

PROCEDURAL

STANDING

ORDERS

PROCEDURAL STANDING ORDERS

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PART 1: PRELIMINARY

STANDING ORDER 1: DEFINITIONS

- 1.1. In these standing orders, unless the context otherwise demands, the following terms have the meaning assigned to them:
- 1.1:1 "Authority" - the Merseyside Fire and Civil Defence Authority;
 - 1.1:2.1 "Chief Officer" - the Chief Fire Officer for the time being employed by the Authority;
 - 1.1:2.2 "Chief Finance Officer" – the officer appointed as having the responsibility for the proper administration of the Authority's affairs pursuant to s.73 of the 1985 Act
 - 1.1:2.3 "Clerk" – the officer appointed as Clerk to the Authority pursuant to s.34(8) of the 1985 Act
 - 1.1:3 "Committee" - a Committee or Sub-Committee of the Authority;
 - 1.1:4 "Employee" - an employee of the Authority or the holder of a paid office under the Authority other than the Chairman and Vice-Chairman;
 - 1.1:5 "Meeting" - a meeting of the Authority, a Committee or a Sub-Committee, as the case may be;
 - 1.1:6 "Member" - in relation to the Authority, a Member appointed as a Member of the Authority and in relation to any committee or Sub-Committee a person appointed as a Member of that Committee or Sub-Committee;
 - 1.1:7 "Monitoring Officer" - the person appointed as Clerk to the Authority or such other person designated under Section 5 of the 1989 Act (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as his/her deputy under Sub-Section (7) of that Section;
 - 1.1:8 "Number of Members" - in relation to the Authority, the number of persons who may act at the time in question as voting Members of the Authority, and in relation to a Committee or Sub-Committee, the number of persons who may act at the time in question as voting members of that body;
 - 1.1:9 "Person Presiding" - the person entitled, or appointed, to preside at any Meeting;
 - 1.1:10 "Political Group" - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;
 - 1.1:11 "Proper Officer" - for the purposes of all Standing Orders means the Clerk and for the purposes of Standing Order 29 includes the additional persons specified therein;
 - 1.1:12 "Standing Orders" - means Procedural Standing Orders and Contract Standing Orders unless otherwise stated;

- 1.1:13 "Sub-Committee" - a Sub Committee of a Committee;
 - 1.1:14 "The 1972 Act" - the Local Government Act 1972;
 - 1.1:15 "The 1985 Act" the Local Government Act 1985;
 - 1.1:16 "The 1989 Act" - the Local Government and Housing Act 1989;
 - 1.1:17 "Without Comment" - in relation to the moving, seconding or putting of a motion, means without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.
- 1.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular and references to the male gender includes reference to the female gender.
 - 1.3 Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that standing order bearing that number.

STANDING ORDER 2: STANDING ORDERS

- 2.1 The Authority shall approve Procedural Standing Orders and Contract Standing Orders at its annual Meeting.
- 2.2 No arrangements shall be made whereby a Committee, Sub-Committee or officer may exercise any power of the Authority to vary, revoke or add to these Standing Orders.
- 2.3 Except where it is in accordance with a recommendation of a Committee, any motion to amend, revoke or add to these Standing Orders, when moved and seconded, shall stand adjourned without further discussion to the next ordinary meeting of the Authority, and shall stand referred to such Committee as the Authority shall direct for report to that Meeting.
- 2.4 This Standing Order and Procedural Standing Order 18.1 (Minutes), are not capable of being suspended.
- 2.5 Any of Procedural Standing Orders 4, (Meetings) 7.3 (Order of Business), 8.1 (Notice of Motion), 12.5, 12.6 and 12.7 (Requisition of Meeting), 15 (Order of Business) and 17.1 and 17.2 (Referring up) may be suspended by the Authority but only if:
 - 2.5:1 notice of the intention to move such suspension has been included in the agenda for the meeting; and
 - 2.5:2 no Member of the Authority present at the meeting at which such a motion is made objects to such suspension.
- 2.6 Any of the other Standing Orders may be suspended by the Authority provided that either:

- 2.6:1 Notice of intention to move such suspension has been included in the agenda for the Meeting; or
- 2.6:2 At least one half of the Number of Members of the Authority are present.
- 2.7 A suspension under paragraphs 2.5 or 2.6 shall have the effect that the Standing Order suspended is not in force during the period of suspension. A suspension under paragraph 2.5 shall last for the period specified in the resolution to suspend the Standing Order, which shall not extend beyond the next Annual Meeting of the Authority. If no period is specified the suspension shall last only for the Meeting at which it is adopted.
- 2.8 A printed copy of these Standing Orders shall be given to each Member following the Annual Meeting of the Authority.
- 2.9 The ruling of the Person Presiding at any Meeting as to the construction or application of any of these Standing Orders shall not be challenged at that Meeting.
- 2.10 Any of the Authority's Contract Standing Orders may be waived or suspended by the Authority or a Committee of the Authority acting with delegated powers provided that such a waiver or suspension shall not release the Authority from its obligation to comply with all statutory and regulatory requirements relating to procurement.

PART 2: MEETINGS OF THE AUTHORITY

STANDING ORDER 3: ORDINARY MEETINGS OF THE AUTHORITY

- 3.1 The Annual Meeting of the Authority shall be held on such date in June to be determined by the Authority which ensures the participation of any new Members who may be appointed by constituent councils in that year and shall take place at Fire Service HQ, Bridle Road, Liverpool at 1.00 p.m. (or such other place and time as determined by the Authority or a Committee of the Authority).
- 3.2 Other ordinary meetings of the Authority for the transaction of general business shall be held at Fire Service HQ, Bridle Road, Liverpool. (or at such other place and at such time as determined by the Authority or a Committee of the Authority).
- 3.3 Where it is appropriate to change the date time or place of a Meeting, the Meeting shall take place on such date, place or time as determined by the Clerk in consultation with the Chairman of the Authority and Opposition Spokespersons.

STANDING ORDER 4: EXTRAORDINARY MEETINGS OF THE AUTHORITY

- 4.1 The Chairman of the Authority may at any time call an extraordinary meeting of the Authority.
- 4.2 If the office of Chairman is vacant, or if the Chairman is unable to act for any reason the Vice-Chairman of the Authority may at any time call an extraordinary meeting of the Authority

- 4.3 Three Members of the Authority may call an extraordinary meeting of the Authority if a requisition for such a meeting signed by such members of the Authority has been presented to the Chairman of the Authority and either he has refused to call a meeting or, without him so refusing, no extraordinary meeting has been called within seven days of the presentation of the requisition.
- 4.4 Any requisition under paragraph 4.3. may be presented to the Chairman by being left for him with the Proper Officer.
- 4.5 Where any person or persons decides to call an extraordinary meeting of the Authority he shall signify to the Proper Officer that he has done so, the business to be transacted and the date and time for which the meeting is called. The Proper Officer shall thereupon ensure that the notice and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.
- 4.6 Any extraordinary meeting of the Authority which may be called shall be held at Fire Service HQ, Bridle Road, Liverpool or such other place as the Clerk in consultation with the Chairman of the Authority may appoint.
- 4.7 No extraordinary meeting shall be called unless it is proposed to transact at the Meeting business which, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.
- 4.8 Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

STANDING ORDER 5: PERSON PRESIDING AT MEETINGS OF THE AUTHORITY

- 5.1 The Person Presiding at the commencement of the Annual Meeting to consider the election of a Chairman of the Authority shall be:-
- 5.1:1 The Chairman of the Authority for the previous municipal year of the Authority; or
- 5.1:2 If he is absent or unable to act the Vice Chairman of the Authority for the previous municipal year of the Authority; or
- 5.1:3 If he is absent or unable to act such Member as is appointed by the Authority.
- 5.2 Thereafter the Person Presiding at meetings of the Authority shall be:
- 5.2:1 The Chairman of the Authority; or
- 5.2:2 In the absence of the Chairman of the Authority, the Vice Chairman of the Authority; or
- 5.2:3 In the absence of the Vice Chairman of the Authority and the Chairman of the Authority a member of the Authority appointed by the Authority.

- 5.3 If it is necessary to choose a member of the Authority to preside in the absence of the Chairman and Vice Chairman, the Proper Officer shall call on a Member of the Authority to move that a Member of the Authority be named by that Member shall take the chair.
- 5.4 If discussion arises on that motion, the Proper Officer shall exercise the powers of the Person Presiding to regulate that discussions, and to maintain order at the meeting.
- 5.5 The motion, and any amendments, shall be put to the Meeting in accordance with standing order 22. 5 (voting on appointments).

STANDING ORDER 6: QUORUM OF MEETINGS OF THE AUTHORITY

- 6.1 No business shall be transacted at any meeting of the Authority unless at least five voting Members are present.
- 6.2 If, during any meeting of the Authority, the Person Presiding, after causing the number of Members present to be counted, declares that there is not a quorum present, the Meeting shall stand adjourned for fifteen minutes.
- 6.3 If, after fifteen minutes, the Person Presiding after again causing the number of Members present to be counted, declares that there is still no quorum present, the Meeting shall end.
- 6.4 Notwithstanding any provision in these Standing Orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Authority, whether ordinary or extraordinary.

STANDING ORDER 7: ORDER OF BUSINESS AT MEETING OF THE AUTHORITY

- 7.1 Unless the Authority otherwise orders in accordance with paragraph 7.3, the order of business at every meeting of the Authority shall be:-
 - 7.1:1 In the absence of the Chairman and Vice Chairman, to choose a Member of the Authority to preside;
 - 7.1:2 at the Annual Meeting, and at any other Meeting which is the first after the office of Chairman shall have become vacant, to elect a Chairman;
 - 7.1:3 at the Annual Meeting, and at any other Meeting which is the first after the office of Vice Chairman shall have become vacant, to appoint a Vice Chairman;
 - 7.1:4 to approve as a correct record the minutes of the last meeting of the Authority, and of any earlier Meeting of which the minutes have not been so approved, and for the Person Presiding to sign them; except where the minutes of all earlier meetings of the Authority have already been signed as a correct record, or in accordance with Standing Order 18, any unsigned minutes are to stand over until the next suitable Meeting;
 - 7.1:5 to consider declarations of interests by Members;

- 7.1:6 to receive communications from the Person Presiding;
 - 7.1:7 where the meeting has been requisitioned by Members under Standing Order 4.3, to consider the business specified in the summons;
 - 7.1:8 where a Meeting has been summoned to consider:
 - 7.1:8.1 the promotion or opposition of a bill under section 239 of the 1972 Act;
 - 7.1:8.2 a report from the Chief Financial Officer under section 114 of the Local Government Finance Act 1988;
 - 7.1:8.3 a report of the Monitoring Officer under section 5 of the 1989 Act,
 - to consider the business for which the meeting has been summoned;
 - 7.1:9 To receive petitions for Members of the Authority;
 - 7.1:10 The asking and answering of questions under Standing Order 9;
 - 7.1:11 To consider items of business, if any, which were on the agenda of Committees in the order prescribed under paragraph 7.2;
 - 7.1:12 To receive and consider reports, minutes and recommendations of Committees in the order prescribed under paragraph 7.2;
 - 7.1:12 To consider motions of which notice has been submitted by Members of the Authority in accordance with Standing Order 8 in the order in which they are recorded as having been resolved;
 - 7.1:13 To consider other business, if any, specified in the summons for the meeting.
- 7.2 The items of business under paragraph 7.1. shall be considered in the order in which they are listed in the agenda for the Meeting, and that order shall be in accordance with arrangements determined from time to time by the Authority.
- 7.3 The order of business in paragraph 7.1 may be varied by direction of the Person Presiding, made with the unanimous consent of the Members present, but not so as to alter the order of items set out in paragraphs 7.1:1 to 7.1:7.
- 7.4 If the Persons Presiding decides that an item of business not included in the agenda for the Meeting sent with the summons for the Meeting may be taken for reasons of urgency, that item shall subject to any direction or resolution under paragraph 7.3 be taken at the end of the other items of business:
- 7.5 For the purposes of this Standing Order 7.1:2 and 7.1:3 a vacancy in the office of Chairman and Vice Chairman shall be deemed to have occurred where the holder of such office:

- 7.5:1 Has ceased to be a Member of the Authority by reason of S.31 of the 1985 Act (termination of appointment) at the time specified in subsection 2(b) of that section;
- 7.5:2 Has ceased to be a Member of the Authority by reason of S.32(1) of the 1985 Act (ceasing to be a member of the constituent Council) at the time notice is given to the Authority under the subsection;
- 7.5:3 In any other case on the date of the declaration or receipt of the notice or resignation mentioned in S.32(2) of the 1985 Act.

