the Contract Procedure Rules.

Information Assets

Directors are responsible for ensuring that inventories of all information Assets are compiled and kept up-to-date. New inventory items must be entered promptly and redundant items deleted and disposed of in accordance with the Council's Information Security Policy Records Management Policy and the appropriate Retention and Disposal Schedule. The form of inventory and the type of Assets recorded thereon will be determined by the Director of Resources

8. SECURITY

Security of Assets

8.1 Directors are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash and any other Assets for which they are responsible. The Director of Resources must be consulted to establish adequate security arrangements except in relation to Land Assets that are the responsibility of the Assistant Director Physical Resources and Procurement, or other Director, under Contract Procedure Rule 13.

8.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must retain possession of such keys at all times.

A register of keys and their holders must be maintained by each Director. The loss of any key must be reported immediately to the Director who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Council.

8.3 Maximum levels for cash holdings in each separate location are to be established in line with insurance limits.

Security of Information

8.4 Directors must maintain proper security, privacy and use of data and information held in any media including, but not inclusively, documents, magnetic, digital,(such as laptop and tablet computers, mobile phones, memory cards)

Directors must ensure that:-

- a) All employees are aware of and comply with the Council's Information Security and Records Management policies;
- b) All sensitive information is protected from unauthorised disclosure;
- c) The accuracy and completeness of information and software is safeguarded;
- d) Software and other intellectual property is used only in accordance with licensing agreements;
- e) Data Protection legislation is complied with;
- f) The Freedom of Information Act is complied with;
- g) Proper controls to system and physical access are in place; and
- h) The Council's intellectual property rights are protected.

Security of Property Relating to Clients and Customers

- 8.5 Directors must provide detailed written instructions on the collection, custody, investment, recording, safekeeping and disposal of customer/clients' property (including instructions on the disposal of property of deceased clients) for all staff whose duty is to administer, in any way, the property of clients. Due care should be exercised in the management of a customer or clients' money in order to maximise the benefits to the customer/client.
- 8.6 The Council is responsible for taking reasonable care of all items of property found by staff or members of the public on Council premises until the items are reclaimed or disposed of. Each Director must nominate officers who are responsible for the custody of lost property and keep a register of such property received, detailing the item, date, time, name and address of finder and how and to whom the property is returned or disposed of.
- 8.7 Directors may seek Cabinet authority on how lost property will be dealt with. Otherwise, if the lost property is not claimed within three months the Director will then determine if the item is of value for use by the Council, and arrange for its use for this purpose. All other items are to be disposed of in accordance with Contract Procedure Rules and the proceeds allocated to an appropriate council income code.

9. TREASURY MANAGEMENT

Policies and Strategies

- 9.1 The Council has adopted the key recommendations of the Code of Practice for Treasury Management in the Public Services, published by the Chartered Institute of Public Finance and Accountancy.

- 9.2 The Council is responsible for adopting a treasury management policy statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled.
- 9.3 The Cabinet is responsible for the implementation and monitoring of the treasury management policies ~~, and~~ practices and performance. The Corporate Governance & Audit Committee has responsibility for scrutinizing treasury management policies and practices.
- 9.4 The Director of Resources is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.
- 9.5 The Director of Resources will report to the Council (via the Corporate Governance & Audit Committee and Cabinet);
- (a) before each financial year recommending a treasury management strategy and plan;
 - (b) at least once in relation to treasury management activity during the year;
 - (c) by way of an annual report after the end of the year.

This will include the planned and actual performance in respect of the prudential indicators and limits

Administration

- 9.6 All money under the management of the Council is to be aggregated for the purposes of treasury management and will be controlled by the Director of Resources.
- 9.7 Investments other than bearer securities are to be in the name of the Council or nominee approved by the Cabinet. All borrowings are to be in the name of the Council.
- 9.8 The Director of Resources will select the Council's Registrar of stocks, bonds and mortgages and must maintain records of all borrowings by the Council.
- 9.9 A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.
- 9.10 The Director of Resources will arrange all loans and leases including operating leases.

Trust Funds

- 9.11 All trust funds are to be, wherever possible, in the name of the Council, except where charities legislation dictates otherwise. Officers acting as trustees by

virtue of their official position must deposit all documents of title relating to the trust with the Assistant Director, Legal Governance & Monitoring (unless the Trust Deed otherwise directs) who must maintain a register of all such documents deposited.

10. **BANKING ARRANGEMENTS, CHEQUE SIGNING AND IMPREST ACCOUNTS**

Banking Arrangements

- 10.1 All of the Council's banking arrangements are to be approved by the Director of Resources, who is authorised to operate such bank accounts as he or she considers appropriate.
- 10.2 Bank accounts must not be opened without the approval of the Director of Resources. Where a bank account is opened, the account name must describe the purpose of the account. All new accounts should be named in the format 'KC, XYZ Unit Account'.

Cheques and Electronic Payments

- 10.3 Payments to suppliers and employees will be made by electronic means unless there are good reasons to use a different method.
- 10.4 All cheques are to be ordered only in accordance with arrangements approved by the Director of Resources, who is to ensure their safe custody. Cheques drawn on the Council's main bank accounts must either bear the facsimile signature of the Director of Resources or be signed in manuscript by him/her or other authorised officers. All alterations and amendments are to be signed in manuscript by the Director of Resources, or other authorised officers.
- 10.5 Banking arrangements made for authorisation of payments to be made or received under electronic transfer are to be in a form approved by the Director of Resources.
- 10.6 Directors must maintain a register of all officers authorised to sign cheques and other bank documents together with specimen signatures

Imprest Accounts

- 10.7 Directors will determine what amount is appropriate for an individual imprest Director and keep a record of every imprest issued, including the name of the imprest holder, amount and location.
- 10.8 Any imprest holder (or sub imprest - see rule 10.10) must at any time account for the total imprest if requested to do so by the Director of Resources and keep adequate records in a form approved by the Director of Resources and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the Director for the

amount advanced.

- 10.9 Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the Director of Resources.
- 10.10 Where deemed appropriate by an imprest account holder a sub-imprest may be provided to another officer for which the main imprest account holder must obtain and retain an acknowledgement. In all cases where this occurs the main imprest holder must notify the Director.

11. **INCOME**

- 11.1 Fees and charges must be reviewed at least once per annum. Directors have authority to amend fees and charges to achieve budget targets and in line with the annual budget strategy, and are permitted to freeze or raise charges by an amount up to the equivalent to the index of retail prices. Changes to charges may also reflect reasonable rounding to relevant prices which might in some cases mean that certain prices rise by more than the index of retail prices or the budget strategy. Directors may make amendments to existing Fees and Charges during the financial year to account for changes in legislation, market conditions or to support the local communities or local business following the completion of an appropriate business case, in consultation with the relevant Portfolio Holder and Director of Resources.

Any proposal to implement new fees or charges must be approved by Cabinet.(unless the making and quantum of the charge is a statutory obligation). See also Contract Procedure Rules.

- 11.2 The methods of collecting, recording and banking of all income due to the Council are to be approved by the Director of Resources
- 11.3 The Director of Resources must be notified, in accordance with practices agreed with the relevant Director, of all income due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- 11.4 Directors must ensure that to the maximum extent possible income is collected by electronic means. This means that positive action should be taken to promote the use of customer payment by direct debit at the point of order for one off items, and continuous debit arrangements for ongoing services provision. Directors must ensure full compliance with all practices necessary to fully protect the banking data of the council's customers.

Collection and Banking of Income

- 11.5 Directors must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.
- 11.6 All income received by the Council must be acknowledged by the issue of an

official receipt or by another approved method indicating payment has been received. In order to ensure compliance with relevant money laundering regulations, the Council must not accept any cash payment in excess of ~~£10,000~~ (15,000 euros ~~(£11,700)~~) in respect of one single transaction on one occasion. The exception to this rule is that in the case of a disposal of a Land Asset by way of public auction, or under auction conditions, the Council may accept a cash payment in excess of ~~15-£10,000~~ Euros where the Land Asset being disposed of exceeds a sale price of ~~£10,000~~150,000 Euros. Anti-money laundering compliance is the responsibility of the Director of Resources who is entitled to issue instruction relating to this matter.

- 11.7 All money received by an officer on behalf of the Council must either be paid to the Director of Resources or to the Council's bank account as the Director of Resources may determine, at intervals taking account of the security of the premises. No deductions are to be made from such monies unless specifically authorised by the Director of Resources. Personal cheques must not be cashed out of monies held on behalf of the Council. Refunds must be made through the payments system.
- 11.8 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.
- 11.9 Every transfer of official money from one officer to another must be evidenced in the records of the Services concerned by the signature of the receiving officer.

Cash discrepancies

- 11.10 Each Director must maintain a detailed record of all cash surpluses and deficiencies in a manner approved by the Director of Resources, ~~and these must be recorded in the Council's accounts.~~
- 11.11 The Director must investigate any apparent patterns of discrepancies
- 11.12 Where such discrepancies are in excess of £100 individually, or in total within any period of 1 month, the Director concerned must immediately investigate and notify the Director of Resources who may undertake such investigations as he/she deems appropriate.

Debtors

- 11.13 Wherever possible, payment should be obtained in advance, or at the time of provision of a service, goods, letting or works. Where credit is given, Directors must ensure that the credit status of each customer is satisfactory. Directors are responsible for issuing debtor accounts in a form approved by the Director of Resources immediately a debt falls due. Each Director, in conjunction with the Director of Resources must maintain adequate records to ensure that all credit income due to the Council is promptly recovered.
- 11.14 Directors must regularly consider debts due and ensure adequate year end provisions for bad and doubtful debts. Directors are authorised to write off all

individual bad debts subject to the approval of the Director of Resources. A report on the details of all debts written off under delegated authority must be prepared and formally noted by the Director in consultation with the Cabinet Member. The Director of Resources must prepare an annual consolidated report of all debts written off for consideration by the ~~Cabinet and the~~ Corporate Governance & Audit Committee. Directors must ensure that appropriate accounting entries are made following write off actions.

- 11.15 The 'writing off' of a debt does not absolve a Director of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored by the Director.

12. **PAYMENT OF INVOICES**

All payments must be made through the councils accounting system (SAP) and should be made by electronic transfer except where there are substantial overriding reasons for alternative means of payment.

- 12.1 Directors must ensure that all valid invoices are paid within 30 days of receipt.

- 12.2 The Director of Resources will determine the method and frequency of payment from one of the Council's main bank accounts, except for:-

- Petty cash and other imprest accounts
- Delegated bank accounts approved by the Director of Resources.

Automated Payments

- 12.3 When an invoice is matched through the automated procurement and payment system, it will be paid automatically.

- 12.4 Any invoices rejected by the automated system must be subject to thorough checking by the Director to determine the reason for variance, and the cause recorded.

Certification & Processing (paper records)

- 12.5 Directors must approve a schedule of officers authorised to certify invoices, (names and specimen signatures). This must be supplied if requested to the Director of Resources. The schedule must be reviewed at least once per year.

- 12.6 All invoices- that are not the subject of automated processing- must be certified in manuscript, unless an alternative method is expressly authorised by the Director of Resources.

By certifying an account for payment the authorised officer indicates that satisfactory checks have been carried out to ensure that:-

- (a) The work, goods or services to which the account relates have been

received or carried out, examined and approved;

- (b) Prices, extensions, calculations, discounts, other allowances and tax are correct;
- (c) There is a proper tax invoice when appropriate;
- (d) The relevant expenditure has been properly incurred, is within budget, and is charged to the appropriate budget;
- (e) Entries have been made in Asset registers, inventories, stores and other records as appropriate; and
- (f) The account has not previously been paid.

12.7 Where errors on an invoice are detected manual adjustments which reduce the total payment are permissible, provided that this does not change the total amount of VAT payable. In all cases where the amount due increases, or changes the amount of VAT, a replacement invoice and/or credit note must be obtained before payment is made.

12.8 The Director must where possible achieve an adequate level of internal check. At least two officers should be involved. The officer certifying the account for payment should not be the same officer who received or checked the items, goods, works or services.

No officer may certify any invoice involving payment to himself or herself.

12.9 All forms of account submitted for payment to a supplier or contractor other than on the original invoice must be accompanied by a special certification stating that the original invoice has not been paid and will not be paid subsequently. The certificate must be signed by an officer authorised to certify accounts for payment.

12.10 The Director of Resources may withhold payment of any invoice where there is evidence to suggest that it is not in order. The Director of Resources must establish rules that control the use of pro-forma invoices, to ensure that these are not used to circumvent council procedures,

Advance Payments

12.11 Where a supplier or contractor requires payment prior to the despatch of goods or the provision of services, an official order signed by a duly authorised officer and clearly marked that payment is to be made before receipt of the goods or services must be completed. Whenever possible a supplier's invoice must be obtained, and payment made on this. In exceptional circumstances only, a pro forma invoice or supplier's order form detailing fully the goods/service to be obtained may be used. This must be approved by an officer authorised to certify invoices and retained as a record of the payment made, Where VAT features in the advance payment, the

issuing officer must then obtain a VAT invoice or authenticated receipt for the transaction, and arrange for its processing to facilitate the recovery of VAT.

Discounts

- 12.12 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides any free item, or discount is available in the form of goods these are the property of the Council, as are loyalty or bonus points or other rewards earned.

Payment by Direct Debit/Standing Order

- 12.13 The Director (or Designated Finance Officer) must approve all requests for creation of a Direct Debit mandate, and supply to the Director of Resources such information as is deemed necessary (e.g. codes, cost centre(s) to be charged, a copy of a recent bill, showing signatory certification, for the account in question). If the payment method is Standing Order, the requestor must also specify the frequency of payment and, where appropriate, a termination date.
- 12.14 The Director must inform the Director of Resources when any payment is to be terminated.
- 12.15 Services must retain all statements relating to accounts paid by Direct Debit /Standing Order for current plus three previous financial years in order to substantiate the authority's claim for VAT on these accounts.

13. PURCHASING CARDS

- 13.1 All arrangements regarding purchasing cards must be approved by the Director of Resources.(as set out in the Purchasing Card Procedure Manual)
- 13.2 Directors in conjunction with the Director of Resources will determine the monthly credit limit, any cash limits and permissible purchasing categories for individual payment and procurement cards.
- 13.3 Each cardholder must ensure safe custody of the card at all times.
- 13.4 Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder in the course of official Council business.

They must not be used:-

- a) To avoid any corporate rules on procurement and purchasing (for example to purchase only from approved suppliers)
- b) To circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or
- c) To purchase items for the private or personal use of cardholders.

- 13.5 Each cardholder must ensure that all expenditure incurred using a purchasing card is supported by adequate records and a VAT receipt is obtained to support all expenditure.

14. **SALARIES, WAGES AND PENSIONS**

- 14.1 All payments of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees are to be made by the Director of Resources in accordance with information supplied by the Director. All payroll transactions must be processed through the Council's payroll system.
- 14.2 Directors must ensure that appointments of all employees are in accordance with the appropriate Conditions of Service of the Council or any approved scheme of delegation, and within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Cabinet.

Records

- 14.3 Directors must maintain adequate records to notify the Director of Resources of all appointments, resignations, dismissals, and retirements together with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration, and provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness and maternity pay and any other additions to or deductions from pay. Directors must also advise the Director of Resources of any employee benefit in kind to enable reporting for taxation purposes.
- 14.4 All officers must complete a time record of actual times of attendance at work, except where a time clock is used. Paper records should be signed by the officer as a correct statement. It is the responsibility of each manager to check time records of officers for which that manager has responsibility.
- 14.5 Time records and other pay documents must be maintained in a manner approved by the Director of Resources and be certified by the Director or other authorised officers. The Director must maintain a list of officers who are permitted to certify payroll documentation –either electronically or by manuscript (and their specimen signatures) and these authorisations must be reviewed at least annually by the Director. Details of officers authorised must be supplied to the Director of Resources

Overpayments

- 14.6 The Director of Resources is authorised to write-off any net overpayment of salary/wage/pension/gratuity where death-in-service of an employee occurs, except where the Council holds a statutory obligation to recover such overpayments. All other overpayments of pay must be treated for the purposes of recovery and write off in accordance with Financial Procedure Rule 11.

15. **TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES**

- 15.1 Payment of all claims must be in accordance with Schemes of Conditions of Service adopted in respect of the employee to which the payment relates, and will be paid through the councils payroll system unless otherwise agreed by the Director of Resources
- 15.2 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses must be made electronically, or where authorised, on a paper form approved by Director of Resources. The form must provide for certification in manuscript by the Director or authorised officer.
- 15.3 The Director must maintain a list of officers who are permitted to authorise expenses claims electronically and by paper (and their specimen signatures) and these authorisations must be reviewed at least annually by the Director. Details of officers authorised to sign such expense claims must be supplied to the Director of Resources on request.
- 15.4 The certification (or electronic approval) of a claim by or on behalf of a Director is taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

16 **TAXATION**

- 16.1 The Director of Resources is responsible for advising the Council on all taxation issues that affect the Council.
- 16.2 Each Director must ensure taxation is treated correctly and consult with the Director of Resources in the event of any uncertainty as to any taxation treatment.
- 16.3 The Director of Resources will lead and co-ordinate discussion or negotiations with HM Revenue and Customs about any taxation matter.
- 16.4 The Director of Resources will complete all of the Council's tax returns.

17. **GIFTS AND HOSPITALITY**

- 17.1 Officers must ensure that it is apparent that no cause could reasonably arise for adverse criticism or suggestion of improper influence about the acceptance of any gift or hospitality. They must ensure that in accepting any offer of gifts and or hospitality to do so would not infringe the requirements of the Bribery Act 2010.
- 17.2 Directors must maintain a central record of all gifts, invitations and hospitality offered and or received, including items of token value.

- 17.3 The receipt of personal gifts should be discouraged, but if an officer, during the course of, or as a result of, official duties, receives any personal gift, other than one of only token value (less than £25), the matter must be reported to the Director who will decide if the item is to be returned or forwarded to some charitable cause, and the Director must inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.
- 17.4 Directors and other officers with the permission of the Director may accept invitations to events and associated hospitality of any value where this relates to a function promoted by an organisation with which the Council has formal links and attendance constitutes a demonstration of faith in that organisation. It will not normally be appropriate for attendance by a companion. A Director must agree that they are satisfied that attendance by the companion is appropriate.
- 17.5 Hospitality must only be given or accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. Particular care must be taken when this involves potential customers or suppliers. The circumstances and the type of hospitality are to be recorded in the central record maintained by the Director concerned.

18. **WORKING WITH CLIENTS AND CONTRACTORS**

- 18.1 Officers who, in accordance with their conditions of service, are permitted to carry out private or other paid work must not do so during Council time, and must not use any Council premises, resources or facilities for the execution of such work. No stationery or publicity material is to indicate that the person is a Council employee nor should the address or any telephone number of the Council be stated. Officers must declare to their Director in writing the nature and duration of such private work.
- 18.2 Officers must declare to their Director any circumstance where they believe that they may have a pecuniary or non-pecuniary interest in any proposed supply contract, grant award or other transaction for which they have involvement or responsibility.
- 18.3 Officers must not work for any current or prospective supplier or contractor to the Council.
- 18.4 All intellectual property created by employees in the course of their duties is, and remains, the property of the Council. The copyright or equivalent of any material cannot be sold without the permission of Cabinet. Any article, book or similar material for publication that is prepared in the Council's time is the property of the Council. Any disposal of intellectual property must be made in accordance with contract procedure rules. Any article, book or similar material for publication prepared by an employee (relating to their official duties) requires the written approval of the Director prior to publication.

19. **UNOFFICIAL AND VOLUNTARY FUNDS**

These regulations relate to funds administered by officers of the Council, the accounts of which are not included in the Authority's accounts.

- 19.1 Any proposed unofficial funds require the prior approval of the Director concerned who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.
- 19.2 A separate bank account must be maintained for each fund (in the name of the fund) and fund monies must be kept separate from Council monies. Alternatively, the fund may be administered through the Council's bank account and general ledger but should be separately identifiable.
- 19.3 Where a separate bank account is maintained, directors must ensure that they receive a copy of the accounts of each fund and a certificate in the prescribed form from the auditors or independent examiners of each fund that has to be audited or independently examined. Such accounts are to be prepared annually, and at the completion of the purpose for which the fund was set up.
- 19.4 The Director of Resources is to have access to any records relating to such funds, and be immediately informed of any irregularities which arise in connection with them.

20. **FINANCIAL CONTROL OF PARTNERSHIPS, JOINT VENTURES ASSOCIATED ORGANISATIONS AND SIMILAR ARRANGEMENTS**

Working in Partnership with Associated Organisations

- 20.1 The Director of Resources is responsible for promoting and maintaining the same high standards of financial administration in partnerships that apply throughout the Council, or advising the Cabinet where he/she is aware that arrangements within a partnership are in conflict or are uncertain compared with the practices adopted by the Council.
- 20.2 The Director of Resources must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, and must:-
 - a) Consider the overall corporate governance arrangements and legal issues when arranging contracts with the partner/joint venture or associated organisation.
 - b) Ensure that the risks have been fully appraised before agreements are entered into with the partner/joint venture or associated organisation.

- 20.3 Directors must ensure that in all grant agreements, contribution to partnerships and where appropriate in agreed contracts for the supply of works, goods and services the Director of Resources has access to the accounts, records and all other documentation, and is entitled to seek explanations from Officers of the funded organisation regarding the deployment of the Council's funding payment.

Working for Other Organisations

- 20.4 Directors are responsible for ensuring that approval is obtained from the Director of Resources and the Assistant Director Legal Governance & Monitoring before any negotiations commence in relation to the provision of new or additional works or services to other organisations expected to exceed £20,000.
- 20.5 The Cabinet is responsible for approving any new contractual arrangements for any work for other organisations expected to exceed £100,000 per annum. The Director of Resources may agree contractual arrangements below this level.
- 20.6 Directors must ensure that any proposed arrangement to work for other organisations does not impact adversely upon the Services provided to or by the Council. All agreements, contracts or arrangements must be properly documented and appropriate information must be provided to the Director of Resources to enable a note to be entered into the Council Statement of Accounts concerning material items.

Grants and Loans to Other Organisations

- 20.7 A Director may issue a grant or loan of any value;
- a) Provided that it is offered fully in accordance with a scheme of grants or loans that has been approved by the Cabinet.
- and
- b) There is sufficient budget provision.
- 20.8 Where a Director proposes to offer a grant, or loan to any organisation which is not covered by an existing approved scheme (as 20.7 above) he/she may do so only following:
- a) A full financial appraisal of the project to which the grant or loan relates, by the Director of Resources;
- b) A full financial appraisal of the organisation to which the grant or loan is to be granted, by the Director of Resources;
- c) The preparation of a written report that establishes the justification for the financial assistance.

- v) Consultation with the Executive Member responsible for the budget area which is to offer the grant or loan.

and

- vi) Establishing that there is sufficient budget provision.

In carrying out the evaluation at (a) and (b) above the Director of Resources will consider if any surety (legal charges on assets, bonds and or guarantees) is required of the applicant (see 20.10)

20.9 An Area Committee may issue a grant of any value provided that;

- a) It accords with, or is not in contravention of, any general scheme rules which are established by the Cabinet;

and

- b) There is sufficient budget provision.

20.10 The Assistant Director Legal Governance & Monitoring will execute any legal agreement in respect of any grant or loan exceeding £100,000 .

The Director who is offering the grant or loan may issue any grant or loan agreement below this value (using standard documents where required by the Assistant Director Legal Governance & Monitoring), except where the Director of Resources considers that a loan or grant should be subject to a surety from the applicant. In such cases grants or loans must then be executed by the Assistant Director Legal Governance & Monitoring

The Assistant Director Legal Governance & Monitoring has discretion to delegate the right to enter into such agreements as they think appropriate.

20.11 When offering grants or other forms of assistance to entities that operate on a commercial basis Directors must ensure that no assistance will infringe EU Procurement or State Aid requirements. In the event of any doubt about the matter advice must be sought from the Assistant Director Legal Governance & Monitoring.

21. **PURCHASING OF WORKS, GOODS AND SERVICES**

Orders

21.1 Before any official order is issued for works, goods or services, the Director or other authorised officer must ensure that:-

- (a) The works, goods or services, are necessary for the discharge of the responsibilities of the Council;
- (b) Sufficient budget is available to fund the expenditure; and

- (c) The Contract Procedure Rules (which apply to all purchasing decisions irrespective of value) have been complied with.
- 21.2 Directors are responsible for all orders issued. Order will be issued electronically. Paper orders must only be used when authorised by the Director of Resources. Paper orders may only be issued and signed in manuscript by officers authorised by the Director. The items, quantities and prices must be accurately recorded.
- 21.3 Directors must keep a record of who is authorised to sign order documentation or issue orders electronically and the extent of this authority. This list must be reviewed at least once per year.
- 21.4 Except where there is a formal contract, in which case work instructions and orders must conform with the provisions of the contract, official orders will be issued for all works, goods or services to be supplied to the Council, except for supplies of continuous services (such as gas), and statutory taxes, for petty cash purchases and other exceptions as the Director of Resources may approve. Orders must clearly indicate the nature and quantity of the work/services/items/supplies required, any related contract or agreed prices, discounts receivable and dates or periods of delivery, and where applicable make specific requirements to obligations placed on the contractor, such as those relating to Data Protection
- 21.5 Verbal orders must be kept to a minimum and be confirmed either the same or next working day by written orders which must be marked as a confirmatory order.
- 21.6 Records of all non-computerised order books must be kept by the Director. Copies of orders must be retained. All copies of spoilt, incorrect or un-issued orders must be appropriately marked and retained in any order book.
- 21.7 The director must record the receipt of the goods, works or services electronically (or where applicable on paper) and (where applicable) all payments made in respect of an order. All Goods Received Notes must be retained.

Management of Suppliers

- 21.8 In respect of each order or contract for construction work, and any order or contract for services exceeding £20,000 the Director responsible must appoint an authorised officer, directly employed or otherwise to carry out supervision of the contract. All orders must provide for the reasonable inspection of progression of activity at any stage that the council (acting reasonably) chooses.

Specification

- 21.9 In respect of each order or contract exceeding £20,000 the Director must prepare or agree a written brief stating the objective of the order or contract

and the sources of funding to meet the estimated cost of the project and appoint an authorised officer.

- 21.10 Unless otherwise agreed with the Director of Resources, the authorised officer must prepare a specification which will indicate relevant issues for the supply, (for example type, quantity, quality, time, location, occasions), and the risks and obligations placed on the supplier including data protection and management where applicable.. Specifications should set outcomes or outputs, and be prepared on a generic basis and not include named products except where this can be justified on technical grounds. They should be prepared in a way which is likely to bring about the most economically advantageous solution whilst ensuring compliance with minimum statutory requirements and Council policy. The specification may only be altered on the basis of written instructions from the Director, who must justify the reason for change and sources of funding.

Variations

- 21.11 The authorised officer may, subject to the provisions of the contract, make any variations essential to the achievement of the objectives of the contract but must have regard to the budget provision. The authorised officer must not issue any variation likely to increase the approved cost of the project without the written agreement of the Director responsible, who must state the authority and source of financial provision for the additional expenditure.
- 21.12 Every variation must be immediately recorded in writing by the authorised officer.

Overspending

- 21.13 Any variation to a contract which results or will result in additional costs being incurred on a contract of more than 5% of the contract sum will be reported to the budget holding Director and Director of Resources as soon as practicable.

Recording of Contractual Payments

- 21.14 Directors must ensure that a Contract Register is kept which shows details of all payments made against any contract. Any payments on account to contractors against a formal contract are to be made only on an approved certificate issued and checked by the authorised officer which must be passed to the Director of Resources.
- 21.15 The certificate authorising final financial settlement of any contract will not be issued until the appropriate officer has produced a detailed statement of account and all necessary supporting documents, and these have been checked in accordance with arrangements approved by the Director of Resources and the final payment agreed by the budget holding Director.

Claims

- 21.16 All claims (or prospective claims) from contractors for loss and expense will be considered by the authorised officer who will immediately advise the client Director and they will jointly consider methods for cost reduction to achieve the budgetary provision.
- 21.17 The budget holding Director and the Director of Resources must be consulted in respect of any claim (or prospective claim) from a contractor for loss and expense in excess of £10,000.
- 21.18 The Director will report in detail to the Cabinet if the financial consequences of the claim cannot be accommodated within the approved project budget.
- 21.19 Any claim from a contractor outside the terms of the contract, or under any statutory instrument or any claim for an ex-gratia payment will be jointly considered by the Assistant Director Legal Governance & Monitoring, Director of Resources and Director(s) of the appropriate Service(s) before any recommendation is made to the Cabinet.

Codes of Practice

- 21.20 All procurement must accord with the Contract Procedure Rules, Procurement Policy and all relevant Procedure Guidelines.

Approved by Council March 2015
MED

This page is intentionally left blank



Name of meeting: Annual Council

Date: 25 May 2016

Title of report: Contract Procedure Rules 2016

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by Director & name	David Smith
Is it signed off by the Assistant Director - Legal & Governance?	Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All

Ward councillors consulted:

N/A

Public or private: Public

1. Purpose of report

This report sets out proposed changes to the Contract Procedure Rules (CPR) for Council to consider and approve, with effect 1st June 2016.

2. Key points

Council is asked to consider a number of changes to the Contract Procedure Rules this year. These are mainly because:

- The Public Contracts Regulations 2015 was a significant body of legislation relating to procurement and these need to be reflected in the CPR;
- Risks in relation to procurement disputes were highlighted in 2015;
- We need to build on compliance with the Data Protection Act 1998 and the ICO recommendations of 2014 in preparation for the General Data Protection Regulation which was approved by the European Parliament in April 2016;
- With the possible increase in the sharing of Officers it was felt that conflict of interest provisions should be reviewed;
- Recommendation from Internal Audit to enhance the CPR which deals with the valuation of contracts;
- Updating new EU related threshold values (from 1 January 2016). There is only one change to the key values set at the discretion of the Council, which is that procurers are required to consult with the Assistant Director for Procurement where the value of the relevant contract exceeds £20,000 (but there is also provision for the Assistant Director for Procurement, who is currently an Assistant Director for Place, to waive this, when he believes this is appropriate).
- A list has been placed at the back of the CPRs to identify relevant guidance. This guidance will potentially need to be updated more frequently than the CPR, to ensure that the Council follows the Government's guidance. Therefore it is recommended that the Assistant Director for Procurement, the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT's delegated authority to issue Guidance Notes to aid the interpretation of these CPRs (set out in CPR 1.9) be noted.
- The new Concession Contracts Regulations 2016 need to be taken into account in the drafting.

In addition to the above there has been a significant degree of reformatting and restructuring of the document. A track change version would be too difficult to follow; so the supporting papers include a table comparing the proposed new CPR 2016 (on the left) with the CPR 2015 equivalent (on the right), where there is one. This includes shading which identifies the new CPRs and points out the more significant other changes (a legend at the top of the table explains the colour coding).

