

## Table 6

### Scheme of Delegations to Officers

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#### Delegation of Powers to Chief Executive and all Directors

Within the provisions of the Standing Orders and Financial Regulations of the County Council the following powers are delegated to Chief Executive and all Directors (including the Assistant Chief Executive) in relation to the services for which they are responsible. All references in these delegations to Acts or Regulations are to include reference to legislation amending or re-enacting the same. The operation of these delegations is subject to Standing Orders, the Code of Conduct and this Constitution.

Any interpretation of this Scheme of Delegations to Officers shall be in accordance with the Council's and the Leader's wish that the scheme shall not be construed restrictively.

**1. General Delegation**

The power to manage the services for which they are responsible, including taking and implementing decisions which aid in maintaining the operational effectiveness of those services, and which fall within a policy decision taken by the Council. The power to be exercised (a) in conformity with any instructions given by the Chief Executive and with Standing Orders, Financial Regulations, approved revenue estimates and the approved capital programme; and (b) having regard to any legal advice by the Assistant Director, Legal and Democratic Services .

To the extent permissible by law, the Chief Executive and Directors are authorised to delegate all or any of their delegated functions to other officers within the Council or external contractors -either fully or under the general supervision and control of the delegating officer.

**2. Delegations to Chief Executive and all Directors**

**A. Financial**

- 1 Subject to the limitations in Financial Regulations and elsewhere in these delegations, to incur expenditure for which provision has been made in the approved revenue budget, provided no commitment to further expenditure is made which is not similarly provided for, including transferring sums between budget headings, writing off debts as irrecoverable, assessing the amount of contribution for services provided and authorising ex gratia payments.

**B. Land and Property**

- 1
  - a) To authorise the granting, determination or obtaining of easements, wayleaves and licences (Including agreements for the seasonal use of agricultural land) over or in respect of land held for or required for the purposes of the County Council, including approval of the terms of the transaction. This power shall not be exercised, except in the case of land used or required for a public highway, without first taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Assistant Director, Legal and Democratic Services ~~Chief Executive~~ and the Chief Operating Officer ~~Director of Corporate Resources~~ which will include provision to comply with corporate property requirements.
  - b) After taking appropriate professional advice, as set out in (a) above, to approve the terms of any transaction as described in (a) above.
  
- 2 After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Assistant Director, Legal and Democratic Services ~~Chief Executive~~ and the Chief Operating Officer ~~Director of Corporate Resources~~ which will include provision to comply with corporate property requirements:
  - a) to authorise the sale or leasing of land to statutory undertakers for the purposes of their statutory functions;
  - b) subject to financial provision existing and the net rent not exceeding £25,000 per annum, to authorise the taking of a lease or tenancy of land or buildings;
  - c) to authorise the determination of such a lease or tenancy;
  - d) to authorise the granting and termination of leases and licences for a period not exceeding 14 years of premises held for staff accommodation or premises or land not immediately required for County Council purposes;
  - e) to hire or hire out or authorise the use of buildings or facilities held or required for the purposes of the County Council; and
  - f) to grant consent:
    - i) to the underletting or assignment of any lease or tenancy of land under the control of the County Council;
    - ii) under restrictive covenants the benefits of which are vested in the County Council.

- 3 Following consultation with the Lead Cabinet Member for ~~Community and~~ Resources and the Cabinet Member responsible for the service concerned: (1) in cases of urgency to approve the acquisition of any interest in land required for the purposes of the Council; and (2) subject to Financial Regulations, to approve on behalf of the Council the price or other consideration for the acquisition of any interest in land, after taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer~~Director of Corporate Resources~~. (Refer to paragraph 4 below if acquisition cost is below £100,000).
- 4 After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive ~~—and~~ the Chief Operating Officer~~Director of Corporate Resources~~ and having consulted the Chief Operating Officer~~Director of Corporate Resources~~, to approve the terms of any land acquisition where the payment to the other party does not exceed £100,000 (in the case of a lump sum payment) or £25,000 per annum (in respect of an annual rental) (subject to financial provision existing), and to maintain a register of all such transactions which should be available for inspection by members. (Refer to paragraph 3 above if acquisition is above £100,000).
- 5 After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the County Council which will include provision to comply with corporate property requirements:
  - a) to authorise land to be declared surplus where the area of land does not exceed 0.2 hectare (0.494 acre);
  - b) to approve dedications of land; and
  - c) to authorise the acquisition of land for operational purposes up to an area of 0.2 hectare (0.494 acre) subject to there being provision within approved capital or revenue budgets.
- 6 After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive ~~—and~~ the Chief Operating Officer~~Director of Corporate Resources~~ to authorise the payment of appropriate disturbance costs and a sum equal to a home loss payment on the acquisition of properties purchased in advance of the confirmation of a compulsory purchase order.
- 7 After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer~~Director of Corporate Resources~~ and after consulting the relevant Cabinet members (if the proposed terms are less than the market value) to approve the terms of lettings to charitable organisations.