STANDING ORDER8: NOTICES OF MOTIONS TO AUTHORITY

- 8.1 Any Member of the Authority may give notice of motion for consideration at any Meeting of the Authority.
- 8.2 Notice of every motion to be moved at a meeting of the Authority other than a motion which, under Standing Order 19, may be moved without notice shall be given in writing, and signed by the Member or the Members giving notice. The notice shall state for which Meeting of the Authority the notice is given
- 8.3 Unless the Person Presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the Proper Officer at least one day before the day on which the summons must be sent to Members of the Authority for the meeting for which the notice is given.
- 8.4 The Proper Officer shall not accept any notice of motion which, by reason of any enactment or any provision in these standing orders (other than paragraph 8.8 below), could not be considered at the meeting for which it is given.
- 8.5 The Proper Officer shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every member of the Authority.
- 8.6 Every motion shall be relevant to some matter in relation to which the Authority has a function.
- 8.7 A motion shall only be moved by a Member by whom notice has been given, or by a Member authorised by such a Member.
- 8.8 Where notice of a motion has been given for any meeting, and that motion is neither moved (nor deemed to have been referred to a Committee), the notice shall lapse, and the motion shall not be moved without further notice.
- 8.9 Subject to paragraph 8.10 below, where a notice of motion has been given for any meeting of the Authority, and that motion is within the terms of reference of any Committee of the Authority, the motion shall be deemed to have been transferred by that meeting to the next meeting for the Committee or Committees within whose terms of reference it falls. If any question arises as to the Committee to which the motion is to be referred, it shall be determined by the Chairman of the Authority.

- 8.10 Where a motion has been referred, or is deemed to have been referred, to a meeting of a Committee, that committee shall consider it at its next meeting and shall either report upon the motion to the next meeting of the Authority, or include its views upon the motion in its next report to the Authority.
- 8.11 No motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the same Authority Municipal Year or which is to the same effect as one which has been rejected within that period.

STANDING ORDERS 9: QUESTIONS

- 9.1 Subject to paragraph 9.2 if a Member of the Authority wishes to ask a question at a meeting of the Authority of :
- 9.1:1 The Chairman of the Authority; or
- 9.1:2 The person appointed or chosen to preside in any committee,
- He shall give notice in writing to the Proper Officer of the question at least seven days before the meeting at which the question is to be asked.
- 9.2 A list of the questions of which notice has been given shall be circulated to Members of the Authority at, or before, the meeting at which they are to be asked.
- 9.3 If the Person Presiding at a meeting of the Authority considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Authority although due notice of the questions has not been given, and if he is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he may permit the question to be asked.
- 9.4 Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer it. If the Person Presiding permits, the Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion
- 9.5 An answer to a question may be given by the person to whom it is addressed or by a person on his behalf, and may take the form of:
- 9.5:1 An oral answer;
- 9.5:2 Reference to information contained in some publication;
- 9.5:3 Written answer, which shall be circulated to Members of the Authority at the latest with the summons for the next meeting of the Authority.
- 9.6 No question shall be asked more than 10 minutes after the Authority has entered on the item of business under which questions are asked.
- 9.7 If notice of a question has been given, and that question is not for any reason asked orally, and unless the Member who has notice of it withdraws the question or the Member to whom it is addressed refuses to answer, the question shall be given a written answer in the same way as under paragraph 9.5:3.

- 9.8 Every question shall be relevant to some matter in relation to which Authority has functions.

STANDING ORDER 10: PRESENTATION OF PETITIONS, HEARING OF DEPUTATIONS AND OCCASIONS WHEN PUBLIC MAY SPEAK

- 10.1 At a meeting of the Authority any member of the Authority or local government elector for the area of the Authority may present a petition which is relevant to some matter in relation to which the Authority has functions but excluding matters of conditions of service of employees.
- 10.2 At least seven days before the meeting at which the petition is to be presented, the person wishing to present it shall give notice of his intention to do so to the Proper Officer and shall show the petition to him. Where the person proposing to present the petition is not a Member of the Authority the notice of intention to present a petition shall not be accepted unless the Proper Officer has satisfied himself that the petition is proper to be presented.
- 10.3 The presentation of a petition shall be limited to not more than 5 minutes and shall be confined to reading out or summarising the subject of the petition indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- 10.4 Any person likely to be affected by a matter in relation to which the Authority has functions, (other than employees in relation to matters of conditions of service) may ask that a deputation should be received by a meeting of the Authority. Such a request shall be made to the Proper Officer at least seven days before the meeting to which it relates. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them).
- 10.5 On being called by the Person Presiding, the person or persons speaking for the deputation may make, during a period not exceeding five minutes, such remarks as he or they think fit, providing that the remarks shall relate to the matter indicated when the request make
- 10.6 The Members of the Authority may, during a further period not exceeding five minutes for each deputation, ask questions of the members of the deputation. Such questions shall be asked and answered without discussion.
- 10.7 Petitions shall be presented, and deputations received in the order in which notice of them is received by the Proper Officer, without making any distinction between petitions and deputations.
- 10.8 Subject to the provisions of Standing Order 10.1 to 10.7, no members of the public shall be entitled to speak or address a meeting without the permission of the Person Presiding.

PART 3: COMMITTEES AND SUB-COMMITTEES

STANDING ORDERS 11; APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- 11.1 Subject to the provisions of the 1972 Act, and other relevant enactments, at its annual meeting, the Authority:
- 11.1:1 Shall resolve which Committees shall be appointed, the terms of reference of each of those Committees, the number of voting Members appointed to each Committee; and whether the Committees are to have delegated powers;
 - 11.1:2 May resolve that non-voting Members, assessors and advisers shall also be appointed to any such Committee, so far as the law permits.
 - 11.1:3 If it resolves to make appointments under sub-paragraph 11.1:2, shall specify the numbers of appointments to be made and what functions in relation to the Committee each person so appointed may discharge;
 - 11.1:4 May determine an annual timetable for ordinary meetings of Committees.
- 11.2 The Authority may at any time amend resolutions under the previous paragraph.
- 11.3 Every Committee set up under this Standing Order, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Authority or Committee, as the case may be, resolve otherwise.
- 11.3.1 The Authority may at any time appoint two named alternate Members from within its full Membership as persons – either of whom - are entitled to attend Committees with full voting rights in the absence of the original Member for whom they are named as alternates, subject to the following:
- 11.4:1 An alternate for an original Member who is Chair or Deputy Chair of a Committee or a Sub – Committee shall not automatically be entitled to act in that capacity but may do so in accordance with provisions of Procedural Standing Order 13.4:3.
 - 11.4:2 The agenda for any Meeting shall only be supplied to an alternate Member at the time of initial circulation if prior notice of proposed absence has been received by the Proper Officer from the original Member;
 - 11.4:3 Attendance as an alternate at a Meeting shall be classed as an approved duty;
 - 11.4:4 if as a consequence of the application of this Standing Order a Member is appointed as an alternate Member for more than one original Member on the same Committee or Sub – Committee, he shall not be entitled to choose for which absent original Member to act but shall in every case act as alternate for the Member whose surname has alphabetical priority;
 - 11.4:5 Decisions relating to the nomination of alternate Members or variations thereto may be taken by the Authority at any meeting

- 11.4:6 No alternate may be appointed in respect of the independent Members appointed to the Authority Standards Committee from time to time
- 11.5 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue as such until the appointment is terminated upon:-
- 11.5:1 Receipt of written notification of their resignation from the Authority;
- 11.5:2 Notification from their nominating Council that he/she is to be replaced or has been disqualified or has retired as a district Councillor;
- 11.5:3 Failure to be successfully re-elected as a Councillor;
- 11.5:4 Termination pursuant to Standing Order 11.16.
- 11.5.5 Termination pursuant to S.52 (1) of the Local Government Act 2000 (failure to provide undertaking or comply with any other legislative provision.
- 11.6 Whenever:-
- 11.6:1 The Authority is required to review the allocation of seats on Committees between Political Groups; or
- 11.6:2 The Authority resolves to carry out such a review; or
- 11.6:3 a Committee is required to review the allocation of seats on a Sub-Committee between Political Groups or;
- 11.6:4 a Committee resolves to carry out such a review;
- the Proper Officer shall submit a report to the Authority or Committee (as the case may be), showing what allocation of seats would, in his opinion, best meet the requirements of section 15(4) of the 1989 Act.
- 11.7 In the light of such a report, the Authority or Committee, as the case may be, shall determine the allocation of seats to Political Groups.
- 11.8 A Political Group shall be treated as constituted when the Proper Officer has received a notice in writing signed by two or more Members or the Authority stating:-
- 11.8:1 That the Members who have signed it wish to be treated as a Political Group;
- 11.8:2 The name of the Group; and
- 11.8:3 The name of one Member of the Group who has signed the notice and who is to act as its Leader

- 11.9 The notice referred to in paragraph 11.8 may specify the name of one other Member of the Group who has signed the notice and who is authorised to act in the place of the Leader.
- 11.10 The Leader may be changed by a further notice in writing to the Proper Officer signed by a majority of the Members of Group.
- 11.11 The name of the Group may be changed by a further notice in writing to the Proper Officer signed by the Leader of the Group or a majority of the Members of the Group
- 11.12 A Member of the Authority is to be treated as a Member of a Political Group if he has signed a notice in accordance with paragraph 11.8 or if he has delivered to the Proper Officer a written notice signed by him and by the Leader (or representative) of the Group of a majority of Members of the Group stating that he wishes to join the Groups.
- 11.13 A person is to be treated as having ceased to be a Member of a Political Group when:
- 11.13:1 He has ceased to be a Member of the Authority;
 - 11.13:2 He has notified the Proper Officer in writing that he no longer wishes to be treated as a Member of the Group;
 - 11.13:3 he joins another Political Group
 - 11.13:4 The Proper Officer receives a notice in writing signed by a majority of Members of the Group stating that they no longer wish him to be treated as a Member of it
- 11.14 No person shall be treated as a Member of more than one Political Group at any given time.
- 11.15 The Proper Officer shall keep and maintain a record of the current membership of each Group
- 11.16 Whenever an appointment of a voting Member of a Committee or Sub-Committee fails to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Authority or the Committee, as the case may be, at a meeting after those wishes are expressed, shall make or terminate the appointment accordingly.
- 11.17 In order to facilitate appointment of voting Members of Committees, Group Leaders shall submit nominations for membership of committees (in accordance with the allocation of seats) to the Proper Officer as soon as possible:-
- 11.17:1 Following the Annual Meeting and
 - 11.17:2 Following variations to membership nominations during the remainder of the Municipal Year and in any event at least one week prior to the next meeting of the Committee concerned

- 11.18 Subject to any resolutions by the Authority under this Standing Order:
- 11.18.1 every Committee may appoint Sub - Committees for such purposes as it thinks fit, and may make arrangements for a Sub - Committee to discharge any of the functions of the Authority which the Committee may discharge;
- 11.18.2 Where a matter has been delegated to a Committee, the Committee may further delegate the matter to a Sub-Committee unless the Authority otherwise directs.

STANDING ORDER 12: MEETINGS OF COMMITTEES AND SUB - COMMITTEES

- 12.1 The Authority may fix the date, time and place of ordinary meetings of Committees and Sub – Committees.
- 12.2 If the Authority does not fix the date, or time, or place of an ordinary meeting of a Sub – Committee, then the Committee which appointed it to may do so
- 12.3 If the date, time, or place of an ordinary meeting of a Committee or Sub – Committee, has not been fixed by the Authority or the appointing Committee (as the case may be,) then that Committee or Sub – Committee shall fix those details of the meeting which have not otherwise been fixed provided that:
- 12.3:1 For the first ordinary meeting of any Committee or Sub – Committee, the Chairman of the Authority or, if a person has been appointed to preside in a Committee, that person may fix any details which have not otherwise been fixed;
- 12.3:2 for any other meeting of a Committee Or Sub – Committee, the Chairman of the Authority or the Person Presiding in that Committee or Sub – Committee, after consultation (so far as practicable) with such persons as appear to him to be representative of the political groups to which have been allocated seats on the Committee or Sub – Committee, may cancel or change any of the details of place, date or time already fixed for a meeting of the Committee or Sub – Committee, other than one called under paragraph 12.5.
- 12.4 The Person Presiding at meetings of a Committee or Sub – Committee, his deputy, or the Chairman of the Authority may call a special meeting of the Committee or Sub – Committee at any time.
- 12.5 If:-
- 12.5:1 a requisition for a special meeting of a Committee or Sub – Committee, signed by at least two of the voting Members of a Committee or Sub – Committee, has been presented to the person appointed to preside at their meetings; and
- 12.5:2 either he has refused to call a meeting or, without him so refusing, no special meeting has been called within seven days of the presentation of the requisition.