However, the general principles remain the same and many of the rules remain the same or similar.

3. Implications for the Council

These changes maintain an appropriate control environment for the operation of the council's activities.

4. Consultees

Assistant Director Financial Management, Risk, Performance & IT (Risk)
Assistant Director for Place (Procurement)
Assistant Director Legal, Governance & Monitoring (Information Governance)

The consultees views were taken into account and the Consultees are content with the draft text which accompanies this report.

The report was considered by Corporate Governance and Audit Committee on 16 May 2016. The Committee endorsed the content of the report, and noted that there may be some further minor drafting amendments/cross referencing to be finalised. The Committee also requested the insertion of a link to the Social Value Statement within Appendix 1 of the report. A further recommendation (see c below) has therefore been added to those considered by the Committee, to request that authority be delegated to the Assistant Director – Legal, Governance and Monitoring, to make drafting changes to the report as necessary.

5. Next steps

To implement, with effect from 1st June 2016.

6. Officer recommendations

- (a) That the recommended changes to Contract Procedure Rules as outlined in this report be approved with effect from 1st June 2016 .
- (b) That the Director of Resources be permitted to prepare additional guidance as appropriate to supplement these regulations and aid compliance with appropriate European and national legislation.
- (c) That authority be delegated to the Assistant Direct – Legal, Governance and Monitoring, to make any further drafting amendments to the report as required.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Mark Barnes, Senior Legal Officer – Legal, Governance and Monitoring

Relevant Papers: Draft CPRs for 2016 and a table comparing the 2016 CPRs with the 2015 CPRs.

This page is intentionally left blank

KIRKLEES COUNCIL
CONTRACT PROCEDURE RULES

JUNE 2016

CONTRACT PROCEDURE RULES

Definitions

Introduction

1. **CONDUCT AND COMPLIANCE AND WAIVER**
2. **PREPARATION AND PROCESS**
3. **CHOICE OF PROCUREMENT PROCESS**
4. **ADVERTISING**
5. **COMPETITION AND SUPPLIER SELECTION**
6. **QUOTATION RECEIPT & EVALUATION**
7. **QUICK QUOTE, STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE**
8. **EXCEPTIONS FROM COMPETITION**
9. **RECORD KEEPING AND REPORTING**
10. **INCOME CONTRACTS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)**
11. **LAND**
12. **EXECUTING CONTRACTS**
13. **VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS**
14. **MISCELLANEOUS**

DEFINITIONS

Assistant Director for Procurement	The Assistant Director who is responsible for Procurement (<i>this is currently an Assistant Director for Place</i>).
Assistant Director for Corporate Property Management	The Assistant Director who is responsible for corporate property management functions (<i>this is currently an Assistant Director for Place</i>).
Award Criteria	relate directly to the goods, services or works to be provided. Award criteria evaluate supplier's offers made in relation to fulfilling the Council's requirements for the Supply, in particular the Specification.
Chief Executive	The Chief Executive is the head of the Council's paid staff and its principal adviser on policy matters and leads the discharge of Council strategy and responsibilities.
Commissioning	The relationship between commissioning and procurement is described in the diagram in Appendix 4.
Conflict of Interest	Means any interest outside of the Council which may appear to an objective bystander to affect the fair judgment of an Officer or Member or any other person acting on the Council's behalf in the Procurement of a Supply or the disposal of property (including Land). The concept of conflict of interest shall at least cover any situation where relevant person has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of a Procurement or sale procedure.
CPR	Means these Contract Procedure Rules.
Director	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive.
Data Protection Legislation	the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, and all other laws and regulations relating to the processing of personal data and privacy, and also where applicable the guidance and codes of practice issued by the Information Commissioner.
Dynamic Purchasing System	is a procurement tool available for contracts for works, services and goods commonly available on the market. It has its own specific set of requirements (as set out in Regulation 34 of the Public Contracts Regulations 2015); for example, it must be run as a completely electronic process, must remain open to new entrants, all suppliers on the relevant category in the Dynamic Purchasing System must be invited to quote for contracts, and it should be set up using the restricted procedure.
European Single Procurement Document	is a standard electronic document that a tenderer for a contract to which the EU Procurement Rules apply may use to declare that none of the exclusion grounds apply to it and that it meets the necessary regulatory criteria or relevant commercial capability requirements. Only the preferred bidder will be required to submit all documentation to evidence the content of the form.

EU Procurement Rules	The rules on procurement for Supplies above the EU Threshold prescribed by the EU in Directives relating to public contracts - as amended and supplemented by the European Court of Justice. These rules also normally extend to the WTO Government Procurement Agreement signatories, which (in 2016) are Armenia, Aruba, Canada, the EU, Iceland, Israel, Japan, Hong Kong China, Liechtenstein, Montenegro, New Zealand, Norway, Singapore, South Korea, Switzerland, Chinese Taipei, and the US.
EU Threshold/ (*)	The financial threshold from time to time at which the EU Procurement Rules are applicable to a Supply. Recent and current EU Thresholds are set out in Appendix 2.
Financial Ratio	Is a pre-set method of determining a supplier's financial standing, such as turnover, net asset value, and profitability.
FPR	The Financial Procedure Rules.
Framework Agreement	Means an agreement between the Council and one or more Suppliers which operates as a Procurement tool through which contracts for Supplies can be sourced. Framework Agreements which deal with Supplies that are above, or aggregate above, the EU Threshold are subject to the EU Procurement Rules. They set out the terms for the Supply (often including the price) and the method for calling off orders. 'Framework' and 'Framework Suppliers' shall be construed accordingly.
Grant	A grant payment is a gift which may be linked to outputs and outcomes, but is not a contract for works, goods or services. That distinction is crucial: for contracts these CPR apply; for grants see FPR 4 for rules about accepting grants and FPR 20 about giving grants.
Income Contracts	This includes the disposal of an asset (other than Land) (such as a vehicle, piece of machinery, or surplus stores), and the sale of a right to exploit a business opportunity (such as a franchise to sell ice cream in a particular place, or to place advertising on council sites) and the operation of business activity (beyond that normally undertaken by a local authority).
Land	Means property that is freehold or leasehold property, rights of possession of land, easements and/or other estates or interests in land including buildings or other objects on land or in buildings which are not easily moved.
Land Contract	Means a contract which involves the acquisition, disposal, granting of leases and tenancies or otherwise renting or licensing of any Land and also the grant, variation, release, modification, or taking of any easement or covenant
Light Touch Regime	Means the regime applying to certain education, social care and other services where the EU Procurement Rules are less prescriptive about the procurement methodology, which are listed in Schedule 3 of the Public Contracts Regulations 2015.
Local Government Transparency	Means the statutory codes and legislation requiring the Council to publish information, such as [†] the Local Government Transparency Code and certain

Requirements	Regulations within the Public Contracts Regulations 2015.
Official Council Order	A standard corporate order form for a supply for a value of less than £100,000 approved by the Assistant Director Legal, Governance and Monitoring whether attached electronically or by paper to an order for Supplies.
Personal Data	means data which relate to a living individual who can be identified— (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual (e.g. references) and any indication of the intentions of the data controller or any other person in respect of the individual
Procurement	The purchase, contract hire, lease, rental ¹ or any other form of acquisition which results in a contract for Supplies where the Council is the buyer (therefore, in the context of the CPR, this does not include the Council providing the Supply to itself or gifts). Procurement also includes the establishment of Standing Lists, Framework Agreements and Dynamic Purchasing Systems. ‘Procurement’ and ‘Procured’ shall be construed accordingly.
Procurement Strategy	The Council’s Corporate Procurement Strategy 2013-2017, which can be found here: http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/procurementStrategy.pdf
Public Concession Contract	Means a contract in writing for a financial interest under which the Council entrusts works / services (as appropriate) and transfers associated risks to one or more suppliers; and the supplier in exchange receives the right to exploit those works / services as payment.
QuickQuote	A facility to obtain low value quotes from a list of suppliers provided through the YORTender system.
Quotation:	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.
Service	Any department, directorate or section responsible for delivering part of the Council’s functions. It includes any subsidiary or otherwise closely related organisation to the extent that Council functions are delegated to the organisation.
Specification	A written document detailing the Council’s requirements. This can include things such as definitions, acceptance test methods, material requirements or characteristics, drawings, plans, certifications of compliance with standards, workmanship, data security measures, quality control including

¹ Note: Contract hire, lease and rental agreements require the specific advance approval of the Director of Resources or his delegate [See the FPR].

performance testing and KPIs, completion, delivery, safety, timing, key personnel qualities, communication requirements, returns policies and tolerances.

Special Purpose Vehicle	Companies (limited by shares, or otherwise) or any other legal entity, established by or in which the Council participates whether alone or with others to provide specific Supplies to the Council.
Standing List	A list of suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 7.
Suitability Criteria	Relate to the assessment or vetting of suppliers' general capability, fidelity, skill, competence, etc. to carry out the contract. 'Suitability' shall be interpreted accordingly.
Supply	means the supply of any works, goods, or services; being provided, or to be provided, to or on behalf of the Council (whether by purchase, lease, hire or any other arrangement).
Supplier	Any person, partnership, company, or other organisation, which provides or contractually offers to provide any Supply to the Council or on behalf of the Council.
Value for Money	Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.
YORTender	The on-line Supplier and Contract Management System used by the Council to operate e-tenders and for the online management of suppliers and contracts and to advertise contracts.
*	In the text a * means the value will track the EU threshold rounded down to the nearest £10,000. Also, see "EU threshold"

† The words "including", "include", "for example", "e.g.", and "such as" in these CPRs indicate examples and are not intended to be limiting

INTRODUCTION

These Contract Procedure Rules aim to promote the highest standard of probity, integrity, and impartiality in making a clear, understandable and fair selection of Suppliers and Supplies to the Council. Equally important are the delivery of best value through competitive procedures and the avoidance of practices which may restrict, prevent or distort competition.

These Contract Procedure Rules cover the Procurement of all Supplies (goods, works and services) and Income Contracts. Directors should recognise the Council's view of the difference between Commissioning and Procurement (see Appendix 4).

These Contract Procedure Rules must be complied with strictly. They are minimum requirements. A more thorough procedure may be appropriate for particular Supplies. However, when designing the Procurement within the parameters of these CPRs, the process and the Specification should be clearly related to and proportional to the need which the Supply fulfils and should appropriately balance the value of and risks associated with any proposed action.

EU Procurement Rules, which are often more onerous, also apply to the procurement of all works, goods and services exceeding the EU Threshold, and where there is a conflict between these Contract Procedure Rules and the EU Procurement Rules, the EU Procurement Rules prevail.

The Council's Financial Procedure Rules must also be complied with.

RULE 1 – CONDUCT AND COMPLIANCE

- 1.1. All Council employees, and any person or organisation working on behalf of the Council in Procuring or managing a Supply, must comply with these CPRs.
- 1.2. Cabinet may waive any parts of these CPRs on a case by case basis following consideration of a detailed report setting out in particular:
 - 1.2.1. the legality of the proposed non-compliant process or action; and
 - 1.2.2. the reputational and financial risks associated with the proposed non-compliant process or action.
- 1.3. Failure to comply with these CPRs without a valid waiver may result in disciplinary action against the officers concerned and may in some cases constitute a criminal offence.
- 1.4. Each Director must ensure: -
 - 1.4.1. Compliance with these CPRs and the FPRs, using training, instruction and internal control processes
 - 1.4.2. Appropriate supervision and performance management to ensure that decisions taken are subject to authorisation and quality control procedures
- 1.5. When authorizing staff to procure Supplies on his or her behalf, each Director (or Assistant Director, as appropriate) must set a financial (or other) limit on the authority vested in individual officers to procure Supplies. Such limits must be recorded in the relevant Scheme of Officer delegations.
- 1.6. The Assistant Director for Procurement may
 - 1.6.1. authorise officers outside of his or her directorate to act on his or her behalf in respect of any role assigned to the Assistant Director for Procurement in these CPRs;
 - 1.6.2. issue waivers in relation to the need to consult him or her under CPR 2.3.

The Assistant Director for Procurement must record the precise extent of such authorizations and the officer to which roles have been delegated and share these authorizations with the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT.
- 1.7. A Director has authority to commence any Procurement subject to:
 - compliance with these CPRs and FPRs, and
 - having appropriate delegated authority, and
 - compliance with management processes designed to ensure that proposed projects meet the Council's business needs, and
 - seeking Value for Money
- 1.8. These CPRs are a minimum standard and a more prescriptive procurement regime must be followed where this is required by European and UK law and agreements with grant funding organisations.
- 1.9. The Assistant Director for Procurement, and the Assistant Directors Legal, Governance & Monitoring and Financial Management, Risk, Performance & IT may issue Guidance Notes to aid the interpretation of these CPRs, with the following leading responsibilities:

- 1.9.1. The Assistant Director for Procurement – Good Procurement Practice;
 - 1.9.2. Assistant Director Legal, Governance & Monitoring – The EU Procurement Rules and other laws and Corporate Governance;
 - 1.9.3. Assistant Director Financial Management, Risk, Performance & IT – Financial Management, Best Value and Risk.
- 1.10. Any dispute concerning interpretation of these CPRs must be referred to the Assistant Director Financial Management, Risk, Performance & IT who, in consultation with the Assistant Director Legal, Governance & Monitoring, may provide clarification and determination.
- 1.11. Subject to Part 3 of the Council’s constitution and without prejudice to the role of the Monitoring Officer or the Chief Finance Officer, the Chief Executive may reassign specific duties delegated in these CPRs to the Assistant Director for Procurement, and the Assistant Directors Financial Management, Risk, Performance & IT and Legal, Governance & Monitoring, provided that:
- 1.11.1. the post holders to whom these duties are assigned must hold general competencies in respect of:
 - Public sector procurement in respect of duties reassigned from Assistant Director for Procurement;
 - Finance in respect of duties reassigned from the Assistant Director Financial Management, Risk, Performance & IT;
 - Law and Court procedure in respect of duties reassigned from Assistant Director Legal, Governance & Monitoring.
 - 1.11.2. the same degree of separation of officer responsibility for the duties is maintained.
- 1.12. **Conflicts of Interest and Integrity²:**
- 1.12.1. Directors shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.
 - 1.12.2. Any Officer, Member or other person acting on the Council’s behalf in Procuring a Supply must declare any potential Conflict of Interest as soon as he or she becomes aware of a potential Conflict of Interest and update the declaration in the event of any changes.
 - 1.12.3. Directors must record such declarations and in each case decide whether safeguards need to be put in place or the Officer or Member concerned should be removed from the Procurement or Disposal process.
- 1.13. Except where the Assistant Director Financial Management, Risk , Performance & IT agrees otherwise, these CPRs apply in respect of any goods, works or services obtained by another organisation, where the Council is providing a loan or making a grant contribution of £100,000 or more.

RULE 2 – PREPARATION AND PROCESS

- 2.1 Each Director must ensure:-

² Officers should also familiarise themselves with the FPRs 17 and 18, Chapter 7 of the Employee Handbook and Part 5.7 of the Council’s Constitution and Members should also refer to Part 5.1 of the Constitution.

- (1) That Supplies of a similar type are procured together where it is sensible to do so. A Procurement must not be subdivided with the effect of preventing it from falling within the scope of these CPR or the EU Procurement Rules, unless justified by objective reasons.
- (2) Each Procurement complies with the following:
 - a. It is justified by a business case (that includes a risk assessment), and
 - b. A whole life approach to management and operation, and sustainability issues, as a part of design, specification and assessment has been considered, and
 - c. It aligns with the Procurement Strategy, and
 - d. It complies with any requirements or agreements regarding the use of in-house Service suppliers, consortia and other suppliers.
- (3) The Supply is likely to be within budgetary provision (see CPR 12.1).
- (4) An estimate of the full cost of the Supply contract or Framework Agreement which is as accurate as possible is made. Valuations must:
 - a. be estimated by reference to the gross value of the Supply contract (including installation, supplier maintenance, options, and any income gained by all Suppliers involved in the agreement);
 - b. assess the gross value of a Framework Agreement to be the reasonably estimated value of all Supply contracts which might be made through it;
 - c. where the Supply contract includes a fixed duration, cover the entire possible duration of the contract (i.e. including any options, such as for extension or renewal);
 - d. where a maximum contract duration is not certain, treat the contract as if it lasts for 4 years;
 - e. include any grant funding;
 - f. exclude VAT.
- (5) Where the cost of the Supply is less than the EU Threshold and an approved Framework Agreement or Dynamic Purchasing System is not being used, there must be consultation with the Assistant Director for Procurement to see whether the value of the Supply needs to be aggregated with any other similar Supplies for the purposes of the EU Procurement Rules.
- (6) Regard is given to Best Value and the Public Sector Equality Duty and consultations with the public have been carried out as required.
- (7) The process can be adequately resourced.
- (8) The preparation of appropriate Specifications, costs/pricing document(s), contract terms (other than Land Contracts and subject to CPR 2.1(10) below) and other procurement documentation. The documents must be likely to be understandable by all reasonably well informed people in the relevant industry in the same way.
- (9) For contracts up to £100,000, other than Land Contracts (as to which see CPR 11); where a current or maintained set of terms which has been approved by the Assistant Director Legal, Governance & Monitoring is appropriate to the type of Supply being procured, the Director shall wherever possible use such contract terms. Otherwise every contract for Supplies or Income Contract must set out:
 - a. Details of the Supply to be made or to be disposed of;

- b. The price or prices to be paid or received and/or the amounts and frequency or the method of calculation of contract payments with a statement of discounts or other deductions;
- c. The time(s) within which the contract is to be performed;
- d. Termination provisions and break clauses, if appropriate;
- e. Appropriate data protection clauses where personal data is involved; and
- f. Such other matters as the Assistant Director Legal, Governance & Monitoring considers to be necessary.

(10) For contracts above £100,000, other than Land Contracts (as to which see CPR 11); the Director must consult with the Assistant Director Legal, Governance & Monitoring who will prepare contract documentation appropriate for the contract.

(11) Where a competitive process is being carried out: a transparent, unambiguous and clearly set out schedule of Award Criteria, which are objectively verifiable and non-discriminatory and are appropriately prioritised, must be prepared and advertised. These criteria must be linked to the subject matter of the contract, must not include unlawful non-commercial considerations or Suitability Criteria (which should be identified separately and must follow CPR 5.2 – 5.7) and must be proportional to the contract's main objectives.

(12) Consideration of whether it would be appropriate to divide large procurements into contract Lots³ and must record the decision and reasoning.

(13) The Assistant Director Financial Management, Risk, Performance & IT is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding £160,000*.

(14) The appointment of an officer to carry out supervision of the resultant contract(s) in accordance with Financial Procedure Rule 21.8.

(15) That (unless Cabinet authorises otherwise) the formal Council policies and/or guides referred to in Appendix 1 are followed.

(16) All supply contracts in excess of £300,000 will be bonded in the sum of 10% of the Quotation value, except where the Assistant Director Legal, Governance & Monitoring and Assistant Director Financial Management, Risk, Performance & IT agree either:

- a. No bond is necessary; or
- b. A different value (or percentage) is appropriate; and or
- c. A parent company guarantee or other form of surety can be accepted instead.

(17) A risk log is maintained during the Procurement process.

2.2 Interviews may be held as part of score modification, but the interview itself must not be scored and, unless the Assistant Director for Procurement agrees otherwise, all bidders must be invited to interview.

2.3 Before commencing any process to obtain any Supply having an estimated cost exceeding £20,000, the Director must consult with the Assistant Director for Procurement. The Assistant Director for Procurement must consider if any issues relating to the procurement may create risks that require consultation with the Assistant Director Legal, Governance & Monitoring and / or the

³ This is not the same thing as disaggregation. Please contact Corporate Procurement if there is any doubt about what this means.

Assistant Director Financial Management, Risk, Performance & IT, and undertake these consultations as necessary.

- 2.4 The Director must provide to the Assistant Director for Procurement information necessary to enable the Council to comply with EU Procurement Rules. The Assistant Director for Procurement is responsible for ensuring the appropriate placing of notices in the Official Journal of the European Union (OJEU) and Contract Finder. Such notices may only be placed by officers authorised to do so by the Assistant Director for Procurement.
- 2.5 Consultation with suppliers in the relevant market is permitted but it must not prejudice any potential Supplier, and no technical advice may be sought or accepted from any supplier in relation to the preparation of any specification or contract documentation where this may distort competition, provide any unfair advantage or prejudice the equal treatment of all potential Suppliers.
- 2.6 In preparing a Specification, the Director should consider how the procurement activity might meet the Council's wider policy and strategy but subject always to ensuring full compliance with EU and UK procurement legislation. In respect of contracts for services, Directors must also consider (a) how what is proposed to be procured might improve the economic, social and environmental well-being of Kirklees, (b) which proportionate actions (which must comply with the EU Procurement Rules) might be taken in the Procurement with a view to securing that improvement, and (c) whether any consultation might be needed to inform them in relation to 2.6(b).
- 2.7 Where any Supplier is given possession of or access to any personal data, the Director must have regard to the Council's obligations as regards the Data Protection Legislation, any ICO directions to the Council and the undertaking which the Chief Executive gave to the Information Commissioner in July 2011. The Director must follow the Council's Information Security Policy, in particular regarding contracting with data processors and sharing data, and consult with the Information Governance Team. The Director must ensure that:
- A. the Supplier is verified as suitable to be trusted with the personal data before allowing the Supplier access to the data;
 - B. appropriate guarantees of the security of the personal data are included within a written contract;
 - C. the performance of the contract is appropriately monitored;
 - D. appropriate steps are taken to enforce the contract where the information security guarantees are not being met;
 - E. appropriate steps are taken to minimise as far as possible the impact of a breach of data security.
 - F. arrangements that appropriately deal with the transfer, return or deletion of the information at the end of the contract are established.
- All contracts that involve the processing or sharing of personal data must be reported to the Information Governance Team, who will keep a log of these contracts. The log will be reviewed by the Information Governance Board on a six-monthly basis.

Collaboration

- 2.8 The potential for genuine collaboration with other public bodies must be considered when planning a procurement exercise.
- 2.9 However, the EU Procurement Rules provide for joint liability where one authority procures on behalf another (other than as a central purchasing organisation, e.g. YPO). This increases the risks

for the passive partner(s). So when taking any benefit from a procurement in which a third party takes any degree of control, Directors must ensure that appropriate due diligence steps are taken to be sure that all arrangements are appropriate and compliant. Addition to procurements on a 'just in case' or speculative basis must be approved by the Assistant Director for Procurement.

RULE 3 - CHOICE OF PROCUREMENT PROCESS

3.1 Subject to complying with the law, the process for procurement must comply with the following:

Value of Supplies	Requirement
Up to £200	Any Procurement means is permitted
between £200 and £20,000	<p>Any reasonable means to select the Supply is permitted. Reasons to justify the decision taken must be recorded.</p> <p>Reasonable Means to Select; this requires methods of selection which reflect reasonable trade practice. For supplies below £20,000, it might include informal briefs, supplier written quotations or proposals, verbal or telephone quotes (which are then written down), comparative pricing for suitable supplies over the internet. For Supplies valued at £20,000 or below which can be procured on a 'price only' basis, where the YORtender system includes a relevant list of suppliers who can submit a "QuickQuote" through this system, this approach should be considered. The Director remains responsible for ensuring that the supplier selected is appropriate in terms of Suitability.</p>
above £20,000	<p>One of the following:</p> <ul style="list-style-type: none"> ◆ Quotations (CPRs 4 - 6) ◆ Framework Suppliers, Standing Lists, Etc. (CPR 7) ◆ Exemptions (CPR 8) ◆ Internal, Consortia & Compulsory (CPR 8)

3.2 These CPRs also apply to the selection of any nominated or named sub-contractor, product or manufacturer whose use by a supplier is a requirement of a contract specification.

RULE 4 - ADVERTISING

4.1 The Director must advertise for Suppliers and/or quotations as follows.

Estimated Value of Contract ⁴		Advertising Requirement
Works; above £4,100,000* Goods; above £160,000* Services other than 'Light Touch Regime' services; above £160,000* 'Light Touch Regime' services; above £580,000*		Advertise on YORTender, Contracts Finder and OJEU- and in other media if appropriate (OJEU first); or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
<u>From</u>	<u>Up to</u>	If Standing List Exists From standing list; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
Works £100,001	Works; £4,100,000* Goods; £160,000*	If Standing List Does Not Exist Advertise on YORTender, Contracts Finder PLUS other reasonable advertising means; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
Goods £20,001 Services £20,001	Services other than 'Light Touch Regime' services; £160,000* 'Light Touch Regime' services; £580,000*	
<u>Goods or services from £200 up to £20,000</u> <u>Works from £200 to £100,000</u>		Any reasonable means. "QuickQuote" must be considered where the YORTender system holds a relevant list of suppliers.
<u>Below £200</u>		Any means (advertising is not necessary)

RULE 5 – COMPETITION AND SUPPLIER SELECTION

Number of Quotations

5.1 Unless

- 5.1.1 an **approved** Framework Agreement or Dynamic Purchasing System is being used (and in which case the rules of the Framework Agreement or the Dynamic Purchasing System must be followed); or
- 5.1.2 it is otherwise agreed with the Assistant Director Financial Management Risk, Performance & IT in consultation with the Assistant Director Legal, Governance & Monitoring,

a Director must invite at least the following number of suppliers to submit a written Quotation:

⁴ Please refer to CPRs 2.1(1) and 2.1(4)

Estimated Value of Contract	Minimum Number
£20,000 to £99,999	3
£100,000 up to EU Threshold or £160,000* (whichever is lower)	4
Above EU Threshold or £160,000* (whichever is lower)	5

The Suppliers must have indicated that they are willing to submit a Quotation. If it is not possible to identify the number of willing prospective suppliers indicated above, the Director must retain a record of the efforts made and reasons why an appropriate number of suppliers could not be identified.

Supplier Selection

- 5.2 Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of Suitability.
- 5.3 Where the procurement process has an overall value of less than £164,176, a qualification stage must not be used, although key, proportional, Suitability questions linked to the subject matter of the contract should, as appropriate, be used to establish the Suitability of the supplier. The questions (or absence of any) must be approved by the Assistant Director for Procurement.
- 5.4 When operating a procurement process with a value of £164,176 or above, and subject to CPR 5.5, the Director must use the Council's standard form of Suitability questionnaire to establish Suitability and/or to establish a shortlist. Any variations to this must be agreed with the Assistant Director for Procurement who will notify relevant authorities as necessary (e.g. through mysteryshopper@crownccommercial.gov.uk).
- 5.5 The European Single Procurement Document must be accepted where applicable.
- 5.6 The selection of any potential Supplier to submit a Quotation must be on the basis of a consistent, fair, justifiable and rational method, approved by the Assistant Director for Procurement. Selection Criteria must be transparent and financial ratios to be used as part of the evaluation must be disclosed. When conducting a procurement process which is subject to the EU Procurement Rules, minimum standard and/or pass marks must be published in the relevant OJEU contract notice or invitation to confirm interest.
- 5.7 Before any self-employed supplier is awarded a contract, the supplier's details must be obtained and assessed through the HMRC Employment Status Indicator (ESI) Tool. The results of this should be reported to Corporate Procurement. The Director and Corporate Procurement must agree on the approach to procurement if the assessment suggests that the Council faces any risk. Any proposal to engage a self-employed person must be agreed with the Assistant Director for Procurement.

RULE 6 – QUOTATION RECEIPT & EVALUATION

- 6.1. For Procurements which are valued above £160,000, suppliers must be required to submit Quotations by electronic means of communication unless the Assistant Director for Procurement agrees otherwise. This must be through the YORTender system unless the Assistant Director for Procurement agrees otherwise.
- 6.2. All invitations must state clearly the date and time of return. Electronic quotations must be returned in accordance with the approved tendering system requirements. Paper quotations must be returned to:-

Estimated Value	Returned to
£20,000 to £99,999	Service
£100,000 and above	Assistant Director for Procurement

- 6.3. Paper quotations must be returned in a sealed envelope inscribed with the words: "Quotation for" and contain no other wording or marking to identify the sender.
- 6.4. All of the paper quotations must be kept securely and unopened. If any quotation bears any name or identifying mark of the bidder, this should be removed or obliterated.
- 6.5. All paper and electronic quotations received by the appointed time will be opened at the same time by:

	Estimated Value	Media	Representatives (at least)
A	£20,000 to £99,999	Paper Only	Two Service based officers
B	£20,000 to £99,999	Electronic Only	One Service representative & One (corporate) Procurement officer
		Paper & Electronic	
C	£100,000 and above	Any	One Financial Management, Risk Performance & IT representative & One (Corporate) Procurement officer

A Legal Services Officer can act as substitute for one of the officers in C above.

- 6.6. The Director (quotations estimated under £100,000) or Assistant Director for Procurement (quotations estimated at £100,000 or over) will maintain a written record of the:-
- 6.6.1. Nature of the Supply
 - 6.6.2. Name of each supplier submitting a Quotation and the date/time of receipt
 - 6.6.3. Name of suppliers failing to submit prices/proposal
 - 6.6.4. Prices from each supplier
 - 6.6.5. Names of the persons present at the opening
 - 6.6.6. Date and time of opening of Quotations
 - 6.6.7. Any reason for rejecting any Quotation

Each person present at the opening will initial each paper Quotation document, alongside the submitted price.

- 6.7. Late Quotations must not be accepted unless the lateness is caused by the Council or other matters reasonably outside of the control of the tenderer AND no unfair advantage is given to the bidder which submits the late Quotation. Any decision to accept a late quotation will be made by the Assistant Director for Procurement following both (a) such verification as he or she feels appropriate and (b) approval by the Assistant Director Financial Management, Risk, Performance &

IT. However, deadlines may be extended at any time prior to their arrival so long as this complies with the principle of equal treatment and non-discrimination between tenderers.

- 6.8. Suppliers must always be required to submit bids which comply with the tender documents. Variant bids may be permitted providing that the tender documents:
- Say whether a standard or reference bid is also required;
 - Include the minimum requirements to be met by the variants;
 - set award criteria which can be applied to the variants;

and the variants which are submitted must conform to the requirements of the tender documents.

Quotations which do not comply with the above in this CPR 6.8 may be accepted by the Director, only after approval by the Assistant Director Financial Management, Risk, Performance & IT.

- 6.9. Where information or documentation submitted by a bidder as part of its quotation is or appears to be incomplete or erroneous or unclear, or where specific documents are missing, Directors may request the bidder concerned to submit, supplement, clarify or complete the relevant information or documentation, provided that requests for clarification:

- 6.9.1. Set an appropriate time limit for a reply;
- 6.9.2. Do not request changes or otherwise seek to influence the bidder;
- 6.9.3. Treat all tenderers equally and fairly and so, for example, the request:
 - 6.9.3.1. Must not occur before all of the bids have been subject to an initial evaluation
 - 6.9.3.2. must not unduly favour or disadvantage the bidder to whom the request is addressed, and
 - 6.9.3.3. must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment;
- 6.9.4. Deal with all of the matters in the Quotation which are incomplete or erroneous.