- 8 After consultation with the Chief Executive –to authorise the service of counter notices to blight notices.
- 9 To seek planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
- 10 To be responsible for the client functions covered by Service Level Agreements as set out below, these functions to be exercised in accordance with guidelines which may from time to time be laid down:

Commissioning professional property services:

- preparing and agreeing tender lists for competitively procured professional services;
- preparation of tender documentation;
- tender evaluation;
- establishing and reviewing quality thresholds;
- resolving technical problems, disputes and queries;
- performance monitoring;
- processing applications for payment of professional services;
- review of systems of delivery.

Service Department Client Functions

- preparation and holding of budgets for capital projects;
- commissioning client agent in accordance with corporate policy;
- preparation of client project design standards;
- agree final selection of consultants;
- approval of contract terms i.e. timescales/budgets;
- accept handover and organise occupation.

11. To take, and to give approval to take, all lawful steps to take, recover and retain possession of County Council land and property, to secure at all times that trespassers do not enter on to such land and to remove trespassers from such land; and to engage in any lawful activities in connection therewith.

**C. Personnel**

Where appropriate the following delegations to the Chief Executive and Directors are qualified by the appropriate section(s) of the Personnel Policies and Conditions Handbook.

- 1 Within the approved financial estimates of the department concerned to set the staffing complement and to appoint employees to all posts other than those reserved for elected member appointment and to approve starting salaries.
- 2 In accordance with national and/or local agreements and/or policy and criteria approved by the County Council to set terms and conditions of employment of staff and, provided the estimates of the department or for the project concerned are not thereby exceeded, to ~~(a)~~ accelerate the incremental position of any employee whose post is not reserved for elected member appointment, provided the maximum of the grade for the post is not exceeded; ~~and (b) approve additional increments on appointment.~~
- 3 Provided that the cost can be met from within the approved training estimates (a) to arrange and approve the training of employees in accordance with the County Council's post entry scheme of training, training policy and practice; and (b) to approve the attendance of officers at professional conferences.
- 4 In accordance with the policy of the County Council and, where appropriate, after taking medical advice:
  - a) to extend an employee's period of sick leave on full pay or half pay for a maximum period not exceeding three months;
  - b) to vary the requirement to return to duty for a minimum period of five months following maternity leave.
- 5 To allow an employee to return to work on a part-time basis on full pay for up to two months, provided medical advice is sought and it will contribute positively to the employee's eventual return to full duty.
- 6 In accordance with the policy of the County Council to authorise:
  - a) special leave, paid and/or unpaid, to include special leave for trade union activities;
  - b) extended maternity leave without pay;
  - c) compassionate leave for up to two weeks;

- d) officers above Spinal Column Point 28 on the NJC Scheme and Spinal Column Point 23 on the Single Status Scheme to engage in other business or take up additional appointments;
- e) an employee to use his/her private vehicle on official business and, in consultation with the Director of Economy, Transport and Environment and ~~the Chief Operating Officer~~ ~~Director of Corporate Resources~~, to grant applications for loans under the County Council's Assisted Car Purchase Scheme.
- f) applications to participate in the lease car scheme from officers travelling over 3,500 miles but less than 4,000 miles per annum on official business in cases where there is a range of similar posts carrying out similar duties and average business miles in the group of posts is 4,000 miles or more but mileage variations exist due to geographical or other factors;
- g) in respect of participation in the lease car scheme, a higher threshold than 4,000 miles on official business per annum being applied in respect of his or her department if departmental circumstances make that necessary;
- h) within guidelines developed by the Chief Executive, to reduce lease car user contributions by 25% or 50% within the general scheme as a recruitment and retention incentive for individual or groups of posts where labour wastage is detracting from operational efficiency on the basis that departments will meet any additional costs from within existing budgets;
- i) extensions of the time limit for making claims under the Relocation Grant Scheme;
- j) in circumstances in which the County Council could normally be expected to assume some responsibility, ex gratia payments to staff up to a maximum of £500. Ex gratia payments above £500 and not exceeding £2,500 may be authorised after consultation with the Chief Executive and ~~the Chief Operating Officer~~ ~~Director of Corporate Resources~~. (The degree of negligence on the part of the claimant will be taken into account in assessing the payment);
- k) honoraria payments for special merit up to £1000;
- l) honoraria payments to staff who temporarily undertake additional duties or responsibilities in accordance with the scheme for the time being in force;



- m) planned overtime for staff above Spinal Column Point 28 on the NJC Scheme and Spinal Column Point 23 on the Single Status Scheme;
  - n) the amount of sickness allowance to be discounted following an award to an employee by the Criminal Injuries Compensation Board;
  - o) in special cases, variations in the normal repayment provisions relating to:
    - i) training expenses where the employee leaves within two years of completing a course of study;
    - ii) relocation expenses where the employee leaves within the period stated in the scheme in consultation with the Chief Operating Officer:-
  - p) the dismissal of unsatisfactory probationary employees;
  - q) in special cases, salary and/or service condition protection to employees redeployed for reasons other than redundancy or re-organisation.
- 7 To accredit trade union representatives and safety representatives appointed by the recognised trade unions in accordance with the agreement for 'Recognition of and Facilities for Union and Safety Representatives'.
- 8 To authorise increases to locally agreed departmental special payments and allowances to reflect movement in the relevant cost of living/wage award as appropriate.
- 9 To dismiss staff in accordance with the County Council's disciplinary and other procedures.
- 10 a) To grade all posts below LMG Band 1 where the skill requirement is confined to that department.
- b) In agreement with the Chief Executive to grade all other posts in this group.
- 11 In relation to in-house provider posts below general manager/consultancy manager level (i) to enable an in-house provider to fulfil a contract within the terms of the tender award; or (ii) as a result of the loss of, or variation in the terms of, a contract:
- a) to increase the number of posts within an in-house provider, provided that where the variation is beyond that set out in the business plan the Chief Operating Officer~~Director of Corporate~~