Then any two Members of the Committee or Sub Committee, whichever is the greater, may forthwith requisition a special meeting of the Committee or Sub Committee

- 12.6 If any person decides to requisition a special meeting of a Committee or Sub – Committee, he shall forthwith give notice that he has done so to the Proper Officer, specifying the business proposed to be transacted. The Proper Officer shall forthwith give notice to all Members of the Committee or Sub – Committee and all persons entitled to receive their papers.
- 12.7 Any requisition under paragraph 12.5 may be presented by leaving it with the Proper Officer

STANDING ORDER 13: PERSONS PRESIDING IN COMMITTEES AND SUB – COMMITTEES

- 13.1 The Authority may appoint, from among the voting Members, a person to preside at the meeting of a Committee or Sub – Committee appointed by it, and or a person to preside in the absence of the first person.
- 13.2 If any appointment possible under the previous paragraph is not made, a Committee may appoint, from among the voting members, a person to preside at the meetings of any Sub – Committee appointed by it, or a person to preside in the absence of the first person, as the case may be.
- 13.3 If any appointment possible under the previous paragraph is not made, a Committee or Sub – Committee at its first meeting after the annual meeting of the Authority shall, from among their voting Members, appoint a person to preside at their Meetings, and may, in the same way, appoint a person to preside in the absence of the first person.
- 13.4 The Person Presiding at meeting of Committees and Sub – Committees of the Authority shall be:-
- 13.4:1 The person appointed as Chair of that Committee as the case may be
 - 13.4:2 If he is absent or unable to act as Chair, the Deputy Chair of that Committee or Sub Committee (if a Deputy Chair has been appointed);or
 - 13.4:3 If both the Chair and Deputy Chair are absent or unable to act a Member of the Committee or Sub – Committee as the case may be chosen by the voting Members of that Committee or Sub – Committee.
- 13.5 If it is necessary for the Committee or Sub – Committee to appoint a person to preside, the Proper Officer shall call on a Member or the Committee or Sub – Committee to move that a voting member of the Committee or Sub – Committee shall take the chair
- 13.6 If discussion arises, the Proper Officer shall exercise the powers of the Person Presiding to regulate the discussion, and to maintain order at the meeting.
- 13.7 The motion, and any amendments, shall be put to the meeting in accordance with Standing Order 22.5 (voting on appointment).

STANDING ORDER 14: QUORUM OF COMMITTEES AND SUB - COMMITTEES

- 14.1 No business shall be transacted at any meeting of a Committee or Sub – Committee (except the Standards Committee) unless at least two voting members are present.
- 14.2 (a) Subject to paragraph 14.2 (b) no business shall be transacted at any meeting of the Standards Committee unless at least three Members (including at least one independent Member) of that Committee are present for its duration.
- 14.2 (b) Where at least one independent Member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the Authority by virtue of its Code of Conduct, the requirement in paragraph 14.2 (a) for the quorum to include at least one independent member shall not apply.
- 14.3 The provisions of standing order 6 shall apply to a meeting of a Committee or Sub – Committee at which a quorum is not present as they would apply if it were a meeting of the Authority.

STANDING ORDER 15: ORDER OF BUSINESS ON COMMITTEES AND SUB – COMMITTEES

- 15 Subject to any directions given by the person appointed to preside at the meeting or the Committee or Sub – Committee, the items of business shall be arranged in such order as the Proper Officer thinks will best ensure the effective despatch of business.

STANDING ORDER 16: URGENT BUSINESS

- 16.1 The Authority may make arrangements for the discharge, in urgent circumstances, of functions of the Authority, by appointing:
- 16.1:1 a committee of not fewer than three voting Members of the Committee; and/or
- 16.1:2 an Officer or Officers of the Authority
- to discharge those functions.

STANDING ORDER 17: REFERENCE-UP OF DECISIONS

- 17.1 This standing order applies where arrangements have been made for the discharge of a function of the Authority by a Committee or Sub Committee, and the operation of such arrangements is referred to in it as “the use of delegated powers”.

- 17.2 Subject to paragraph 17.2 where a question on the use of delegated powers is put to the vote at a meeting of a Committee or Sub – Committee and a majority of the voting Members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Standing Order should be applied, the decision the subject of delegated powers shall be of no effect, but shall be treated as a recommendation to the Authority (or the Committee which appointed the Sub – Committee, as the case may be).
- 17.3 Paragraphs 17.2 shall not apply to any question which arises on an item of business:
- 17.3:1 Where the Committee (or Sub Committee) has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than Members of the Authority and those appointed by the Authority to discharge a function in connection with the Committee (or Sub – Committee;) or
- 17.3:2 Which concerns the appointment, discipline or dismissal of a member of staff of the Authority.
- 17.3:3 Considered by the Standards Committee

PART 4: CONDUCT OF ALL MEETINGS

STANDING ORDER 18: MINUTES AND RECORD OF PRECEEDINGS

- 18.1 Minutes of every Meeting shall be submitted to, and signed at, that meeting or at the next following meeting of the body concerned;
- Provided that, in the case of the minutes of the meeting of the Authority, if the next following meeting of the Authority has been summoned to consider one of the matters mentioned in Standing Order 7.1:7 (business to be transacted at specifically summoned meetings of the Authority), the Minutes shall be signed instead, at the next suitable meeting of the Authority which shall be the ordinary meeting which next follows the meeting at which such business is to be transacted.
- 18.2 The Person Presiding shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 18.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised, then as soon as it is disposed of, the Person Presiding shall sign the minutes.
- 18.4 No record (including tape and television recording) of the whole or any part of the proceedings of a Meeting may be taken without the express permission of the Meeting concerned.

STANDING ORDER 19: MOTIONS AND AMENDMENTS

- 19.1 The following motions may be moved without notice at Any Meeting at which they would be in order:-
- 19.1:1 to elect a Chairman of the Authority, to appoint a Vice – Chairman of the Authority, or to appoint a person to preside at the meeting at which the motion is made;
 - 19.1:2 motions relating to the accuracy of the minutes
 - 19.1:3 motions under standing Order 7.3 (change in order of business);
 - 19.1:4 “that the Authority (or Committee or Sub – Committee) proceed to the next business”;
 - 19.1:5 “that the question be now put”;
 - 19.1:6 “that the debate be now adjourned”;
 - 19.1:7 “that the Authority (or Committee or Sub – Committee) do now adjourn”;
 - 19.1:8 Motions under Standing Order 2.5:2 (suspension of Standing Orders without notice);
 - 19.1:9 Motions in accordance with section 100A (2) or (4) of the 1972 Act to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;
 - 19.1:10 Motions giving consent of the Authority, committee or sub-committee where it is required under these Standing Orders;
 - 19.1.11 Motions to refer a petition which has been presented to the Authority to a Committee for consideration;
 - 19.1:12 Where a matter has been submitted to a Committee or Sub-Committee, a motion to appoint a Special Committee or Sub-Committee to consider the matter.
- 19.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or Officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.
- 19.3 An amendment to a motion may be moved without notice, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 19.4 An amendment shall be either to refer the matter to a Committee, a Sub-Committee or an Officer for consideration (or reconsideration), to leave out words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the Meeting.
- 19.5 With the consent of the Meeting signified without discussion, a Member may:
- 19.5:1 Alter a motion of which he has given notice; or

19.5:2 With the further consent of the seconder, alter a motion which has been moved or seconded,

If (in either case) the alteration is one which could be made as an amendment thereto.

19.6 With the consent of the seconder (if he is still present) and of the Meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

19.7. Where the consent of the Authority, Committee or Sub Committee is required for anything, that consent may be given either;-

19.7.1. by the Person Presiding asking the Meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or

19.7.2. If objection is raised, or if the Person Presiding so chooses, by a motion moved, seconded and put to the meeting.

STANDING ORDER 20: RULES OF DEBATE

20.1. The rules of debate in this Standing Order shall apply to all Meetings.

Motions and amendments

20.2. A motion or amendment shall not be discussed unless it has been proposed and seconded:-

Provided that, in a Committee or Sub Committee which consists of five or fewer members, an amendment shall not require to be seconded.

20.3. When seconding a motion or amendment, a member may reserve his speech until a later period of the debate by declaring his intention to do so.

20.4. When any motion of which notice has not been given, or any amendment has been moved and seconded, the Person Presiding may require that it shall be put into writing and handed to him before it is further discussed.

20.5. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of:-

Provided that the Person Presiding may permit two or more amendments to be discussed (but not voted upon) together if he thinks that this will facilitate the proper conduct of business.

- 20.6. If an amendment is not carried, other amendments may be moved to 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.

Speeches

- 20.7. If two or more Members offer to speak, the Person Presiding shall call on one to speak.
- 20.8. When speaking, a member shall address the Person Presiding.
- 20.9. A Member shall direct his speech to the question under discussion, or to a personal explanation or a point of order under the provisions of the next paragraph.
- 20.10. A Member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order, and the way in which the Member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current debate which may appear to have been misunderstood.
- 20.11. The ruling of the Person Presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Ancillary motions

- 20.12. When a motion is under debate, no other motion shall be moved except the following:
- 20.12.1. to amend the motion;
 - 20.12.2. a closure motion under paragraph 20.13;
 - 20.12.3. a motion under Standing Order 21 (prevention of disorder);
 - 20.12.4. a motion under Section 100A(2) or (4) of the 1972 Act (exclusion of the public).
- 20.13. The following closure motions shall be permitted during discussion of another motion ('the original motion'). They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the Person Presiding shall proceed as follows:
- 20.13.1. "that the meeting proceed to the next business" the Person Presiding shall permit the mover of the original motion to reply, and shall then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion shall lapse;

- 20.13.2 “that the question be now put” if the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, he shall put to the vote forthwith the motion, that the question now be put; if this is carried, he shall permit the mover of the original motion a right to reply for not more than three minutes’ and shall then put that motion to the vote;
- 20.13.3. “that the debate now be adjourned”; or “that the meeting do now adjourn.” If the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, he may refuse to accept either of these motions, and instead put the motion that the question be now put; if he is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply; the stand over as uncompleted business until the next meeting of the Authority, Committee or Sub Committee, as the case may be.

STANDING ORDER 21: PREVENTION OF DISORDERLY CONDUCT

- 21.1. If the Person Presiding is of the opinion that a Member had misconducted, or is misconducting, himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Authority, he may notify the Meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- 21. 1. 1. he may direct the Member to refrain from speaking during all, or part, of the remainder of the Meeting;
 - 21. 1. 2. he may direct the Member to withdraw from all, or part, of the remainder of the Meeting;
 - 21. 1. 3. he may order the Member to be removed from the Meeting;
 - 21. 1. 4. he may adjourn the Meeting for 15 minutes or such period as shall seem expedient to him.
- 21.2. If a Member of the public interrupts proceedings at any Meeting, the Person Presiding shall warn him. If he continues the interruption, the Person Presiding shall order him to leave the room where the meeting is being held. If he does not leave, the Person Presiding shall order him to be removed. If a member of the public persistently creates a disturbance, the Person Presiding may adjourn the meeting for 15 minutes or such period as shall seem expedient to him.
- 21.3. In the event of general disturbance in any part of the room where any Meeting is being held which is open to the public, the Person Presiding shall order that part to be cleared and may adjourn the Meeting for 15 minute or such period as shall seem expedient to him.
- 21.4. The powers conferred by this Standing Order are in addition to any other powers which the Person Presiding may lawfully exercise (e.g. for the Person Presiding to take preventative action before the Meeting commences or to order the removal of a Member persistently disregarding the authority of the Chair).

STANDING ORDER 22: VOTING

- 22.1. Except where a requisition is made under the next paragraph, the method of voting at Meetings shall be by show of hands.
- 22.2. If a requisition is made by the specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each voting Member present gave his vote for or against that question or abstained from voting.
- 22.3. The specified number of members is:
- 21.3.1. Four of the Members entitled to vote at a meeting; or
- 22.3.2. Where the Authority is divided into Political Groups, in the case of a meeting of the Authority, the number of members of the second largest Political Group, or, in the case of a meeting of a Committee or Sub Committee, the number of seats on that body allocated to the second largest Political Group among the Members of the Authority,
- whichever is the less
- 22.4. Where immediately after a vote is taken at a Meeting any Member of that body so requires, there shall be recorded in the Minutes of the proceedings of that Meeting whether that person cast his vote for the question or against the question or whether he abstained from voting.
- 22.5. Where a vote is required on a motion to appoint or elect a Member of the Authority to a position to be filled by the Authority and there are two or more Members nominated for that position, the names of all those nominated shall be put to the Meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 22.6. In the event of an equality of votes the Person Presiding at the meeting shall be entitled to exercise a second casting vote.

STANDING ORDER 23: ATTENDANCE AT COMMITTEES ETC.

- 23.1. The names of every Member attending a Meeting shall be recorded by the Proper Officer.
- 23.2. No Member of an Appeals Committee shall be present at any meeting of that Committee when consideration is given to an appeal against a decision of another Committee or Sub Committee in which such Member took part.
- 23.3. No Member of the Authority shall attend a Committee or Sub Committee Meeting held to consider disciplinary, investigatory or grievance cases, appeals or grading appeals unless he is appointed by the Authority as a voting member of that Meeting.

- 23.4. Subject to Standing Order 23.2 and 23.3 the Chairman and Vice-Chairman of the Authority may attend and speak and move and second motions (but may not vote) at a Meeting of which they are not voting Members.
- 23.5. Subject to Standing Order 23.2 and 23.3 the person appointed to preside at the meeting of a Committee, and his deputy, may attend and speak and move or second motions at a meeting of any Sub Committee appointed by that Committee, but may not vote unless appointed as a voting Member.
- 23.6. Subject to paragraph 23.2 and 23.3 above a Member of the Authority who is not otherwise entitled to attend and speak at a Committee or Sub Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub Committee:-
- 23.6.1. During the consideration of any motion of which notice has been given which he has moved or seconded at a meeting of the Authority and which has been referred to that Committee or Sub Committee; or
- 23.6.2. with the agreement of the Person Presiding at the meeting of the Committee or Sub Committee; or
- 23.6.3. During the consideration of any matter which affects his constituent Council differently from other Councils represented within the Authority.