- 6.10. The Director will carry out an evaluation of the Quotations received against the pre-set Award Criteria (CPR 2.1(11)) and keep a written record of the analysis and outcome.

- 6.11. The use of or participation in e-auctions to set prices is permitted where:
- I. bids can be ranked automatically and
 - II. the mathematical formula to determine the rankings of the bids (or each variant where variants are permitted) is disclosed, and
 - III. the written agreement of the Assistant Director Financial Management, Risk Performance & IT has been given, and
 - IV. the process is subject to supervision by the Assistant Director for Procurement.

- 6.12. The Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.

- 6.13. The Director must ensure that, where required by EU procurement rules, appropriate notices of intention to award a contract to a particular supplier, or group of suppliers, are issued, and the necessary standstill period observed, prior to formal acceptance of the tender. The Assistant Director for Procurement will supervise the production and issuance of the mandatory debrief letters and inform the Assistant Director Legal, Governance & Monitoring that the debrief process has completed satisfactorily prior to formal acceptance of any quotation.

- 6.14. Any complaint or challenge to the procurement process at any stage must immediately be referred to the Assistant Director for Procurement, who must take steps to investigate and (subject to CPR

6.15) take action as necessary, taking guidance from the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT.

- 6.15. If a formal challenge is initiated (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the Assistant Director Legal, Governance & Monitoring must be informed immediately with full objective disclosure of the facts relating to the issue(s), who will manage the claim. At this stage information exchange should be restricted and Directors must not copy dispute related information to anybody who has not seen it before until the Assistant Director Legal, Governance & Monitoring advises about confidentiality and Legal Privilege.

RULE 7 – QUICK QUOTE, STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE

- 7.1. The Assistant Director for Procurement will maintain a list of approved central purchasing organisations, purchasing consortia and Council "trading services".

Quick Quote

- 7.2. Where the YORTender system includes a relevant list of suppliers who can submit a "QuickQuote" through this system, this approach must be used to source contracts for Supplies with a value below £20,000 and which, taken together and with supplies of a similar type, do not aggregate above this figure. The Director remains responsible for ensuring that the supplier selected is appropriate in terms of Suitability.

Standing Lists

- 7.3. The Assistant Director for Procurement will determine for which types of Supply Council-wide Standing Lists will be kept. The Assistant Director for Procurement will be responsible for creation and maintenance of lists which will be used Council-wide by any Director requiring Supplies of that type.
- 7.4. Standing Lists may be used for Supplies where the aggregated value (in compliance with the EU Procurement Rules) of the Supply in question does not exceed the relevant EU Threshold. Framework Agreement or a Dynamic Purchasing System can be used where the aggregated value exceeds the relevant EU Threshold.
- 7.5. Standing Lists will be created by the selection of suppliers to be included from those responding to advertisements placed on at least the YORTender web site, Contracts Finder and one appropriate printed newspaper or journal. Standing Lists will remain valid for five years from creation. During that period the Standing List will remain open to the addition of further suppliers meeting the appropriate admission requirements and will remain advertised on the Council's web site for that time. Standing Lists must be renewed every 5 years.
- 7.6. Admission to a Standing List should be on the basis of a transparent, rational, justifiable evaluation, of information submitted by prospective Suppliers relating to technical, financial and any other relevant matters determined by the Assistant Director for Procurement.
- 7.7. The Assistant Director for Procurement (in consultation with the Assistant Director Legal, Governance & Monitoring) may delete a supplier from a Standing List only where there is appropriate evidence and a written report justifying the action.

- 7.8. If there are insufficient suppliers on a Standing List, or too few are willing to submit Quotations, to meet the CPR's quotation requirements potential Suppliers must be sought as if a Standing List is not maintained.
- 7.9. Each Director must establish and advertise a set of fair, proportionate and transparent rules that reflect these CPRs which set out how Supplies will be procured through each Standing List which they are responsible for.

Council Framework Agreements and Dynamic Purchasing Systems

- 7.10. Framework Agreements and Dynamic Purchasing Systems which are compliant with the EU Procurement Rules may be used to source contracts for appropriate types of Supplies. However they must not be used to attempt to create further Framework Agreements or Dynamic Purchasing Systems.
- 7.11. Framework Suppliers will be chosen by a competitive process in accordance with these rules as if they were a Supply contract (but must not be procured through a standing list, another framework agreement or a Dynamic purchasing system) and in accordance with the EU Procurement Rules.
- 7.12. All Framework Agreements will be in the form of a written contract detailing the method by which the Council will call off Supplies during the duration of the Framework Agreement and stating that there will be no obligation to order any Supplies of any type from a Framework Supplier.
- 7.13. Framework Agreements above the EU Threshold must be closed to new entrants and must not last longer than 4 years without this being justified in a written assessment of the exceptional factors present and the approval of the Assistant Director for Procurement.
- 7.14. Contracts created through Framework Agreements must not be greater than 4 years in duration without being justified in a written assessment of the exceptional factors present and the approval of the Assistant Director for Procurement.
- 7.15. Dynamic Purchasing Systems must:
- 7.15.1. be set up by an advertised competitive process which is approved by the Assistant Director for Procurement; and
 - 7.15.2. remain advertised; and
 - 7.15.3. not limit the number of suppliers admitted to the system (but the system may be split into categories); and
 - 7.15.4. be set up with clear operative rules which involve obtaining quotations from all suppliers on the system, or on the relevant category on the system, as appropriate; and
 - 7.15.5. be operated wholly electronically; and
 - 7.15.6. be open to new entrants; and
 - 7.15.7. not last longer than 5 years.
- 7.16. When using Framework Agreements or Dynamic Purchasing Systems, the Council must follow the procurement rules set out in the Framework Agreement or the Dynamic Purchasing System.
- 7.17. The Assistant Director for Procurement will ensure that the use of Framework Suppliers and Dynamic Purchasing Systems provide value for money, considering all procurement costs and alternative approaches.

- 7.18. The Assistant Director for Procurement will maintain a list of all approved Framework Agreements and Dynamic Purchasing Systems (noting which of these comply with the EU Procurement Rules) which Directors are permitted to use.

Use of Third Party Procurement Facilities

- 7.19. Supplies may be obtained through third party Frameworks Agreements that:
- 7.19.1. Are created by a public body or a private sector party as agent of a public sector body which is approved by the Assistant Director for Procurement (see also CPR 7.1);
 - 7.19.2. Have valid mechanisms that exist to enable the Council to use the Framework Agreement (including appropriate transparent referencing in the procurement documents and inclusion in the framework call of conditions);
 - 7.19.3. Comply with the Council's Contract Procedure Rules, or in the opinion of the Director of Resources rules which are broadly comparable;
 - 7.19.4. Are included in the CPR 7.18 approved list (and, if the Supply which is to be procured is above the EU Threshold, is noted in the list as being compliant with the EU Procurement Rules);
 - 7.19.5. Where the EU procurement Rules apply, the procurement will not take the use of the framework more than 10% over the framework's advertised value.

RULE 8 – EXCEPTIONS FROM COMPETITION

- 8.1 Subject to compliance with the EU Procurement Rules the following are exempted from the competitive requirements of these CPR⁵:
- 8.1.1 Education or social care to meet an individual client need, requiring specialist provision, or necessary to accord with the Council's statutory obligations.
 - 8.1.2 Where there is genuinely only one potential Supplier, such as for works of art and copyrighted material or unique technology, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
 - 8.1.3 Items purchased or sold by public auction (in accordance with arrangements agreed by the Assistant Director Financial Management, Risk, Performance & IT).
 - 8.1.4 The selection of a supplier whose usage is a condition of a grant funding approval.
 - 8.1.5 The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party.
 - 8.1.6 Where the Assistant Director for Procurement agrees that for the purposes of standardisation, or otherwise, the Council will obtain particular Supplies from named Suppliers, selected following a process compliant with these CPRs.
 - 8.1.7 Where the Assistant Director for Procurement does not believe that genuine competition can be obtained.
 - 8.1.8 Counsel or other external legal advice, provided that the Assistant Director Legal, Governance & Monitoring takes steps to ensure that value for money is being obtained.

⁵ When the EU Procurement Rules apply, these exemptions may not be permitted (Directors must check this)

- 8.1.9 A necessary Supply required extremely urgently, not due to any action or inaction of the Council, with the prior agreement of the Assistant Director Financial Management, Risk Performance & IT.
- 8.1.10 Direct award from an approved Framework Agreement (see CPR 7.18) which has validly been set up to be called off on a non-competitive basis and which was set up in accordance with the requirements of these CPR and the EU Procurement Rules.

The Director must make a written record of the justification for the selection of the Supplier. The Director must obtain the approval of the Assistant Director for Procurement before exercising the decision to apply an exception in respect of a supply valued in excess of £100,000.

- 8.2 **Trial Purchases:** Directors may purchase a trial of a Supply which is new to the Council up to £100,000, to ascertain if the Supply is of interest to the Council, without competition. Where an exception to competition in CPR 8.1 does not apply, a full competition compliant with the CPR must be held following the trial if the Director wishes to continue with the type of Supply. Arrangements must be made to ensure that the Supplier involved in the trial has not acquired any advantage through that involvement when compared to any alternative suppliers of a similar product. The Assistant Director for Procurement must approve any proposed trial arrangement exceeding £20,000.

< There are substantial restrictions on the use of negotiated contracts where EU Procurement Rules apply >

NEGOTIATED CONTRACTS

- 8.3 The Director and Assistant Director for Procurement may decide that;
 - 8.3.1 the usual arrangements for Supply are inappropriate and a Supply may be negotiated with a particular supplier.
 - 8.3.2 Following receipt of Quotations for the Supply, it is appropriate to seek to reduce the overall cost, or change other terms of the Supply by negotiation with one or more suppliers which have submitted Quotations.
 - 8.3.3 It is appropriate to negotiate a repeat, continuation or serial contract with an existing Supplier, by reference to the original Quotation for the Supply.
 - 8.3.4 The use of another local authority as a supplier of services by its own labour or as a procurement agent acting on behalf of the council without competition is appropriate (although subject to EU Procurement Rules and compliance with these CPRs).

Note in the above, in order to achieve internal check, the Assistant Director for Procurement alone cannot reach such decisions. Where the Assistant Director for Procurement is making a decision in relation to a Procurement exercise by his or her own Director, there must be consultation with the Assistant Director Financial Management, Risk Performance & IT.

- 8.4 Verbal negotiation must be undertaken by at least two Council Officers at least one of whom must be independent of the process and approved by (or included on a list of negotiators kept by) the Assistant Director for Procurement.
- 8.5 Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.

- 8.6 For any contract valued at above £100,000 the Director must obtain the approval of the Assistant Director Financial Management, Risk Performance & IT of the proposed terms of the negotiated Supply including its cost and the reason for choice before the contract is entered into.

Legal Issues

- 8.7 The Assistant Director Legal, Governance & Monitoring must be consulted in advance of any negotiation in respect of any contract estimated to exceed £100,000 (except those in relation to Land where the Assistant Director for Corporate Property Management should be consulted irrespective of value).
- 8.8 Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Assistant Director for Procurement will determine whether the likely level of interest from suppliers based in other EU Member States is sufficiently low so that the EU Procurement Rules do not require the Procurement to be advertised.
- 8.9 Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Assistant Director for Procurement will decide whether the purchase is likely to be on terms which would be acceptable to a private buyer operating under normal market economy conditions. If the Assistant Director for Procurement does not think that this is likely to be achieved, he/she must consult with the Assistant Director Legal, Governance & Monitoring about the possibility of state aid before approving the exemption from competition.

MANDATORY SUPPLIERS, FRAMEWORKS AGREEMENTS OR DYNAMIC PURCHASING SYSTEMS

- 8.10 In respect of defined categories of goods, works and services the Assistant Director for Procurement may determine (following a fair competitive process which, as necessary, complies with the EU Procurement Rules and which eliminates the possibility of state aid) that the use of one (or more) Suppliers is compulsory.
- 8.11 The Assistant Director for Procurement may also determine that Supplies of a particular type are to be obtained from Suppliers via a Framework Agreement or a Dynamic Purchasing System, and the standards to be established in the Framework Agreement contracts.
- 8.12 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except:
- 8.12.1 Where Cabinet has determined that Supplies of a particular kind will be subject to a competitive process;
 - 8.12.2 In respect of the outsourcing of an activity having a value below £100,000;
 - 8.12.3 In respect of services provided within schools;
 - 8.12.4 In respect of ad hoc services for the design and construction of buildings or parts of buildings.

RULE 9 - RECORD KEEPING AND REPORTING.

- 9.1 Directors must keep detailed written records of the progress of all procurement or disposal procedures (including negotiation).

To that end, Directors must ensure that they keep sufficient documentation to justify decisions taken in all stages of the procedure, such as documentation on —

- 9.1.1 communications with economic operators and internal deliberations,
- 9.1.2 preparation of the procurement or sale documents,
- 9.1.3 any dialogue or negotiation,

- 9.1.4 supplier vetting and
- 9.1.5 reasons for award of the contract.

The documentation must be kept for a period of at least 3 years from the date of award of the contract.

- 9.2 A full trail of electronic quotations received must be recorded in YORTender or retained in a database approved by the Assistant Director Financial Management, Risk Performance & IT.
- 9.3 All contracts over £5,000 must be reported to the Assistant Director for Procurement who will arrange to publish these transactions on the statutory contracts register (also see Appendix 3).
- 9.4 A report must be made at the end of each procurement process which is subject the EU Procurement Rules on the Council's standard 'Regulation 84 Report' template.
- 9.5 Each Director must promptly provide to the Assistant Director for Procurement the information specified in Appendix 3.
- 9.6 The Assistant Director for Procurement must ensure that the appropriate publications are made to comply with the Local Government Transparency Requirements (and each Director will notify the Assistant Director for Procurement of all grants and any expenditure above £500; also see CPR 9.3 above).
- 9.7 The Director must keep a written record of the reasons for using a negotiated procedure

RULE 10 - INCOME CONTRACTS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)

- 10.1. This CPR 10 applies when the council intends to derive income from
 - 10.1.1. The disposal of property (other than Land);
 - 10.1.2. The sale of a right to exploit a business opportunity;
 - 10.1.3. The operation of business activity (including concessions).

CPR 10 does not apply to Land (See CPR 11).

The disposal of an asset

- 10.2. The procedure for the Disposal of assets is;
 - 10.2.1. Assets valued at below £200 may be disposed of by any means.
 - 10.2.2. Assets valued at between £200 and up to £20,000 must be disposed of by a method chosen by the Director and a written justification of the choice retained.
 - 10.2.3. Assets valued above £20,000 must be disposed of following public notice either by open quotation process, closed quotation process involving at least 3 prospective purchasers or public auction. The use of the Council web site is permissible for this purpose.

Leased assets must be disposed of only in accordance with the instruction of the lessor.

The sale of a right to exploit a business opportunity

- 10.3. The letting of a contract for rights to exploit a business opportunity must only take place following a competitive selection process. (For these purposes the value shown is the gross income

generated by the Council or by the concessionaire as a result of the rights or franchise granted by the council).

- 10.4. An arrangement that will not generate income in excess of £20,000 over the duration of the contract will be subject to a process arranged and undertaken by the Director responsible for the activity.
- 10.5. The Assistant Director for Procurement must supervise the tendering of any arrangement expected to generate income in excess of £20,000.
- 10.6. Where an income contract is below £100,000 the Director or Assistant Director for Procurement (as appropriate) must set up the appropriate contractual arrangement.
- 10.7. The Assistant Director Legal Governance & Monitoring must issue any income contract valued at £100,000 or more.
- 10.8. Public Concession Contracts above £4,104,000 are subject to the Public Concessions Regulations 2016 and will be subject to a process to be determined by the Assistant Director for Procurement which complies with these Regulations.

The operation of business activity, beyond that normally undertaken by a local authority.

- 10.9. If the income from an Income Contract (Traded service) is intended to be or become profitable or be commercial in nature, advice must be obtained from the Assistant Director Legal Governance & Monitoring.
- 10.10. If an Income Contract has any potential to distort the relevant market (e.g. service provision at below market rate costs) advice must be obtained from the Assistant Director Legal Governance & Monitoring.

RULE 11 - LAND

- 11.1 Procurement of Land will generally be by the means described in this CPR 11. The Assistant Director for Corporate Property Management must be consulted in respect of all Land transactions of any value except where the Assistant Director Legal Governance & Monitoring authorises other nominated officers to deal with tenancies or licences for specific purposes.
- 11.2 The Assistant Director for Corporate Property Management (and any other Director authorised so to do) will arrange the acquisition or disposal of estates or interests in land (including any buildings erected on it) either pursuant to the authority delegated to him by a Director in accordance with Part 3 (Section F) of the Constitution or, in the case of a decision made by Cabinet then in accordance with the authority delegated to him from the Cabinet.
- 11.3 Where any proposed land transaction cannot be executed within the terms established in this rule, arrangements must be agreed between the Assistant Director for Corporate Property Management and the Assistant Director Legal, Governance & Monitoring, and details of the process leading to the transaction must be recorded, and the circumstances reported to Cabinet either for information, if falling within the delegated authority of officers, or in order to secure the relevant authority to give effect to the transaction.
- 11.4 Where Land Assets are sold at a public auction, the Assistant Director for Corporate Property Management must submit a sealed reserve price (prepared by a qualified valuer on a professional

basis) for consideration alongside the bids submitted or made. If a successful bid is less than the reserve price then the Assistant Director for Corporate Property Management may accept a lower bid provided that such lower bid is not less than 10% below the professional valuation of the reserve price.

RULE 12 – EXECUTING CONTRACTS

SUPPLIES

- 12.1. A contract may only be awarded where the Director has sufficient approved budget to meet the first year costs and is satisfied that there is likely to be sufficient ongoing funding to meet the contractual cost through the anticipated life of the contract.
- 12.2. Contracts for all Supplies up to and including £100,000 must be in writing and can be made by the Director either:-
- 12.2.1. By issuing the order through the Council's electronic purchasing system (currently SAP) and incorporating the correct standard terms; or
 - 12.2.2. By issuing (electronically or on paper) contract terms which the Director has assessed as being appropriate both in terms of suitability and risk.

If the Director and Assistant Director Legal, Governance & Monitoring decides that it is appropriate for the contract to be sealed (or if it is required by law), the contract will be executed by the Assistant Director Legal, Governance & Monitoring.

The Assistant Director for Procurement must ensure that the Councils electronic procurement systems are set up so that the most appropriate Official Council Order are available to be attached to the supply being purchased.

- 12.3. Contracts for all Supplies above £100,000 must be in writing, issued by the Assistant Director Legal, Governance & Monitoring.

Every contract for Supplies (which includes call-offs from Framework Agreements and Dynamic Purchasing Systems) and every Framework Agreement with an estimated value of more than £100,000 must be in writing and must (subject to CPR 12.4) be either:-

- (a) Made under the corporate common seal of the Council, attested by one legal officer, or
- (b) Signed by two legal officers

who have been nominated as contract signatories by the Assistant Director Legal, Governance & Monitoring under her Scheme of Officer Delegations.

- 12.4. Notwithstanding CPR 12.3, the Assistant Director Legal, Governance & Monitoring may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies of above £100,000. Two authorised officers must sign each such contract.

LAND

- 12.5. The Assistant Director Legal, Governance & Monitoring will complete all land transactions, including acquisition or disposal by way of freehold or leasehold purchase or sale or the taking or granting of all short or long term leases or tenancies (with the exception of the granting of tenancies for housing and associated properties for rent which is delegated to Kirklees Neighbourhood Housing Ltd) and other deeds and documents associated with Land. The Assistant

Director Legal, Governance & Monitoring may nominate other officers to enter into Land commitments and arrangements using documentation previously approved by the Assistant Director Legal, Governance & Monitoring.

- 12.6. Any contract for the sale or acquisition of, or any other deed or document relating to, Land must either be signed by, or have the corporate common seal affixed in the presence of, the Assistant Director Legal Governance & Monitoring (or by a legal officer nominated by him or her).

Additionally, the Assistant Director Legal Governance & Monitoring may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR11.1.

GENERAL

- 12.7. The Assistant Director Legal, Governance & Monitoring is entitled to sign any agreement in any way related to Procurement or the sale of any item, services or works or any security instrument (regardless of whether another Director or the Chief Executive may sign such things), provided that this is not subject to any contrary direction from the Council or Cabinet.

RULE 13 – VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS

- 13.1. A Director may terminate any contract strictly in accordance with any contractual provision which allows for termination without fault, but with prior consultation with the Assistant Director for Procurement if alternative Supplies would be required.
- 13.2. A Director, in consultation with the Assistant Director Legal, Governance & Monitoring, has the power to terminate any contract in the event of any breach of contract justifying termination, where in the opinion of these officers no other remedy is appropriate. Where the financial implications of a decision to terminate a contract exceed, or may exceed £100,000, the reason for termination and any consequences must be reported to the next meeting of the Cabinet.
- 13.3. The Assistant Director Legal, Governance & Monitoring may release any bond held by the Council, on request from the Assistant Director for Procurement.
- 13.4. The Assistant Director Financial Management, Risk, Performance & IT is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the Assistant Director Legal, Governance & Monitoring accept such proposed sums.
- 13.5. Directors may vary contracts by operating 'clear, precise and unequivocal contractual review clauses' which were advertised in the original Procurement, strictly in accordance with the contract.
- 13.6. Any variation with a value above £20,000 to a contract which cannot be fulfilled by following CPR 13.5 must be subject to the approval of the Assistant Director for Procurement.
- 13.7. Any variation with a value in excess of £100,000 to a contract which cannot be fulfilled by following CPR 13.5 must be made in writing and signed in accordance with CPR 12.3 even if it does not need a new Procurement process.

RULE 14 - MISCELLANEOUS

14.1 A Special Purpose Vehicle (as a limited liability company or otherwise) to be wholly or partially owned or controlled by the Council, will only be formed or joined on the approval of the Cabinet, following a detailed evaluation by the Assistant Director Legal, Governance & Monitoring and Director of Resources. This does not apply to any purchase of shares or similar for the purpose of investment.

Approved by Council [] 2016

Contact Officer:
Mark Barnes

Appendix 1

Examples of Policies which are relevant to CPR 2.1(15)

Kirklees Council Social Value Policy Statement (see: http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/socialValuePolicyStatement.pdf)
Information Security Policy
The Council's "Project Management Handbook" and "Framework for Successful Projects" when the Assistant Director for Procurement advises that they are relevant
Evaluation Panel Guide

Appendix 2

EU Procurement Rules Thresholds

	EU Thresholds 2012-2013	EU Thresholds 2014-2015	EU Thresholds 1 Jan 2016 –31 Dec 2017
Supply and service contracts	£173,934	£172,514	£164,176 (£160,000*)
Light Touch Regime Contracts (Annex XIV)		£625,050	£589,148 (£580,000*)
Works contracts	£4,348,350	£4,322,012	£4,104,394 (£4,100,000*)
Small lots – supplies & services		£66,672	£62,842 (£60,000*)
Small lots – works		£833,400	£785,530 (£780,000*)

* These are current the values for the purposes of these CPRs.

Appendix 3

Information to be Reported to the Assistant Director for Procurement (CPR 11)

	Information	When
A.	Details of all contracts awarded for Supplies of £100,000 or above following a competitive process including the name of the Supplier, and amount of the Quotation and if the chosen supplier was not the cheapest, then the same information in relation to unsuccessful Suppliers, and the reason why the successful Supplier was chosen.	When Requested

B.	Details of all contracts awarded for Supplies of £100,000 or above, which result from negotiation including the reason for negotiation and the name of the successful Supplier and value of the contract.	When Requested
C.	Details of all contracts awarded for supplies of £20,000 or above which a Director considered to be exempt from the competitive requirements by virtue of CPR 7.1, including the reason for the exemption.	When Requested
D.	Contracts with a value of £5,000 or more (see CPR 11.1), with the following information: 1. reference number 2. title of agreement 3. local authority department responsible 4. description of the goods and/or services being provided 5. Supplier name and details 6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract) 7. Value Added Tax that cannot be recovered 8. start, end and review dates 9. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and 10. whether or not the Supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number	In All Cases On Contract Award
E.	all other information necessary to enable compliance with the Council's obligations under legislation and regulation to publish data about its contractual arrangements and payments.	In All Cases On Request
F.	Copies of Regulation 84 reports	All cases where the EU Procurement Rules apply On Contract Award

Appendix 4

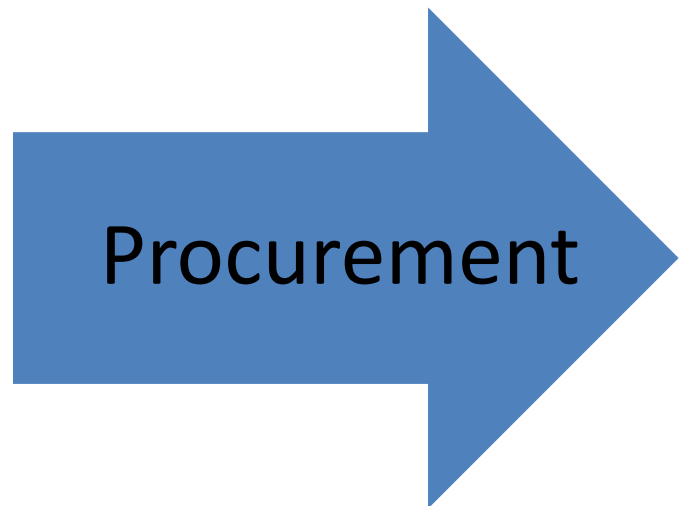
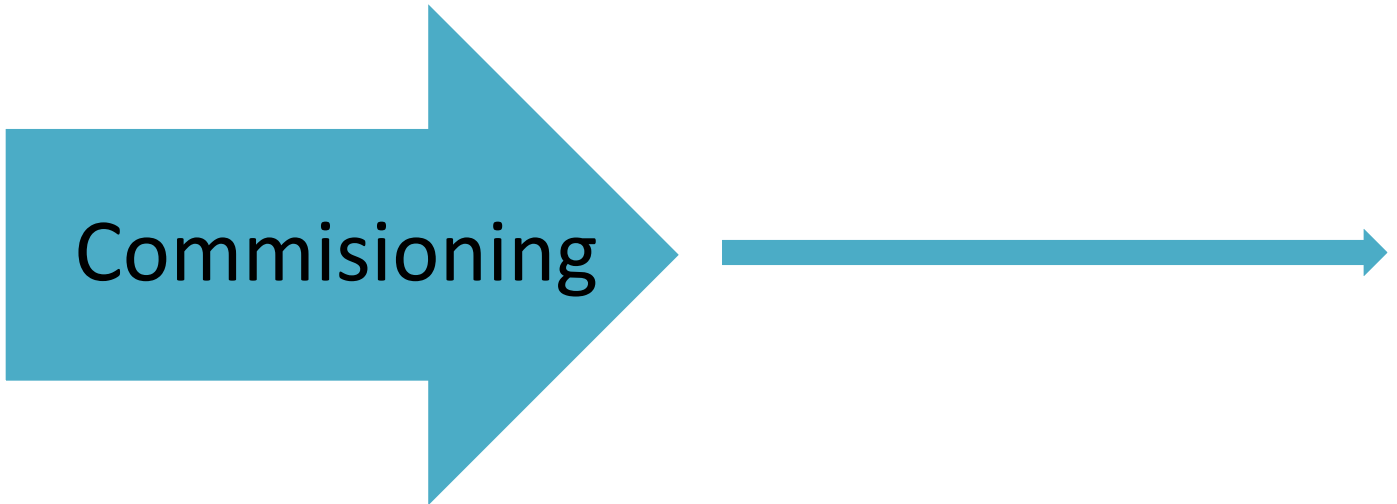
Relationship between Commissioning and Procurement

The arrows indicate the stages of the whole resourcing process

Start  Finish

Identifying need, outcomes, objectives, value for money, determination of specification

Supplier requests for clarification may require consideration of objectives.



Obtaining market information, e.g. what is generally available on the market and general information about costs.

Some procurement rules (e.g. on non-discriminatory specifications and anti-competitive market engagement apply)

Contract award processes. EU Procurement Rules and / or CPR pervade

CPR Comparison Table

Legend			
Green = New			
Orange = Moved to another document			
Purple = Significant change to rule			
Dark Blue = A material change to the rule but this should not result in a change to practice			
Light Blue = No significant change to the rule; although a significant amount of clarifying text or amendment may have been added			
Clear = No change to rule, although the text or formatting may have been altered and an insignificant level of clarifying amendment.			
CPR 2016		CPR 2015	
<u>DEFINITIONS</u>		<u>DEFINITIONS</u>	
Assistant Director for Procurement	The Assistant Director who is responsible for Procurement (<i>this is currently an Assistant Director for Place</i>).	<u>Assistant Director for Procurement</u>	The Assistant Director designated by the Chief Executive as responsible for Procurement
Assistant Director for Corporate Property Management	The Assistant Director who is responsible for corporate property management functions (<i>this is currently an Assistant Director for Place</i>).	<u>Assistant Director for Corporate Property Management</u>	The Assistant Director designated by the Chief Executive as responsible for corporate property management functions.
Award Criteria	relate directly to the goods, services or works to be provided. Award criteria evaluate Supplier's offers made in relation to fulfilling the Council's requirements for the Supply, in particular the Specification.	-- New --	

Chief Executive	The Chief Executive is the head of the Council's paid staff and its principal adviser on policy matters and leads the discharge of Council strategy and responsibilities.	-- New --	
Commissioning	The relationship between commissioning and procurement is described in the diagram in Appendix 4	-- New --	
Conflict of Interest	Means any interest outside of the Council which may appear to an objective bystander to affect the fair judgment of an Officer or Member or any other person acting on the Council's behalf in the Procurement of a Supply or the disposal of property (including Land). The concept of conflict of interest shall at least cover any situation where relevant person has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of a Procurement or sale procedure.	-- New --	
CPR	Means these Contract Procedure Rules.	<u>"CPRs"</u>	These Contract Procedure Rules.
Director	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive.	<u>Director</u>	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive. ...