**Resources** is satisfied that the revised employment costs can be met from income and that, where appropriate, the statutory rate of return can still be achieved;

- b) to reduce the number of posts within an in-house provider, by redundancy if necessary;
- c) to set the pay and conditions of service on which staff in the in-house providers are employed and to vary those pay rates and conditions of service.

The employment policies adopted for the in-house providers shall be followed in achieving any reductions in the number of posts or in making any variations in the pay and conditions of service on which staff are employed.

**D. General**

- 1 To sell, or dispose of, at the best price obtainable surplus vehicles, plant, stores and equipment, subject to competitive tenders being obtained wherever practical.
- 2 To approve plans of small buildings and other similar projects required for the purposes of the service concerned, except in the case of buildings or projects involving a major change in design policy or which are unique.
- 3
  - a) To authorise officers of their department to act as inspectors for the purpose of, or otherwise to enter premises and to enforce the provisions of, any enactment which it is the duty of the County Council to enforce.
  - b) To authorise officers of their department to prosecute or defend or to appear on the County Council's behalf in proceedings before a Magistrates' Court, Family Proceedings Court or County Court.
- 4 Within any policy guidelines issued by the County Council, to provide services, supply goods or carry out works to others whether based in East Sussex or outside, subject to consultations with the Assistant Director, Legal and Democratic Services and the Chief Operating Officer~~Director of Corporate Resources~~, as to compliance with any necessary legal and financial requirements.
- 5 To approve full applications by the County Council to the National Lottery Distributing Bodies, provided that applications are pursued in accordance with the County Council's Bidding Protocol.
- 6 To accept sponsorship deals involving the receipt by the County Council of sums between £10,000 and £100,000. NOTE: deals involving sums under £10,000 can be approved by the appropriate Assistant Director. Deals involving sums of over £100,000 require the approval of the Cabinet.
- 7 To charge for discretionary services on the basis that anyone who requires the discretionary service agrees to take it on those terms pursuant to section 93 of the Local Government Act 2003, subject to consultations with the Assistant Director, Legal and Democratic Services, and the Chief Operating Officer~~Director of Corporate Resources~~ as to compliance with any necessary legal and financial requirements.
- 8 To exercise the general power of competence given to local authorities under section 1 of the Localism Act 2011

### 3. Delegations to Particular Officers

#### A. Chief Executive

~~1 To accelerate the incremental position of any employee whose post is reserved for elected member appointment, provided the maximum of the grade for the post is not exceeded.~~

~~2 To authorise the premature retirement of non teaching staff except those for those posts reserved for elected member appointment in which cases premature retirement can be authorised after consultation with the members of the Governance Committee.~~

~~3 (i) To extend the time period for aggregation of LGPS membership beyond 12 months in exceptional circumstances; and~~

~~(ii) To augment the membership of the LGPS for an employee or group of employees on joining or during service in appropriate circumstances.~~

41 a) To be the Returning Officer for County Council elections.

b) In circumstances considered special by the Chief Executive, to delegate to any senior officer (nominated in that behalf by the Chief Executive) the right to exercise the powers of the Chief Executive as Returning Officer for County Council elections.

c) To increase annually the fees and disbursements payable in respect of County Council elections by the same percentage as the pay award made by the NJC for Local Government Services.

~~5 To agree with the employing Director the salary bands for management posts in LMG Bands 1-10 (below Director level).~~

~~6 To approve payments under the Premium Scheme, in consultation with the relevant Director, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:~~

~~a) the market in which the County Council is competing being examined;~~

~~b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and~~

~~c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.~~

~~7 — To vary, in special cases, the approved level of assistance with training expenses.~~

~~8 — To authorise payment of awards under the Local Government (Discretionary Payments) Regulations.~~

~~9 — To apply the discretionary provisions within the Local Government Pension Scheme Regulations.~~

102 To apply the Voluntary Severance Scheme, in consultation with the **Chief Operating Officer**~~Director of Corporate Resources~~, the Assistant Chief Executive and Assistant Director, Personnel and Training or their representatives

~~11 — To authorise increases to locally agreed special payments and allowances which have a corporate application to reflect movement in the relevant cost of living index/wage award as appropriate.~~

~~12 — To agree to the payment of a resettlement allowance above the maximum figure in the relocation scheme in appropriate circumstances after consultation with the Chairman of the Governance Committee and the Leaders of the other Groups.~~