STANDING ORDER 24: NO SMOKING

24. Smoking shall not be permitted at any meeting of the Authority its Committees or Sub Committees.

PART 5 SUMMONS AND AGENDA FOR MEETINGS

STANDING ORDER 25: SUMMONS AND AGENDA FOR MEETINGS

- 25.1. At least five clear days before every Meeting, the Proper Officer shall send to every voting Member and to every other person entitled to receive the papers of the Authority; Committee or Sub Committee a copy of the agenda for the Meeting.
- 25.2. The Summons shall:-
- 25.2.1. specify the date time and place of the Meeting;
- 25.2.2. specify the business to be transacted at the Meeting;
- 25.2.3. be signed by the Proper Officer; and
- 25.2.4. be left at or sent by post to the usual place of residence of the Member or to such other address as the Member may specify provided that want of service of a summons on any Member of the Authority, Committee or Sub Committee shall not affect the validity of the meeting.

- 25.3. The agenda shall include:
- 25.3.1. In the case of Committees and Sub Committees all items of business which have been (or are deemed to have been) referred to the Committee by the Authority or by another Committee or Sub Committee as the case may be;
 - 25.3.2. all reports submitted to the meeting by any Chief Officer;
 - 25.3.3. any item of business directed to be included by the person appointed to preside at the Meeting in question;
 - 25.3.4. any other item of business of which at least 5 clear days written notice before the date fixed for the Meeting has been given to the Proper Officer by a member of the Authority or, in the case of a meeting of a Committee or Sub Committee, by a Member of that Committee or Sub Committee (whether voting or not).
- 25.4. The prints of reports or other documents for the consideration of a Meeting shall be marked "Not for Publication" only if the Proper Officer having regard to the provision of the Local Government Act 1972 as amended agrees with the appropriate Chief Officer that this shall be done. Such reports or documents shall be furnished prior to the Meeting only to members of that meeting.

PART 6: DECLARATION OF INTERESTS

STANDING ORDER 26: INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- 26.1. A member with a personal interest in a matter as defined in the Members Code of Conduct who attends a meeting of the Authority, its Committees or Sub - Committees at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of the meeting or of that consideration, or when the interest becomes apparent.
- 26.2. A member with a prejudicial interest in any matter:
- 26.2.1. shall withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Standards Committee; and
 - 26.2.2. shall not seek improperly to influence a decision about the matter;
- 26.3. Where:-
- 26.3.1. the Authority is considering any question as to the financial calculations set out in paragraph 26.4; and
 - 26.3.2. a Member has 2 or more months arrears of Council Tax and/or Community Charge, he shall declare that the provisions of S.106 of the Local Government Finance Act 1992 apply to him and shall not vote on such question.

- 26.4. The financial calculations referred to in paragraph 26.3 are:-
- 26.4.1. the calculation of the Budget requirement of the Authority;
 - 26.4.2. the calculation of the basic amount of tax;
 - 26.4.3. the calculation of tax for different valuation bands;
 - 26.4.4. the calculation of the amount payable by each constituent Council;
 - 26.4.5. substitute calculations; and
 - 26.4.6. any other calculations required by Chapter III, IV or V of Part I of the Local Government Finance Act 1992.

STANDING ORDER 27: INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- 27.1. In addition to his duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the Authority that he has a disclosable interest in any contract which has been, or is proposed to be, entered into by the Authority, or in some other matter which is to be considered by the Authority or any Committee or Sub Committee, and which (in either case) is not:
- 27.1.1. the contract of employment (if any) under which he serves the Authority:
or
 - 27.1.2. the tenancy of a dwelling provided by the Authority.
- he shall as soon as practicable give notice in writing to the Proper Officer of such interest.
- 27.2. For the purpose of this Standing Order a disclosable interest is an interest such that if the officer were a member of the Authority, and if the contract or other matter were to be considered at a meeting of the Authority at which he were present, he would have to disclose such interest under the Code of Conduct for Members.
- 27.3. The Proper Officer shall record in a register to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer of the Authority under Section 117 of the 1972 Act or paragraph 27.1. The register shall, during the ordinary office hours of the Authority, be open for inspection by any Member of the Authority.
- 27.4. Where an officer submits a report to a Meeting on a matter in which he has declared an interest under Section 117 of the 1972 Act or paragraph 27.1, he shall state that such declaration has been made, and give brief details of it, in a separate paragraph within the report.
- 27.5. Where any officer orally advises a Meeting on a contract, grant, proposed contract or other matter and has declared an interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph 27.1, he shall remind the Meeting orally of that interest.

PART 7: MISCELLANEOUS

STANDING ORDER 28: SEAL OF THE AUTHORITY

- 28.1. The common seal of the Authority shall be kept in a safe place in the custody of the Proper Officer.
- 28.2. The common seal of the Authority shall be affixed to a document only on the authority of:
- 28.2:1 a resolution of the Authority; or Committee or Sub - Committee acting with delegated powers;
 - 28.2:2 A decision by the Authority or duly authorised Committee, Sub - Committee or officer to do anything where a document under the common seal is appropriate to complete the transaction;

STANDING ORDER 29: ATTESTATION OF DOCUMENTS

29. In addition to any other person who may be authorised by resolution of the Authority for the purpose, the Proper Officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Clerk, Deputy Clerk or the Chief Officer of the Authority concerned with the matter to which the document relates or any officer authorised in writing by the Chief Officer.

STANDING ORDER 30: PAPERS AND ADVICE

- 30.1 A copy of every paper which is circulated to Members for consideration at a Meeting shall be sent prior to submission as part of the agenda for such Meeting to the Chief Fire Officer, the Deputy Chief Fire Officer, the Clerk and the Director of Finance.
- 30.2 Before it concludes its consideration of any question, every Meeting shall, at his request, afford an Officer who is entitled to receive papers under this Standing Order (or another officer nominated by him) an opportunity to advise on that question, either in writing or orally.
- 30.3 Where the Authority considers a matter which has not previously been the subject of consideration by a Committee or Sub-Committee and of a report by that body to the Authority, the Person Presiding at the Meeting at which the matter is considered shall ensure that the question is not put to the vote before any Officer whose responsibilities relate to the matter under consideration and who asks for such an opportunity has had an opportunity to advise the Authority on the matter.

STANDING ORDER 31: RESCISSION OF PREVIOUS RESOLUTIONS

31. No resolution of the Authority shall be varied or rescinded within the same Municipal Year of the Authority except on the recommendation of the Committee concerned.

STANDING ORDER 32: CANVASSING

- 32.1. Canvassing of any Member of the Authority, a person appointed to discharge any function in relation to a Committee or Sub-Committee or officer of the Authority shall disqualify the candidate concerned in such canvassing for the appointment.
- 32.2. A Member of the Authority shall not solicit for any reason any appointment under the Authority but this shall not preclude a Member from giving a written testimonial of a candidates ability, experience or character for submission to the Authority.

STANDING ORDER 33: RESTRICTIONS ON DISCLOSURE OF CONFIDENTIAL INFORMATION

- 33.1 No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked by the Proper Officer to the effect that it contains “confidential information” as defined in the Local Government Act 1972 and that disclosure to the public would break an obligation of confidence in relation to that information unless and until the document has been made available to the public or the press by or on behalf of the Authority or a Committee or Sub-Committee or such disclosure is otherwise permitted by law.
- 33.2. No Member shall disclose to any person other than a Member of the Authority any matter arising during the proceedings of the Authority or of any Committee or Sub-Committee or any other matter coming in his knowledge by virtue of his office as a Member where such disclosure would prejudice the interest of the Authority unless such disclosure is required by law.
- 33.3 No Member shall, without the consent of the Chair of the Committee, (unless required by law) disclose to any person any decision or proceedings of a Committee or Sub-Committee except:-
 - 33.3:1 When a report on the matter has been circulated to the Authority by the Committee; or
 - 33.3:2 When the decision has become public knowledge; or
 - 33.3:3 When the matter comes within the delegated powers of the Committee or Sub-Committee and a final decision thereon has been reached.

STANDING ORDER 34: DELEGATION TO OFFICERS

- 34. The Authority shall at its Annual Meeting and on any other occasion it considers appropriate determine which of the powers of the Authority are to be delegated to Officers.

STANDING ORDER 35: FINANCIAL REGULATIONS

- 35.1 The Authority shall at its Annual Meeting and on any other occasion it considers appropriate, prescribe Financial Regulations relating to financial controls and procedures to be observed by Officers.

- 35.2 No decision shall be taken by a Committee or the Authority which would lead to new or increased financial commitments without first considering, where relevant, a report on the matter which complies with the Code of Practice on a Prudential Approach to Local Authority commitments. Such a report shall be required in respect of proposals which:-
- (i) would lead to new or increased financial commitments; and
 - (ii) have insufficient specific revenue budget provision or entail increasing real costs in future years.

STANDING ORDER 36: DISCIPLINARY ACTION

- 36.1 No disciplinary action in respect of the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Monitoring Officer or the Director of Finance (“the Relevant Officer”) (except action described in paragraph 36.2) may be taken by the Authority, or by a committee, a sub committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a Designated Independent Person.
- 36.2 The action mentioned in paragraph 36.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect
- 36.3 If it appears to the Authority that an allegation of misconduct by the Relevant Officer as the case may be requires to be investigated, the Authority must appoint a person (‘the Designated Independent Person’).
- 36.4 The Designated Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State
- 36.5 The Designated Person:
- (a) may direct :-
 - (i) that the Authority terminate any suspension of the Relevant Officer
 - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph 36.2
 - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
 - (iv) that no steps (whether by the Authority or any committee , sub committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub paragraph (d)

- (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;
- (c) may require any member of staff of the Authority to answer questions concerning the conduct of the Relevant officer
- (d) must make a report to the Authority:-
 - (i) stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
 - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
- (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant officer

36.6. In paragraph 36 'disciplinary action' and 'designated independent person' have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001

**POWERS
AND DUTIES
OF COMMITTEES**

TERMS OF REFERENCE
AND DELEGATED POWERS OF APPEALS COMMITTEE

1. To consider and determine appeals of employees against dismissal.
2. To reconsider and determine decisions under section 50 of the Pensions Act 1995 and the Occupational Pensions Scheme (Internal Disputes Resolution Procedures) Regulations 1996 about matters relating to pensions other than those matters exempted by the 1996 Regulations.
3. To consider and determine all requests for reconsideration of cases under the Firefighters' Pension Scheme for the time being in force.
4. To consider individual grievances of employees to which the Grey Book applies in cases where the local Joint Secretaries identified an issue raised as being one of a serious nature following determination of the case at the previous appeal stage and where the complainant remains dissatisfied.
5. Consider whether to assent to applications for licences for manufacture/storage of explosives made to the Health & Safety Executive, and referred to the Authority by the Health & Safety Executive where objections have been received to the application.
6. Consider applications for registration of storage of explosives, licences for storage of explosives, variation of such licences, and relocation of licences and registrations which are referred to the Committee by the Chief Fire Officer.
7. Consider and, if appropriate, determine any other matters which may be referred to the Committee by the Authority or the Management Board.

COMMUNITY SAFETY COMMITTEE
OF THE
MERSEYSIDE FIRE AND CIVIL DEFENCE AUTHORITY
POWERS AND DUTIES

Delegated Powers - Unless lifted by a majority vote

To:-

1. Consider all matters related to the development, promotion and delivery of a coordinated community Fire Safety Strategy;
2. Consider all matters related to the Civil Contingencies function of the Authority;
3. Convene any Working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee:
4. Consider and if appropriate determine any other matters, which may be referred to the Committee by the Authority or the Management Board.