Data Protection Legislation	<p>the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, and all other laws and regulations relating to the processing of personal data and privacy, and also where applicable the guidance and codes of practice issued by the Information Commissioner.</p>	-- New --	
Dynamic Purchasing System	<p>is a procurement tool available for contracts for works, services and goods commonly available on the market. It has its own specific set of requirements (as set out in Regulation 34 of the Public Contracts Regulations 2015); for example, it must be run as a completely electronic process, must remain open to new entrants, all Suppliers on the relevant category in the Dynamic Purchasing System must be invited to quote for contracts, and it should be set up using the restricted procedure.</p>	-- New --	
European Single Procurement Document	<p>is a standard electronic document that a tenderer for a contract to which the EU Procurement Rules apply may use to declare that none of the exclusion grounds apply to it and that it meets the necessary regulatory criteria or relevant commercial capability requirements. Only the preferred bidder will be required to submit all documentation to evidence the content of the form.</p>	-- New --	
EU Procurement Rules	<p>The rules on procurement for Supplies above the EU Threshold prescribed by the EU in</p>	<u>EU Procurement Rules</u>	<p>The rules on procurement for Supplies above the EU threshold prescribed by the EU in</p>

	<p>Directives relating to public contracts - as amended and supplemented by the European Court of Justice.</p> <p>These rules also normally extend to the WTO Government Procurement Agreement signatories, which (in 2016) are Armenia, Aruba, Canada, the EU, Iceland, Israel, Japan, Hong Kong China, Liechtenstein, Montenegro, New Zealand, Norway, Singapore, South Korea, Switzerland, Chinese Taipei, and the US.</p>		<p>Directives relating to works, supplies and services- as amended and supplemented by the European Court of Justice.</p>
EU Threshold/ (*)	<p>The financial threshold from time to time at which the EU Procurement Rules are applicable to a Supply. Recent and current EU Thresholds are set out in Appendix 2.</p>	<u>EU Threshold/ (*)</u>	<p>The financial threshold from time to time at which the EU Procurement Rules are applicable to a Supply (currently works £4,322,012, supplies and services £172,514),health & social care £625,050(January 2014)</p> <p>...</p>
Financial Ratio	<p>Is a pre-set method of determining a Supplier's financial standing, such as turnover, net asset value, and profitability.</p>	-- New --	
FPR	<p>The Financial Procedure Rules.</p>	<u>FPRs</u>	<p>The Financial Procedure Rules</p>
Framework Agreement	<p>Means an agreement between the Council and one or more Suppliers which operates as a Procurement tool through which contracts for Supplies can be sourced. Framework Agreements which deal with Supplies that are</p>	<u>Framework Agreement</u>	<p>Means an agreement or other arrangement between the Council and one or more Suppliers where the volumes to be delivered are not set out at the outset but which establishes the other terms (such as price) and standards</p>

	above or aggregate above, the EU Threshold are subject to the EU Procurement Rules. They set out the terms for the Supply (often including the price) and the method for calling off orders. 'Framework' and 'Framework Suppliers' shall be construed accordingly;		under which the Supplier will accept and carry out orders for goods, works or services during the lifetime of the arrangement. 'Framework' and 'Framework Suppliers' shall be construed accordingly;
Grant	A grant payment is a gift which may be linked to outputs and outcomes, but is not a contract for works, goods or services. That distinction is crucial: for contracts these CPR apply; for grants see FPR 4 for rules about accepting grants and FPR 20 about giving grants.	<u>Grant</u>	A payment to a third party which is linked to outputs and outcomes which the Council believes will be beneficial, but is not a contract for works, goods or services entered into by the Council.
Income Contracts	This includes the disposal of an asset (other than Land) (such as a vehicle, piece of machinery, or surplus stores), and the sale of a right to exploit a business opportunity (such as the franchise to sell ice cream in a particular place, or to place advertising on council sites) and the operation of business activity (beyond that normally undertaken by a local authority).	<u>Income Contracts</u>	This includes the disposal of an asset (other than land or property)-such as a vehicle, piece of machinery, or surplus stores- , the sale of a right to exploit a business opportunity- such as the franchise to sell ice cream in a particular place, or to place advertising on council sites- and the operation of business activity, beyond that normally undertaken by a local authority.
Land	Means property that is freehold or leasehold property, rights of possession of land, easements and/or other estates or interests in land including buildings and/or other objects on land or in buildings which are not easily moved.	<u>Land Assets</u>	Means the property of the Council that is freehold or leasehold property (including any buildings on it), rights of possession of land, easements and/or other estates or interests in land.

Land Contract	Means a contract which involves the acquisition, disposal, granting of leases and tenancies or otherwise renting or licensing of any Land and also the grant, variation, release, modification, or taking of any easement or covenant	-- New --	
Light Touch Regime	Means the regime applying to certain education, social care and other services where the EU Procurement Rules are less prescriptive about the procurement methodology, which are listed in Schedule 3 of the Public Contracts Regulations 2015.	-- New --	
Local Government Transparency Requirements	Means the statutory codes and legislation requiring the Council to publish information, such as [†] the Local Government Transparency Code and certain Regulations within the Public Contracts Regulations 2015.	-- New --	
Official Council Order	A standard corporate order form for a supply for a value of less than £100,000 approved by the Assistant Director Legal, Governance and Monitoring whether attached electronically or by paper to an order for Supplies.	<u>Official Council Order</u>	A standard corporate order form for a supply for a value of less than £100,000 approved by the Assistant Director Legal, Governance and Monitoring whether attached electronically or by paper to an order for Supplies.
Personal Data	means data which relate to a living individual who can be identified— (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to	-- New --	

	<p>come into the possession of, the data controller, and includes any expression of opinion about the individual (e.g. references) and any indication of the intentions of the data controller or any other person in respect of the individual</p>	
Procurement	<p>The purchase, contract hire, lease, rental¹ or any other form of acquisition which results in a contract for Supplies where the Council is the buyer (therefore, in the context of the CPR, this does not include the Council providing the Supply to itself or gifts). Procurement also includes the establishment of Standing Lists, Framework Agreements and Dynamic Purchasing Systems. 'Procurement' and 'Procured' shall be construed accordingly.</p>	<p>2.7 These CPRs apply equally to the outright purchase, contract hire, lease, rental or any other form of procurement. Contract hire, lease and rental agreements require the specific advance approval of the Director of Resources or his delegate.</p>
Procurement Strategy	<p>The Council's Corporate Procurement Strategy 2013-2017, which can be found here: http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/procurementStrategy.pdf</p>	<p><u>Procurement Strategy</u> The Council's Corporate Procurement Strategy, and any associated Purchasing Policy and Codes of Practice</p>
Public Concession Contract	<p>Means a contract in writing for a financial interest under which the Council entrusts works / services (as appropriate) and transfers associated risks to one or more suppliers; and the supplier(s) in exchange receive, at their risk, the right to exploit those works / services as payment.</p>	<p>--New --</p>

¹Note: Contract hire, lease and rental agreements require the specific advance approval of the Director of Resources or his delegate [See the FPR].

QuickQuote	A facility to obtain low value quotes from a list of suppliers provided through the YORTender system.	<u>QuickQuote</u>	A facility to obtain supplier quotes provided through the YOR tender system.
Quotation:	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.	<u>Quotation:</u>	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.
Service	Any department, directorate or section responsible for delivering part of the Council's functions. It includes any subsidiary or otherwise closely related organisation to the extent that Council functions are delegated to the organisation.	<u>Service</u>	Any department, directorate or section responsible for delivering part of the Council's functions. It includes any subsidiary or semi-independent organisation which will expect the Council to contract on its behalf.
Specification	A written document detailing the Council's requirements. This can include things such as definitions, quantities, acceptance test methods, material requirements or characteristics, drawings, plans, certifications of compliance with standards, workmanship, data security measures, quality control including performance testing and KPIs, completion, delivery, safety, timing, key personnel qualities, communication requirements, returns policies and tolerances.	<u>Specification:</u>	A written document detailing the manner of provision of the Supply, (for example type, quantity, quality, time, location, occasions), and the risks and obligations placed on the Supplier
Special Purpose	Companies (limited by shares, or otherwise) or	<u>Special Purpose Vehicle</u>	Companies (limited by shares, or otherwise) or

Vehicle	any other legal entity, established by or in which the Council participates whether alone or with others to provide specific Supplies to the Council.		any other legal entity, established by or in which the Council participates whether alone or with others to provide specific Supplies to the Council
Standing List	A list of Suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 7.	<u>Standing List</u>	A list of Suppliers prepared in accordance with Contract Procedure Rules 4.4 to 4.8.
Suitability Criteria	Relate to the assessment or vetting of Suppliers' general capability, fidelity, skill, competence, etc. to carry out the contract. 'Suitability' shall be interpreted accordingly.	--New -- (But see e.g. 4.13 'The Director is responsible for ensuring that the supplier selected is appropriate in terms of fidelity, skill, competence.')	
Supply	means the supply of any works, goods, or services; being provided, or to be provided, to or on behalf of the Council (whether by purchase, lease, hire or any other arrangement).	<u>Supply</u>	The purchase, lease, hire or other supply of any works, goods, or services, provided, or proposed to be provided, to or by the Council.
Supplier	Any person, partnership, company, or other organisation, which provides or contractually offers to provide any Supply to the Council or on behalf of the Council.	<u>Supplier</u>	Any person, partnership, company, or other organisation, which provides or offers to provide any Supply to the Council.
Value for Money	Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.	-- New --	
YORTender	The on-line Supplier and Contract	<u>YORTender</u>	The on line Supplier and Contract Management

<p>Management System used by the Council to operate e-tenders and for the online management of suppliers and contracts and to advertise contracts.</p>	<p>System used by the Council to operate E tenders and for the online management of suppliers and contracts and to advertise contracts</p>
<p>* In the text a * means the value will track the EU threshold rounded down to the nearest £10,000. Also, see “EU threshold”</p>	<p>* <u>See “EU threshold”</u> <u>Definition of EU Threshold</u> ... In the text a * means the value will track the EU lower threshold; the value will be the EU lower threshold rounded down to the nearest £10,000.</p>
<p>† The words “including”, “include”, “for example”, “e.g.”, and “such as” in these CPRs indicate examples and are not intended to be limiting</p>	<p>-- New --</p>
	<p><u>Assets</u> All property of whatever nature of the Council, and interests therein and including (not by way of limitation) contractual rights, intellectual property rights, and Land Assets.</p>
	<p><u>Disposal</u> The disposal of an Asset whether permanently or for a fixed period.</p>
	<p><u>Framework Contract</u> Means a contractually enforceable Framework Agreement or a contract that creates a contractually enforceable Framework Agreement.</p>
<p><u>INTRODUCTION</u></p>	<p><u>INTRODUCTION</u></p>

These Contract Procedure Rules aim to promote the highest standard of probity, integrity, and impartiality in making a clear, understandable and fair selection of suppliers and Supplies to the Council. Equally important are the delivery of best value through competitive procedures and the avoidance of practices which may restrict, prevent or distort competition.

These Contract Procedure Rules cover the Procurement of all Supplies (goods, works and services) and income contracts. Directors should recognise the Council’s view of the difference between Commissioning and Procurement (see Appendix 4).

These Contract Procedure Rules must be complied with strictly. They are minimum requirements. A more thorough procedure may be appropriate for particular Supplies. However, when designing the Procurement within the parameters of these CPRs, the process and the Specification should be clearly related to and proportional to the need which the Supply fulfils and should appropriately balance the value of and risks associated with any proposed action.

EU Procurement Rules, which are often more onerous, also apply to the procurement of all works, goods and services exceeding the EU Threshold, and where there is a conflict between these Contract Procedure Rules and the EU Procurement Rules, the EU Procurement Rules prevail.

The Council’s Financial Procedure Rules must also be complied with.

These Contract Procedure Rules aim to promote the highest standard of probity, integrity, and impartiality in making a clear, understandable and fair selection of suppliers to the Council. Equally important is the delivery of best value through competitive procedures, and the avoidance of practices which may restrict, prevent or distort competition.

These processes cover the procurement of all Supplies (goods, works and services) and income contracts.

In implementing them, the overriding objectives are supported by the detailed rules, but these must be viewed with a degree of proportionality, recognising the value of and risk associated with the proposed action.

These procedure rules must be complied with strictly. They are minimum requirements. A more thorough procedure may be appropriate for particular Supplies.

EU Procurement Rules, which are often more onerous also apply to the procurement of all works, goods and many services exceeding the EU Threshold, and where there is a conflict between these Contract Procedure Rules and the European Directives, the European Directives prevail.

The Council’s Financial Procedure Rules must also be complied with. Supplies must be obtained in a way that is compliant with the Council’s Procurement Strategy and Purchasing Policy.

RULE 1 – CONDUCT AND COMPLIANCE AND WAIVER

<p>1.1. All Council employees, and any person or organisation working on behalf of the Council in Procuring or managing a Supply, must comply with these CPRs.</p>	<p>1.1 All Council employees, and any person or organisation working on behalf of the Council in arranging or managing a Supply, must comply with these CPRs, ...</p>
<p>1.2. Cabinet may waive any parts of these CPRs on a case by case basis following consideration of a detailed report setting out in particular:</p> <p>1.2.1. the legality of the proposed non-compliant process or action; and</p> <p>1.2.2. the reputational and financial risks associated with the proposed non-compliant process or action.</p>	<p>1.1 ... unless there is a specific decision of the Council or Cabinet, following consideration of a detailed written report setting out why these standard processes are inappropriate.</p> <p>3.4 The Cabinet will determine the procedures leading to the award of any contract which a Director believes cannot be satisfactorily placed in accordance with the processes described in these CPRs.</p>
<p>1.3. Failure to comply with these CPRs without a valid waiver may result in disciplinary action against the officers concerned and may in some cases constitute a criminal offence.</p>	<p>1.9 Failure to comply with these CPRs may result in disciplinary action against the officers concerned.</p>
<p>1.4. Each Director must ensure: -</p> <p>1.4.1. Compliance with these CPRs and the FPRs, using training, instruction and internal control processes</p> <p>1.4.2. Appropriate supervision and performance management to ensure that decisions taken are subject to authorisation and quality control procedures</p>	<p>1.2 Each Director must ensure;</p> <p>(a) Compliance with these CPRs, using training, instruction and internal control processes;</p> <p>...</p> <p>(c) Appropriate supervision and performance management to ensure that decisions taken are subject to authorisation and quality control procedures.</p>
<p>1.5. When authorizing staff to procure Supplies on his or her behalf, each Director (or Assistant Director, as appropriate) must set a financial (or other) limit on the authority vested in individual officers to procure Supplies. Such limits must be recorded in the relevant Scheme of Officer delegations.</p>	<p>1.3 Each Director may delegate actions to other officers, and should set a financial (or other) limit on the authority vested in individual officers to procure Supplies and keep appropriate records. Assistant Directors designated in these rules may also delegate authority to</p>

	<p>other officers and should establish the extent of authority given to other individuals.</p> <p>Definition of Director:</p> <p>... Except as indicated otherwise, a Director may delegate authority to other persons to deliver their responsibilities.</p>
<p>1.6. The Assistant Director for Procurement may</p> <p>1.6.1. authorise officers outside of his or her directorate to act on his or her behalf in respect of any role assigned to the Assistant Director for Procurement in these CPRs;</p> <p>1.6.2. issue waivers in relation to the need to consult him or her under CPR 2.3.</p> <p>The Assistant Director for Procurement must record the precise extent of such authorizations and the officer to which roles have been delegated and share these authorizations with the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT.</p>	<p>-- New --</p>
<p>1.7. A Director has authority to commence any Procurement subject to:</p> <ul style="list-style-type: none"> • compliance with these CPRs and FPRs, and • having appropriate delegated authority, and • compliance with management processes designed to ensure that proposed projects meet the Council’s business needs, and • seeking Value for Money 	<p>1.5 Subject to compliance with these CPRs and FPRs (and having appropriate delegated authority) a Director has authority to commence any procurement, subject to compliance with management processes designed to ensure that proposed projects meet the Council’s business needs, have appropriate arrangements for procurement and provide value for money.</p>

<p>1.8. These CPRs are a minimum standard and a more prescriptive procurement regime must be followed where this is required by European and UK law and agreements with grant funding organisations.</p>	<p>1.6 A more prescriptive procurement regime must be followed where this is required by:</p> <ul style="list-style-type: none"> - EU Procurement Rules - UK domestic legislation - A grant funding organisation
<p>1.9. The Assistant Director for Procurement, and the Assistant Directors Legal, Governance & Monitoring and Financial Management, Risk, Performance & IT may issue Guidance Notes to aid the interpretation of these CPRs, with the following leading responsibilities:</p> <ul style="list-style-type: none"> 1.9.1. The Assistant Director for Procurement – Good Procurement Practice; 1.9.2. Assistant Director Legal, Governance & Monitoring – The EU Procurement Rules and other laws and Corporate Governance; 1.9.3. Assistant Director Financial Management, Risk, Performance & IT – Financial Management, Best Value and Risk. 	<p>1.10 The Assistant Director for Procurement, and the Assistant Directors Legal, Governance & Monitoring and Financial Management, Risk, Performance & IT may issue Guidance Notes to aid the interpretation of these CPRs...</p>
<p>1.10. Any dispute concerning interpretation of these CPRs must be referred to the Assistant Director Financial Management, Risk, Performance & IT who, in consultation with the Assistant Director Legal, Governance & Monitoring, may provide clarification and determination.</p>	<p>1.10 Any dispute concerning interpretation of these CPRs must be referred to the Assistant Director Financial Management, Risk, Performance & IT who, in consultation with the Assistant Director Legal, Governance & Monitoring, may provide clarification and determination.</p>
<p>1.11. Subject to Part 3 of the Council’s constitution and without prejudice to the role of the Monitoring Officer or the Chief Finance Officer, the Chief Executive may reassign specific duties</p>	<p>1.11 The Chief Executive may reassign the duties delegated in these procedure rules to the Assistant Director for Procurement, and the Assistant Directors Financial Management, Risk, Performance & IT</p>

delegated in these CPRs to the Assistant Director for Procurement, and the Assistant Directors Financial Management, Risk, Performance & IT and Legal, Governance & Monitoring, provided that:

1.11.1. the post holders to whom these duties are assigned must hold general competencies in respect of:

- Public sector procurement in respect of duties reassigned from Assistant Director for Procurement;
- Finance in respect of duties reassigned from the Assistant Director Financial Management, Risk, Performance & IT;
- Law and Court procedure in respect of duties reassigned from Assistant Director Legal, Governance & Monitoring.

1.11.2. the same degree of separation of officer responsibility for the duties is maintained.

and Legal, Governance & Monitoring, except that the post holders to whom these duties are assigned must hold general competencies in respect of:-

- Public sector procurement; duties reassigned from Assistant Director for Procurement;
- Finance; duties reassigned from Assistant Director Financial Management, Risk ,Performance & IT;
- Law; duties reassigned from Assistant Director Legal, Governance & Monitoring;

And these duties cannot be assigned to the same person.

<p>1.12. Conflicts of Interest and Integrity²:</p> <p>1.12.1. Directors shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.</p> <p>1.12.2. Any Officer, Member or other person acting on the Council's behalf in Procuring a Supply must declare any potential Conflict of Interest as soon as he or she becomes aware of a potential Conflict of Interest and update the declaration in the event of any changes.</p> <p>1.12.3. Directors must record such declarations and in each case decide whether safeguards need to be put in place or the Officer or Member concerned should be removed from the Procurement or Disposal process.</p>	<p>1.8 Any officer or Member of the Council and any person or organisation, when acting on the Council's behalf in relation to any contractual matter, directly or indirectly concerning the Council, must conduct themselves such that the independence and integrity of these processes are maintained and seen to be maintained and there is compliance with the relevant officer or Member Code of Conduct. Officers must take care in all dealings with suppliers and potential suppliers that they do not infringe any aspect of the Bribery Act 2010, and must seek advice from their Director if they have any doubts.</p>
<p>1.13. Except where the Assistant Director Financial Management, Risk , Performance & IT agrees otherwise, these CPRs apply in respect of any goods, works or services obtained by another organisation, where the Council is providing a loan or making a grant contribution of £100,000 or more.</p>	<p>1.7 Except where the Assistant Director Financial Management, Risk , Performance & IT agrees otherwise, these CPRs apply in respect of any goods, works or services obtained by another organisation, where the Council is providing a loan or making a grant contribution of £100,000 or more.</p>
<p>RULE 2 – PREPARATION AND PROCESS</p>	<p>[2] <u>PRE CONTRACT PROCESS REQUIREMENTS</u></p>
<p>2.1 Each Director must ensure:-</p>	<p>2.1 & 2.4 The Director must ensure:-</p>

² Officers should also familiarise themselves with the FPRs 17 and 18, Chapter 7 of the Employee Handbook and Part 5.7 of the Council's Constitution and Members should also refer to Part 5 of the Constitution.

<p>(1) That Supplies of a similar type are procured together where it is sensible to do so. A Procurement must not be subdivided with the effect of preventing it from falling within the scope of these CPR or the EU Procurement Rules, unless justified by objective reasons.</p>	<p>2.4(6) Supplies of a similar type are procured together, and that orders are not split or aggregated for the purpose of avoiding the requirements of these CPRs, the EU Procurement Rules or any domestic legislation.</p>
<p>(2) Each Procurement complies with the following:</p> <ul style="list-style-type: none"> a. It is justified by a business case (that includes a risk assessment), and b. A whole life approach to management and operation, and sustainability issues, as a part of design, specification and assessment has been considered, and c. It aligns with the Procurement Strategy, and d. It complies with any requirements or agreements regarding the use of in-house Service suppliers, consortia and other suppliers. 	<p>2.1(1) The procurement is justified by a business case and aligns with the Procurement Strategy</p> <p>2.4 The Director must ensure that:- ...</p> <p>(3) There is compliance with any requirements or agreements regarding the use of in-house service suppliers, consortia and other suppliers whose usage is compulsory. (CPR 8)</p> <p>2.9 ... Approaches to procurement must consider a whole life approach to commissioning, management and operation, and sustainability issues, as a part of design, specification and assessment. (See also 2.4(4))</p>
<p>(3) The Supply is likely to be within budgetary provision (see CPR 12.1).</p>	<p>2.1 (2) The procurement is likely to be within budgetary provision.</p> <p><i>Also related to</i></p> <p>< 1.4 <i>A contract may only be awarded where the Director has sufficient approved budget to meet the costs. For revenue contracts for services the Director must be satisfied that there is likely to be sufficient ongoing funding to meet the contractual cost through the anticipated life of the contract.</i> ></p>

<p>(4) An estimate of the full cost of the Supply contract or Framework Agreement which is as accurate as possible is made. Valuations must:</p> <ul style="list-style-type: none"> a. be estimated by reference to the gross value of the Supply contract (including installation, supplier maintenance, options, and any income gained by all Suppliers involved in the agreement); b. assess the gross value of a Framework Agreement to be the reasonably estimated value of all Supply contracts which might be made through it; c. where the Supply contract includes a fixed duration, cover the entire possible duration of the contract (i.e. including any options, such as for extension or renewal); d. where a maximum contract duration is not certain, treat the contract as if it lasts for 4 years; e. include any grant funding; f. exclude VAT. 	<p>2.6 The Director must ensure that an estimate of the full cost of the Supply is prepared. The value should be estimated by reference to the gross value of the contract (including installation and supplier maintenance, and any income gained by all Suppliers involved in the agreement). Where the contract is for more than one year the contract value is determined by multiplying the expected annual value by the initial contract term (including any option period). If a term is not specified, 4 years must be used. Any grant funding must be included in calculating the contract value. VAT is excluded.</p>
<p>(5) Where the cost of the Supply is less than the EU Threshold and an approved Framework Agreement or Dynamic Purchasing System is not being used, there must be consultation with the Assistant Director for Procurement to see whether the value of the Supply needs to be aggregated with any other similar Supplies for the purposes of the EU Procurement Rules.</p>	<p>-- New --</p>
<p>(6) Regard is given to Best Value and the Public Sector Equality Duty and consultations with the public have been carried out as required.</p>	<p>-- New --</p>
<p>(7) The process can be adequately resourced.</p>	<p>2.1(3) The process can be adequately resourced</p>

<p>(8) The preparation of appropriate Specifications, costs/pricing, contract terms (other than Land Contracts and subject to CPR 2.1(10) below) and other procurement documentation. The documents must be likely to be understandable by all reasonably well informed people in the relevant industry in the same way.</p>	<p>2.5 The Director must ensure the preparation of specifications, costs/pricing and other documentation. ...</p> <p>(1) ...</p> <p>(2) ...</p> <p>(3) If the value of the contract is below £100,000, seek approval of the Assistant Director for Procurement pursuant to CPR 14.1(c) to use other arrangements and ensure that the risks involved have been considered and recorded [CPR 2.1(4); CPR1.2(b)]</p> <p>5.1 A written Specification detailing the Council's expectations and requirements, and the contract conditions must be prepared. The documentation must include a clear pricing document and details of what other information is to be returned as part of the Quotation. It must set out the criteria which the Council will use to evaluate the Quotations. Subject to legislative compliance, this may include factors which demonstrably aim to achieve the Council's policy, and the council's obligations as regards the protection of data. (see section 5.16)</p>
<p>(9) For contracts up to £100,000, other than Land Contracts (as to which see CPR 11); where a current or maintained set of terms which has been approved by the Assistant Director Legal, Governance & Monitoring is appropriate to the type of Supply being procured, the Director shall wherever possible use such contract terms. Otherwise, every contract for Supplies or Income</p>	<p>2.5 For all contracts that do not involve Land Assets (as to which see CPR 13) the Director must:</p> <p>(1) Use standard documentation (in accordance with any instruction and guidance) approved by the Assistant Director Legal, Governance & Monitoring (if this option is used the relevant Director is</p>

<p>Contract must set out:</p> <ol style="list-style-type: none"> a. Details of the Supply to be made or to be disposed of; b. The price or prices to be paid or received and/or the amounts and frequency or the method of calculation of contract payments with a statement of discounts or other deductions; c. The time(s) within which the contract is to be performed; d. Termination provisions and break clauses, if appropriate; e. Appropriate data protection clauses where personal data is involved; and f. Such other matters as the Assistant Director Legal, Governance & Monitoring considers to be necessary. 	<p>responsible for ensuring that the appropriate approved standard documents are used), or</p> <p>14.3 Every contract for the procurement of Supplies must set out:</p> <ol style="list-style-type: none"> a) Details of the Supply to be made or Asset to be disposed of; b) The price or prices to be paid or received and/or the amounts and frequency or the method of calculation of contract payments with a statement of discounts or other deductions; c) The time(s) within which the contract is to be performed; and d) Such other matters as the Assistant Director Legal, Governance & Monitoring considers to be necessary.(including those per clause 5.16)
<p>(10) For contracts above £100,000, other than Land Contracts (as to which see CPR 11); the Director must consult with the Assistant Director Legal, Governance & Monitoring who will prepare contract documentation appropriate for the contract.</p>	<p>2.5 ... (2) If the value of the contract is above £100,000, consult with the Assistant Director Legal, Governance & Monitoring who will prepare documentation appropriate for the contract; or ...</p>
<p>(11) Where a competitive process is being carried out: a transparent, unambiguous and clearly set out schedule of Award Criteria, which are objectively verifiable and non-discriminatory and are appropriately prioritised, must be prepared and advertised. These criteria must be linked to the subject matter of the contract, must not include unlawful non-commercial considerations or Suitability Criteria (which should be identified separately and must follow CPR 5.2 - 5.7) and must be proportional to the contract's main objectives.</p>	<p>2.4 (4) A schedule of evaluation criteria, appropriately prioritised is prepared, including as appropriate initial cost, operating and end of life costs, technical merit, quality, environmental impact, equality, and any other relevant consideration. (These criteria must not include unlawful non-economically advantageous considerations and must be proportionally related to the contract). (See also 2.9)</p>

<p>(12) Consideration of whether it would be appropriate to divide large procurements into contract Lots³ and must record the decision and reasoning.</p>	<p>-- New --</p>
<p>(13) The Assistant Director Financial Management, Risk, Performance & IT is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding £160,000*.</p>	<p>2.4(2) The Assistant Director Financial Management, Risk, Performance & IT is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding £ 170,000*.</p>
<p>(14) The appointment of an officer to carry out supervision of the resultant contract(s) in accordance with Financial Procedure Rule 21.8.</p>	<p>2.1(5) The appointment of an officer to carry out supervision of the resultant contract(s) in accordance with Financial Procedure Rule 21.8.</p>
<p>(15) That (unless Cabinet authorises otherwise) the formal Council policies and/or guides referred to in Appendix 1 are followed.</p>	<p>2.4(5) All procurement activity for a Supply must comply with, as applicable, the Council's "Project Management Handbook" and "Framework for Successful Projects" and the "Information Security Policy".</p> <p>2.1(6) Where the Public Services (Social Value) Act 2012 applies, consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area and consider related consultation.</p>
<p>(16) All supply contracts in excess of £300,000 will be bonded in the sum of 10% of the Quotation value, except where the Assistant Director Legal, Governance & Monitoring and Assistant Director Financial Management, Risk, Performance & IT agree either:</p> <ul style="list-style-type: none"> a. No bond is necessary; or b. A different value (or percentage) is appropriate; and or c. A parent company guarantee or other form of surety can be accepted instead. 	<p>14.8 All supply contracts in excess of £300,000 will be bonded in the sum of 10% of the Quotation value, except where the Assistant Director Legal, Governance & Monitoring and Assistant Director Financial Management, Risk, Performance & IT agree either:</p> <ul style="list-style-type: none"> a) No bond is necessary; or b) A different value (or percentage) is appropriate; and or c) A parent company guarantee or other form of surety can be accepted instead.