~~13 — To increase the ceiling on the Assisted Car Purchase Scheme annually in the light of increases in new car prices.~~

~~14 — To adjust, on an annual basis, user contributions towards the leasing costs of lease cars.~~

135 To appoint to Assistant Director – posts where there is no competitive process involved.

164 To deal with issues relating to the fees paid to the County Medical Adviser.

~~17 — To require information as to interests in land under a power conferred upon the County Council by any Act.~~

~~18 — To exercise the Council's powers and duties under:~~

~~— a) — the Charities Acts 1993 and 2006;~~

~~— b) — the Local Government (Access to Information) Act 1985 to set charges for copy documents and other matters;~~

~~— c) — section 3 of the Local Government and Housing Act 1989 (politically restricted posts).~~

~~19 a) After undertaking consultations, as appropriate, or, in the case of appointments under the Local Government and Housing Act 1989 on receipt of nominations, to appoint members, and fill vacancies.~~

~~— b) In consultation with the Leader of the Council, to approve the appointment of delegates to attend conferences at which the County Council is invited to be represented and at meetings of bodies of which the County Council is a member and to appoint substitutes.~~

~~20 To appoint a person(s) to consider representations made by objectors who request a hearing under Section 6(1) of the Commons Registration (East Sussex) Act 1994 and to report to the Cabinet regarding those representations.~~

~~21 In relation to school admission appeal panels:~~

~~— i) to appoint a panel of persons from whom Appeal Panels can be drawn, to comprise: (a) those persons who either have experience in education or are familiar with local educational circumstances or are parents of children currently at a school and whose names he has approved; and (b) those persons who have responded to statutory advertisements for lay members, or who otherwise meet the statutory criteria to serve as lay members, and whose names he has approved;~~

~~— ii) to constitute from time to time Appeal Panels by the selection of three panel members, subject to statutory requirements;~~

~~— iii) to appoint panel members as Chairmen of Appeal Panels;~~

~~— iv) to approve a list of persons for appointment to Appeal Panels established by governors of voluntary aided schools.~~

~~22 To make arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (appeals by governing bodies in relation to admitting excluded pupils)~~

~~23 In relation to school exclusion appeal panels:~~

~~to appoint a panel of persons from whom School Exclusion Appeal Panels can be drawn, to be comprised of one from each of the following three groups: (a) lay panel members, defined as those who have not worked in a school in a paid capacity, although they may have been a school governor or worked as a volunteer; (b) those members who must be, or have been, a governor of a maintained school provided they have served in this capacity for at least 12 months in the last 6 years (but must not be or have been a teacher or headteacher); and (c) those members who are, or have been in the last five years a headteacher of a maintained school. In the event of an exclusion from a Pupil Referral Unit (PRU), the member can either be a headteacher from a maintained school or a teacher in charge of a PRU;~~

~~to constitute from time to time School Exclusion Appeal Panels by the selection of one panel member from each of the three categories above;~~

~~to meet statutory requirements, to appoint only lay members as Chairmen of School Exclusion Appeal Panels;~~

~~to approve a list of persons for appointment to School Exclusion Appeal Panels established by governors of voluntary aided schools.~~

~~24 — To enter into model agreements, as amended, under the New Roads and Street Works Act 1991 or any re-enactment thereof.~~

~~25 — In consultation with the Director of Transport and Environment and the Chief Operating Officer/Director of Corporate Resources to agree, on behalf of the County Council, to acquire land pursuant to the service on the County Council under Section 150 of the Town and Country Planning Act 1990 of a valid blight notice in respect of land which is blighted under any of paragraphs 13-18 of Schedule 13 to that Act provided he is satisfied that no grounds exist for service of a counter-notice under Section 151 of the 1990 Act.~~

~~265~~ a) To exercise the powers of the County Council under the Marriage Act 1994 and the Marriage (Approved Premises) Regulations 1994, save where a review has been sought which falls to be determined by the Approved Marriage Premises Review Panel.

b) To convene a panel of three members, drawn from the membership of the Regulatory Committee, to review decisions made by the Proper Officer for Registration under the Marriage (Approved Premises) Regulations 1995.

~~27 — To agree, in consultation with the relevant Director, individual compensation settlements arising from references to the ACAS Conciliation Officer in Employment Tribunal cases.~~

~~28 — To maintain and operate the Corporate Confidential Reporting ("Whistleblowing") Policy.~~

~~29 — To maintain and operate the E-Mail Use Policy, including authority to make any necessary minor amendments or updating after consultation with the Director of Corporate Resources.~~

~~630~~ In relation to members' allowances:

a) after consultation with the Chief Operating Officer~~Director of Corporate Resources~~ to implement revised rates for members' allowances, including payments for travelling and subsistence;

b) after consultation with the Chairman of the Governance Committee to approve additions to the list of outside bodies for which members may claim payment of travelling expenses,

and to make changes to the Members' Allowances Scheme accordingly.

~~734~~ To make minor changes to Standing Orders, Delegations to the Chief Executive and Directors, the Terms of Reference of Committees, Sub-Committees and Panels and existing protocols, after consultation with the three Group Leaders.