POLICY AND FINANCE COMMITTEE
OF THE
MERSEYSIDE FIRE AND CIVIL DEFENCE AUTHORITY
POWERS AND DUTIES

Delegated Powers - Unless lifted by a majority vote

To:-

1. Determine new policies or changes in policy relating to the development and delivery of services;
2. Formulate the public relations policies and oversee the public relations activities of the Authority;
3.
 - (i) Consider invitations received to attend conferences and seminars;
 - (ii) Establish guidelines to assist in the response of the Authority to, and its representation at, such conferences and seminars; and
 - (iii) Consider reports detailing the merits of particular conferences and seminars from the Members and/or officers who have attended;
4. Examine the performance and delivery of the services of the Authority and to introduce measures to improve performance if necessary;
5. Co-ordinate as necessary the response of the Authority to any reports received from Her Majesty's Inspectorate of Fire Services, and/or the Audit Commission;
6. Determine issues related to the liaison with and representation upon outside bodies and organisations;
7. be responsible for
 - (i) the examination and approval of staffing models and the organisational structure of departments of the Authority; and
 - (ii) all matters relating to the rates of pay or the Conditions of Service of all employees of the Authority;
8. be responsible for industrial relations and negotiations in relation to Authority employees and for the consideration of all proposals:-
 - (i) to amend existing personnel policies;
 - (ii) to introduce any appropriate personnel management techniques;
 - (iii) Relating to the health and safety of employees;

9. Monitor and review all Equal Opportunities procedures currently in use in the Authority and to consider, develop and if appropriate implement any proposals for improvement to such procedures;
10. Determine applications for early retirement under the provision of such Early Retirement Scheme(s) as may be adopted by the Authority and all matters arising in connection therewith;
11. Determine all applications for special leave for trade union purposes;
12. Consider Reports of the District Auditor, the Audit Commission and the Head of Audit relating to the efficiency and effectiveness of the services of the Authority;
13. Exercise financial control over expenditure within the approved revenue budgets and capital programme of the Authority;
14. Consider all issues related to "Best Value";
15. Establish and direct procedures for the implementation, monitoring and amendment of the revenue budget and capital programme;
16. Consider recommendations to incur expenditure on the capital account;
17. Consider recommendations for supplementary estimates within available resources;
18. Consider proposals to exercise virement between lines within the approved budget;
19. Consider policies for the raising and investment of funds;
20. Consider proposals for awards of contracts.
21. Determine any matters relating to the policy or finance of the Authority convene any working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee;
22. Consider and if appropriate determine any other matters, which may be referred to the Committee by the Authority or the Management Board;
23. Consider proposals involving the increasing or reduction of income including the writing off of monies owed to the Authority;
24. Consider recommendations of the Joint Consultation and Negotiation Panel.
25. Act as Audit Committee on behalf of the Authority.

STANDARDS COMMITTEE
OF THE
MERSEYSIDE FIRE AND CIVIL DEFENCE AUTHORITY
POWERS AND DUTIES

Delegated Powers

1. To promote and maintain high standards of conduct by the elected and co-opted members of the Authority.
2. To assist elected and co-opted members of the Authority to observe the Authority's Code of Conduct applicable to such persons ("the Code of Conduct")
3. To advise the Authority on the adoption or revision of the Code of Conduct.
4. To monitor the operation of The Code of Conduct.
5. To be responsible for advising, training or arranging to train elected and co-opted members of the Authority on matters relating to The Code of Conduct.
6. To consider (and where appropriate to adjudicate upon) any matter referred or notified to the Standards Committee by the Monitoring Officer; or Ethical Standards Officer; a Local Commissioner or case tribunals and interim case tribunals of the Adjudication Panel.
7. To take action prescribed or permitted by law in respect of findings of failure to comply with The Code of Conduct on the part of elected and co-opted members of the Authority.
8. To implement decisions of the interim case tribunal or the case tribunal that elected or co-opted members of the Authority should be suspended or partially suspended for the period and in the way such tribunal has decided.
9. To consider guidance issued by the Standards Board on matters relating to conduct of members.
10. To consider recommendations of a case tribunal relating to the exercise of the Authority's functions, the Authority's Code of Conduct or the Authority's Standards Committee and to authorise the submission of reports to the Standards Board in response to such recommendations.
11. To consider and grant if appropriate applications by members having prejudicial interests in any matters for dispensation from the requirement to withdraw from the room while a meeting is being held when such matter is being considered.
12. To make recommendations to the Authority as to Members Allowances.

**POWERS
DELEGATED TO
OFFICERS**

POWERS DELEGATED TO OFFICERS

THE CHIEF FIRE OFFICER, CLERK, DIRECTOR OF FINANCE, DEPUTY CHIEF FIRE OFFICER, ASSISTANT CHIEF FIRE OFFICER, DEPUTY CLERK AND DEPUTY DIRECTOR OF FINANCE

1. The Chief Fire Officer, Clerk, Director of Finance, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Deputy Clerk and Deputy Director of Finance are delegated by the Authority with the powers set out in paragraph 2 subject to the restrictions set out in paragraph 3.
2.
 - 2.1. Power to exercise the powers and carry out the duties of the Authority under all statutes (whether public or Local Acts) Orders, Regulations and Bylaws and at common law.
 - 2.2. In particular Power to exercise the discretionary powers and duties of the Authority under all employees Conditions of Service for the time being in force.
 - 2.3. In particular power to take action under the Authority's Contract Standing Orders and to sign contracts and documents on behalf of the Authority.
 - 2.4. In particular power to incur expenditure on behalf of the Authority.
3. Delegated Powers shall not be exercised by officers as follows:
 - 3.1. where a decision is required to be made by the Authority itself, or
 - 3.2. where the Authority has expressly reserved such a decision to itself or a Committee of the Authority, or
 - 3.3. where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters;
 - 3.4. where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force;
 - 3.5. in respect of action constituting the grant of an exemption under C.S.O. 3 or the award of a Contract the value of which exceeds £250,000;
 - 3.6. in respect of action constituting the entering into of sponsorship arrangements the value of which exceeds £25,000;
 - 3.7. in respect of action constituting the appointment or dismissal of any of the officers specified in paragraph 1 above.
 - 3.8. where to do so would result in the Authority incurring expenditure for which no budgetary provision within the budget heads for which the officer proposing to exercise delegated powers is responsible;
 - 3.9. where to do so would result in expenditure entailing the virement of sums totalling in excess of £50,000 from one budget line approved by the Authority to another budget line.

- 3.10 where to do so would result in the Authority incurring expenditure on hospitality in excess of £800 on any occasion or in breach of any guidance issued by the Authority;
- 3.11 The Director of Finance, and Clerk shall not exercise any powers in respect of employees' terms and conditions other than in respect of those employees within their respective departments.
- 3.12 No officer other than the Director of Finance shall have the power to write off debts due to the Authority or equipment or other assets held by the Authority. The Director of Finance shall have power to write off debts and assets up to the value of £5000 but shall exercise such power only if satisfied that:-
- (a) it would not be cost effective to expend additional resources to recover the amounts owed, or
 - (b) every reasonable effort has been made to recover the amounts due and further action is likely to damage the reputation of the Authority, or
 - (c) The debt is legally irrecoverable, and
 - (d) That the Authority has not reserved such a decision to itself
- 3.13 The Chief Fire Officer shall be the officer nominated to hear disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

DIRECTOR OF OPERATIONAL PLANNING

4. The Director of Operational Planning shall have:-
- 4.1. Power to exercise the powers and duties of the Authority under the following statutory provisions or any statutory amendments or re enactment thereof:-
 - 4.1.1. The Control of Major Accident Hazard Regulations 1999 made under the Health and Safety at Work etc. Act 1974;
 - 4.1.2. The Public Information for Radiation Emergencies Regulations 1992;
 - 4.1.3. The Pipeline Safety Regulations 1996.
 - 4.1.4. The Radiation (Emergency Preparedness and Public Information) Regulations 2001.
 - 4.1.5. The Civil Contingencies Act 2004, and
 - 4.2. Power to nominate suitably qualified officers, members and volunteers to attend other forms of training and pursuant to the Control of Major Accident Hazard Regulations 1999, the Food and Environmental Protection Act 1985, the Public Information for Radiation Emergencies Regulations 1992 and the Pipeline Safety Regulations 1996.

INSPECTORS

5. Officers appointed as Inspectors under the Health & Safety at work etc. Act 1974 shall have the powers of an Inspector specified in the following statutory provisions or any statutory amendments or re-enactments thereof:-
 - 5.1. Sections 20,21,22, 25 and 39 of the 1974 Act
 - 5.2. any health and safety regulations; and
 - 5.3. the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders and other instruments of a legislative character made or having effect under any provision so specified.

6. Officers appointed as inspectors under the Fire Precautions Act 1971 shall have:-
 - 6.1. Power to exercise the powers of an Inspector specified in:-
 - (a) Section 19 of the 1971 Act.
 - (b) Section 20 of the 1971 Act; and
 - 6.2. Power to perform the functions of the Authority under the Fire Precautions (Workplace) Regulations 1997 as amended.

7. Officers appointed as Inspectors under the Regulatory Reform (Fire Safety) Order 2005 (when made) or any statutory amendment or re-enactment thereof, shall have :-
 - (a) the powers of an Inspector, specified in Regulation 27 of that Order, and
 - (b) powers to issue and serve alteration notices, enforcement notices, prohibition notices and notices relating to switches for luminous tube signs under that Order;
 - (c) power to take any other action relating to the Authority's role as enforcing authority in respect of that Order.

LITIGATION OFFICER

8. The Litigation Officer shall have power to take all action on behalf of the Authority in respect of claims by or against the Authority where the Authority is insured in respect of such claims subject:
 - (a) to the Litigation Officer consulting with the Chief Fire Officer (or the Deputy Chief Fire Officer in his absence) if practicably possible;
 - (b) in the case of claims against the Authority to sufficient budgetary provision being available;

- (c) to the terms of any settlement complying with the recommendations of the solicitor acting for Authority's Insurer;
- (d) to the Litigation Officer reporting to the Chief Fire Officer in writing within a reasonable time of the exercise of this power; and
- (e) to the delegated power being limited to settlement of claims by or against the Authority up to a maximum of £200,000.

DIRECTOR OF PROCUREMENT

8. Power to take action under the Authority's Contract Standing Orders and to sign contracts and documents on behalf of the Authority except in respect of action constituting the grant of an exemption under CSO 3 or the award of a contract where in both cases the value exceeds £250,000.

DIRECTORS

9. Officers appointed to posts at Director level for the time being of the Authority shall have all of the powers set out in paragraph 2 above subject to :-

9.1. The restrictions set out in paragraph 3 above, and

9.2. The matter the exercise of delegated powers being within the role and area of responsibility of that Director.

ALL OPERATIONAL FIREFIGHTING EMPLOYEES

10. All employees of the Authority who are, for the time-being appointed as operational firefighters from the rank/role of Firefighter to the rank/role of Chief Fire Officer/Brigade Manager are authorised for the purposes of :-

- (a) S.44 of the Fire & Rescue Services Act 2004 (Powers in the Event of an Emergency); and
- (b) S.45 of the 2004 Act (Powers of Entry).
- (c) Any statutory amendment or re-enactment of the above provisions.

**CONTRACT
STANDING
ORDERS**

CONTRACT STANDING ORDERS

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CONTRACT STANDING ORDERS

GENERAL

Interpretation

1.1. In these Contract Standing Orders and Codes of Practice, the following terms have the following meanings:-

Authority Approved List	A list drawn up for use under CSO7
Chief Officer	The Chief Fire Officer
Clerk	Executive Director of Law & HR
CSO.	Contract Standing Order
Committee	Any Committee or Sub Committee of the Authority
Contract	Any agreement for the supply of goods, materials or services, the execution of works and the awarding of concessions
Contract File	A record of all matters relating to a contract
Contractor	A supplier of goods, materials, works, services or concessions to the Authority
Departmental List	A list drawn up for the use of a Department under CSO8
Director of Finance	Executive Director of Finance, ICT & Procurement
Disposal	The divestment of Authority ownership in any asset
EU Contract	A contract to which the Public Supply, Works or Services Contracts Regulations apply and in respect of which the aggregated value of the Contracts exceeds the Relevant Threshold
OJEU	The Official Journal of European Union
Relevant Threshold	Means the values specified in column 1 below in relation to the type of procurement specified in the corresponding part of column 2 below.

Column 1	Column 2
200,000 Euro	EU Contracts for services specified in Part B of the Public Services Contract Regs 1993; contracts subsidised by the Authority by more than 50%, certain research and development contracts, and certain integrated telecommunications services).
200,000 Special Drawing Rights (currently £153,376)	EU Contracts for services other than those specified above.
200,000 Special Drawing Rights (currently £153,376)	EU Contracts for Supplies
5,000,000 Special Drawing Rights (currently £3,834,411)	EU Contracts for works

Responsible Officer or RO The Chief Fire Officer, and any permanent or temporary staff member or any other person properly authorised to carry out any of the Authority's contract functions

1.2. Periods for taking action run from the day after the day that action is taken, and shall be extended where necessary to include 2 working days or to end on a working day (Public Works Contracts Regulations 1991, Reg. 2(3); Public Services Contracts Regulations 1993, Reg. 2(4); Public Supply Contracts Regulations 1995, S.2(3)).

2. Compliance with Contract Standing Orders and Legislation

2.1. Every contract made by the Authority or on its behalf shall comply with the EU Treaty and all relevant EU and domestic legislation, these CSOs and the Authority's Financial Regulations. In particular the Authority shall comply with the fundamental principle of equality of treatment of contractors which underlies the community rules.

2.2. It shall be a condition of any contract between the Authority and anyone who is not an officer of the Authority, but who is authorised to carry out any of the Authority's contracts functions, that they comply with these CSO's and Financial Regulations of the Authority as if they were an officer of the Authority.