<p>(17) A risk log is maintained during the Procurement process.</p>	<p>2.1(4) A procurement risk assessment has been carried out</p>
<p>2.2 Interviews may be held as part of score modification, but the interview itself must not be scored and, unless the Assistant Director for Procurement agrees otherwise, all bidders must be invited to interview.</p>	<p>-- New --</p>
<p>2.3 Before commencing any process to obtain any Supply having an estimated cost exceeding £20,000, the Director must consult with the Assistant Director for Procurement. The Assistant Director for Procurement must consider if any issues relating to the procurement may create risks that require consultation with the Assistant Director Legal, Governance & Monitoring and / or the Assistant Director Financial Management, Risk, Performance & IT, and undertake these consultations as necessary.</p>	<p>2.2 Before commencing any process to obtain any Supply having an estimated cost exceeding £100,000, the Director must consult with the Assistant Director for Procurement. The Assistant Director for Procurement must consider if any issues relating to the procurement may create risks that require consultation with the Assistant Director Legal, Governance & Monitoring and or the Assistant Director Financial Management, Risk, Performance & IT, and undertake these consultations as necessary.</p>
<p>2.4 The Director must provide to the Assistant Director for Procurement information necessary to enable the Council to comply with EU Procurement Rules. The Assistant Director for Procurement is responsible for ensuring the appropriate placing of notices in the Official Journal of the European Union (OJEU) and Contract Finder. Such notices may only be placed by officers authorised to do so by the Assistant Director for Procurement.</p>	<p>2.3 The Director must provide to the Assistant Director for Procurement information necessary to enable the Council to comply with EU Procurement Rules. The Assistant Director for Procurement is responsible for ensuring the appropriate placing of notices in the Official Journal of the European Union (OJEU). Such notices may only be placed by officers authorised to do so by the Assistant Director for Procurement.</p>
<p>2.5 Consultation with suppliers in the relevant market is permitted but it must be transparent, must not distort competition and must not prejudice the equal treatment of Suppliers. In respect of contracts for services, Directors must also consider (a) how what is proposed to be procured might improve the economic, social and environmental well-being of Kirklees, (b) which proportionate actions (which must comply with the EU Procurement Rules) might be taken in the Procurement with a view to securing that improvement, and (c) whether any consultation</p>	<p>2.8 Pre tender consultation with Suppliers must not prejudice any potential Supplier, and no technical advice may be sought or accepted from any Supplier in relation to the preparation of any specification or contract documentation where this may distort competition, provide any unfair advantage or prejudice the equal treatment of all potential Suppliers.</p>

<p>might be needed to inform them in relation to 2.6(b).</p>	
<p>2.6 In preparing a Specification, the Director should consider how the procurement activity might meet the Councils wider policy and strategy but subject always to ensuring full compliance with EU and UK procurement legislation.</p>	<p>2.9 In preparing a specification, the Director should consider how the procurement activity might meet the Councils wider policy and strategy but subject always to ensuring full compliance with EU and UK procurement legislation. ... (See also 2.4(4))</p> <p>5.11 The Director will ... consider the overall financial (and service delivery) impacts on the Council as a whole.</p>
<p>2.7 Where any Supplier is given possession of or access to any personal data, the Director must have regard to the Council's obligations as regards the Data Protection Legislation, any ICO directions to the Council and the undertaking which the Chief Executive gave to the Information Commissioner in July 2011. The Director must follow the Council's Information Security Policy, in particular regarding contracting with data processors and sharing data, and consult with the Information Governance Team. The Director must ensure that:</p> <ul style="list-style-type: none"> A. the Supplier is verified as suitable to be trusted with the personal data before allowing the Supplier access to the data; B. appropriate guarantees of the security of the personal data are included within a written contract; C. the performance of the contract is appropriately monitored; D. appropriate steps are taken to enforce the contract where the information security guarantees are not being met; E. appropriate steps are taken to minimise as far as possible the impact of a breach of data security. F. arrangements that appropriately deal with the transfer, return or deletion of the information at the end of the contract are established. <p>All contracts that involve the processing or sharing of personal</p>	<p>-- New --</p>

<p>data must be reported to the Information Governance Team, who will keep a log of these contracts. The log will be reviewed by the Information Governance Board on a six-monthly basis.</p>	
<p>Collaboration</p> <p>2.8 The potential for genuine collaboration with other public bodies must be considered when planning a procurement exercise.</p>	<p>2.10 The potential for collaboration with other public bodies must be considered when planning a procurement exercise.</p>
<p>2.9 However, the EU Procurement Rules provide for joint liability where one authority procures on behalf another (other than as a central purchasing organisation, e.g. YPO). This increases the risks for the passive partner(s). So when taking any benefit from a procurement in which a third party takes any degree of control, Directors must ensure that appropriate due diligence steps are taken to be sure that all arrangements are appropriate and compliant. Addition to procurements on a 'just in case' or speculative basis must be approved by the Assistant Director for Procurement.</p>	<p>-- New --</p>
<p>RULE 3 - CHOICE OF PROCUREMENT PROCESS</p>	

3.1 Subject to complying with the law, the process for procurement must comply with the following:

Value of Supplies	Requirement
Up to £200	Any Procurement means is permitted
between £200 and £20,000	<p>Any reasonable means to select the Supply is permitted. Reasons to justify the decision taken must be recorded.</p> <p>Reasonable Means to Select; this requires methods of selection which reflect reasonable trade practice. For supplies below £20,000, it might include informal briefs, supplier written quotations or proposals, verbal or telephone quotes (which are then written down), comparative pricing for suitable supplies over the internet. For Supplies valued at £20,000 or below which can be procured on a 'price only' basis, where the YORtender system includes a relevant list of suppliers who can submit a "QuickQuote" through this system, this approach should be considered. The Director remains responsible for ensuring that the supplier selected is appropriate in terms of Suitability.</p>

- 3.1 For Supplies involving an estimated value of below £200 any method of selection of a Supplier is permitted.
- 3.2 For Supplies involving an estimated value of between £200 and £20,000 any reasonable means to select the Supplier is permitted. Reasons must be kept to justify the decision taken. (See 3.6)
- 3.3 For Supplies involving an estimated value above £20,000 one of the following processes will apply.
- ◆ Quotations - Supplier Selection (CPR 4)
 - Receipt and Evaluation (CPR 5)
 - ◆ Framework Suppliers (CPR 6)
 - ◆ Exemptions (CPR 7)
 - ◆ Internal, Consortia & Compulsory (CPR 8)
 - ◆ Negotiated Contracts (CPR 9)
- 3.6 Reasonable Means to Select; this requires a methods of selection which reflects reasonable trade practice. At lower values it might include informal briefs, supplier written quotations or proposals, verbal or telephone quotes (which are then written down). The internet may be used as a means of obtaining comparative pricing for suitable supplies with an estimated value below £20,000. At higher values (where this applies in relation to works) it will require written specifications as regards the task, volumes, quantities,

<p>above £20,000</p>	<p>One of the following:</p> <ul style="list-style-type: none"> ◆ Quotations (CPRs 4 - 6) ◆ Framework Suppliers, Standing Lists, Etc. (CPR 7) ◆ Exemptions (CPR 8) ◆ Internal, Consortia & Compulsory (CPR 8) 	<p>constraints.</p>			
<p>3.2 These CPRs also apply to the selection of any nominated or named sub-contractor, product or manufacturer whose use by a Supplier is a requirement of a contract specification.</p>	<p>3.5 These CPRs also apply to the selection of any nominated or named sub-contractor, product or manufacturer whose use by a Supplier is a requirement of a contract specification.</p>				
<p>RULE 4 - ADVERTISING</p>					
<p>4.1 The Director must advertise for Suppliers and/or quotations as follows:</p> <table border="1" data-bbox="125 1193 1061 1321"> <thead> <tr> <th data-bbox="125 1193 586 1235">Estimated Value of Contract⁴</th> <th data-bbox="586 1193 1061 1235">Advertising Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="125 1235 586 1321"></td> <td data-bbox="586 1235 1061 1321"></td> </tr> </tbody> </table>	Estimated Value of Contract ⁴	Advertising Requirement			<p>4.1 Quotations can be obtained:-</p> <ul style="list-style-type: none"> a) By inviting Quotations from selected potential Suppliers (4.2 to 4.10) b) By open Quotation (4.9 & 4.10 (a)) <p>4.3 The selected potential Suppliers will be chosen to submit quotations</p>
Estimated Value of Contract ⁴	Advertising Requirement				

Works; above £4,100,000* Goods; above £160,000* Services other than 'Light Touch Regime' services; above £160,000* 'Light Touch Regime' services; above £580,000*		Advertise on YORTender, Contracts Finder and OJEU- and in other media if appropriate (OJEU first); or Use approved Framework Agreement; or Use Dynamic Purchasing System
<u>From</u>	<u>Up to</u>	If Standing List Exists From standing list; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System If Standing List Does Not Exist Advertise on YORTender, Contracts Finder PLUS other reasonable advertising means; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
Works £100,001	Works; £4,100,000*	
Goods £20,001	Goods; £160,000*	
Services £20,001	Services other than 'Light Touch Regime' services; £160,000* 'Light Touch Regime' services; £580,000*	
<u>Goods or services from £200 up to £20,000</u> <u>Works from £200 to £100,000</u>		Any reasonable means. "QuickQuote" must be considered where the YORTender system holds a relevant list of suppliers.
<u>Below £200</u>		Any means (advertising is not necessary)

as follows.			
Estimated Value of contract	Standing list exists	Selection of supplier to Quote	Sections of CPRs that apply
Above the lower of the relevant EU Threshold and (or if no EU Threshold applies) Works; £4,320,000* Goods; £170,000* Services; £170,000* Health & Social Care £625,000*	All cases	Advertise on YORTender and OJEU- and in other media if appropriate (OJEU first)	
<u>From</u>	<u>Up to</u>	Yes	From standing list including activities where YORTender holds a relevant list of suppliers to participate in the "QuickQuote" system
Works £100,000	The lower of the relevant EU threshold and (or if no EU Threshold applies) Works - £4,319,999* Goods - £169,999* Services - £169,999* Health & Social Care £625,000*		
Goods £20,000		No	Advertise on YORTender & other selection
Services £20,000			
			4.4 to 4.8 & 4.13
			4.9 to 4.10

<p><u>Works £20,000 to £99,999</u></p>		<p>where YORTender holds a relevant list of suppliers to participate in the “QuickQuote” system this method must be used; otherwise any reasonable means must be used to select a list of prospective suppliers</p>	<p>4.13</p>
<p><u>Works, goods or services up to £19,999</u></p>	<p>All cases</p>	<p>Any reasonable means. “QuickQuote” must be used where the system holds a relevant list of suppliers</p>	<p>3.6</p>

- 4.9 If an open Standing List is not maintained and the estimated value exceeds £100,000 (works), £20,000 (goods and services) the Director must advertise for suppliers on the YORTender system and may also use any reasonable means to identify other appropriate Suppliers.
- 4.12 For any procurement below £100,000 (works), £20,000 (goods and services), the Director may use any reasonable means to select potential Suppliers. See 3.6. & 4.13.

Number of Quotations

5.1 Unless

5.1.1 an **approved** Framework Agreement or Dynamic Purchasing System is being used (and in which case the rules of the Framework Agreement or the Dynamic Purchasing System must be followed); or

5.1.2 it is otherwise agreed with the Assistant Director Financial Management Risk, Performance & IT in consultation with the Assistant Director Legal, Governance & Monitoring,

a Director must invite at least the following number of Suppliers to submit a written Quotation:

Estimated Value of Contract	Minimum Number
£20,000 to £99,999	3
£100,000 up to EU Threshold or £160,000* (whichever is lower)	4
Above EU Threshold or £160,000* (whichever is lower)	5

The Suppliers must have indicated that they are willing to submit a Quotation. If it is not possible to identify the number of willing prospective

4.2 Unless otherwise agreed with the Assistant Director Financial Management Risk, Performance & IT in consultation with the Assistant Director Legal, Governance & Monitoring, a Director must invite at least the following number of Suppliers to submit a written Quotation:

Estimated Value of Contract	Minimum Number
£20,000 to £99,999	3
£100,000 up to EU Threshold or £170000*	4
Above EU Threshold or £170,000* (whichever is lower)	5

The Suppliers must have indicated that they are willing to submit a Quotation. ...

If it is not possible to identify the number of willing prospective suppliers indicated above, the Director must retain a record of the efforts made and reasons why an appropriate number of suppliers could not be identified.

<p>suppliers indicated above, the Director must retain a record of the efforts made and reasons why an appropriate number of Suppliers could not be identified.</p>	
<p>Supplier Selection</p> <p>5.2 Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of Suitability.</p>	<p>2.4(1) Each Supplier is technically competent.</p>
<p>5.3 Where the procurement process has an overall value of less than £164,176, a qualification stage must not be used, although key, proportional, Suitability questions linked to the subject matter of the contract should, as appropriate, be used to establish the Suitability of the supplier. The questions (or absence of any) must be approved by the Assistant Director for Procurement.</p>	<p>2.11 ... Where the procurement process involves overall value of less than £100,000, and as appropriate in other cases, a prequalification stage can be omitted, although a verification process will need to be established to ensure skill, competence and fidelity of the supplier.</p>
<p>5.4 When operating a procurement process with a value of £164,176 or above, and subject to CPR 5.5, the Director must use the Council's standard form of Suitability questionnaire to establish Suitability and/or to establish a shortlist. Any variations to this must be agreed with the Assistant Director for Procurement who will notify relevant authorities as necessary (e.g. through mysteryshopper@crowcommercial.gov.uk).</p>	<p>2.11 When evaluating the suitability of contractors for inclusion on a specific contract or standing list of contractors, the Director must use an appropriate form of qualification questionnaire that establishes competencies that are appropriate and necessary for delivery of the contract. ...</p>
<p>5.5 The European Single Procurement Document must be accepted where applicable.</p>	<p>-- New --</p>
<p>5.6 The selection of any potential Supplier to submit a Quotation must be on the basis of a consistent, fair, justifiable and rational method, approved by the Assistant Director for Procurement. Selection Criteria must be transparent and financial ratios to be used as part of the evaluation must be disclosed. When conducting a procurement process which is subject to the EU Procurement Rules, minimum standard and/or pass marks</p>	<p>4.2. ... The selection of any potential Supplier to submit a Quotation must be on the basis of a consistent, fair, justifiable and rational method, approved by the Assistant Director for Procurement. ...</p>

<p>must be published in the relevant OJEU contract notice or invitation to confirm interest.</p>													
<p>5.7 Before any self-employed Supplier is awarded a contract, the supplier's details must be obtained and assessed through the HMRC Employment Status Indicator (ESI) Tool. The results of this should be reported to Corporate Procurement. The Director and Corporate Procurement must agree on the approach to procurement if the assessment suggests that the council faces any risk. Any proposal to engage a self-employed person must be agreed with the Assistant Director for Procurement.</p>	<p>14.1 ... Before any self-employed contractor is awarded a contract, the supplier's details must be obtained and assessed through the HMRC Employment Status Indicator (ESI) Tool. The results of this should be reported to Corporate Procurement. The Director and Corporate Procurement must agree on the approach to procurement if the assessment suggests that the council faces any risk.</p>												
<p>RULE 6 – QUOTATION RECEIPT & EVALUATION</p>													
<p>6.1. For Procurements which are valued above £160,000, Suppliers must be required to submit Quotations by electronic means of communication unless the Assistant Director for Procurement agrees otherwise. This must be through the YORTender system unless the Assistant Director for Procurement agrees otherwise.</p>	<p>5.2 Suppliers shall be given the choice of submitting Quotations electronically or in written, paper form. Where they have evidence that there will be no distortion of the market and that no supplier will be unreasonably disadvantaged and the EU Regulations not breached, the Assistant Directors for Procurement, Legal, Governance & Monitoring and Financial Management, Risk, Performance & IT may agree that in respect of a specific quotation or type of quotations only electronic quotes will be accepted.</p>												
<p>6.2. All invitations must state clearly the date and time of return. Electronic quotations must be returned in accordance with the approved tendering system requirements. Paper quotations must be returned to:-</p> <table border="1" data-bbox="96 1230 1093 1401"> <thead> <tr> <th>Estimated Value</th> <th>Returned to</th> </tr> </thead> <tbody> <tr> <td>£20,000 to £99,999</td> <td>Service</td> </tr> <tr> <td>£100,000 and above</td> <td>Assistant Director for Procurement</td> </tr> </tbody> </table>	Estimated Value	Returned to	£20,000 to £99,999	Service	£100,000 and above	Assistant Director for Procurement	<p>5.3 All invitations must state clearly the date and time of return. Electronic quotations must be returned in accordance with the approved tendering system requirements. Paper quotations must be returned to:-</p> <table border="1" data-bbox="1122 1214 2078 1374"> <thead> <tr> <th>Estimated Value</th> <th>Returned to</th> </tr> </thead> <tbody> <tr> <td>£20,000 to £99,999</td> <td>Service</td> </tr> <tr> <td>£100,000 and above</td> <td>Assistant Director for Procurement</td> </tr> </tbody> </table>	Estimated Value	Returned to	£20,000 to £99,999	Service	£100,000 and above	Assistant Director for Procurement
Estimated Value	Returned to												
£20,000 to £99,999	Service												
£100,000 and above	Assistant Director for Procurement												
Estimated Value	Returned to												
£20,000 to £99,999	Service												
£100,000 and above	Assistant Director for Procurement												

<p>6.3. Paper quotations must be returned in a sealed envelope inscribed with the words: "Quotation for" and contain no other wording or marking to identify the sender.</p>	<p>5.4 Paper quotations must be returned in a sealed envelope inscribed with the words: "Quotation for" and contain no other wording or marking to identify the sender.</p>																													
<p>6.4. All of the paper quotations must be kept securely and unopened. If any quotation bears any name or identifying mark of the bidder, this should be removed or obliterated.</p>	<p>5.5 All of the paper quotations must be kept securely, unopened. If any quotation bears any name or identifying mark of the Supplier, this should be removed or obliterated.</p>																													
<p>6.5. All paper and electronic quotations received by the appointed time will be opened at the same time by:</p> <table border="1" data-bbox="94 596 1093 1145"> <thead> <tr> <th></th> <th>Estimated Value</th> <th>Media</th> <th>Representatives (at least)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>£20,000 to £99,999</td> <td>Paper Only</td> <td>Two Service based officers</td> </tr> <tr> <td rowspan="2">B</td> <td rowspan="2">£20,000 to £99,999</td> <td>Electronic Only</td> <td rowspan="2">One Service representative & One (corporate) Procurement officer</td> </tr> <tr> <td>Paper & Electronic</td> </tr> <tr> <td>C</td> <td>£100,000 and above</td> <td>Any</td> <td>One Financial Management, Risk Performance & IT representative & One (Corporate) Procurement officer</td> </tr> </tbody> </table> <p>A Legal Services Officer can act as substitute for one of the officers in C above.</p>		Estimated Value	Media	Representatives (at least)	A	£20,000 to £99,999	Paper Only	Two Service based officers	B	£20,000 to £99,999	Electronic Only	One Service representative & One (corporate) Procurement officer	Paper & Electronic	C	£100,000 and above	Any	One Financial Management, Risk Performance & IT representative & One (Corporate) Procurement officer	<p>5.6 All paper and electronic quotations received by the appointed time will be opened at the same time by:</p> <table border="1" data-bbox="1135 596 2054 1145"> <thead> <tr> <th>Estimated Value</th> <th>Media</th> <th>Representatives (at least)</th> </tr> </thead> <tbody> <tr> <td>£20,000 to £99,999</td> <td>Paper Only</td> <td>Two service based officers</td> </tr> <tr> <td>£20,000 to £99,999</td> <td>Electronic Only Paper & Electronic</td> <td>One Service representative One (corporate) Procurement officer</td> </tr> <tr> <td>£100,000 and above</td> <td>Any</td> <td>One Financial Management, Risk Performance & IT representative One (Corporate) Procurement officer</td> </tr> </tbody> </table>	Estimated Value	Media	Representatives (at least)	£20,000 to £99,999	Paper Only	Two service based officers	£20,000 to £99,999	Electronic Only Paper & Electronic	One Service representative One (corporate) Procurement officer	£100,000 and above	Any	One Financial Management, Risk Performance & IT representative One (Corporate) Procurement officer
	Estimated Value	Media	Representatives (at least)																											
A	£20,000 to £99,999	Paper Only	Two Service based officers																											
B	£20,000 to £99,999	Electronic Only	One Service representative & One (corporate) Procurement officer																											
		Paper & Electronic																												
C	£100,000 and above	Any	One Financial Management, Risk Performance & IT representative & One (Corporate) Procurement officer																											
Estimated Value	Media	Representatives (at least)																												
£20,000 to £99,999	Paper Only	Two service based officers																												
£20,000 to £99,999	Electronic Only Paper & Electronic	One Service representative One (corporate) Procurement officer																												
£100,000 and above	Any	One Financial Management, Risk Performance & IT representative One (Corporate) Procurement officer																												
<p>6.6. The Director (quotations estimated under £100,000) or Assistant Director for Procurement (quotations estimated at £100,000 or over) will maintain a written record of the:-</p>	<p>5.7 The Director (quotations estimated under £100,000) or Assistant Director for Procurement (quotations estimated at £100,000 or over) will maintain a written record of the:-</p>																													

<p>6.6.1. Nature of the Supply</p> <p>6.6.2. Name of each Supplier submitting a Quotation and the date/time of receipt</p> <p>6.6.3. Name of Suppliers failing to submit prices/proposal</p> <p>6.6.4. Prices from each Supplier</p> <p>6.6.5. Names of the persons present at the opening</p> <p>6.6.6. Date and time of opening of Quotations</p> <p>6.6.7. Any reason for rejecting any Quotation</p> <p>Each person present at the opening will initial each paper Quotation document, alongside the submitted price.</p>	<p>1. Nature of the Supply</p> <p>2. Name of each Supplier submitting a Quotation and the date/time of receipt</p> <p>3. Name of Suppliers failing to submit prices/proposal</p> <p>4. Prices from each Supplier</p> <p>5. Names of the persons present at the opening</p> <p>6. Date and time of opening of Quotations</p> <p>7. Any reason for rejecting any Quotation</p> <p>Each person present at the opening will initial each paper Quotation document, alongside the submitted price.</p>
<p>6.7. Late quotations must not be accepted unless the lateness is caused by the Council or other matters reasonably outside of the control of the tenderer AND no unfair advantage is given to the bidder which submits the late Quotation. Any decision to accept a late quotation will be made by the Assistant Director for Procurement following both (a) such verification as he or she feels appropriate and (b) approval by the Assistant Director Financial Management, Risk, Performance & IT. However, deadlines may be extended at any time prior to their arrival so long as this complies with the principle of equal treatment and non-discrimination between tenderers.</p>	<p><u>Late Quotations</u></p> <p>5.9 Where there is evidence of reasonable efforts to submit a paper Quotation on time, it may be accepted when it is late, provided that the other Quotations have not been opened at the time of its delivery and the Supplier has gained no advantage as a consequence of the late submission. Any decision to accept a late quotation will be made by the Assistant Director for Procurement following approval by the Assistant Director Financial Management, Risk, Performance & IT. The Assistant Director for Procurement can, after consultation with the Assistant Director Financial Management, Risk, Performance & IT, agree to accept late electronic quotations where there is evidence of software failure leading to the inability to make an on time submission.</p>
<p>6.8. Suppliers must always be required to submit bids which comply with the tender documents. Variant bids may be permitted providing that the tender documents:</p>	<p><u>Qualified Quotations</u></p> <p>5.10 Suppliers must always be required to submit a compliant Quotation.</p>

<ul style="list-style-type: none"> ○ Say whether a standard or reference bid is also required; ○ Include the minimum requirements to be met by the variants; ○ set award criteria which can be applied to the variants; <p>and the variants which are submitted must conform to the requirements of the tender documents.</p> <p>Quotations which do not comply with the above in this CPR 6.8 may be accepted by the Director, only after approval by the Assistant Director Financial Management, Risk, Performance & IT.</p>	<p>Any variant Quotations which seek to change the Specification or other Contract documentation may be accepted by the Director, only after approval by the Assistant Director Financial Management, Risk, Performance & IT.</p>
<p>6.9. Where information or documentation submitted by a bidder as part of its quotation is or appears to be incomplete or erroneous or unclear, or where specific documents are missing, Directors may request the bidder concerned to submit, supplement, clarify or complete the relevant information or documentation, provided that requests for clarification:</p> <ul style="list-style-type: none"> 6.9.1. Set an appropriate time limit for a reply; 6.9.2. Do not request changes or otherwise seek to influence the bidder; 6.9.3. Treat all tenderers equally and fairly and so, for example, the request: <ul style="list-style-type: none"> 6.9.3.1. Must not occur before all of the bids have been subject to an initial evaluation 6.9.3.2. must not unduly favour or disadvantage the bidder to whom the request is addressed, and 	<p>-- New --</p>

<p>6.9.3.3. must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment;</p> <p>6.9.4. Deal with all of the matters in the Quotation which are incomplete or erroneous.</p>	
<p>6.10. The Director will carry out an evaluation of the Quotations received against the pre-set Award Criteria (CPR 2.1(11)) and keep a written record of the analysis and outcome.</p>	<p><u>Evaluation</u></p> <p>5.11 The Director will carry out an evaluation of the Quotations received against the pre-set evaluation criteria (CPR 5.1) and keep a written record of the analysis and outcome and will consider the overall financial (and service delivery) impacts on the Council as a whole.</p> <p>5.13 For Quotations of £100,000 or above;</p> <p>a) The Director must carry out a full evaluation of all the relevant factors set out in the specification to determine which tender is successful.</p> <p>b) Detailed records must be retained to evidence the selection made</p> <p>c) The Director will instruct the Assistant Director Legal, Governance & Monitoring to accept the Quotation and issue a contract.</p>
<p>6.11. The use of or participation in e-auctions to set prices is permitted where:</p> <ol style="list-style-type: none"> I. bids can be ranked automatically and II. the mathematical formula to determine the rankings of the bids (or each variant where variants are permitted) is disclosed, and 	<p>10.1 The use of or participation in internet and e-auctions including “dynamic purchasing systems”,) is permitted, with the written agreement of the Assistant Director Financial Management, Risk Performance & IT , and subject to supervision by the Assistant Director for Procurement .</p>

<p>III. the written agreement of the Assistant Director Financial Management, Risk Performance & IT has been given, and</p> <p>IV. the process is subject to supervision by the Assistant Director for Procurement.</p>	
<p>6.12. The Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.</p>	<p>-- New --</p>
<p>6.13. The Director must ensure that, where required by EU procurement rules, appropriate notices of intention to award a contract to a particular supplier, or group of suppliers, are issued, and the necessary standstill period observed, prior to formal acceptance of the tender. The Assistant Director for Procurement will supervise the production and issuance of the mandatory debrief letters and inform the Assistant Director Legal, Governance & Monitoring that the debrief process has completed satisfactorily prior to formal acceptance of any quotation.</p>	<p>5.14 The Director must ensure that, where required by EU procurement rules , appropriate notices of intention to award a contract to a particular supplier, or group of suppliers, are issued , and the necessary standstill period observed, prior to formal acceptance of the contract. The Assistant Director Legal, Governance & Monitoring must take reasonable steps to satisfy themselves of compliance with this process prior to formal acceptance of any quotation.</p>
<p>6.14. Any complaint or challenge to the procurement process at any stage must immediately be referred to the Assistant Director for Procurement, who must take steps to investigate and (subject to CPR 6.15) take action as necessary, taking guidance from the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT.</p>	<p>5.15 Any complaint or challenge to the contract process received at any stage during a procurement process must be immediately referred to the Assistant Director for Procurement, who must take steps to investigate and take action as necessary, taking guidance from the Assistant Director Legal, Governance & Monitoring and the Assistant Director Financial Management, Risk, Performance & IT.</p>
<p>6.15. If a formal complaint is made (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the Assistant Director Legal, Governance & Monitoring must be informed immediately with full objective disclosure of the facts relating to the issue(s), who will</p>	<p>-- New --</p>

<p>manage the claim. At this stage information exchange should be restricted and Directors must not copy dispute related information to anybody who has not seen it before until the Assistant Director Legal, Governance & Monitoring advises about confidentiality and Legal Privilege.</p>	
<p>RULE 7 – QUICK QUOTE, STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE</p>	
<p>7.1. The Assistant Director for Procurement will maintain a list of approved central purchasing organisations, purchasing consortia and Council "trading services".</p>	<p>8.4 The Assistant Director for Procurement will maintain a list of approved consortia and Council "trading services".</p>
<p>Quick Quote</p> <p>7.2. Where the YORtender system includes a relevant list of suppliers who can submit a “QuickQuote” through this system, this approach must be used to source contracts for Supplies with a value below £20,000 and which, taken together and with supplies of a similar type, do not aggregate above this figure. The Director remains responsible for ensuring that the supplier selected is appropriate in terms of Suitability.</p>	<p>4.13 Where the YORtender system includes a relevant list of suppliers who can submit a “QuickQuote” through this system, this approach must be used. The Director is responsible for ensuring that the supplier selected is appropriate in terms of fidelity, skill, competence.</p>
<p>Standing Lists</p> <p>7.3. The Assistant Director for Procurement will determine for which types of Supply Council-wide Standing Lists will be kept. The Assistant Director for Procurement will be responsible for creation and maintenance of lists which will be used Council-wide by any Director requiring Supplies of that type.</p>	<p>4.4 The Assistant Director for Procurement will determine for which types of Supply Council-wide Standing Lists will be kept. The Assistant Director for Procurement will be responsible for creation and maintenance of lists which will be used Council-wide by any Director requiring Supplies of that type.</p>

<p>7.4. Standing Lists may be used for Supplies where the aggregated value (in compliance with the EU Procurement Rules) of the Supply in question does not exceed the relevant EU Threshold. Framework Agreement or a Dynamic Purchasing System can be used where the aggregated value exceeds the relevant EU Threshold.</p>	<p>--New --</p>
<p>7.5. Standing Lists will be created by the selection of suppliers to be included from those responding to advertisements placed on at least the YORTender web site, Contracts Finder and one appropriate printed newspaper or journal. Standing Lists will remain valid for five years from creation. During that period the Standing List will remain open to the addition of further suppliers meeting the appropriate admission requirements and will remain advertised on the Council's web site for that time. Standing Lists must be renewed every 5 years.</p>	<p>4.5 Standing Lists will be created by the selection of Suppliers to be included from those responding to advertisements placed on at least the YORTender web site and one appropriate printed newspaper or journal. Standing Lists will remain valid for five years from creation. During that period the list will remain open to the addition of further Suppliers meeting the appropriate admission requirements and will remain advertised on the Council's web site for that time. Lists must be renewed every 5 years.</p>
<p>7.6. Admission to a Standing List should be on the basis of a transparent, rational, justifiable evaluation, of information submitted by prospective Suppliers relating to technical, financial and any other relevant matters determined by the Assistant Director for Procurement.</p>	<p>4.6 Admission to the list should be on the basis of a transparent, rational, justifiable evaluation, of information submitted by prospective Suppliers relating to technical, financial and another relevant matters determined by the Assistant Director for Procurement. A written record of the evaluation of each prospective Supplier should be kept.</p>
<p>7.7. The Assistant Director for Procurement (in consultation with the Assistant Director Legal, Governance & Monitoring) may delete a supplier from a Standing List only where there is appropriate evidence and a written report justifying the action.</p>	<p>4.7 The Assistant Director for Procurement (in consultation with the Assistant Director Legal, Governance & Monitoring) may delete a Supplier from a Standing List only where there is appropriate written evidence justifying the action.</p>
<p>7.8. If there are insufficient suppliers on a Standing List, or too few are willing to submit Quotations, to meet the CPR's quotation</p>	<p>4.8 If there are insufficient Suppliers on a Standing List, or too few are willing to submit Quotations, (i.e. less than the numbers set out in</p>