~~32~~ ~~To determine claimed public rights of way pursuant to Section 53(5) of the wildlife and Countryside Act 1981~~

~~338~~ In relation to libraries:

- a) to fix the opening and closing hours; and
- b) to set the fees and charges made by the Business Information Services.

~~349~~ To take the lead role in Arts related work, including determining in consultation with the relevant Cabinet member, applications for grant aid for support for the Arts where the sum applied for is £2000 or less.

~~3510~~ To make grants from the allocation for discretionary grants agreed by the Cabinet up to a total, for any one organisation in any period of three years, of £1,000 except where:

- a) the organisation has been refused a grant by the Cabinet unless the Cabinet has specifically agreed that a grant from the discretionary allocation may be given;
- b) the organisation is at the time in receipt of a grant from the Cabinet; or
- c) the organisation has received a grant from the allocation for the past three years.

~~1136~~ To set the allowance and expenses for Independent Persons

~~1237~~ To exercise any of the non executive functions and powers delegated to any member of staff so far as the law allows

*Note:*

i) The Chief Executive, as the Head of the Paid Service, has certain statutory responsibilities under the Local Government and Housing Act 1989.

ii) *The Chief Executive or his/her nominee has been appointed to serve with the President of the East Sussex Valuation Tribunal on a two person panel to appoint Valuation Tribunal members.*



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**B. Chief Operating OfficerDirector of Corporate Resources**

*Finance*

1 To implement decisions of National Negotiating Bodies affecting employees, except insofar as such decisions give discretionary powers to employing authorities.

~~2 To make arrangements for the borrowing of such money as the County Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time by the Council and subject to the receipt of the necessary Government approvals.~~

~~3 In accordance with the provisions of the Local Government and Housing Act 1989:~~

~~a) to issue bonds and to deal with allied detailed matters as reported to the Cabinet;~~

~~b) to issue bills in accordance with conditions reported to the Cabinet.~~

~~Note: Delegation 3 above is granted subject to the Chief Operating OfficerDirector of Corporate Resources reporting at regular intervals to the Cabinet on action taken.~~

- ~~42~~ To pay statutory benefits under the Local Government Pension Scheme.
- ~~5~~ To be responsible for implementing the policy decided by the Pension Fund Investment Panel and to act on its behalf in special or emergency situations where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.
- ~~6~~ To authorise the approval of the terms of an admission agreement and any related bond or indemnity, with a body to which staff are being transferred under a Best Value arrangement, to participate in the East Sussex Pension Scheme.
- ~~7~~ To approve any requests, and undertake any necessary actions in connection with designating any employees, or class of employees, of the governing body of a foundation school as being eligible for membership of the East Sussex pension Fund
- ~~8~~ To undertake any necessary actions in connection with admission of any academies to the East Sussex Pension Fund as scheme employers
- ~~9~~ To approve the terms of an Admission Agreement, together with any related bond or indemnity, under which a community association body may participate in the East Sussex Pension Scheme
- ~~10~~ After consultation with the relevant Cabinet members (subject to the provisions of Financial Regulations) to:
- ~~a)~~ authorise transfers between budget headings;
  - ~~b)~~ vary the capital programme;
  - ~~c)~~ deal with urgent budgetary matters;
  - ~~d)~~ deal with urgent matters relating to borrowing, investments and excusal of debts; and
  - ~~e)~~ vary the interest rate chargeable for staff housing advances.
- ~~11~~ After consultation with the Director of Adult Social Care, to set future inter authority and standard charges for residential and day care accommodation, in accordance with the formula recommended by the Local Government Association.
- ~~Note: The Chief Operating Officer/Director of Corporate Resources has been designated as the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.~~

#### *Corporate Property Functions*

- ~~423~~ To undertake corporate property reviews.

- 143 To develop policies, and set and monitor corporate standards to achieve the policies in relation to:
- land acquisition;
  - new build and maintenance;
- and to ensure corporate mechanisms are in place to achieve this role.
- 145 To provide Health and Safety advice and guidance in respect of property matters.
- 156 To provide and maintain the County Council's terrier and other corporate property information.
- 167 To provide property advice to the County Council on corporate functions including the following client agent functions in relation to corporate property responsibilities:
- property services input to property reviews and property audits;
  - asset valuations;
  - advice on the mix between temporary/permanent and freehold/leasehold accommodation;
  - property and land acquisition and disposal service.
- 178 To prepare and maintain approved lists of works consultants and contractors.

*Other Property Matters*

- 189 To declare surplus to County Council requirements and to authorise the disposal of small areas of surplus land where:
- a) no alternative form of development is considered possible;
  - b) the adjoining owner is the only likely purchaser; and
  - c) the area of land is less than 0.2 hectares (0.494 acres).
- 1910 To authorise the disposal of surplus houses in accordance with the policy set by the Council.
- 1120 To authorise the temporary occupation of a property (for a maximum period of 12 months) where a staff tenancy terminates for any reason other than retirement or death of the employee.
- 1224 To approve the terms of any land disposal where the payment from the other party does not exceed £250,000 (in the case of a lump sum payment) or £25,000 per annum (in respect of an annual rental), and to

maintain a register of all such transactions, to be available for inspection by members.