3. Exemptions from Contract Standing Orders

- 3.1. The RO may seek an exemption in a report which sets out the reason for requiring the exemption and the CSO's from which exemption is required. The report may highlight any future commitments (whether or not of a financial character) which the proposed contract might entail. The RO shall consult the Director of Procurement to ensure that, where an Authority Contract covering the proposed procurement exists, the implications of not using it have been considered (LGA 1972, S.135).
- 3.2. Where an exemption is sought from tendering or price testing, the report shall in addition usually be expected to justify the use of an alternate method of contractor selection so that propriety, value for money and compliance with EC and domestic legislation can be demonstrated, and shall include reasons such as the following:
- (a) That only one contractor is able to carry out the work or service or to supply the goods for technical or artistic reasons or because of exclusive rights (Works Regulations, Reg.10(2)(e); Supply Regulations, Reg.10(2)(d), Services Regulations, Reg.10(2)e);
 - (b) That time limits required for tendering cannot be met for reasons of extreme urgency (and, in the case of EU contracts, the reasons were unforeseen and unattributable to the Authority) (Works Regulations, Reg. 10(2)(f); Supply Regulations, Reg. 10(2)(e); Services Regulations, Reg. 10(2)(g);
 - (c) That additional works or services (not exceeding 50% of the value of the original contract in the case of EU contracts) are required which, through unforeseen circumstances, were not included in the original contract and which either are strictly necessary for the completion of the contract or, for technical or economic reasons, cannot be carried out separately without great inconvenience (Works Regulations, Reg. 10(2)(g); Services Regulations, Reg. 10(2)(h);
 - (d) That new works or services are required which are a repetition of works or services carried out under the original contract (provided in the case of EU contracts they are required within 3 years of the original contract and the contract notice stated that a new contract might be awarded by negotiation) (Services Regulations, Reg. 10(2)(l); Works Regulations, Reg. 10(2)(h));
 - (e) That goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another contractor would result in incompatibility or disproportionate technical difficulties in operation or maintenance (Supply Regulations, Reg. 10(2)(f));

- (f) That the rules of a design contest require the contract to be awarded to one of the successful candidates, provided all successful candidates are invited to negotiate (Services Regulations, Reg. (10)(2)(f)).
 - (g) That (in cases other than EU Contracts) procurement through collaboration direct with other fire or other local authorities will provide a value for money solution in line with the principles of best value.
- 3.3. Exemptions may be granted by the Chief Officer the Deputy Chief Fire Officer, the Assistant Chief Fire Officer, the Clerk, the Director of Finance, Deputy Clerk and Deputy Director of Finance in accordance with powers delegated to them except where the Authority or a Committee of the Authority has reserved such decisions to itself; and subject to CSO 3.4.
- 3.4. No exemptions may be granted:
- (a) Which would result in a breach of European or domestic law;
 - (b) From CSO 5 (ROs duties) or CSO6 (Declaration of interests);
 - (c) From CSO 20 which requires a decision of the Authority to accept certain tenders;
 - (d) From CSO 25 which requires a decision of the Authority to approve certain contract variations.
- 3.5. The Chief Officer shall keep a register of exemptions granted detailing the nature and value of the contract, the circumstances justifying the exemption and the name of the contractor awarded the contract (Works Regulations, Reg. 10(7); Supply Regulations, Reg. 10(6); Services Regulations, Reg. 10(7)).
- 3.6 The Chief Officer shall report to the Management Board at least once every six months summarising the Register of Exemptions.

4. Delegation of Powers to Contract

The Chief Officer and other officers deemed appropriate by the Authority shall receive from the Authority delegated powers to enter into contracts and grant exemptions on behalf of the Authority to specified financial limits.

5. Responsible Officers' Duties

ROs shall always:

- (a) seek value for money (LGA 1972, S.135; LGFA 1982, S.15)
- (b) show no undue favour to any contractor, nor discriminate against contractors from other EU states (EC Treaty and Procurement Regulations);
- (c) conduct tendering and price-testing in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);

- (d) do nothing that contravenes EU or domestic law;
- (e) ensure that adequate Contract Files are kept for all contracts for which they are responsible
- (f) ensure that a statistical report is sent to the D.E.T.R by 31st July in each year in respect of E.U. contracts awarded in the proceeding calendar year containing the information required by the relevant E.U Regulations (including the procurement procedure used, the nature of the contract and the nationality of the contractor)
- (g) ensure that a prior information notice is published in the OJEU as soon as possible after the commencement of each of the Authority's financial years in respect of the following contracts in respect of which it expects to seek offers leading to an award during that financial year:-
 - Supply Contracts and Service Contracts where the services fall within part A of Schedule 1 to the Public Services Contract Regulations 1993 and where the same product area (or category) equals or exceeds 750,000 Euro.
 - Works Contracts where the contract value exceeds 5,358, 153 Euro (£3,834,411)
- (h) within 15 days of the date on which a written request is received inform any eliminated candidate or tenderer of the reasons for the rejection of his application or his tender and any tenderer who has made an admissible tender of the characteristics and relative advantages of the tender selected as well as the name of the selected tenderer provided that certain of the above information may be withheld where release of such information would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of the Authority or might prejudice fair competition between service providers.
- (i) the RO shall promptly inform candidates and tenderers of the decisions taken on contract awards including the reasons why the Authority has decided not to award to a contract of which there has been an invitation to tender or to start the procedure again, and shall do so in writing if required. The RO shall also inform the OJEU of such decisions.

6. Declaration of Interests by Officers etc

- 6.1 The following shall declare any interests which may affect the contract process (LGA 1972, S. 117):
 - (a) all permanent or temporary staff graded at Principal Officer, or above; and
 - (b) all other permanent or temporary staff whom the Chief Officer considers play an influential role in any aspect of the contracts process.

- 6.2 The Chief Officer shall require staff and consultants to make declarations on their appointment; on any change in circumstance and shall either clarify them as acceptable or take any necessary action in respect of potential conflicts of interest
- 6.3 The Clerk shall keep completed staff declarations on a register of staff declarations indicating the names of those declaring and the nature of their declaration.

APPROVED LISTS

7. Authority Approved Lists

- 7.1. The Chief Fire Officer shall compile and maintain Authority Approved Lists for construction – related contractors and consultants by compiling and maintaining its own lists.
- 7.2. Such approved list shall:-
- (i) relate to the construction and service categories where the annual estimated value of Authority Contracts exceed £100,000;
 - (ii) contain the names and addresses of all contractors who meet the Authority Approved List criteria;
 - (iii) indicate the nature and value of contracts for which the contractors listed may be used; and
- 7.3. The criteria for admission to and the suspension and exclusion from such Authority Approved Lists shall be specified in writing by the Chief Fire Officer, and as agreed with the Director of Finance and the Executive Director of Law and HR, and shall relate to economic and financial standing, health and safety record and compliance with Race Relations and other relevant legislation, (LGA 1988, S. 17; Works Regulations, Part IV; Services Regulations, Part IV).

8. Departmental Lists

- 8.1 Where there is no Authority Approved List, ROs shall compile and maintain Departmental lists. Where the work or service concerned may be covered by an Authority Approved List category, the RO shall obtain the agreement of the Chief Fire Officer before a Departmental List can be used
- 8.2. Departmental lists may be compiled without public advertisement, except where required by law or by these CSOs. They may be drawn from the RO's experience of contractors previously used by the Authority, from their general knowledge of the trade in question and from contractors that may approach the Authority directly.
- 8.3. The suitability of contractors for inclusion on a Departmental list shall be judged as far as practicable by the Authority Approved List criteria.

Preliminary

9. Contract Value and Aggregation

In order to assess the value of a contract for the purpose of ascertaining whether its value will fall within the Relevant Threshold and thereby become an EU contract the RO shall comply with the following:-

- 9.1. The RO shall estimate and record the total value of a proposed contract, net of VAT. Such value must in the case of an EU contract be calculated at the time the relevant contract notice is sent to O.J.E.U. for publication (Works Regulations, Reg. 7; Services Regulations, Reg. 7).
- 9.2. Where a requirement is subdivided into several contracts, the estimated value of each shall be aggregated to estimate the total contract value. However:
 - (a) any Works Contract that has an estimated value of less than 1 million Euro ; or
 - (b) any Service Contract that has an estimated value of less than 80,000 Euro need not be aggregated, provided the aggregate value of all those contracts is less than 20% of the total contract value (Works Regulations, Reg. 7(3) – (4); Supply Regulations, Reg. 7 (4) – (6) Services Regulations, Reg. 7 (4) – (7)).
- 9.3. Where a Service or Supply Contract does not stipulate a total price, the value shall be estimated as follows:
 - (a) fixed-term Service Contracts of up to 48 months; total consideration payable over the term (Supply Regulations, Reg. 7 (5) – (6) Services Regulations, Reg. 7 (2));
 - (b) Service Contracts, or contracts for the hire of goods, for an indefinite (or uncertain) period or for a term of more than 48 months; consideration payable in respect of each month multiplied by 48 (Supply Regulations, Reg. 7 (8); Services Regulations, Reg. 7 (9)).
- 9.4. The value of regular or renewable Services or Supply Contracts (Supply Regulations, Reg. 7 (5); Services Regulations, Reg. 7 (6)) shall be estimated either:
 - (a) by aggregating the value of similar contracts for the same categories of services or supplies awarded by the Authority over the previous financial year or 12 months, adjusted where possible for anticipated changes in quantity or value over the next 12 months (Supply Regulations, Reg. 7 (6); Services Regulations, Reg. 7 (7)); or
 - (b) by taking the estimated aggregate value during the twelve months following the first supply or service performed, or during the term of the contract where this is greater than 12 months (Supply Regulations, Reg. 7 (6); Service Regulations, Reg. 7 (7)).

- 9.5. Where a Service or Supply Contract includes one or more options the value shall be estimated by calculating the highest possible amount that could be payable under the contract
- 9.6. A contract may not be artificially divided into two or more separate contracts, nor a valuation method selected, with the intention of avoiding the application of these CSOs. Contracts shall be packaged to best ensure service delivery, competition and value for money (Works Regulations, Reg. 7 (8); Supply Regulations Reg. 7 (10); Services Regulations, Reg. 7(11)). If in doubt about the application of this CSO, officers must consult with the Director of Finance and/or the Executive Director of Law & HR.

10. Pre-Tender or Pre-Quotation Enquiries

- 10.1. Enquiries of contractors may be made before tender or quotations are invited in order to:
- (a) establish whether goods, works or services the Authority wishes to purchase are available, and within what price range;
 - (b) prepare tender documents, price estimates and contracts;
 - (c) establish whether particular contractors wish to be invited to tender or quote
- 10.2. In making enquiries:
- (a) no information shall be disclosed to one contractor which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote;
 - (b) no contractor shall be led to believe that the information they offer will necessarily lead to them being invited to tender or quote, or awarded the contract;
 - (c) a written record, including notes of any meeting held, the responses and the names of all individuals present shall be kept by the RO on the contract file

REQUIREMENT TO OBTAIN QUOTATIONS OR TENDERS

11. Contracts Valued at Less Than £75,000

- 11.1. Where the estimated value of a proposed contract is less than £75,000 a contract other than:
- (a) a contract for the engagement of counsel; or
 - (b) a contract which constitutes a call off under a frame work agreement (but not the framework agreement itself); or
 - (c) a contract which when aggregated in accordance with C.S.O.9 falls within the Relevant Threshold and thereby becomes an EU contract

shall be made with the contractor on an Authority Approved List or if there is no Authority Approved List, with a contractor on a Departmental list or if there is no Departmental list with any contractor.

- 11.2. A contract made under C.S.O. 11.1 where the estimated value is:-
- (a) less than £4,000 may be made without seeking competitive quotations;
 - (b) £4,000 or more but less than £10,000 may be made only after seeking at least 2 oral or written quotations and obtaining at least one written quotation;
 - (c) £10,000 or more but less than £75,000 may be made only after seeking at least 3 written quotations and obtaining at least 2.
- 11.3. In all cases, a written quotation shall be obtained before an order is placed.
- 11.4. The RO shall record contractors approached their responses (including willingness to quote), details of any quotations provided, the subject matter of the quotation, the name of the contractor quoting, the date and time of the quote, the price offered and other relevant trading terms, the name of the RO processing the quotation, the name of the contractor offering the most favourable quotation and the reasons why that quotation was accepted.

Negotiation of Quotes

- 11.5. In addition to the requirements set out in clause 11.4, where discussions or negotiations are proposed with any contractor as to the quote submitted or to be submitted by that contractor then the R.O. shall ensure that:-
- (a) all discussions and negotiations are undertaken only by the Director of Procurement or their Deputy in the presence of at least one officer from a department other than the department for which the procurement is being undertaken ("the independent observer")
 - (b) all negotiation must be conducted in a manner which provides equal opportunity for all contractors who have provided quotes and which maintains the highest levels of probity
 - (c) a written record of all discussions and negotiation is maintained by the Director of Procurement, and verified by the Independent Observer
 - (d) at the conclusion of negotiations each contractor who has provided a quote must be invited to submit a best and final written quote

12. Contracts Valued At £75,000 or More but which are not EU Contracts

- 12.1. Where the estimated value of a proposed contract is £75,000 or more but the contract is not an EU Contract the RO shall select one of the tender procedures specified in CSO 12.2 for the transaction except in the case of : --
- (a) contracts for which an exemption from tendering has been lawfully granted under CSO 3;

- (b) contracts for the engagement of Counsel;
- (c) contracts which constitute a call off under a framework agreement (but not the framework agreement itself).