<p>requirements potential Suppliers must be sought as if a Standing List is not maintained.</p>	<p>4.2) prospective suppliers for contracts exceeding £100,000 (works), £20,000 (goods and services) must be selected in accordance with CPR 4.9 to 4.10 as if a Standing List is not maintained.</p>
<p>7.9. Each Director must establish and advertise a set of fair, proportionate and transparent rules that reflect these CPRs which set out how Supplies will be procured through each Standing List which they are responsible for.</p>	<p>4.10 Considering both the identified and YORTender notified Suppliers, the Director will decide if:</p> <ul style="list-style-type: none"> (a) All respondents are to be invited to submit a Quotation, or (b) All respondents are subject to an equitable system of evaluation to select the most appropriate Suppliers to submit quotations
<p>Council Framework Agreements and Dynamic Purchasing Systems</p> <p>7.10. Framework Agreements and Dynamic Purchasing Systems which are compliant with the EU Procurement Rules may be used to source contracts for appropriate types of Supplies. However they must not be used to attempt to create further Framework Agreements or Dynamic Purchasing Systems.</p>	<p>-- New --</p>
<p>7.11. Framework Suppliers will be chosen by a competitive process in accordance with these rules as if they were a Supply contract (but must not be procured through a standing list, another framework agreement or a Dynamic purchasing system) and in accordance with the EU Procurement Rules</p>	<p>6.2 Framework Suppliers will be chosen by a competitive process in accordance with these rules, and be subject to advice from the Assistant Director for Procurement, Assistant Director Financial Management, Risk, Performance & IT and the Assistant Director Legal, Governance & Monitoring</p>
<p>7.12. All Framework Agreements will be in the form of a written contract detailing the method by which the Council will call off Supplies during the duration of the Framework Agreement and stating that there will be no obligation to order any</p>	<p>6.3 All Framework Agreements will be in the form of a Framework Contract detailing the method by which the Council will call off Supplies during the duration of the contract and stating that there will be no obligation to order any Supplies of any type from a</p>

Supplies of any type from a Framework Supplier.	Supplier.
7.13. Framework Agreements above the EU Threshold must be closed to new entrants and must not last longer than 4 years without this being justified in a written assessment of the exceptional factors present and the approval of the Assistant Director for Procurement.	-- New --
7.14. Contracts created through Framework Agreements must not be greater than 4 years in duration without being justified in a written assessment of the exceptional factors present and the approval of the Assistant Director for Procurement.	-- New --
<p>7.15. Dynamic Purchasing Systems must :</p> <p>7.15.1. be set up by an advertised competitive process which is approved by the Assistant Director for Procurement; and</p> <p>7.15.2. remain advertised; and</p> <p>7.15.3. not limit the number of suppliers admitted to the system (but the system may be split into categories); and</p> <p>7.15.4. be set up with clear operative rules which involve obtaining quotations from all suppliers on the system, or on the relevant category on the system, as appropriate; and</p> <p>7.15.5. be operated wholly electronically; and</p> <p>7.15.6. be open to new entrants; and</p> <p>7.15.7. not last longer than 5 years.</p>	-- New --
7.16. When using Framework Agreements or Dynamic Purchasing Systems, the Council must follow the procurement rules set out in the Framework Agreement or the Dynamic Purchasing System.	8.2 When using the Framework Contract, the Council must follow the procurement rules established in the Framework Contract.
7.17. The Assistant Director for Procurement will ensure that the	6.4 The Assistant Director for Procurement will ensure that the use of

<p>use of Framework Suppliers and Dynamic Purchasing Systems provide value for money, considering all procurement costs and alternative approaches.</p>	<p>framework suppliers provides value for money, considering all procurement costs and alternative approaches.</p>
<p>7.18. The Assistant Director for Procurement will maintain a list of all approved Framework Agreements and Dynamic Purchasing Systems (noting which of these comply with the EU Procurement Rules) which Directors are permitted to use.</p>	<p>6.5 The Assistant Director for Procurement will maintain a list of all Framework Supplier arrangements.</p>
<p>Use of Third Party Procurement Facilities</p> <p>7.19. Supplies may be obtained through third party Frameworks Agreements that:</p> <p>7.19.1. Are created by a public body or a private sector party as agent of a public sector body which is approved by the Assistant Director for Procurement (see also CPR 7.1);</p> <p>7.19.2. Have valid mechanisms that exist to enable the Council to use the Framework Agreement ((including appropriate transparent referencing in the procurement documents and inclusion in the framework call of conditions);</p> <p>7.19.3. Comply with the Council’s Contract Procedure Rules, or in the opinion of the Director of Resources rules which are broadly comparable;</p> <p>7.19.4. Are included in the CPR 7.18 approved list (and if the supply is above the EU Threshold is noted in the list as being compliant with the EU Procurement Rules);</p>	<p>8.1 Supplies may be obtained from third party contracts and Frameworks Contracts that;</p> <p>(1) Are created by a public body or a private sector party as agent of a public sector body.</p> <p>(2) Have valid mechanisms that exist to enable the Council to use the contract.</p> <p>(3) Comply with the Council’s Contract Procedure Rules, or in the opinion of the Director of Resources rules which are broadly comparable.</p> <p>(4) Have been procured in accordance with procurement law.</p>

<p>7.19.5. Where the EU procurement Rules apply, the procurement will not take the use of the framework more than 10% over the framework's advertised value.</p>	
<p>RULE 8 – EXCEPTIONS FROM COMPETITION</p>	
<p>8.1 Subject to compliance with the EU Procurement Rules the following are exempted from the competitive requirements of these CPR⁵:</p>	<p><There are substantial restrictions on the use of exceptions to competition where EU Procurement Rules apply></p> <p>7.1 The following are exempted from the competitive requirements:</p>
<p>Remains in FPRs</p>	<p>c) Grants awarded by the Council in accordance with an approved scheme.</p>
<p>8.1.1 Education or social care to meet an individual client need, requiring specialist provision, or necessary to accord with the Council's statutory obligations.</p>	<p>b) Education or social care to meet an individual client need, requiring specialist provision, or necessary to accord with the Council's statutory obligations.</p>
<p>8.1.2 Where there is genuinely only one potential Supplier, such as for works of art and copyrighted material or unique technology, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.</p>	<p>a) Named products needed to be compatible with an existing installation, and available from only one Supplier.</p> <p>d) The commissioning or purchase of a work of art or similar.</p> <p>e) Unique or specialist Supplies available from only one Supplier.(this exception does not automatically justify the purchase of branded supplies).</p>

8.1.3 Items purchased or sold by public auction (in accordance with arrangements agreed by the Assistant Director Financial Management, Risk, Performance & IT)	f) Items purchased or sold by public auction (in accordance with arrangements agreed by the Assistant Director Financial Management, Risk, Performance & IT).
8.1.4 The selection of a supplier whose usage is a condition of a grant funding approval.	g) The selection of a Supplier whose usage is a condition of a grant funding approval.
8.1.5 The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party	l) The selection of a Supplier on the instruction of a third party, providing the whole of the funding is met by the third party.
8.1.6 Where the Assistant Director for Procurement agrees that for the purposes of standardisation, or otherwise, the Council will obtain particular Supplies from named Suppliers, selected following a process compliant with these CPRs.	h) Where the Assistant Director for Procurement agrees that for the purposes of standardisation, or otherwise, the Council will obtain particular Supplies from named Suppliers, selected following a process compliant with these CPRs.
8.1.7 Where the Assistant Director for Procurement does not believe that genuine competition can be obtained.	i) Where the Assistant Director for Procurement does not believe that genuine competition can be obtained.
8.1.8 Counsel or other external legal advice, provided that the Assistant Director Legal, Governance & Monitoring takes steps to ensure that value for money is being obtained.	j) Counsel, provided that the Assistant Director Legal, Governance & Monitoring takes steps to ensure that value for money is being obtained.
8.1.9 A necessary Supply required extremely urgently, not due to any action or inaction of the Council, with the prior agreement of the Assistant Director Financial Management, Risk Performance & IT.	k) A Supply required so urgently, (not due to any action, or inaction of the Council) and preventing compliance with these CPRs, with the prior agreement of the Assistant Director Financial Management, Risk Performance & IT.
8.1.10 Direct award from an approved (see CPR 7.18) Framework Agreement which has validly been set up to be called off on a non-	-- New --

<p>competitive basis or has less than the required number of Suppliers and which was set up in accordance with the requirements of these CPR and the EU Procurement Rules.</p>	
<p>The Director must make a written record of the justification for the selection of the Supplier. The Director must obtain the approval of the Assistant Director for Procurement before exercising the decision to apply an exception in respect of a supply valued in excess of £100,000.</p>	<p>7.2 The Director must make a written record of the justification for the selection of the Supplier. The Director must obtain the approval of the Assistant Director for Procurement before exercising the decision to apply an exception in respect of a supply valued in excess of £100,000.</p>
<p>8.2 Trial Purchases: Directors may purchase a trial of a Supply which is new to the Council up to £100,000, to ascertain if the Supply is of interest to the Council, without competition. Where an exception to competition in CPR 8.1 does not apply, a full competition compliant with the CPR must be held following the trial if the Director wishes to continue with the type of Supply. Arrangements must be made to ensure that the supplier involved in the trial has not acquired any advantage through that involvement when compared to any alternative suppliers of a similar product. The Assistant Director for Procurement must approve any proposed trial arrangement exceeding £20,000.</p>	<p>7.3 Trial Purchases. Directors may consider the use of unique supplies, services or works, and accept them for trial activity up to £100,000, to ascertain if the item is of interest to the Council, without competition. Where there are alternative products having the same or similar potential outcomes, then following the acceptance of the concept demonstrated by the trial, a full competition compliant with CPR 5 must be held. Arrangements must be made to ensure that the supplier involved in the trial has not acquired any advantage through that involvement when compared to any alternative suppliers of a similar product. Corporate procurement must approve any proposed trial arrangement exceeding £20,000</p>
<p>< There are substantial restrictions on the use of negotiated contracts where EU Procurement Rules apply></p> <p>NEGOTIATED CONTRACTS</p>	<p>< There are substantial restrictions on the use of negotiated contracts where EU Procurement Rules apply></p> <p><u>Occasions for Use</u></p>
<p>8.3 The Director and Assistant Director for Procurement may decide that;</p> <p>8.3.1 the usual arrangements for Supply are inappropriate and a</p>	<p>9.1 There may be occasions where;</p> <p>(a) The Director and Assistant Director for Procurement agree</p>

<p>Supply may be negotiated with a particular supplier.</p>	<p>that the usual arrangements for Supply are inappropriate and a Supply may be negotiated with a particular Supplier.</p>
<p>8.3.2 Following receipt of Quotations for the Supply, it is appropriate to seek to reduce the overall cost, or change other terms of the Supply by negotiation with one or more suppliers which have submitted Quotations.</p>	<p>(b) Following receipt of Quotations for the Supply the Director and the Assistant Director for Procurement agree that it is appropriate to seek to reduce the overall cost, or change other terms of the Supply by negotiation with one or more Suppliers which have submitted Quotations.</p>
<p>8.3.3 It is appropriate to negotiate a repeat, continuation or serial contract with an existing Supplier, by reference to the original Quotation for the Supply.</p>	<p>(c) It is appropriate for the Director and Assistant Director for Procurement to agree to the negotiation of a repeat, continuation or serial contract with an existing Supplier, by reference to the original Quotation for the Supply.</p>
<p>8.3.4 The use of another local authority as a supplier of services by its own labour or as a procurement agent acting on behalf of the council without competition is appropriate (although subject to EU Procurement Rules and compliance with these CPRs).</p>	<p>8.5 The Assistant Director for Procurement may permit the use of another local authority as a supplier of services by its own labour or as a procurement agent acting on behalf of the council without competition (although subject to EU procurement rules and compliance with these CPRs).</p>
<p>Note in the above, in order to achieve internal check, the Assistant Director for Procurement alone cannot reach such decisions. Where the Assistant Director for Procurement is making a decision in relation to a Procurement exercise by his or her own Director, there must be consultation with the Assistant Director Financial Management, Risk Performance & IT.</p>	<p>Note in the above, in order to achieve internal check, the Assistant Director for Procurement alone cannot reach such decisions. Where the Assistant Director for Procurement is acting in the capacity also as Director, there must be consultation with the Assistant Director Financial Management, Risk Performance & IT.</p>
<p>8.4 Verbal negotiation must be undertaken by at least two Council Officers at least one of whom must be independent of the process and approved by (or included on a list of negotiators kept by) the Assistant Director for</p>	<p>Process</p> <p>9.2 Verbal negotiation must be undertaken by at least two Council</p>

<p>Procurement.</p>	<p>Officers at least one of whom must be independent of the process and approved by (or included on a list of negotiators kept by) the Assistant Director for Procurement...</p>
<p>8.5 Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.</p>	<p>9.2 ... Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.</p>
<p>8.6 For any contract valued at above £100,000 the Director must obtain the approval of the Assistant Director Financial Management, Risk Performance & IT of the proposed terms of the negotiated Supply including its cost and the reason for choice before the contract is entered into.</p>	<p><u>Award</u></p> <p>9.4 When the terms for a negotiated Supply have been provisionally agreed the Director may accept it if the value is below £100,000 and issue an Official Council Order and or appropriate documentation to the Supplier. Above this amount, the Director must advise the Assistant Director Financial Management, Risk Performance & IT of the proposed terms of the negotiated Supply including its cost and the reason for choice. When the Assistant Director Financial Management, Risk, Performance & IT indicates that he is satisfied with the arrangement, the Director may then instruct the Assistant Director Legal, Governance & Monitoring to accept the arrangement and issue a contract.</p>
<p><u>Legal Issues</u></p> <p>8.7 The Assistant Director Legal, Governance & Monitoring must be consulted in advance of any negotiation in respect of any contract estimated to exceed £100,000 (except those in relation to Land where the Assistant Director for Corporate Property Management should be consulted irrespective of value).</p>	<p><u>Legal Issues</u></p> <p>9.3 The Assistant Director Legal, Governance & Monitoring must be consulted in advance of any negotiation in respect of any contract estimated to exceed £100,000 (except those in relation to Land Assets where the Assistant Director for Corporate Property Management should be consulted irrespective of value).</p>
<p>Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Assistant</p>	<p>4.11 In some circumstances, the Assistant Director for Procurement may</p>

<p>Director for Procurement will determine whether the likely level of interest from suppliers based in other EU Member States is sufficiently low so that the EU Procurement Rules do not require the Procurement to be advertised.</p>	<p>determine that it is not necessary for procurements of value below £100,000 to be advertised where it appears unlikely that there will be interest from suppliers based in other EU Member States.</p>
<p>8.9 Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Assistant Director for Procurement will decide whether the purchase is likely to be on terms which would be acceptable to a private buyer operating under normal market economy conditions. If the Assistant Director for Procurement does not think that this is likely to be achieved, he/she must consult with the Assistant Director Legal, Governance & Monitoring about the possibility of state aid before approving the exemption from competition.</p>	<p>-- New --</p>
<p>MANDATORY SUPPLIERS</p> <p>8.10 In respect of defined categories of goods, works and services the Assistant Director for Procurement may determine (following a fair competitive process which, as necessary, complies with the EU Procurement Rules or which eliminates the possibility of state aid) that the use of one (or more) Suppliers is compulsory.</p>	<p>8.3 In respect of defined categories of goods, works and services the Assistant Director for Procurement may determine (following a competitive process) that the use of one (or more) Suppliers is compulsory.</p>
<p>8.11 The Assistant Director for Procurement may also determine that Supplies of a particular type are to be obtained from Suppliers via a Framework Agreement or a Dynamic Purchasing System, and the standards to be established in the Framework Agreement contracts.</p>	<p>6.1 The Assistant Director for Procurement may determine that Supplies of a particular type are to be obtained from Suppliers via a Framework Agreement, and the standards to be established in the Framework Agreement contracts. One or more Framework Suppliers may be selected for any type of Supply.</p>

<p>8.12 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except:</p> <p>8.12.1 Where Cabinet has determined that Supplies of a particular kind will be subject to a competitive process;</p> <p>8.12.2 In respect of the outsourcing of an activity having a value below £100,000;</p> <p>8.12.3 In respect of services provided within schools;</p> <p>8.12.4 In respect of ad hoc services for the design and construction of buildings or parts of buildings.</p>	<p>8.6 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except where the Council has determined that Supplies of a particular kind will be subject to a competitive process.</p> <p>8.7 Directors may agree outsourcing of an activity having a value below £100,000. Any decision to outsource an activity of a type that is currently delivered by a Council Service exceeding £100,000 per annum in value must be approved by Cabinet. This does not apply to services provided in schools or to individual construction or design tasks awarded on an ad hoc basis.</p>
<p>RULE 9 - RECORD KEEPING AND REPORTING.</p>	
<p>9.1 Directors must keep detailed written records of the progress of all procurement or disposal procedures (including negotiation).</p> <p>To that end, Directors must ensure that they keep sufficient documentation to justify decisions taken in all stages of the procedure, such as documentation on —</p> <p>9.1.1 communications with economic operators and internal deliberations,</p> <p>9.1.2 preparation of the procurement or sale documents,</p> <p>9.1.3 any dialogue or negotiation,</p> <p>9.1.4 supplier vetting and</p> <p>9.1.5 reasons for award of the contract.</p> <p>The documentation must be kept for a period of at least 3 years from the date of award of the contract.</p>	<p>11.1 Directors must keep detailed written records of all stages and all actions taken in reaching conclusions leading to the selection of a particular Supplier or Disposal of an Asset.</p> <p>5.12 If the amount of the Quotation proposed for acceptance is below £100,000, the Director must carry out any evaluation indicated by the specification, and use this to create a record demonstrating the reason for the choice.</p> <p>1.2 Directors must ensure... (b) That records be kept to justify all decisions taken;</p>
<p>9.2 A full trail of electronic quotations received must be recorded in YORTender or retained in a database approved by the Assistant Director Financial Management, Risk Performance & IT.</p>	<p>5.8 Notwithstanding 5.7, a full trail of electronic quotations received must be recorded or retained in a database approved by the Assistant Director Financial Management, Risk Performance & IT.</p>

	E-mail quotations (other than by the use of YORtender) are not permitted, except where approved by the Assistant Director for Procurement.
9.3 All contracts over £5,000 must be reported to the Assistant Director for Procurement who will arrange to publish these transactions on the statutory contracts register (also see Appendix 3).	11.2 All contracts over £5,000 must be reported to Corporate Procurement who will arrange to publish these transaction on the statutory contracts register
9.4 A report must be made at the end of each procurement process which is subject the EU Procurement Rules on the Council's standard 'Regulation 84 Report' template.	-- New --
9.5 Each Director must promptly provide to the Assistant Director for Procurement the information specified in Appendix 3.	<p>11.4 All Directors must supply all necessary information promptly to enable compliance with the Council's obligations under legislation and regulation to publish data about its contractual arrangements and payments.</p> <p>11.3 Each Director must provide to the Assistant Director for Procurement, when requested:-</p> <ul style="list-style-type: none"> (a) Details of all contracts awarded for Supplies of £100,000 or above following a competitive process including the name of the Supplier, and amount of the Quotation and if the chosen supplier was not the cheapest, then the same information in relation to unsuccessful Suppliers, and the reason why the successful Supplier was chosen. (b) Details of all contracts awarded for Supplies of £100,000 or above, which result from negotiation including the reason for negotiation and the name of the successful Supplier and value of the contract. (c) Details of all contracts awarded for supplies of £20,000 or above which a Director considered to be exempt from the competitive requirements by virtue of CPR 7.1, including the

	reason for the exemption.
9.6 The Assistant Director for Procurement must ensure that the appropriate publications are made to comply with the Local Government Transparency Requirements (and each Director will notify the Assistant Director for Procurement of all grants and any expenditure above £500; also see CPR 9.3 above).	-- New --
9.7 The Director must keep a written record of the reasons for using a negotiated procedure	9.5 The Director must keep a written record of the reasons for using a negotiated procedure, the methodology and outcomes of the negotiation
RULE 10 - INCOME CONTRACTS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)	
10.1. This CPR 10 applies when the council intends to derive income from 10.1.1. The disposal of property (other than Land); 10.1.2. The sale of a right to exploit a business opportunity; 10.1.3. The operation of business activity (including concessions). CPR 10 does not apply to Land (See CPR 11).	12.1 These CPRs apply when the council intends to derive income from (a) The disposal of an asset (other than land or property (see CPR13); (b) The sale of a right to exploit a business opportunity; (c) The operation of business activity, beyond that normally undertaken by a local authority.
<u>The disposal of an asset</u> 10.2. The procedure for the Disposal of assets is; 10.2.1. Assets valued at below £200 may be disposed of by any means. 10.2.2. Assets valued at between £200 and up to £20,000 must be disposed of by a method chosen by the Director and a written justification of the choice retained.	12.2 <u>The disposal of an asset</u> The procedure for the Disposal of Non-Land Assets is; (a) Assets valued at below £200 may be disposed of by any means. (b) Assets valued at between £200 and up to £20,000 must be

<p>10.2.3. Assets valued above £20,000 must be disposed of following public notice either by open quotation process, closed quotation process involving at least 3 prospective purchasers or public auction. The use of the Council web site is permissible for this purpose.</p> <p>Leased assets must be disposed of only in accordance with the instruction of the lessor.</p>	<p>disposed of by a method chosen by the Director and a written justification of the choice retained.</p> <p>(c) Assets valued above £20,000 must be disposed of following public notice either by open quotation process, closed quotation process involving at least 3 prospective purchasers or public auction. The use of the Council web site is permissible for this purpose.</p> <p>Leased assets (other than Land Assets) must be disposed of only in accordance with the instruction of the lessor.</p>
<p><u>The sale of a right to exploit a business opportunity</u></p> <p>10.3. The letting of a contract for rights to exploit a business opportunity must only take place following a competitive selection process. (For these purposes the value shown is the gross income generated by the Council or by the concessionaire as a result of the rights or franchise granted by the council).</p>	<p>12.3 <u>The sale of a right to exploit a business opportunity</u></p> <p>(a) The letting of a contract for rights to exploit a business opportunity must only take place following a competitive selection process. (For these purposes the value shown are the gross income generated by the Council or by the concessionaire as a result of the rights or franchise granted by the council).</p>
<p>10.4. An arrangement that will not generate income in excess of £20,000 over the duration of the contract will be subject to a process arranged and undertaken by the Director responsible for the activity.</p>	<p>(b) An arrangement that will not generate income in excess of £20,000 over the duration of the contract will be subject to a process arranged and undertaken by the Director responsible for the activity.</p>
<p>10.5. The Assistant Director for Procurement must supervise the tendering of any arrangement expected to generate income in excess of £20,000.</p>	<p>(c) The Assistant Director for Procurement must supervise the tendering of any arrangement expected to generate income in excess of £20,000,</p>

<p>10.6. Where an income contract is below £100,000 the Director or Assistant Director for Procurement (as appropriate) must set up the appropriate contractual arrangement.</p>	<p>(d) Where an income contract is below £100,000 the Director or Assistant Director for Procurement (as appropriate) must set up the appropriate contractual arrangement.</p>
<p>10.7. The Assistant Director Legal Governance & Monitoring must issue any income contract valued at £100,000 or more.</p>	<p>(e) The Assistant Director Legal Governance & Monitoring must issue any income contract valued at £100,000 or more.</p>
<p>10.8. Public Concession Contracts above £4,104,000 are subject to the Public Concessions Regulations 2016 and will be subject to a process to be determined by the Assistant Director for Procurement which complies with these Regulations.</p>	<p>-- New --</p>
<p><u>The operation of business activity, beyond that normally undertaken by a local authority.</u></p> <p>10.9. If the income from an Income Contract (Traded service) is intended to be or become profitable or be commercial in nature, advice must be obtained from the Assistant Director Legal Governance & Monitoring.</p>	<p>12.4 <u>The operation of business activity, beyond that normally undertaken by a local authority.</u></p> <p>(a) If the income from an Income Contract (Traded service) is intended to be or become profitable or be commercial in nature, advice must be obtained from the Assistant Director Legal Governance & Monitoring.</p>
<p>10.10. If an Income Contract has any potential to distort the relevant market (e.g. service provision at below market rate costs) advice must be obtained from the Assistant Director Legal Governance & Monitoring.</p>	<p>12.4 (b) If an Income Contract (Traded service) has any potential to distort the relevant market (service provision at below market rate costs) advice must be obtained from the Assistant Director Legal Governance & Monitoring.</p>
<p>RULE 11 - LAND</p> <p>11.1 Procurement of Land will generally be by the means described in this CPR 11. The Assistant Director for Corporate Property Management must be consulted in respect of all Land transactions of any value except where the Assistant Director Legal Governance & Monitoring authorises other</p>	<p>[13] LAND ASSETS</p> <p>13.1 Procurement of Land Assets will generally be by the means described in this rule. The Assistant Director for Corporate Property Management must be consulted in respect of all Land Assets transactions of any value except where the Assistant Director Legal</p>

nominated officers to deal with tenancies or licences for specific purposes.

11.2 The Assistant Director for Corporate Property Management (and any other Director authorised so to do) will arrange the acquisition or disposal of estates or interests in land (including any buildings erected on it) either pursuant to the authority delegated to him by a Director in accordance with Part 3 (Section F) of the Constitution or, in the case of a decision made by Cabinet then in accordance with the authority delegated to him from the Cabinet.

11.3 Where any proposed land transaction cannot be executed within the terms established in this rule, arrangements must be agreed between the Assistant Director for Corporate Property Management and the Assistant Director Legal, Governance & Monitoring, and details of the process leading to the transaction must be recorded, and the circumstances reported to Cabinet either for information, if falling within the delegated authority of officers, or in order to secure the relevant authority to give effect to the transaction.

11.4 Where Land Assets are sold at a public auction, the Assistant Director for Corporate Property Management must submit a sealed reserve price (prepared by a qualified valuer on a professional basis) for consideration alongside the bids submitted or made. If a successful bid is less than the reserve price then the Assistant Director for Corporate Property Management may accept a lower bid provided that such lower bid is not less than 10% below the professional valuation of the reserve price.

Governance & Monitoring authorises other nominated officers to deal with tenancies or licences for specific purposes.

13.2 The Assistant Director for Corporate Property Management (and any other Director authorised so to do) will arrange the acquisition or disposal of estates or interests in land (including any buildings erected on it) either pursuant to the authority delegated to him by a Director in accordance with Part 3 (Section F) of the Constitution or, in the case of a decision made by Cabinet then in accordance with the authority delegated to him from the Cabinet.

13.3 Where any proposed land transaction cannot be executed within the terms established in this rule, arrangements must be agreed between the Assistant Director for Corporate Property Management and the Assistant Director Legal, Governance & Monitoring, and details of the process leading to the transaction must be recorded, and the circumstances reported to Cabinet either for information, if falling within the delegated authority of officers, or in order to secure the relevant authority to give effect to the transaction.

13.4 Where Land Assets are sold at a public auction, the Assistant Director for Corporate Property Management must submit a sealed reserve price (prepared by a qualified valuer on a professional basis) for consideration alongside the bids submitted or made. If a successful bid is less than the reserve price then the Assistant Director for Corporate Property Management may accept a lower bid provided that such lower bid is not less than 10% below the professional valuation of the reserve price.