2132 After consultation with the Lead Cabinet Member for ~~Community and Resources~~ (subject to Financial Regulations) to approve on behalf of the Council the sale price or other consideration for the disposal of any interest in land, above the limit set in paragraph 18 above.

2314 To seek planning permission under Regulation 4 of the Town and Country Planning General Regulations 1992.

Corporate Personnel and Training Function

15 To authorise increases to locally agreed special payments and allowances which have a corporate application to reflect movement in the relevant cost of living index/wage award as appropriate.

16 To agree to the payment of a resettlement allowance above the maximum figure in the relocation scheme in appropriate circumstances after consultation with the Chairman of the Governance Committee and the Leaders of the other Groups.

17 To increase the ceiling on the Assisted Car Purchase Scheme annually in the light of increases in new car prices.

18 To adjust, on an annual basis, user contributions towards the leasing costs of lease cars.

19 To vary, in special cases, the approved level of assistance with training expenses.

20 To authorise payment of awards under the Local Government (Discretionary Payments) Regulations.

21 To apply the discretionary provisions within the Local Government Pension Scheme Regulations.

22 To agree with the employing Director the salary bands for management posts in LMG Bands 1-10 (below Director level).

23 To approve payments under the Market Supplement Policy ~~Premium Scheme~~, in consultation with the relevant Director, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:

a) the market in which the County Council is competing being examined;

b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and

- c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.
- 24 To accelerate the incremental position of any employee whose post is reserved for elected member appointment, provided the maximum of the grade for the post is not exceeded.
- 25 To authorise the premature retirement of non-teaching staff except those for those posts reserved for elected member appointment in which cases premature retirement can be authorised after consultation with the members of the Governance Committee.
- 26 (i) To extend the time period for aggregation of LGPS membership beyond 12 months in exceptional circumstances; and
- (ii) To augment the membership of the LGPS for an employee or group of employees on joining or during service in appropriate circumstances.
- 27 To agree, in consultation with the relevant Director, individual compensation settlements arising from references to the ACAS Conciliation Officer in Employment Tribunal cases.
- 28 To maintain and operate the Corporate Confidential Reporting ("Whistleblowing") Policy.
- 29 To maintain and operate the E-Mail Use Policy, including authority to make any necessary minor amendments or updating. ~~after consultation with the Director of Corporate Resource.~~

#### *Other Matters*

- ~~3024 Under the Safety of Sports Grounds Act 1975 (as amended):~~
- ~~—— a) —— after consultation with the East Sussex Fire Authority, to carry out inspections and issue Safety Certificates subject to any matters of particular relevance being reported to the Regulatory Committee.~~
- ~~—— b) —— to issue, serve and enforce prohibition notices.~~
- ~~3125 Under the Fire Safety and Safety of Places of Sport Act 1987:~~
- ~~—— a) —— after consultation with the East Sussex Fire Authority, to undertake the County Council's powers and duties: (i) in respect of inspections, determinations and the issue, amendment and cancellation of certificates under Part III of the Fire Safety and Safety of Places of Sport Act 1987; and (ii) to enforce and institute proceedings under this legislation.~~
- ~~—— b) —— to charge applicants for certificates up to the statutory maximum.~~

- | 3226 To settle individual claims for compensation arising for reasons other than loss of or damage to an employee's property in those cases where the employee is unable to prove that there is any negligence on behalf of the County Council.
  
- | 3327 To exercise the County Council's powers as a member of the East Sussex Tourist Attractions Association (ESTAA).
  
- | 28
  - a) To exercise day to day management of the Ashdown Forest Trust; and
  
  - b) to agree the accounts of, and grants by, the Trust after consultation with the Lead Cabinet Members for Community and Resources and Economy, Transport and Environment, and the Director of Economy, Transport and Environment.
  
- | *Note: The Chief Operating Officer's and the Chief Finance Officer's's~~Director of Corporate Resources'~~ duties and responsibilities in relation to insurances are set out in the Financial Regulations.*



**C. Director of Economy, Transport and Environment**

- 1 To authorise, pursuant to the powers contained in the Highways Act 1980 (as amended):
  - a) the erection and siting of buildings or structures (including but not limited to seats, signs, notice boards and bollards) or the carrying out of works:
    - i) within, over or under the highway;
    - ii) in front of the prescribed building line;
    - iii) of a private nature over or under the public highway, subject to securing appropriate bonding arrangements and commuted maintenance payments.
  - b) interference with or obstruction to highways;
  - c) the grant of permissions and licences;
  - d) the grant of permissions and licences including but not limited to skips; trees/shrubs; scaffolding; builders materials and hoardings.
  
- 2 After consultation with the Assistant Director, Legal and Democratic Services to serve any notices and to exercise the powers of the County Council to authorise direct action or institute legal proceedings relating to:
  - a) interference with or obstruction to or nuisance on any highway or land adjoining a highway; and
  - b) a failure to comply with any prohibition or requirement of the Highways Act 1980, New Roads and Works Act 1991 (Part 3), the Traffic Management Act 2004, National parks and access to the Countryside Act 1949, Wildlife and Countryside Act 1981, Dangerous Dogs Act 1989 or Builders' Skips (Markings) Regulations 1984.
  