12.2 The tender procedures referred to in CSO 12.1 are :

Open Procedure

- (a) Open tendering where anyone can submit a tender using the following procedure.

Tenders are to be invited from contractors on the Authority's approved list in accordance with CSO 14 or if there is no Authority approved list for the type of work to be undertaken, from contractors on a Departmental List, or where there is no Departmental List, following public advertisement in accordance with CSO 15.1 in order that the appropriate market can be targeted.

The advertisement should specify a time limit (minimum 21 days) within which interested parties must express their interest in tendering. After the expiry of this period, invitations to tender should be sent to all the interested parties specifying a period of not less than 21 days for the return of tenders

Restricted Procedure

- (b) Restricted tendering where the intention should be that a minimum of four tenders are selected from those who express an interest, is identical to that for open tendering, except that
 - (i) the advertisement should state that a restricted tendering procedure will be used
 - (ii) the advertisement should specify the information to be provided by interested parties for the shortlisting process (this may be by the completion and return of a pre qualification document)
 - (iii) on the date specified in the advertisement, invitations to tender should be sent to no less than four tenderers selected by means of pre-determined, objective tender selection criteria (or all of them where less than four entrants meet the criteria). The invitations to tender should specify a period of not less than 21 days for the return of tenders.

Negotiated Procedure

- (c) This procedure is identical to the restricted procedure except that post-tender negotiation is permitted provided that:
 - (i) the advertisement states that a negotiated tender procedure will be used and that the Authority reserves the right to enter into post tender negotiations on any aspect of the tender

- (ii) all post tender negotiations are conducted in a manner which provides equal opportunity for all tenderers and which maintains the highest standards of probity
- (iii) all post tender negotiations must be personally conducted by the Director of Procurement or his nominee in the presence of at least one officer from a department other than the department for which the procurement is being undertaken ('the independent observer')

all post tender negotiations must be fully documented, verified by the independent observer, and kept on file as evidence to support the action taken at the conclusion of negotiations, each tenderer should be invited to submit a best and final written offer in a manner that complies with CSO 18

- 12.3. The remaining provisions of these CSO's shall apply to the procurement process under CSO 12 with the exception of CSO 14, CSO 17.2, CSO 17.3, CSO 17.7 and CSO 20

13. Contracts which are EU Contracts

- 13.1 Where the contract is an EU Contract and the value of the contract as aggregated in accordance with CSO 9 is above the Relevant Threshold, the Authority shall invite tenders following public advertisement as set out in CSO 15 except in the case of:--

- (a) contracts for which an exemption from tendering has been lawfully granted under CSO 3
- (b) contracts for the engagement of counsel
- (c) contracts which constitute a call off under a framework agreement (but not the framework agreement itself)

- 13.2 The remaining provisions of these CSO's , with the exception of CSO 14, shall apply to the procurement process under CSO 13.1

TENDERING

14. Tendering From Authority Approved Lists

- 14.1. Contractors shall be selected for invitation of tenders from within the appropriate work category or, where the contract involves several categories, from all or most of the categories needed for the work. If this does not produce the minimum number of tenders required, contractors shall be selected for invitation of tenders from any work category under the appropriate main heading

- 14.2. Contractors shall be invited to tender in strict rotation, save that up to 50% of the tender list may be nominated where a contractor to be nominated is the existing contractor, or has worked on an earlier stage of the project in the last two years or has carried out similar work for the Authority in the last two years.
- 14.3. Subject to CSO 14.2 Contractors shall be invited to tender in rotation by using a manual or computer system which gives contractors an equal chance of selection regardless of where their names appear on any alphabetical list.
- 14.4. In all cases, the RO shall record on the contract file how they compiled the tender invitation list and subject to CSO 14.2. shall ensure that contractors invited to tender by rotation in that category are not to be invited in the next rotation exercise.

15 Tendering Following Public Advertisement

- 15.1. In the case of contracts for which no Authority Approved List or Departmental List exists for the type of work services or supplies the subject of the contract, notice shall be placed in at least one newspaper circulating in the locality and one appropriate trade journal or (at the discretion of the Procurement Manager) on the internet at website www.Tenders or www.mytender.com or any other equivalent website The Notice shall specify the details of the contract and how tender documents may be obtained or inspected.
- 15.2. In the case of EU Contracts for Works where the estimated value is the Euro equivalent 5,000,000 Special Drawing Rights or more a prior information notice shall be published in the OJEU as soon as possible after the decision approving the planning of the work (Works Regulations; Reg. 9.)
- 15.3. In the case of EU Contracts for Works Supplies and/or Services notice of intention to seek offers and inviting requests to be selected for tender shall be published in OJEU as soon as possible after forming the intention to seek such offers (Work Regulations Reg. 12(2); Supply Regulations, Reg. 12(2); Services Regulations, Reg. 12(2)).
- 15.4. The Authority (or the RO where he has delegated powers) shall decide whether all interested contractors may tender, or whether only selected contractors may tender, provided that for EU Contracts for goods and materials, all interested contractors shall be allowed to tender, except when the cost would be disproportionate or because of the nature of the goods to be supplied or hired (Supply Regulations, Reg. 12(6)).
- 15.5. Where all interested contractors may tender, the notice shall invite tenders within the following periods (Works Regulations, Reg. 11(7); Supply Regulations, Reg. 11(7); Services Regulations, Reg. 11(7) which shall be extended where necessary to allow contractors to inspect sites, premises or contract documents:
 - (a) no less than 52 days from the date of publication in the case of EU contracts (Works Regulations, Reg. 11(3); Supply Regulations, Reg. 11(3); Services Regulations, Reg. 11(3));

- (b) a period sufficiently long to permit responsive tendering (which as a general rule will be at least 36 days but in any case cannot be less than 22 days) where a prior Information Notice was published within a minimum of 52 days and a maximum of 12 months before the date on which the relevant contract notice was dispatched to the OJEU in the case of EU Contracts.
 - (c) No less than 22 days from the date of publication in any other case.
 - 15.6. Where only selected contractors may tender, the notice shall invite contractors to express their interest within no less than 37 days of publication or 15 days in case of urgency (Works Regulations, Reg. 11(3); Supply Regulations, Reg. 11(3); Service Regulations, Reg. 11(3)).
 - 15.7. The RO shall send all contractors requesting tender documents a form similar to the Authority Approved List application form to establish the standing of tenderers. The RO shall record on the Contract File where and on what dates notices were published and justification where short notice was given under CSO 15.7 and 17.2.
16. Selection of Tenderers
- 16.1. A contractor shall not be invited to tender if (Works Regulations, Reg. 14(1); Supply Regulations, Reg. 14(1); Services Regulations, Reg. 14(1)):
 - (a) it is bankrupt, or is being wound up, or is having its affairs administered by a court, or has entered into an arrangement with creditors, or has suspended its business activities, or is subject to court proceedings regarding any of these matters;
 - (b) it or any of its current directors have been convicted of an offence concerning professional conduct or have been guilty of grave professional misconduct;
 - (c) it has not fulfilled obligations relating to the payment of taxes or social security contributions;
 - (d) it has seriously misrepresented information supplied to the Authority; or
 - (e) it is not registered in the professional or trade register of the state in which it is established
 - 16.2.1. Subject to CSO 16.2.2 the selection of contractors to be invited to tender (LGA 1988, s17(4)) shall not be based on the following non commercial considerations:-
 - (a) the terms and conditions of employment and the composition of a contractor's workforce, or the arrangements for the promotion, transfer or training of, or other opportunities given to, a contractor's workforce (LGA 1988, s17(5)(a));
 - (b) whether contractors sub contract with self employed labour (LGA 1988, s17(5)(b));

- (c) any involvement of the business activities or interests of contractors with irrelevant fields of government policy (LGA1988, s17(5)(d));
- (d) the conduct of contractors or workers in industrial disputes between them (LGA 1988,s17(5)(d));
- (e) any involvement of the business activities of contractors in other industrial disputes (LGA1988, s17(5)(d));
- (f) a contractor's nationality or where its business activities or interests are located or its supplies originate from (LGA1988, s17(5)(e));
- (g) any political, industrial or sectarian affiliation or interests of contractors or of their directors, partners or employers (LGA1988, s17(5)(f));
- (h) whether or not contractors financially support an institution which the Authority frequently supports or from which the Authority withholds financial support (LGA1988, s17(5)(g));
- (i) any other criteria which has any direct or indirectly discriminatory effect as between tenders from different member states

16.2.2. The selection of contractors to be invited to tender may be based on one or more of the criteria set out in CSO 16.2.1. where the Secretary of State has by order provided for such matters to cease to be non commercial matters ((LGA1999, 5(19)(1));

- 16.3. Contractors shall be invited to tender by applying criteria of financial and economic standing and of technical ability (Works Regulations, Reg. 12(4), (5); supply Regulations, Reg. 12(4), (5); Services Regulations, Reg. 12(4), (5)).
- 16.4. Financial and economic standing shall be assessed on the basis of audited accounts, statements by bankers, evidence of relevant insurance cover, statements of overall turnover and of turnover in respect of the work or service to be carried out for the previous three financial years and any other appropriate information specified in the contract notice (Works Regulations, Reg. 15; Supply Regulations, Reg. 15; Services Regulations, Reg. 15).
- 16.5. Technical ability shall be evaluated on the ability of the contractor to perform the contract to the standards set out in the specification (Works Regulations, Reg. 16; Supply Regulations, Reg.16; Services Regulations, Reg. 16). Skill, efficiency, experience and reliability shall be assessed on the basis of:
- (a) the educational and professional qualifications of the contractor's managerial staff and of those who will be responsible for carrying out the work or service;
 - (b) the contractor's technical knowledge and ability;

- (c) the principal services the contractor has provided in the past three years in respect of goods and services and in the last five years in respect of works;
 - (d) the staff who will be available to carry out the work or service, especially those responsible for quality control;
 - (e) the contractor's average annual workforce and number of managerial staff for the past three years;
 - (f) the contractor's plant and technical equipment which will be available to carry out the work or service;
 - (g) the contractor's quality assurance systems;
 - (h) the contractor's proposals (if any) for sub contracting any part of the work or service; and
 - (i) the contractor's Health and Safety record.
- 16.6. The RO may determine a range of the number of tenderers (not less than five, nor more than 20) who will be invited to tender. If such a range is so determined it must be specified in the relevant contract notice. In any event the number of invitations issued must be sufficient to ensure genuine competition.
- 16.7. The Authority shall not discriminate on grounds of nationality in the selection of those contractors to be invited to tender. In this respect the Authority shall ensure that it selects the same proportion between domestic candidates and those from other member states as that observed in candidates with the requisite qualifications.
- 16.8. The RO shall record on the Contract File which contractors were invited to tender, the reasons they were invited and the reasons unsuccessful contractors were not invited.

17. Tender Invitation Procedure

- 17.1. Where tenders are invited under CSO 15.5., contract documents shall be sent to contractors within 6 days of request, provided they are requested in good time and any fee specified has been paid (Works Regulations, Reg. 11(5); Supply Regulations, Reg. 11(4); Services Regulations, Reg. 11(5)).
- 17.2. Where tenders are invited under CSO 15.6., contractors shall be given at least 40 days to return tenders (Work Regulations, Reg. 12(11); Supply Regulations, Reg. 12(1); Services Regulations, Reg. 12(11), unless
- (a) the contract is an EU contract and a Prior Information Notice was published within a minimum of 52 days and a maximum of 12 months before the relevant contract notice where only 26 days need be given (Works Regulations, Reg. 12(12)); or

- (b) by reasons of urgency the time limit cannot be complied with, when at least 10 days notice shall be given (Works Regulations, Reg. 12(15); Supply Regulations, Reg. 12(15); Service Regulations 12(15)).

- 17.3. the periods set out in CSO 17.2. shall be extended if necessary to allow for extra time to be given to contractors to inspect the premises on which the works or services are to be carried out or to inspect documents relating to the contract documents. (Works Regulations, Reg. 12(13); Supply Regulations, Reg. 12(13); Service Regulations 12(13)).

- 17.4. Reasonable requests for further information relating to the contract documents shall be granted, provided the request enables the Authority to supply the information not less than 6 days (or 4 days in case of urgency) before the date specified for receipt of tenders (Work Regulations, Reg. 12(14)).

- 17.5. 17.5.1 Every invitation to tender shall state that a tender will only be considered if it is received at a specified place and by a specified time and date in a sealed, plain envelope with the word "Tender" and the name of the contract written on it, and that the appearance of the sender's name or any other identifying mark on the envelope will invalidate the tender. All invitations to tender shall include such other information or instructions as the Clerk or the Chief Fire Officer may require.