<p>SUPPLIES</p> <p>12.1. A contract may only be awarded where the Director has sufficient approved budget to meet the first year costs and is satisfied that there is likely to be sufficient ongoing funding to meet the contractual cost through the anticipated life of the contract.</p>	<p>1.4 A contract may only be awarded where the Director has sufficient approved budget to meet the costs. For revenue contracts for services the Director must be satisfied that there is likely to be sufficient ongoing funding to meet the contractual cost through the anticipated life of the contract.</p>
<p>12.2. Contracts for all Supplies up to and including £100,000 must be in writing and can be made by the Director either:-</p> <p>12.2.1. By issuing the order through the Council’s electronic purchasing system (currently SAP) and incorporating the correct standard terms; or</p> <p>12.2.2. By issuing (electronically or on paper) contract terms which the Director has assessed as being appropriate both in terms of suitability and risk.</p> <p>If the Director and Assistant Director Legal, Governance & Monitoring decides that it is appropriate for the contract to be sealed (or if it is required by law), the contract will be executed by the Assistant Director Legal, Governance & Monitoring.</p> <p>The Assistant Director for Procurement must ensure that the Councils electronic procurement systems are set up so that the most appropriate Official Council Order are available to be attached to the supply being purchased.</p>	<p><u>Award</u></p> <p>5.12 If the amount of the Quotation proposed for acceptance is below £100,000, the Director must carry out any evaluation indicated by the specification, and use this to create a record demonstrating the reason for the choice. The Director may accept any Quotation by issue of an official electronic order that sets out the nature of the items to be supplied, and linked to the specified activity and quotation. There must be compliance with paragraph 5.16</p> <p>14.1 The procurement of all Supplies (and the provision of Supplies to outside bodies) up to £100,000 can be made by the Director or officers authorised by the Director either:-</p> <p>(a) By the issue of an official electronic Council order; or</p> <p>(b) By the issuing of a written paper official Council order; or</p> <p>(c) In accordance with other procurement arrangements agreed with the Assistant Director for Procurement; or</p>

	<p>(d) By a contract approved by the Assistant Director Legal, Governance & Monitoring.</p> <p>If the Director and Assistant Director Legal, Governance & Monitoring agree that it is appropriate for the contract to be sealed (or if it is required by law), the contract will be executed by the Assistant Director Legal, Governance & Monitoring .</p> <p>The Assistant Director for Procurement must ensure that the Councils electronic procurement systems are set up so that the most appropriate Official Council Order is automatically attached to the supply being purchased.</p> <p>14.5 In respect of any contract for Supplies valued at less than £100,000:</p> <p>a) An electronic official order must be used wherever possible, but where a supplier will accept an order only on their own standard terms, the Director must be satisfied as regards those terms, or seek the guidance of the Assistant Director Legal, Governance & Monitoring.</p> <p>b) Where a Director believes that the wording of an Official Council Order may be inappropriate they must consult the Assistant Director Legal, Governance & Monitoring.</p>
<p>12.3. Contracts for all Supplies above £100,000 must be in writing, issued by the Assistant Director Legal, Governance & Monitoring.</p>	<p>14.2 The procurement of all Supplies (and the provision of Supplies to outside bodies) of £100,000 and above must be made by a contract, in writing, issued by the Assistant Director Legal, Governance & Monitoring.</p>

<p>Every contract for Supplies (which includes call-offs from Framework Agreements and Dynamic Purchasing Systems) and every Framework Agreement with an estimated value of more than £100,000 must be in writing and must (subject to CPR 12.4) be either:-</p> <p>(a) Made under the corporate common seal of the Council, attested by one legal officer, or</p> <p>(b) Signed by two legal officers</p> <p>who have been nominated as contract signatories by the Assistant Director Legal, Governance & Monitoring under her Scheme of Officer Delegations.</p>	<p>Every contract for the procurement of Supplies (which includes call-offs from Framework Agreements entered into by this Council and on its behalf by procurement bodies such as Yorkshire Purchasing Organisation) and every Framework Contract with an estimated value of £100,000 or more must be either:-</p> <p>(a) Made under the corporate common seal of the Council, attested by one officer</p> <p>or</p> <p>(b) Signed by two legal officers</p> <p>who have been nominated by the Assistant Director Legal, Governance & Monitoring; except where clause 14.4 below applies.</p>
<p>12.4. Notwithstanding CPR 12.3, the Assistant Director Legal, Governance & Monitoring may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies of above £100,000. Two authorised officers must sign each such contract.</p>	<p>14.4 The Assistant Director Legal, Governance & Monitoring may authorise other nominated officers to sign specific or specialist contracts for Supplies of £100,000 or above. Two authorised officers must sign each such contract.</p>
<p>LAND</p> <p>12.5. The Assistant Director Legal, Governance & Monitoring will complete all land transactions, including acquisition or disposal by way of freehold or leasehold purchase or sale or the taking or granting of all short or long term leases or tenancies (with the exception of the granting of tenancies for housing and</p>	<p>14.6 The Assistant Director Legal, Governance & Monitoring will complete all land transactions, including acquisition or disposal by way of freehold or leasehold purchase or sale or the taking or granting of all short or long term leases or tenancies (with the exception of the granting of tenancies for housing and associated properties for rent which is delegated to Kirklees Neighbourhood Housing Ltd) and other</p>

<p>associated properties for rent which is delegated to Kirklees Neighbourhood Housing Ltd) and other deeds and documents associated with Land. The Assistant Director Legal, Governance & Monitoring may nominate other officers to enter into Land commitments and arrangements using documentation previously approved by the Assistant Director Legal, Governance & Monitoring.</p>	<p>deeds and documents associated with Land Assets. The Assistant Director Legal, Governance & Monitoring may nominate other officers to enter into Land Assets commitments and arrangements using documentation previously approved by the Assistant Director Legal, Governance & Monitoring.</p>
<p>12.6. Any contract for the sale or acquisition of, or any other deed or document relating to, Land must either be signed by, or have the corporate common seal affixed in the presence of, the Assistant Director Legal Governance & Monitoring (or by a legal officer nominated by him or her).</p> <p>Additionally, the Assistant Director Legal Governance & Monitoring may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR11.1.</p>	<p>14.7 Any contract for the sale or acquisition of, or any other deed or document relating to, Land Assets must either be ;</p> <p>a) Signed by : or b) Have the corporate common seal affixed</p> <p>in the presence of the Assistant Director Legal Governance & Monitoring; (or by a legal officer nominated by him or her).</p> <p>Additionally, the Assistant Director Legal Governance & Monitoring may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR13.1.</p>
<p>GENERAL</p> <p>12.7. The Assistant Director Legal, Governance & Monitoring is entitled to sign any agreement in any way related to Procurement or the sale of any item, services or works or any security instrument (regardless of whether another Director or the Chief Executive</p>	<p>14.11 The Assistant Director Legal, Governance & Monitoring is entitled to sign any agreement related to the procurement or sale of any item, services or works, which is not covered by these CPRs, or any other Council or Cabinet delegation provided that these are not subject to any contrary direction from the Council or Cabinet.</p>

<p>may sign such things), provided that this is not subject to any contrary direction from the Council or Cabinet.</p>	
<p>RULE 13 – VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS</p>	
<p>13.1. A Director may terminate any contract strictly in accordance with any contractual provision which allows for termination without fault, but with prior consultation with the Assistant Director for Procurement if alternative Supplies would be required.</p>	<p>-- New --</p>
<p>13.2. A Director, in consultation with the Assistant Director Legal, Governance & Monitoring, has the power to terminate any contract in the event of any breach of contract justifying termination, where in the opinion of these officers no other remedy is appropriate. Where the financial implications of a decision to terminate a contract exceed, or may exceed £100,000, the reason for termination and any consequences must be reported to the next meeting of the Cabinet.</p>	<p>14.10 A Director, in consultation with the Assistant Director Legal, Governance & Monitoring, has the power to terminate any contract in the event of any breach of contract justifying termination, where in the opinion of these officers no other remedy is appropriate. Where the financial implications of a decision to terminate a contract exceed, or may exceed £100,000, the reason for termination and any consequences must be reported to the next meeting of the Cabinet.</p>
<p>13.3. The Assistant Director Legal, Governance & Monitoring may release any bond held by the Council, on request from the Assistant Director for Procurement.</p>	<p>14.9 The Assistant Director Legal, Governance & Monitoring may release any bond held by the Council, on request from the Assistant Director for Procurement. ...</p>
<p>13.4. The Assistant Director Financial Management, Risk, Performance & IT is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the Assistant Director Legal, Governance & Monitoring accept such proposed sums.</p>	<p>14.9 ... The Assistant Director Financial Management, Risk, Performance & IT is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the Assistant Director Legal, Governance & Monitoring accept such proposed sums.</p>

<p>13.5. Directors may vary contracts by operating ‘clear, precise and unequivocal contractual review clauses’ which were advertised in the original Procurement, strictly in accordance with the contract.</p>	<p>-- New --</p>
<p>13.6. Any variation with a value above £20,000 to a contract which cannot be fulfilled by following CPR 13.5 must be subject to the approval of the Assistant Director for Procurement.</p>	<p>-- New --</p>
<p>13.7. Any variation with a value in excess of £100,000 to a contract which cannot be fulfilled by following CPR 13.5 must be made in writing and signed in accordance with CPR 12.3 even if it does not need a new Procurement process.</p>	<p>-- New --</p>
<p>RULE 14 - MISCELLANEOUS</p> <p>14.1 A Special Purpose Vehicle (as a limited liability company or otherwise) to be wholly or partially owned or controlled by the Council, will only be formed or joined on the approval of the Cabinet, following a detailed evaluation by the Assistant Director Legal, Governance & Monitoring and Director of Resources. This does not apply to any purchase of shares or similar for the purpose of investment.</p>	<p>[15] SPECIAL PURPOSE VEHICLES</p> <p>15.1 A Special Purpose Vehicle (as a limited liability company or otherwise) to be wholly or partially owned or controlled by the Council, will only be formed or joined on the approval of the Cabinet, following a detailed evaluation by the Assistant Director Legal, Governance & Monitoring and Director of Resources This does not apply to any purchase of shares or similar for the purpose of investment.</p>
<p style="text-align: center;">Appendix 1</p>	<p>-- New --</p>
<p style="text-align: center;">Examples of Policies which are relevant to CPR 2.1(15)</p> <p>Wirkeles Council Social Value Policy Statement (see:</p>	<p>-- New --</p>

<http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/socialValuePolicyStatement.pdf>)

Information Security Policy

The Council's "Project Management Handbook" and "Framework for Successful Projects" when the Assistant Director for Procurement advises that they are relevant

Evaluation Panel Guide

Appendix 2

EU Procurement Rules Thresholds

	EU Thresholds 2012-2013	EU Thresholds 2014-2015	EU Thresholds 1 Jan 2016 –31 Dec 2017
Supply and service contracts	£173,934	£172,514	£164,176 (£160,000*)
Light Touch Regime Contracts (Annex XIV)		£625,050	£589,148 (£580,000*)
Works contracts	£4,348,350	£4,322,012	£4,104,394 (£4,100,000*)

Small lots –
supplies &
services

£66,672 £62, 842 (**£60,000***)

Small lots –
works

£833,400 £785, 530 (**£780,000***)


* These are current the values for the purposes of these CPRs.

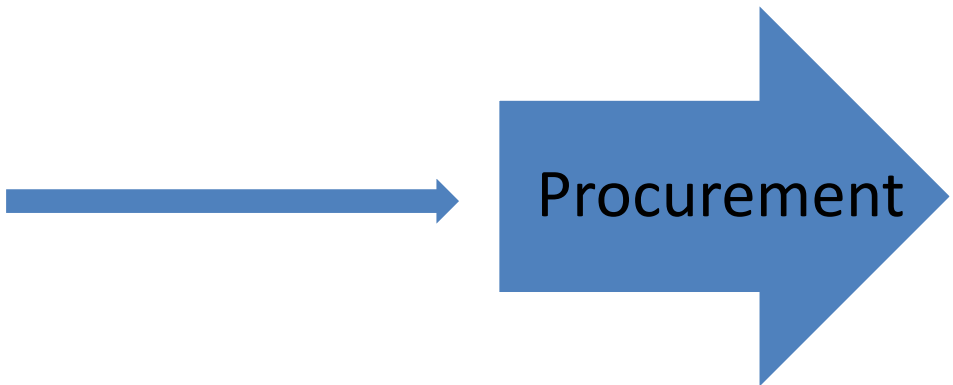
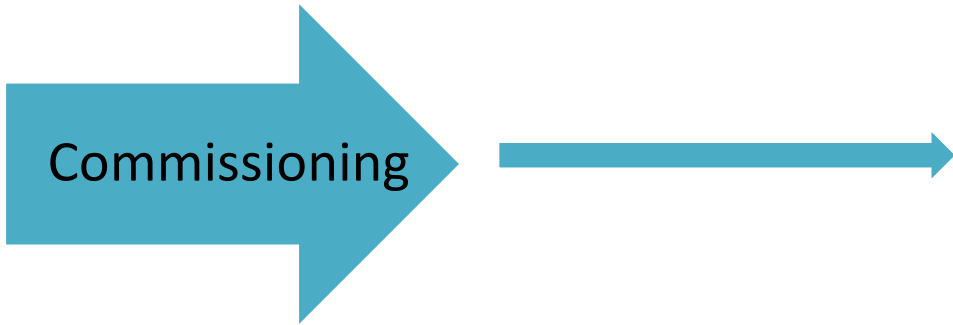
Appendix 3

Information to be Reported to the Assistant Director for Procurement (CPR 11)

	Information	When
A.	Details of all contracts awarded for Supplies of £100,000 or above following a competitive process including the name of the Supplier, and amount of the Quotation and if the chosen supplier was not the cheapest, then the same information in relation to unsuccessful Suppliers, and the reason why the successful Supplier was chosen.	When Requested
B.	Details of all contracts awarded for Supplies of £100,000 or above, which result from negotiation including the reason for negotiation and the name of	When Requested

	the successful Supplier and value of the contract.		
C.	Details of all contracts awarded for supplies of £20,000 or above which a Director considered to be exempt from the competitive requirements by virtue of CPR 7.1, including the reason for the exemption.	When Requested	
D.	<p>Contracts with a value of £5,000 or more (see CPR 11.1), with the following information:</p> <ol style="list-style-type: none"> 1. reference number 2. title of agreement 3. local authority department responsible 4. description of the goods and/or services being provided 5. supplier name and details 6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract) 7. Value Added Tax that cannot be recovered 8. start, end and review dates 9. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and 10. whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number 	In All Cases On Contract Award	

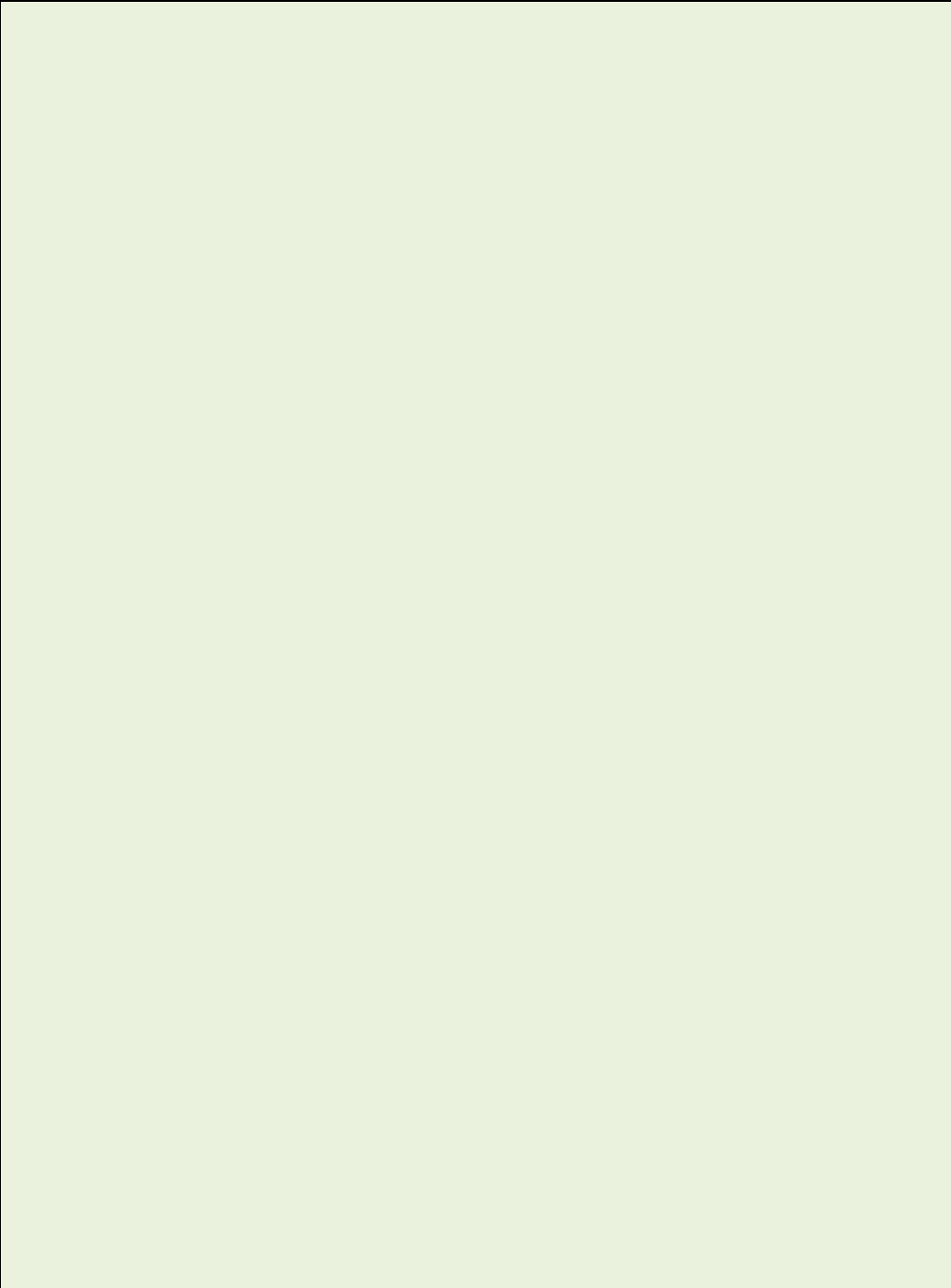
E.	all other information necessary to enable compliance with the Council's obligations under legislation and regulation to publish data about its contractual arrangements and payments.	In All Cases On Request	
F.	Copies of Regulation 84 reports	All cases where the EU Procurement Rules apply On Contract Award	
<p style="text-align: center;">Appendix 4</p> <p style="text-align: center;">Relationship between Commissioning and Procurement</p> <p>The arrows indicate the stages of the whole resourcing process</p> <p>Start  Finish</p> <p>Identifying need, outcomes, objectives, value for money, determination of specification</p> <p>Supplier requests for clarification may require consideration of objectives.</p>			

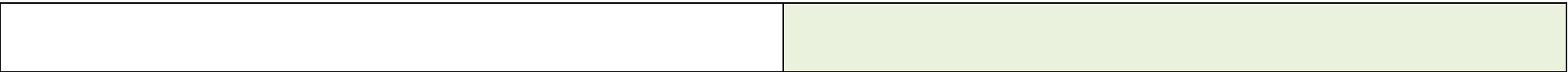


Obtaining market information, e.g. what is generally available on the market and general information about costs.

Some procurement rules (e.g. on non-discriminatory specifications and anti-competitive market engagement apply)

Contract award processes. EU Procurement Rules and / or CPR pervade





This page is intentionally left blank



Name of meeting: Council (Annual)
Date: 25 May 2016

Title of report: Proposed Dates of Council – 2016 to 2017 Municipal Year

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Not applicable
Date signed off by Director & name	Director of Resources 7.4.2016
Is it signed off by the Assistant Director - Legal & Governance?	7.4.2016
Cabinet member portfolio	Resources

Electoral [wards](#) affected: N/A
 Ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

To recommend and seek approval of dates, times and venues of Council meetings in 2016/2017.

2. Key points

Council Procedure Rule 2 (1) states "The dates for the ordinary Council Meetings in each Municipal Year will be determined by the Council following recommendations made by the Corporate Governance and Audit Committee".

Council Procedure Rule 5(1) states that there shall be two types of Ordinary meeting of the Council, one which focuses on Holding the Executive to Account, and the other for Key Discussions. No less than four ordinary meetings must be designated as Holding the Executive to Account.

The following dates/times are proposed, all meetings to be held in Huddersfield Town Hall:-

Date (Wednesdays, 6.00pm)	Council Meeting
25 th May 2016	Annual Council – date previously agreed
29 th June 2016	Holding Executive to Account
14 th September 2016	Key Discussion
12 th October 2016	Holding Executive to Account
9 th November 2016	Key Discussion
14 th December 2016	Holding Executive to Account
18 th January 2017	Key Discussion
15 th February 2017	Budget Council
22 nd March 2017	Holding Executive to Account
24 th May 2017	Annual Council

3. Implications for the Council

Not applicable.

4. Consultees

The report was considered at the meeting of Corporate Governance and Audit Committee on 22 April 2016, were the proposed dates were endorsed and recommended to Council for approval.

5. Next steps

To confirm and publish the schedule of dates.

6. Officer recommendations

That the schedule of Council meetings for 2016-2017, as set above be approved.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Julie Muscroft, Assistant Director – Legal, Governance and Monitoring



Name of meeting: Annual Council
Date: 25 May 2016

Title of report: Committees of the Council

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith, 12 May 2016
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Assistant Director - Legal & Governance?	Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All
 Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To determine the appointment of the Committees of Council for the 2016/2017 Municipal Year.

2. Key points

Council Procedure Rule 35 (1) requires the Council to establish Regulatory Committees and any other Committees which it considers to be necessary in order to discharge the functions of the Local Authority.

The structure proposed for the 2016/2017 Municipal Year is a proposal in line with the Council/Executive/Overview and Scrutiny Arrangements, as described within the Council's Constitution (prior to any amendment which may be proposed at this meeting).

All Committees, and the Appeals Panel, Health and Wellbeing Board, and Kirklees Youth Council require approval by Council in accordance with Council Procedure Rule 35 (1). Any Sub-Committees of these Committees and Panels are established/approved by their parent Committee or Panel.

Appeals Panel
Corporate Governance & Audit Committee
Health & Wellbeing Board
Kirklees Youth Council
Licensing & Safety Committee
Overview & Scrutiny Management Committee
Personnel Committee
Policy Committee
Standards Committee
Strategic Planning Committee

District Committees;

- Batley & Spen
- Dewsbury & Mirfield
- Huddersfield
- Kirklees Rural

3. Implications for the Council

Not applicable.

4. Consultees and their opinions

Not applicable.

5. Next steps

The Committees/Panels/Boards will be established in accordance with the decision of Council.

6. Officer recommendations and reasons

That approval be given to the establishment of the Committees, Boards and Panels as detailed within this report, in accordance with the Council's Constitution.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk



Name of meeting: Annual Council
Date: 25 May 2016

Title of report: Corporate Parenting Board

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith
Is it signed off by the Director of Resources?	Yes, 12 May 2016
Is it signed off by the Assistant Director - Legal & Governance?	Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To re-establish Corporate Parenting Board for the 2016-2017 Municipal Year.

2. Key points

At the meeting of Council on 24 June 2015, a decision was taken to establish a Corporate Parenting Board. This report seeks approval for the Board to be re-constituted for the 2016-2017 Municipal Year on a 1:1:1:1 ratio based upon the Terms of Reference as set out below;

Purpose: To ensure that the Council with its partners effectively discharges its role as Corporate Parents for all their Children in Care.

The Corporate Parenting Board is accountable to Full Council through its Cabinet. Initial reporting of concerns will be escalated to the Cabinet portfolio lead member for further consideration.

The Board will meet a minimum of four times per annum.

Membership:

Cabinet Portfolio Lead Member
Elected Members representing all political parties
Assistant Director, Family Support & Child Protection
Head of Corporate Parenting
Virtual Head Teacher
Deputy Assistant Director Skills, Enterprise & Progression
Commissioning Representative
Head of Independent Review & Advocacy
Learning & Development Representative
Additional members as identified by the Board

Terms of Reference:

- 1 To examine ways in which the Council as a whole and partner agencies can improve the life chances of all children in care and care leavers
- 2 To advise the Council's Cabinet of actions that need to be taken.
- 3 To bring to the attention of the Council's Overview and Scrutiny Management Committee any areas which may warrant Scrutiny consideration
- 4 To ensure there are good joint working arrangements between council departments and partner agencies. Maintaining an overview of these services and holding operational services to account.
- 5 To provide an opportunity for representatives of Children in Care Council to report their work to the Board.
- 6 To maintain a strategic overview of new developments, initiatives, plans, policies and strategies that impact on services for Children in Care.
- 7 To monitor the performance of the Council by receiving regular progress reports on all performance data relating to Children in Care Services.
- 8 To receive regular reports on the needs of care leavers including employment, further education, training and housing.
9. To receive statutory reports from the Adoption and Fostering Services, and Independent Reviewing Officers.
10. To agree an annual work programme setting out its key priorities and areas for action.
- 11 To prepare an Annual Report in the areas considered by the Board, including its work programme, for presentation to Council and Kirklees Health and Wellbeing Board .
- 12 To acknowledge and celebrate in the achievements of children and young people in care in areas of education, drama, sport and employment, and participate in annual celebration events.
- 13 To take account of the experiences of children and young people when leaving care and other key stakeholders and to ensure they influence the improvement of services and policy development.
- 14 To function as the Governing Body for the Virtual School for Looked After Children.

3. Implications for the Council

To support the delivery of a Corporate Parenting Strategy across the Council and assist in ensuring effective and efficient services.

4. Consultees and their opinions

Not applicable.

5. Next steps

If approved, the Board will be re-constituted on a 1:1:1:1 political ratio.

6. Officer recommendations and reasons

- 1) That approval be given to the re-establishment of the Corporate Parenting Board for the 2016-2017 Municipal Year.
- 2) That approval be given to the membership of the Board being on a 1:1:1:1 ratio.
- 3) That the Terms of Reference of the Board be unchanged from those previously approved on 24 June 2015, and as set out in this report.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk

This page is intentionally left blank

As at 23 May 2016

Committees/Panels/Boards	Total No. of Members	Lab 34	Con 20	Lib Dem 9	Green and Independent Group 5
Appeals Panel	14	7	4	2	1
Corporate Governance and Audit Committee	7	2	2	2	1 (Non-proportional)
Licensing and Safety Committee	14	7	4	2	1
Overview and Scrutiny Management Committee	4	1	1	1	1 (Non-proportional)
Personnel Committee	9	4	3	1	1
Employee Relations Sub-Committee	9	4	3	1	1
Planning Sub-Committee (Heavy Woollen)	14	7	4	2	1
Planning Sub-Committee (Huddersfield)	14	7	4	2	1
Policy Committee	10	5	3	1	1
Standards Committee	5	3	1	1	0
Strategic Planning Committee	6	3	2	1	0
Health and Wellbeing Board	5	3	1	1	0 (Non-proportional)

Note: In accordance with proportionality the Independent Member does not have any entitlement to any places on Committees, Boards or Panels.

This page is intentionally left blank

KIRKLEES COUNCIL - CALENDAR OF MEETINGS 2016/2017

DAY	DATE	TIME	MEETING
Thursday	26 May 2016		
Friday	27 May 2016		
Monday	30 May 2016		BANK HOLIDAY
Tuesday	31 May 2016	4.00 pm	Cabinet
Wednesday	01 June 2016		
Thursday	02 June 2016		
Friday	03 June 2016		
Monday	06 June 2016		
Tuesday	07 June 2016		
Wednesday	08 June 2016		
Thursday	09 June 2016	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	10 June 2016		
Monday	13 June 2016	9.30am	Overview and Scrutiny Management Committee
Tuesday	14 June 2016		
Wednesday	15 June 2016	12.30 pm	Cabinet Committee Local Issues
Thursday	16 June 2016	1.00pm	Strategic Planning Committee
Friday	17 June 2016	11.00am	Corporate Governance and Audit Committee
Monday	20 June 2016		
Tuesday	21 June 2016		
Wednesday	22 June 2016		
Thursday	23 June 2016		Referendum
Friday	24 June 2016		
Monday	27 June 2016		
Tuesday	28 June 2016	4.00 pm	Cabinet
Wednesday	29 June 2016	4.45pm	Cabinet (Holding Executive to Account)
		6.00pm	Council
Thursday	30 June 2016	1.00pm	Planning Sub Committee (Huddersfield)
		2.00pm	Health and Wellbeing Board
Friday	01 July 2016		
Monday	04 July 2016	9.30am	Overview and Scrutiny Management Committee
Tuesday	05 July 2016		
Wednesday	06 July 2016		
Thursday	07 July 2016		
Friday	08 July 2016		
Monday	11 July 2016		
Tuesday	12 July 2016		
Wednesday	13 July 2016	12.30 pm	Cabinet Committee Local Issues
Thursday	14 July 2016	1.00pm	Strategic Planning Committee
Friday	15 July 2016		
Monday	18 July 2016		LGA - New Councillor Session
Tuesday	19 July 2016		LGA - New Councillor Session
Wednesday	20 July 2016		LGA - New Councillor Session
Thursday	21 July 2016	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	22 July 2016		
Monday	25 July 2016	9.30am	Overview and Scrutiny Management Committee
Tuesday	26 July 2016	4.00 pm	Cabinet
Wednesday	27 July 2016		
Thursday	28 July 2016	2.00pm	Health and Wellbeing Board
Friday	29 July 2016	11.00am	Corporate Governance and Audit Committee

DAY	DATE	TIME	MEETING			
Monday	01 August 2016					
Tuesday	02 August 2016					
Wednesday	03 August 2016					
Thursday	04 August 2016	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	05 August 2016					
Monday	08 August 2016					
Tuesday	09 August 2016					
Wednesday	10 August 2016	12.30 pm	Cabinet Committee Local Issues			
Thursday	11 August 2016	1.00pm	Strategic Planning Committee			
Friday	12 August 2016					
Monday	15 August 2016					
Tuesday	16 August 2016					
Wednesday	17 August 2016					
Thursday	18 August 2016					
Friday	19 August 2016					
Monday	22 August 2016					
Tuesday	23 August 2016	4.00 pm	Cabinet			
Wednesday	24 August 2016					
Thursday	25 August 2016	2.00pm	Health and Wellbeing Board			
Friday	26 August 2016					
Monday	29 August 2016		BANK HOLIDAY			
Tuesday	30 August 2016					
Wednesday	31 August 2016					
Thursday	01 September 2016	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
Friday	02 September 2016					
Monday	05 September 2016	9.30am	Overview and Scrutiny Management Committee			
Tuesday	06 September 2016					
Wednesday	07 September 2016					
Thursday	08 September 2016	1.00pm	Strategic Planning Committee			
Friday	09 September 2016					
Monday	12 September 2016					
Tuesday	13 September 2016					
Wednesday	14 September 2016	12.30 pm	Cabinet Committee Local Issues			
		4.45pm	Cabinet (Holding Executive to Account)			
		6.00pm	Council			
Thursday	15 September 2016	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	16 September 2016					
Monday	19 September 2016					
Tuesday	20 September 2016	4.00 pm	Cabinet			
Wednesday	21 September 2016					
Thursday	22 September 2016					
Friday	23 September 2016	11.00am	Corporate Governance and Audit Committee			
Monday	26 September 2016	9.30am	Overview and Scrutiny Management Committee			
Tuesday	27 September 2016					
Wednesday	28 September 2016					
Thursday	29 September 2016	2.00pm	Health and Wellbeing Board			
Friday	30 September 2016					
Monday	03 October 2016					
Tuesday	04 October 2016					
Wednesday	05 October 2016					
Thursday	06 October 2016	1.00pm	Strategic Planning Committee			
Friday	07 October 2016					

DAY	DATE	TIME	MEETING			
Monday	10 October 2016					
Tuesday	11 October 2016					
Wednesday	12 October 2016	12.30 pm	Cabinet Committee Local Issues			
		4.45pm	Cabinet (Holding Executive to Account)			
		6.00pm	Council			
Thursday	13 October 2016	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
Friday	14 October 2016					
Monday	17 October 2016	9.30am	Overview and Scrutiny Management Committee			
Tuesday	18 October 2016	4.00 pm	Cabinet			
Wednesday	19 October 2016					
Thursday	20 October 2016					
Friday	21 October 2016					
Monday	24 October 2016					
Tuesday	25 October 2016					
Wednesday	26 October 2016					
Thursday	27 October 2016	1.00pm	Planning Sub Committee (Huddersfield Area)			
		2.00pm	Health and Wellbeing Board			
Friday	28 October 2016					
Monday	31 October 2016					
Tuesday	01 November 2016					
Wednesday	02 November 2016					
Thursday	03 November 2016	1.00pm	Strategic Planning Committee			
Friday	04 November 2016					
Monday	07 November 2016	9.30am	Overview and Scrutiny Management Committee			
Tuesday	08 November 2016					
Wednesday	09 November 2016	4.45pm	Cabinet (Holding Executive to Account)			
		6.00m	Council			
Thursday	10 November 2016					
Friday	11 November 2016					
Monday	14 November 2016					
Tuesday	15 November 2016	4.00 pm	Cabinet			
Wednesday	16 November 2016	12.30 pm	Cabinet Committee Local Issues			
Thursday	17 November 2016					
Friday	18 November 2016	11.00am	Corporate Governance and Audit Committee			
Monday	21 November 2016					
Tuesday	22 November 2016					
Wednesday	23 November 2016					
Thursday	24 November 2016	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
		2.00pm	Health and Wellbeing Board			
Friday	25 November 2016					
Monday	28 November 2016	9.30am	Overview and Scrutiny Management Committee			
Tuesday	29 November 2016					
Wednesday	30 November 2016					
Thursday	01 December 2016	1.00pm	Strategic Planning Committee			
Friday	02 December 2016					
Monday	05 December 2016					
Tuesday	06 December 2016					
Wednesday	07 December 2016					
Thursday	08 December 2016	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	09 December 2016					