- 3 a) After consultation with the Assistant Director, Legal and Democratic Services, appropriate District Council and local member (save in the case of temporary traffic restrictions), to make, give consent or object to the making of, apply or confirm any order under the provisions of the Highways Act 1980 (as amended), the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984 (as amended), the Town and Country Planning Act 1990, the Parking Act 1989 and the Rights of Way Act 1990, the Traffic Management Act, New Roads Works and Streets Act 1991, Rights of Way and Countryside Act 2000..

- b) To make provision for the regulation of traffic, pursuant to the County Council's statutory powers, where formal orders are not required.
  - c) To authorise the Assistant Director, Legal and Democratic Services to make temporary traffic orders without recourse to the consultation procedure.
- 4 To approve, from time to time, a schedule of prospectively maintainable highways under the New Roads and Street Works Act 1991.
- 5 To authorise the entering into of agreements with developers under Sections 38 and 228 of the Highways Act 1980 and to exercise the powers of the County Council with respect to the formal adoption of private streets generally.
- 6 To authorise the entering into of agreements under Section 278 of the Highways Act 1980.
- 7 To authorise entry onto any land, including for the purpose of survey and to place or leave on or in that land any apparatus for use in connection with that survey.
- 8 To exercise the discretionary powers of the County Council under the Land Compensation Act 1973 (as amended) and the Noise Insulation Regulations.
- 9 After consultation with the Assistant Director, Legal and Democratic Services to serve notices of exemption from the Advance Payments Code (Private Street Works) in appropriate cases where this would not prejudice the County Council.
- 10 To object, when appropriate on highway grounds, to applications to local licensing authorities for licences for goods vehicle operating centres.
- 11 To undertake the powers and duties of the County Council as Enforcement Authority under the Reservoirs Act 1975, including the service of formal notices and the authorisation of legal proceedings.
- 12
  - a) In consultation with the Assistant Director, Legal and Democratic Services, to grant permits under Section 115(E) of the Highways Act 1980 for the carrying out of trading and similar activities on footways and pedestrianised areas, in cases of unopposed applications.
  - b) To deal with consultations by district councils exercising their own powers under Section 115(E) of the Highways Act 1980 and to give consent to the exercise of such powers.
  - c) To authorise payment terms and associated conditions where permits are issued under Section 115(E) of the Highways Act

1980 for trading and similar activities on footways and pedestrianised areas, in cases where the Highways Authority is the owner of the land.

- 13 After consultation with the ~~Chief Operating Officer~~Director of Corporate Resources, to increase the fee for the service provided by the County Council in answering highway enquiries on the CON29 Enquiries of Local Authority Form, based upon current costs.
- 14 To determine the need for on-street parking bays for blue badge holders close to their residences, in terms of traffic problems.
- 15 To sign controlled waste transfer notes under the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of waste transferring between the County Council and another party.

*Public Transport*

- 16
  - i) To arrange such consultations as appear to him to be appropriate following the notification by an operator of an intention to change a local bus service.
  - ii) To take steps to provide for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
  - iii) To award contracts, within established guidelines and policy, to the lowest tenderer.
  - iv) On behalf of the County Council, to enter into a 'de minimis' arrangement with an operator, subject to being satisfied that the particular arrangement is both appropriate and the most cost effective means of securing the provision of a journey.
  - v) To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.

*Development Control*

- 17 To determine all applications for planning permission which fall to be determined by the County Council where the proposal is considered to be in accordance with the development plan and current planning policies except where two or more objections on planning grounds have been received within the statutory consultation period from neighbouring occupiers or from statutory consultees.
- 18
  - a) To determine applications for planning permission amounting to minor variations to applications already granted.
  - b) To determine applications for non-material amendments to planning

permissions made under the Town and Country Planning Act 1990

- 19 To determine any matter arising under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and associated legislation and any legislation which amends or replaces it.
- 20
  - a) To determine, where there are less than 2 objections relating to siting and/or appearance, the determination of (a) whether or not prior approval is required and (b) whether or not prior approval is granted in relation to applications made under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.
  - b) To determine applications for developments ancillary to mining operations made under part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995
  - c) To determine applications under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for the prior approval of the demolition of buildings
- 21 To determine applications for certificates of appropriate alternative development under Section 17 of the Land Compensation Act 1961, in respect of decisions which fall to be made by the County Planning Authority.
- 22 To determine applications for Certificates of Lawfulness of Existing or Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act 1990 (as amended).
- 23 To provide observations on behalf of the County Planning Authority to the appropriate government department in respect of the County Council's applications which entail demolition in a Conservation Area and/or alterations to Listed Buildings.
- 24 To assess whether a proposal which is a departure from the Development Plan requires referral to the Secretary of State.
- 25 To assess consultations received from District Councils submitted under paragraph 7, Schedule 1 to the Town and Country Planning Act 1990 and to seek agreement from the District Planning Authority for their withdrawal if the submission does not appear to be required by paragraph 7.
- 26 To assess whether a consultation submitted under paragraph 7, Schedule 1 to the Town and Country Planning Act 1990 relates to a proposal substantially the same as one previously considered under paragraph 7, Schedule 1 to the Town and Country Planning Act 1990 by the Planning and Highways Sub-Committee and in respect of which there are no new strategic planning issues and to respond to the consultation.