- 17.5.2. In the case of an EU Contract where only selected contractors may tender, the invitation to tender shall include:-
 - (a) the address for requesting contract documents (and the deadline for such requests) and details of any fee payable for such documents
 - (b) the closing date for tenders, the address at which they are to be delivered and the language to be used
 - (c) reference to the contract notice published in the OJEU
 - (d) details of any further information required concerning financial standing or technical capacity
 - (e) the contract award criteria (if not put in the contract notice).

- 17.6. On receipt, all tender envelopes shall be endorsed with the time and date of receipt and kept secure until the time specified for tender opening. Any tender received after the specified time shall not be considered for evaluation and shall be returned promptly to the tenderer unless no eligible tenders have been opened and the Clerk or RO is satisfied in writing that there is evidence of posting or hand delivery in time for receipt by the specified time in the normal course of events. A late tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.

- 17.7. Except as provided in CSO 12.2 (c) no RO, or member shall communicate with any contractor proposing to tender once the invitation to tender has been posted to, or collected by the tenderer. No information relating to that tender process shall be disclosed to anyone not involved directly in arranging the contract, except where it is necessary;
- (a) for an officer and/or tenderer to carry out an inspection of works, in which case all tenderers shall be offered an equal opportunity to carry out an inspection; or
 - (b) to inform tenderers of a change in the tendering arrangements, including the supply of additional or changed information, in which case all tenderers shall be sent the same information at the same time.

18. Tender Opening Procedure

- 18.1. All tenders shall be opened at the same time and place after the closing date and time for receipt stated in the tender documents.
- 18.2. Tenders shall be opened in the presence of one officer nominated by the Director of Procurement, one officer nominated by the RO of the Authority, and in the case of contracts with an estimated value of £100,000 or more, one officer nominated by the Director of Finance. The Tender opening will be arranged by the Director of Procurement.
- 18.3. The RO shall record the following details of each tender:
- (a) the last date and time for the receipt of tenders;
 - (b) the date and time each tender was received;
 - (c) the name of each tenderer and the amount of each tender;
 - (d) the date the tenders were opened;

which record shall be signed by all persons present at the tender opening. The RO shall sign after the last tenderer's name so as to prevent any addition to the record.

- 18.4. All persons present at the tender opening shall initial each tender, indicating the number of tenders opened and the sequence in which the tenders were opened, and each page of a Bill of quantities or Schedule of Rates.

19. Tender Evaluation

- 19.1. No contract shall be awarded to a contractor where any of the criteria set out in CSO16.1 (a) to (e) are satisfied in relation to the contractor.

- 19.2. Where a contract is to be awarded to the most economically advantageous tender, the criteria shall be stated in the tender documents, where possible in descending order of importance, and tenders shall be evaluated in accordance with them. They shall include price, period for completion or delivery, cost effectiveness, quality, aesthetic and functional characteristics, after sales services, running costs, profitability, technical assistance and technical merit (which for works contracts shall be based on an assessment of itemised and separately costed health and safety method statements and plans in accordance with the CDM 1994 Regulations) or such other criteria relevant to the contract as determined by the RO. (Works Regulations, Reg. 20(1)-(3); Supply Regulations, Reg. 21(1)-(3); Services Regulations, Reg. 21(1)-(3)).
- 19.3. Where the lowest tenders are for £250,000 or more, (and the open procedure set out in CSO 14 has been used) the RO shall obtain the following information in respect of the lowest two tenders:
- (a) the Authority's internal financial appraisal of the two lowest tenders
 - (b) an independent financial appraisal supplied from a business information service on external contractors if the relevant Chief Officer , in consultation with the Director of Finance, considers appropriate; and
 - (c) any internal references provided by the Authority's quality control systems and any current external references available, and such information shall be considered by those involved in evaluating the tenders or awarding the contract, and kept by the RO on the Contract File.
- 19.4. Where examination of tenders reveals errors which would affect the tender figure in an otherwise successful tender, the tenderer shall be given details of such errors and an opportunity of confirming, rejecting or withdrawing its tender.
- 19.5. A minimum of three employees of the Authority shall conduct the evaluation of tenders.

20. Contract Negotiation

- 20.1. The Procurement Director may negotiate the contract in the manner set in CSO 19.2 (Works regulations, Reg. 10 (3); supply Regulations, Reg.10 (3); Service Regulations, Reg. 10 (3); provided the terms of the contract remain substantially unaltered:
- (a) Where tendering produced no tenders or inappropriate tenders, for example where the tender figure in an otherwise successful tender exceeds approved or budgeted expenditure, or where the sum has changed since tenders were invited (Works Regulations, Reg. 10 (2)(d); Supply Regulations, Reg. 10 (2)(d); Services Regulations, Reg. 10 (2)(d); or

- (b) Where tendering was discontinued because of irregular tenders, for example because tenders fail to meet the requirements specified in the contract documents or offer variations on them or the works, supplies or goods fail to meet the technical specification (Works Regulations, Reg. 10 (2)(a); Supply Regulations, Reg. 10 (2)(a); Service Regulations, Reg. 10 (2)(a).
- 20.2. The Procurement Director shall invite all tenderers (who submitted a tender which met the Authority's minimum Technical and Financial Standards) to amend their tenders in writing, in such matters (e.g. unit price, delivery, discounts or by removing elements of the bill of quantities) as the RO specifies. All negotiations shall be conducted by at least two officers of different disciplines, one of whom is not involved in the contract award. The RO shall keep a written record of all negotiations, including notes of all meetings and the names of all individuals present.

21. Contract Award

- 21.1. No contract may be awarded unless the expenditure involved has been included in the approved budget or capital programme, or can be contained within such budget or programme as the case may be, or has been otherwise approved by, or on behalf, of the Authority. The RO shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the contract file.
- 21.2. Contracts may be awarded:
- (a) by R.O.'s to the tender which offers the lowest price, in cases where the Authority is providing the finance or the tender which is the highest if the Authority is the recipient;
 - (b) by R.O.'s to the tender which is the most economically advantageous as assessed under C.S.O. 19; provided that this sub clause shall not apply to disposals of land or any interest in land;
 - (c) by the Authority or the Policy and Finance Committees in any other case.
- 21.3. The Chief Fire Officer shall record all contracts awarded by the service areas for which he is responsible, including the nature of the goods, works, services or concession for which the contract has been awarded the value of the contract, the difference in the tenders and the name of the contractor and shall supply a summary of the contract the value of the contract and the name of the contractor to the Management Board at least once every six months.
- 21.4. The RO shall send a Contract Award Notice to the OJEU within 48 day of the award of and E.C. contract (Works Regulations, Reg 22; Supply Regulations, Reg. 22; Service Regulations, Reg. 22) and shall send a copy of the Contract Award Note to the Clerk (Works Regulations, Reg. 7; Supply Regulations, Reg. 27; Services Regulations, Reg. 37).
- 21.5. The results of tender may not be disclosed, except as provided in C.S.O.5.

FORM OF CONTRACT

22. Contracts in Writing

- 22.1. Every contract estimated at 200,000 Euro or more shall be in writing and either under seal or signed by the Clerk, the Deputy Clerk, the Chief Fire Officer, the Director of Finance or the Director of Procurement.
- 22.2. Every other contract shall be in writing and be signed by the relevant RO except that emergency contracts awarded under C.S.O. 3:2(b) need not be in writing before commencement but must be confirmed in writing as soon as possible.

23. Contract Conditions

- 23.1. Every contract shall state:
 - (a) the works or services (including concessions) to be performed and /or the goods supplied;
 - (b) the parties to the contract, including any guarantor;
 - (c) the price and any discounts, or the method by which prices and discounts are to be calculated, and the method and timing of payments;
 - (d) the time within which the contract is to be carried out;
 - (e) that the contractor will not assign the contract without written consent of the supervising officer/contract administrator;
 - (f) that the contractor will pay liquidated damages (where these can be assessed and ascertained) or other damages to the Authority should the terms of the contract not be properly carried out, including the method by which such damages will be calculated and the circumstances in which they will be payable;
 - (g) any performance bond or parent company guarantee required, and the RO shall consult the Director of Finance before including or excluding such a requirement in the tender documents (see DOE Circular 5/96);
 - (h) that the contractor shall promote race equality and not unlawfully discriminate within the meaning of the Race Relations Act 1976 or any comparable statutory provision relating to discrimination in employment, shall comply with all regulations in respect of discrimination and shall ensure that all employees, agents and sub contractors do not unlawfully discriminate, and shall comply with all relevant codes of practice issued by the Commission for Racial Equality or any comparable body and, so far as practicable, operate an equal opportunities policy which complies with the practical guidance and recommendations contained in such codes of practice (Race Relations Act 1976 s71);

In particular, the contractor shall not unlawfully treat an individual or one group of people less favourably than others because of their colour, race, nationality, ethnic origin, disabled status, gender, sexual orientation, religion or belief.

- (i) that the contractor shall adopt safe methods of work and comply with all other requirements of the Health & Safety at Work etc. Act 1974 in order to protect the health & safety of its personnel and to the extent applicable the personnel of the Authority and all other persons;
- (j) that the contractor shall comply with the Data Protection Act 1998 and indemnify the Authority in respect of the use, disclosure or transfer of personal data by the contractor, its employees, agents and sub contractors; In particular any data processor under the contract shall act only on the instructions of the Authority's data controller, and the data processor shall comply with obligations equivalent to those imposed on a data controller by the seventh principle of the 1998 Act.
- (k) that the Authority may cancel the contract and recover any loss if the contractor, its employees, agents and sub contractors offer any reward relating to the contract or commit any offence under the Prevention from Corruption Acts 1889 to 1916;
- (l) that the contractor will achieve a continuous improvement in economy, efficiency and effectiveness in carrying out its obligations throughout the term of the contract.
- (m) any other terms and conditions specified by the Clerk from time to time.

24 Contract Specification

- 24.1. The RO shall ensure the contract specifies the quality, performance, safety and other characteristics required of the works, services or supplies (Work Regulations, Reg. 8(2); Supply Regulations, Reg. 8(2); Services Regulations, Reg. 8(2). Specifications may include requirements relating to methods of construction, design and costing, tests, testing methods, inspection and acceptance, quality assurance, packaging, marking and labeling.
- 24.2. Technical specifications shall be defined by reference to relevant European specifications or, where they do not exist, in the following order: to British technical specifications, British standards implementing international standards, other British standards and technical approvals or any other standards (Works Regulations, Reg. 8(3), (4); Supply Regulations, Reg. 8(3), (4); Services Regulations, Reg. 8(3), (4)). Where an appropriate standard is current at the date of tender, all works, services and supplies shall be at least of equal quality.
- 24.3. Specifications shall not refer to supplies of a particular makes or source (Works Regulations, Reg. 8(8); Supply Regulations, Reg. 8(8); Services Regulations Reg. 8(8) unless;

- (a) it is justified by the contract requirement (Works Regulations, Reg. 8(10)(a); Supply Regulations, Reg. 8(10)(a); or
- (b) the contract requirement cannot otherwise be described precisely and intelligibly, provided references are accompanied by the words 'or equivalent' (Works Regulations, Reg. 8(10)(b); Supply Regulations, Reg. 8(10)(b); Services Regulations, Reg. 8(10)(b)).

OPERATION OF CONTRACT

25. Contract Performance

- 25.1. In the case of contractors on the Authority Approved List, ROs shall send Quality Control reports quarterly to the Chief Fire Officer. Incidents of poor performance shall first be raised with the contractor in writing, or at a meeting where notes are made and sent to the contractor, before the quarterly report is dispatched. In cases of particularly poor performance, or persistent poor performance, the RO shall consider whether to recommend suspension or exclusion from the Authority Approved List.
- 25.2. In the case of contractors on a Departmental List, ROs shall place on the contract file at least quarterly an assessment of the performance of any contractor engaged by them. Incidents of poor performance shall be raised with the contractor in writing, or at a meeting where notes are made and sent to the contractor. In cases of persistent poor performance, or particularly poor performance, the RO shall consider whether to suspend or exclude that contractor from the Departmental List.

26. Contract Variation

- 26.1. No variation may be made until approved by the Authority if that variation would:
 - (a) extend the contract period by 50% or more than three calendar months, whichever is the greater; or
 - (b) add more than 20% to the estimated value of the contract or increase it from below £75,000 to £75,000 or more; or
 - (c) mean the works, services or goods to be added to or deleted from the contract are substantially different in scope.

(See CSO 3.2; (Works Regulations, Reg. 10(2)(g), (4); Services Regulations, Reg. 10(2)(h), (4)).

- 26.2. The value of a variation shall be calculated by taking the aggregate value of all variations made to the contract.
- 26.3. No variation shall be made until funding has been identified in accordance with the Authority's financial Regulations or any other similar requirement.
- 26.4. CSO 26.1. shall not apply in cases of urgency, where a variation may be approved by the Chief Officer.

27. Sales and Lettings of Property

- 27.1. All sales purchases lettings licences or other disposal of any interest in land vested in the Authority shall be by way of public auction or public tender unless otherwise determined by the Authority.
- 27.2. Except where the disposal is a letting of land at a term of 7 years or less or the Secretary of State has given his consent, a disposal shall not be made unless it is for the best consideration that can reasonably be obtained.