DAY	DATE	TIME	MEETING			
Monday	12 December 2016					
Tuesday	13 December 2016	4.00 pm	Cabinet			
Wednesday	14 December 2016	12.30 pm	Cabinet Committee Local Issues			
		4.45pm	Cabinet (Holding Executive to Account)			
		6.00pm	Council			
Thursday	15 December 2016					
Friday	16 December 2016					
Monday	19 December 2016					
Tuesday	20 December 2016					
Wednesday	21 December 2016					
Thursday	22 December 2016					
Friday	23 December 2016					
Monday	26 December 2016		BANK HOLIDAY			
Tuesday	27 December 2016		BANK HOLIDAY			
Wednesday	28 December 2016					
Thursday	29 December 2016					
Friday	30 December 2016					
Monday	02 January 2017		BANK HOLIDAY			
Tuesday	03 January 2017	9.30am	Overview and Scrutiny Management Committee			
Wednesday	04 January 2017					
Thursday	05 January 2017	1.00pm	Strategic Planning Committee			
Friday	06 January 2017					
Monday	09 January 2017					
Tuesday	10 January 2017					
Wednesday	11 January 2017	12.30 pm	Cabinet Committee Local Issues			
Thursday	12 January 2017	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
Friday	13 January 2017					
Monday	16 January 2017					
Tuesday	17 January 2017	4.00pm	Cabinet			
Wednesday	18 January 2017	4.45pm	Cabinet (Holding Executive to Account)			
		6.00pm	Council			
Thursday	19 January 2017	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	20 January 2017					
Monday	23 January 2017	9.30am	Overview and Scrutiny Management Committee			
Tuesday	24 January 2017					
Wednesday	25 January 2017					
Thursday	26 January 2017	2.00pm	Health and Wellbeing Board			
Friday	27 January 2017	11.00am	Corporate Governance and Audit Committee			
Monday	30 January 2017					
Tuesday	31 January 2017	4.00pm	Cabinet (Budget)			
Wednesday	01 February 2017					
Thursday	02 February 2017	1.00pm	Strategic Planning Committee			
Friday	03 February 2017					
Monday	06 February 2017					
Tuesday	07 February 2017	4.00 pm	Cabinet			
Wednesday	08 February 2017					
Thursday	09 February 2017					
Friday	10 February 2017					
Monday	13 February 2017	9.30am	Overview and Scrutiny Management Committee			
Tuesday	14 February 2017					
Wednesday	15 February 2017	12.30 pm	Cabinet Committee Local Issues			
		5.00pm	Council (Budget)			
Thursday	16 February 2017					
Friday	17 February 2017					

DAY	DATE	TIME	MEETING			
Monday	20 February 2017					
Tuesday	21 February 2017					
Wednesday	22 February 2017					
Thursday	23 February 2017	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
		2.00pm	Health and Wellbeing Board			
Friday	24 February 2017					
Monday	27 February 2017					
Tuesday	28 February 2017					
Wednesday	01 March 2017					
Thursday	02 March 2017	1.00pm	Strategic Planning Committee			
Friday	03 March 2017					
Monday	06 March 2017	9.30am	Overview and Scrutiny Management Committee			
Tuesday	07 March 2017	4.00 pm	Cabinet			
Wednesday	08 March 2017					
Thursday	09 March 2017	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	10 March 2017	11.00am	Corporate Governance and Audit Committee			
Monday	13 March 2017					
Tuesday	14 March 2017					
Wednesday	15 March 2017	12.30 pm	Cabinet Committee Local Issues			
Thursday	16 March 2017					
Friday	17 March 2017					
Monday	20 March 2017					
Tuesday	21 March 2017					
Wednesday	22 March 2017	4.45pm	Cabinet (Holding Executive to Account)			
		6.00pm	Council			
Thursday	23 March 2017					
Friday	24 March 2017					
Monday	27 March 2017	9.30am	Overview and Scrutiny Management Committee			
Tuesday	28 March 2017					
Wednesday	29 March 2017					
Thursday	30 March 2017	1.00pm	Strategic Planning Committee			
Friday	31 March 2017					
Monday	03 April 2017					
Tuesday	04 April 2017	4.00 pm	Cabinet			
Wednesday	05 April 2017					
Thursday	06 April 2017	1.00pm	Planning Sub Committee (Heavy Woollen Area)			
Friday	07 April 2017					
Monday	10 April 2017					
Tuesday	11 April 2017					
Wednesday	12 April 2017	12.30 pm	Cabinet Committee Local Issues			
Thursday	13 April 2017					
Friday	14 April 2017		BANK HOLIDAY			
Monday	17 April 2017		BANK HOLIDAY			
Tuesday	18 April 2017					
Wednesday	19 April 2017					
Thursday	20 April 2017	1.00pm	Planning Sub Committee (Huddersfield Area)			
Friday	21 April 2017	11.00am	Corporate Governance and Audit Committee			

DAY	DATE	TIME	MEETING			
Monday	24 April 2017	9.30am	Overview and Scrutiny Management Committee			
Tuesday	25 April 2017					
Wednesday	26 April 2017					
Thursday	27 April 2017	1.00pm	Strategic Planning Committee			
Friday	28 April 2017					
Monday	01 May 2017		BANK HOLIDAY			
Tuesday	02 May 2017	4.00 pm	Cabinet			
Wednesday	03 May 2017					
Thursday	04 May 2017					
Friday	05 May 2017					
Monday	08 May 2017					
Tuesday	09 May 2017					
Wednesday	10 May 2017	12.30 pm	Cabinet Committee Local Issues			
Thursday	11 May 2017					
Friday	12 May 2017					
Monday	15 May 2017					
Tuesday	16 May 2017					
Wednesday	17 May 2017					
Thursday	18 May 2017					
Friday	19 May 2017					
Monday	22 May 2017					
Tuesday	23 May 2017					
Wednesday	24 May 2017	2.00pm	Council (Annual Meeting)			

25 May 2016

KIRKLEES COUNCIL

MEMBERSHIP OF COMMITTEES AND PANELS 2016/17

	Page
Proportional Committees/Panels	
Appeals Panel	2
Employee Relations Sub-Committee	3
Licensing and Safety Committee	4
Personnel Committee	5
Planning Sub-Committee (Heavy Woollen Area)	6
Planning Sub-Committee (Huddersfield Area)	7
Policy Committee	8
Standards Committee	9
Strategic Planning Committee	10
Substitutes Panel	11
Non-Proportional Committees/Panels	
Corporate Governance and Audit Committee	12
District Committee - Batley and Spen	13
District Committee –Dewsbury and Mirfield	14
District Committee – Huddersfield	15
District Committee – Kirklees Rural	16
Health and Wellbeing Board	17
Non Proportional Committees/Panels (Overview and Scrutiny)	
Overview and Scrutiny Management Committee	18
Ad Hoc Scrutiny Panel – Children’s Services	19
Ad Hoc Scrutiny Panel – Review of Adult Mental Health Assessments	19
Calderdale and Kirklees Joint Health Scrutiny Committee	19
Joint Health Overview and Scrutiny Committee (Yorkshire and Humber)	20
Scrutiny Panel – Health and Social Care	20
Wakefield and Kirklees Joint Health Scrutiny Committee	20
West Yorkshire Joint Health Scrutiny Committee	20

APPEALS PANEL

Members 14

LABOUR (7)

G Asif
J Hughes
M Hussain
G Lowe
M Kaushik
A U Pinnock
H Richards

CONSERVATIVE (4)

B Armer*
V Lees-Hamilton
B McGuin
G Wilson

LIB DEM (2)

C Iredale
N Turner

GREEN AND INDEPENDENT GROUP (1)

A Cooper

* Chair

EMPLOYEE RELATIONS SUB-COMMITTEE

Members 9

LABOUR (4)

CONSERVATIVE (3)

LIB DEM (1)

**GREEN
AND
INDEPENDENT
GROUP (1)**

J Calvert
N Mather
M O'Neill
S Pandor*

M Bolt
D Hall
L Holmes

N Turner

A Cooper

* Chair

LICENSING AND SAFETY COMMITTEE

Members 14

LABOUR (7)	CONSERVATIVE (4)	LIB DEM (2)	GREEN AND INDEPENDENT GROUP (1)
M Akhtar G Asif J Homewood M Kaushik A U Pinnock* M Sokhal A Stubley	M Grainger-Mead R Light K Taylor M Watson	R Eastwood C Iredale	K Allison

* Chair

PERSONNEL COMMITTEE

Members 9

LABOUR (4)

J Calvert
N Mather
M O'Neill
S Pandor*

CONSERVATIVE (3)

M Bolt
D Hall
N Patrick

LIB DEM (1)

N Turner

GREEN AND INDEPENDENT GROUP (1)

T Lyons

* Chair

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Members 14

LABOUR (7)

M Akhtar
N Dad
F Fadia
P Kane*
M Pervaiz
M O Neill
A Stubley

CONSERVATIVE (4)

M Grainger-Mead
D Bellamy
R Smith
K Taylor

LIB DEM (2)

J Lawson
A Pinnock

GREEN AND INDEPENDENT GROUP (1)

Vacancy

* Chair

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Members 15

LABOUR (8)

J Calvert
J Homewood
M Kaushik
M Khan
M Sarwar
M Sokhal
S Ullah
R Walker

CONSERVATIVE (4)

D Bellamy
D Firth
B McGuin
K Sims

LIB DEM (2)

C Iredale
L Wilkinson

**GREEN
AND
INDEPENDENT
GROUP (1)**

T Lyons*

* Chair

POLICY COMMITTEE

Members 10

LABOUR (5)

F Fadia
J Homewood
H Richards
S Ullah
R Walker*

CONSERVATIVE (3)

D Hall
R Light
J Taylor

LIB DEM (1)

J Lawson

GREEN AND INDEPENDENT GROUP (1)

A Cooper

* Chair

STANDARDS COMMITTEE

Members 5

LABOUR (3)

CONSERVATIVE (1)

LIB DEM (1)

**GREEN
AND
INDEPENDENT
GROUP (-)**

E Firth
S Pandor
M Sokhal

N Patrick*

A Marchington

* Chair

STRATEGIC PLANNING COMMITTEE

Members 6

LABOUR (3)

CONSERVATIVE (2)

LIB DEM (1)

**GREEN
AND
INDEPENDENT
GROUP (-)**

P Kane
C Pattison
M Sokhal*

B Armer
D Firth

A Pinnock

* Chair

SUBSTITUTES PANEL 2016/17

LABOUR (6)

G Asif
F Fadia
E Firth
C Scott
M Sokhal
S Ullah

CONSERVATIVE (6)

B Armer
D Bellamy
L Holmes
K Sims
B McGuin
N Patrick

LIB DEM (4)

R Eastwood
J Lawson
A Marchington
L Wilkinson

**GREEN PARTY
AND
INDEPENDENTS
GROUP (4)**

K Allison
A Cooper
C Greaves
T Lyons

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Members 7 (Non-proportional)

(Two from each of the three largest groups and one from the minority group (excluding group leaders), plus ex officio (non-voting) Members, namely Cabinet Portfolio holders for Resources; Chair of Overview and Scrutiny Management Committee; and Chair of Standards Committee and provision for Treasury Management expertise)

LABOUR (2)	CONSERVATIVE (2)	LIB DEM (2)	GREEN AND INDEPENDENT GROUP (1)
G Asif H Richards*	J Taylor A Palfreeman	K Pinnock L Wilkinson	J Stewart-Turner

* Chair

Ex-Officio

Resources Cabinet Portfolio Holder/s (Cllr)
Chair of Overview and Scrutiny Management Committee (Cllr Stewart Turner)
Chair of Standards Committee (Cllr Patrick)

DISTRICT COMMITTEE - BATLEY AND SPEN

Members 18

LABOUR (9)

M Akhtar
F Fadia
S Hall
V Kendrick
G Lowe*
M O'Neill
S Pandor
D Sheard
A Stubley

CONSERVATIVE (6)

M Grainger-Mead
D Hall
L Holmes
R Light
A Palfreeman
E Smaje

LIB DEM (3)

J Lawson
A Pinnock
K Pinnock

* Chair

DISTRICT COMMITTEE – DEWSBURY AND MIRFIELD

Members 12

LABOUR (9)

M Ahmed
G Asif
N Dad*
E Firth
M Hussain
P Kane
D O'Donovan
M Pervaiz
C Scott

CONSERVATIVE (3)

M Bolt
V Lees - Hamilton
K Taylor

* Chair

DISTRICT COMMITTEE - HUDDERSFIELD

Members 21

LABOUR (13)

J Calvert
E Hill
J Hughes
J Homewood
M Kaushik
M Khan
N Mather
P McBride
C Pattison
A Pinnock
M Sarwar
M Sokhal
S Ullah*

CONSERVATIVE (2)

B McGuin
G Wilson

LIB DEM (3)

C Burke
R Eastwood
L Wilkinson

GREEN AND INDEPENDENT GROUP (3)

K Allison
A Cooper
J Stewart-Turner

* Chair

DISTRICT COMMITTEE – KIRKLEES RURAL

Members 18

LABOUR (3)

H Richards
G Turner
R Walker

CONSERVATIVE (9)

B Armer
D Bellamy
J Dodds
D Firth
N Patrick
K Sims
J Taylor
M Watson*
J Smith

LIB DEM (3)

C Iredale
A Marchington
N Turner

GREEN AND INDEPENDENT GROUP (2)

C Greaves
T Lyons

INDEPENDENT (1)

E Holroyd-Doveton

* Chair

HEALTH AND WELLBEING BOARD (MEMBERSHIP SUBJECT TO THE APPOINTMENT OF LEADER AND CABINET)

Members 5 (Non-Proportional)

(3 from Cabinet, one of whom may be the Leader; 1 Senior Councillor from the main opposition group; and 1 Councillor from a political group other than the administration and main opposition group; plus 1 Councillor observer from a political group not otherwise represented) together with external/partner/officer representatives specified in the agreed constitution.

LABOUR (3)

N Mather
C Pattison
S Pandor

CONSERVATIVE (1)

D Bellamy

LIB DEM (1)

K Pinnock

* Chair

OBSERVER: GREEN AND INDEPENDENTS (1)

Vacancy

Conservative Group Named Substitute: Councillor Smith

Liberal Democrat Group Named Substitute: Councillor Marchington

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Members 4 (Non-proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1)
G Asif	K Sims	C Burke	J Stewart-Turner*

* Chair

AD HOC SCRUTINY PANEL – CHILDREN’S SERVICES

Members 4 (Non-Proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1)
AU Pinnock	R Light	A Marchington	J Stewart-Turner*

AD HOC SCRUTINY PANEL – REVIEW OF ADULT MENTAL HEALTH ASSESSMENTS

Members 4 (Non-Proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1 gifted to Labour Gp)
P Kane M Khan	E Smaje*	J Lawson	

CALDERDALE & KIRKLEES JOINT HEALTH SCRUTINY COMMITTEE

Members 4 (Non-Proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1)
V Kendrick	E Smaje	A Marchington	J Stewart-Turner

JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE (YORKSHIRE & HUMBER)

Members 1 (Non-Proportional – One place allocated to Kirklees)

Councillor E Smaje

SCRUTINY PANEL – HEALTH & SOCIAL CARE

Members 6 (Non-Proportional)

LABOUR (3)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1)
-------------------	-------------------------	--------------------	--

F Fadia S Hall S Ullah	E Smaje*	A Marchington	Vacancy
------------------------------	----------	---------------	---------

WAKEFIELD AND KIRKLEES JOINT HEALTH SCRUTINY COMMITTEE

Members 4 (Non-Proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN AND INDEPENDENT GROUP (1)
-------------------	-------------------------	--------------------	--

E Firth	E Smaje	J Lawson	J Stewart-Turner
---------	---------	----------	------------------

WEST YORKSHIRE JOINT HEALTH SCRUTINY COMMITTEE

Members 2 (Non-Proportional)

LABOUR (1)	CONSERVATIVE (1)
-------------------	-------------------------

V Kendrick	E Smaje
------------	---------



Name of meeting: Annual Council
Date: 25 May 2016

Title of report: Appointment of Members to Joint Authorities

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith, 12 May 2016
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Acting Assistant Director - Legal & Governance?	12 May 2016
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
 Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider and determine the membership of Joint Authorities in 2016/2017.

2. Key points

West Yorkshire Fire & Rescue Authority

The Council is entitled to appoint four Members (on a ratio of 2:1:1) under the Local Government Act 1985 to West Yorkshire Fire and Rescue Authority.

In making the appointments the Council is reminded of the provisions of Section 15 of the Local Government and Housing Act 1989, which sets out the principles for ensuring that, so far as possible, the balance of political groups currently represented on the Council is reflected in the appointment made to this body. Council is asked to delegate authority to Group Business Managers to determine the appointments in accordance with the applicable ratio following the 2016 Local Elections.

West Yorkshire Combined Authority

The Elected Members of the West Yorkshire Combined Authority are drawn from the five district authorities. Under the current legislation appointments have to reflect the balance of parties for the time being prevailing among the Members of the relevant Councils taken as a whole.

Council is asked to delegate authority to Group Business Managers to determine the appointments once the Authority has received notice from the Combined Authority of the number of places available.

West Yorkshire Police and Crime Panel

The 12 Elected Members of the West Yorkshire Police and Crime Panel are drawn from the five district authorities. Under the current legislation appointments have to reflect the balance of parties for the time being prevailing among the Members of the relevant Councils taken as a whole.

Council is asked to delegate authority to Group Business Managers to determine the appointments once the Authority has received notice of the number of places available.

3. Implications for the Council

The Council's interests will be represented by the appointed Members.

4. Consultees and their opinions

Not applicable.

5. Next steps

Subject to approval, the relevant organisations will be informed of the appointments.

6. Officer recommendations and reasons

That, in order to fill places on (i) West Yorkshire Fire and Rescue Authority, (ii) West Yorkshire Combined Authority, and its Committees and (iii) West Yorkshire Police and Crime Panel, Council is asked to refer the appointments to Group Business Managers for determination.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk



Name of meeting: Annual Council
Date: 25 May 2016

Title of report: Appointment to Outside Bodies/Other Committees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith, 12 May 2016
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Yes
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider and determine the allocation of places/ratios, as appropriate, to the Outside Bodies as detailed within this report.

2. Key points

The Council's representation on the various **Outside Bodies/other Committees** is comprised of three elements (i) Representation on Joint Authorities and Major Bodies (ii) Representation on Other Outside Bodies and (iii) Representation on Charities, for which nominations are submitted through Local Area Structures.

The Council is responsible for overall allocations/ratios, as appropriate for bodies within its remit, and Cabinet is responsible for nominations to bodies concerned with executive functions. The Director of Resources has delegated authority, in consultation with Group Business Managers, to receive and process nominations.

In relation to the **Yorkshire Purchasing Organisation Joint Committee**, the Council (along with the other constituent Authorities) is requested to pass a resolution to waive the applicability of political balance rules, and to also determine which of the Council's two nominees to the YPO Joint Committee will have the one vote on behalf of the Authority.

In relation to **Kirklees Active Leisure**, Council is asked to determine which of the two appointed Members will be authorised for the purposes of Member meetings (distinct from Director meetings) to exercise a vote, pursuant to Section 323 of the Companies Act 2006. Council is also asked to note that David Smith, Director of Resources, will continue as Company Secretary (with no director status or voting rights).

In relation to **Kirklees Stadium Development Ltd**, Council is asked to note that Paul Kemp, Acting Assistant Director, Investment and Regeneration, is Company Secretary for Kirklees Stadium Development Ltd.

In relation to **Kirklees Theatre Trust**, Council is asked to note that Julie Muscroft, Assistant Director, Legal, Governance and Monitoring, is Company Secretary for Kirklees Theatre Trust.

3. Implications for the Council

The Council's interests will be represented by the appointed persons.

4. Consultees and their opinions

Not applicable.

5. Next steps

Subject to approval, the relevant organisations will be informed of the appointments.

6. Officer recommendations and reasons

- 1) That Council confirms the allocation of places/ratios, as appropriate in the attached schedules, and notes that Group Business Managers will put forward nominations to the Director of Resources to fill any vacancies or make any adjustments to nominees previously put forward, as appropriate, subject to (4) below.
- 2) That those bodies with executive functions be referred to the Leader of the Council to put forward nominations.
- 3) That, in relation to Yorkshire Purchasing Organisation Joint Committee, Council agrees to waive political balance rules which apply in accordance with Section 17 of the Local Government and Housing Act 1989 (this requires approval with no Member voting against); and that the Leader of the Council, in determining the nominees, resolves which Member will have the one vote on behalf of the Council.
- 4) That one of the Council Trustees on Kirklees Active Leisure, to be determined by the Group Business Managers, will be authorised to represent the Council for the purposes of Member meetings pursuant to Section 323 of the Companies Act 2006, to exercise a vote, and that Council notes that David Smith, Director of Resources, will continue as Company Secretary (with no director status or voting rights).
- 5) That it be noted that Paul Kemp (Acting Assistant Director – Investment & Regeneration) is the Company Secretary for Kirklees Stadium Development Limited.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk

This page is intentionally left blank

Name of Body	Schedule	No of Reps	Restriction
PRESCRIBED PLACES			
Local Government Association - General Assembly	1 (Joint Authorities)	4	Group Leaders 9 votes at AGM 2016 vote split is 4:3:1:1
West Yorkshire Combined Authority - Governance and Audit Committee	1 (Joint Authorities)	1	Chair of Corporate Governance and Audit Committee
West Yorkshire Combined Authority - Investment Committee	1 (Joint Authorities)	1	Portfolio holder for transport
West Yorkshire Combined Authority - Kirklees District Consultation Committee	1 (Joint Authorities)	8	CA Transport Committee Members plus another 4 nominations - TBD by Committee
West Yorkshire Combined Authority - Overview and Scrutiny Committee	1 (Joint Authorities)	3	1 Labour 1 Conservative 1 Green
West Yorkshire Combined Authority - Transport Committee	1 (Joint Authorities)	3	2 Labour 1 Conservative Ratio confirmed by WYCA Automatically Members of the CA District Consultation Committee
West Yorkshire Joint Services - Archives, Archaeology and Trading Standards Sub-Committee	1 (Joint Authorities)		NUMBER OF MEMBERS AND APPOINTMENTS DETERMINED BY JOINT COMMITTEE
West Yorkshire Joint Services - Grants Sub-Committee	1 (Joint Authorities)		NUMBER OF MEMBERS AND APPOINTMENTS DETERMINED BY JOINT COMMITTEE
West Yorkshire Joint Services - Appointment and Appeals Panel	1 (Joint Authorities)		NUMBER OF MEMBERS AND APPOINTMENTS DETERMINED BY JOINT COMMITTEE
West Yorkshire Joint Services - Governance and Audit	1 (Joint Authorities)		NUMBER OF MEMBERS AND APPOINTMENTS DETERMINED BY JOINT COMMITTEE
West Yorkshire Joint Services - Joint Consultative Committee	1 (Joint Authorities)		NUMBER OF MEMBERS AND APPOINTMENTS DETERMINED BY JOINT COMMITTEE

NOMINATIONS BY CABINET			
Parking and Traffic Regulations Outside London Adjudication Joint Committee	1 (Joint Authorities)	1	NOMINATIONS BY CABINET
West Yorkshire Joint Services Committee	1 (Joint Authorities)	4	NOMINATIONS BY CABINET
Yorkshire Purchasing Organisation	1 (Joint Authorities)	2	NOMINATIONS BY CABINET - Council AGM passes a resolution to waive the applicability of political balance rules
Yorkshire Purchasing Organisation - Holding Company	1 (Joint Authorities)	2	Coincides with annual membersip of YPO Management Committee
JOINT AUTHORITIES (WITH SPECIFIC MEMBERSHIP CRITERIA)			
West Yorkshire Police and Crime Panel	1 (Joint Authorities)	2	1 Labour 1 Lib Dem Council refers to GBMs at AGM
West Yorkshire Fire and Rescue Authority	1 (Joint Authorities)	4	Reflect Council Ratio (2016 Lab 1.97, Con 1.15, Lib Dem 0.52, G&I 0.29 split of 2:1:1 Council refers to GBMs at AGM)

JOINT AUTHORITIES

Calderdale and Kirklees Careers Limited	1 (Joint Authorities)	3	
Calderdale and Huddersfield NHS Trust - Membership Council	1 (Joint Authorities)	1	
Children's Trust (formerly Kirklees Partnership Children and Young People)	1 (Joint Authorities)	4	2 from Cabinet 2 from opposition groups
Environment Agency - Yorkshire Regional Flood and Coastal Committee	1 (Joint Authorities)	1	
Kirklees Neighbourhood Housing Limited	1 (Joint Authorities)	5	
Kirklees Partnership Executive	1 (Joint Authorities)	1	
Kirklees Partnership Safer, Stronger Communities	1 (Joint Authorities)	4	2 from Cabinet 2 from opposition groups
Kirklees Stadium Development Ltd	1 (Joint Authorities)	2	Paul Kemp - Company Secretary as agreed at Council AGM
Leeds Bradford International Airport: Consultative Committee	1 (Joint Authorities)	1	
Peak District National Park Authority	1 (Joint Authorities)	1	
Pennine Prospects (formerly South Pennine Rural Regeneration Company)	1 (Joint Authorities)	1	
QED (KMC) Limited (Special Schools)	1 (Joint Authorities)	1	Cabinet Member not appropriate
SUEZ (Kirklees) Limited	1 (Joint Authorities)	1	
Special Interest Group of Metropolitan Authorities (SIGOMA)	1 (Joint Authorities)	1	
Trans Pennine Trail Members' Steering Group	1 (Joint Authorities)	2	
South West Yorkshire Partnership Foundation Trust - Members' Council	1 (Joint Authorities)	1	
West Yorkshire Pension Fund Advisory Group - Joint Advisory Group	1 (Joint Authorities)	3	
West Yorkshire Pension Fund Advisory Group - Pension Fund Investment Panel	1 (Joint Authorities)	2	

OTHER PLACES - OTHER BODIES

Sam Whitehead Trust	2 (Other Bodies)	3	Members who represent Colne Valley Ward
Deighton and Brackenhall Initiative Limited	2 (Other Bodies)	3	Members who represent Ashbrow Ward
Yorkshire and Humber (Local Government) Employers Association	2 (Other Bodies)	1	
Chickenley Community Co-operative Trust	2 (Other Bodies)	1	Officer or Member
CO2 Sense Limited	2 (Other Bodies)	2	
Dewsbury Endowed Schools Foundation Trust Advisory Committee	2 (Other Bodies)	8	
Dewsbury Learning Trust	2 (Other Bodies)	1	
Globe Innovation Centre Ltd (previously Globe Environmental Business Centre Ltd)	2 (Other Bodies)	1	
Huddersfield Mission Partnership Board	2 (Other Bodies)	1	To have an affinity with the work of the Mission and a particular interest in Town Centre issues
Huddersfield Partnership (formerly know as Town Centre Partnership Limited)	1 (Joint Authorities)	3	Normally 2 Members + 1 Officer
Kirklees Active Leisure	2 (Other Bodies)	2	AGM refers decision to GBMs to identify who has vote at Member meetings
Kirklees Churches Partnership Trust	2 (Other Bodies)	4	
Kirklees Community Association	2 (Other Bodies)	8	
Kirklees Community Fund Grants Panel	2 (Other Bodies)	2	
Kirklees Faiths Forum	2 (Other Bodies)	2	1 from North Kirklees 1 from Huddersfield
Kirklees Henry Boot Partnerhsip Ltd	2 (Other Bodies)	1	

Kirklees Historic Buildings Trust Ltd	2 (Other Bodies)	6	
Kirklees Music School	2 (Other Bodies)	4	
Kirklees Schools Services Ltd	2 (Other Bodies)	1	
Kirklees Theatre Trust	2 (Other Bodies)	3	Need not be a Member but no automatic continuation if cease to be a Member; must be formally nominated
Learning Board	2 (Other Bodies)	4	To be chaired by Cabinet Portfolio holder
Locala Community Partnership Members' Council	2 (Other Bodies)	2	
Media Centre Limited	2 (Other Bodies)	1	
Migration Yorkshire Board	2 (Other Bodies)	1	Elected Member or Senior Officer
National Association of British Market Authorities	2 (Other Bodies)	3	
National Coal Mining Museum for England Trust Ltd - Liaison Committee	2 (Other Bodies)	2	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2 (Other Bodies)	1	
Rural Action Yorkshire	2 (Other Bodies)	1	Officer or Member
School Organisation Advisory Group	2 (Other Bodies)	6	Ratio to reflect Council (now 3:2:1) 2016 - Lab - 2.96, Con 1.74, LD 0.78, G&I 0.44
Standing Advisory Council for Religious Education	2 (Other Bodies)	4	
West Yorkshire Rural Partnership	2 (Other Bodies)	1	
Yorkshire Tourism Council	2 (Other Bodies)	1	

This page is intentionally left blank



Name of meeting: Annual Council
Date: 25 May 2016

Title of report: Spokesperson of Joint Committees and External Bodies

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith, 12 May 2016
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Yes
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider the appointment of spokespersons for Joint Committees/External Bodies.

2. Key points

In accordance with Council Procedure Rules, oral questions may be asked at Council meetings of Council Members appointed to the undermentioned Joint Committees/External Bodies, namely;

- Kirklees Neighbourhood Housing
- Kirklees Active Leisure
- West Yorkshire Combined Authority
- West Yorkshire Fire and Rescue Authority
- West Yorkshire Police and Crime Panel
- West Yorkshire Joint Services Committee

For this purpose, spokespersons are appointed to respond to oral questions on behalf of each body.

3. Implications for the Council

Not applicable.

4. Consultees and their opinions

Not applicable.

5. Next steps

The appointed spokespersons will act as the organisations' representatives in terms of responding to questions at meetings of Council throughout the municipal year.

6. Officer recommendations and reasons

- 1) That the nomination of spokespersons to reply to oral questions at Council meetings for the following organisations; Kirklees Active Leisure and Kirklees Neighbourhood Housing, be referred to Group Business Managers for determination.
- 2) That the spokespersons for the West Yorkshire Combined Authority; West Yorkshire Fire and Rescue Authority, and West Yorkshire Joint Services Committee will be notified by those bodies.
- 3) That the nomination of a spokesperson for the West Yorkshire Police and Crime Panel be referred to Group Business Managers for determination.

7. Contact officer and relevant papers

Andrea Woodside, Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk

COMMITTEE/BOARD/PANEL CHAIRS 2016/2017

Committee/Board/Panel	Appointed Chair
Appeals Panel	Cllr Armer
Corporate Governance & Audit Committee	Cllr Richards
Health and Wellbeing Board (dependent upon appointment of Cabinet)	Position not appointed.
Licensing & Safety Committee	Cllr A U Pinnock
Overview & Scrutiny Management Committee	Cllr Stewart-Turner
Personnel Committee	Cllr Pandor
Policy Committee	Cllr Walker
Scrutiny Panel – Health	Cllr Smaje
Standards Committee	Cllr Patrick
Strategic Planning Committee	Cllr Sokhal
District Committee – Batley & Spen	Cllr Lowe
District Committee – Dewsbury & Mirfield	Cllr Dad
District Committee – Huddersfield	Cllr Ullah
District Committee – Kirklees Rural	Cllr Watson
Planning Sub Committee – Heavy Woollen	Cllr Kane
Planning Sub Committee – Huddersfield	Cllr Lyons

This page is intentionally left blank