- 27 To respond to consultations under paragraph 7 Schedule 1 to the Town and Country Planning Act 1990 by District Planning Authorities on applications for development in areas which have been notified to them as mineral consultation areas or waste consultation areas.
- 28 To respond to consultations which relate to one or more of subparagraphs 3(c) - (g) inclusive of paragraph 7, Schedule 1 Town and Country Planning Act 1990.
- 29 To respond to the appropriate government department on applications made under the Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations 2001 unless the proposal raises issues of strategic importance.
- 30 To submit observations on behalf of the County Planning Authority and the Highway Authority in respect of proposals for development by District Councils.
- 31 To respond to the relevant District Planning Authority on behalf of the Highway Authority in respect of any statutory or other consultations in relation to proposals for development.
- 32 To submit observations on proposals for development by local authorities and government departments not involving formal consultation.
- 33 To give observations, if appropriate, on behalf of the County Council on applications to the Secretary of State for deemed planning permission under Section 90(1) of the Town and Country Planning Act 1990 for the erection of poles, pole mounted equipment and overhead electricity lines below 33kv.
- 34 To give observations, if appropriate, on behalf of the County Council on proposals for minor diversions or temporary routes on power lines up to 400kv where no objection is being raised.
- 35 After consultation with the Assistant Director, Legal and Democratic Services, to decide whether to take and/or to discontinue formal enforcement action or initiate any other legal proceedings in any case where they consider it appropriate to do so; any action taken to be reported to a subsequent meeting of the Planning Committee.
- 36 In consultation with appropriate Directors to authorise the County Council to participate in planning obligations under Section 106 Town and Country Planning Act 1990.
- 37 To consider requests for variations to agreements made under S106 of the Town and Country Planning Act 1990, in consultation with relevant Directors, the local Members and the Chairman of Planning Committee, and to enter into such variation agreements as appropriate.

- 38 To exercise the powers delegated to the Council by the South Downs National Park Authority to provide the planning service for matters detailed in Paragraphs 17 – 22, 24, 35 – 37 above for sites which fall within the South Downs National Park, in accordance with arrangements with the South Downs national park Authority.

*Development Plans and Consultation*

- 38 To respond to consultations by other Planning Authorities on Draft Structure and Local Plans and any other Development Plan.
- 39 To respond on behalf of the Council as County Planning Authority to consultations from government departments and other statutory and non-statutory organisations.
- 40 To agree briefs for joint County and District Local Plan studies.

*Other Matters*

- 41 To make new Tree Preservation Orders and modify existing Orders.
- 42 To determine applications for consent to fell, top or lop trees included in a Tree Preservation Order (where this is the responsibility of the County Planning Authority).
- 43 To submit observations when consulted on applications for felling licences.
- 44 To authorise the planting of trees, subject to funds being available within the agreed budget.
- 45 To authorise the service of Notices under Section 207 of the Town and Country Planning Act 1990, requiring the replacement of trees.
- 46 To exercise the County Council's powers and duties under orders and regulations made under the Plant Health Act 1967 (includes Dutch Elm Disease).
- 47 After undertaking appropriate consultations, to decline the offer of an access agreement between the County Council and the landowner in respect of woods which clearly have insignificant recreational value.
- 48 To make arrangements for the transport of pupils and students to school or college where there is a statutory duty or it is the policy of the County Council to provide such transport.
- 49 To discharge any function relating to the control of pollution or the management of air quality.

- 50 (i) (a) To discharge the powers, duties and responsibilities of the County Council under the legislation in respect of trading standards and animal welfare, which shall include but not be limited to the legislation listed in 51 below ('the trading standards and animal welfare legislation').
- (b) To appoint and designate officers in Trading Standards as inspectors, sampling officers or authorised officers as the case may be in respect of the trading standards and animal welfare legislation.
- (c) To grant, amend, refuse, suspend and transfer licenses or certificates, and to register persons or premises, pursuant to the trading standards and animal welfare legislation.
- (d) To authorise the institution of proceedings brought under the trading standards and animal welfare legislation.
- 51 The legislation set out below includes also any enabling enactment, statutory instrument, order in council, byelaw or other order, and any enactment repealing, amending or extending the provisions thereof.

Accommodation Agencies Act 1953  
Administration of Justice Act 1970 – Section 40  
Administration of Justice Act 1985  
Agricultural Produce (Grading & Marking) Acts 1928  
Agriculture Act 1970  
Animal Health Act 1981  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003  
Cancer Act 1939  
Celluloid & Cinematograph Film Act 1922  
Children & Young Persons (Protection from Tobacco) Act 1991  
Children & Young Persons Act 1933  
Clean Air Act 1993  
Companies Acts 1985/2006  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Copyright, Designs & Patents Act 1988  
Courts and Legal Services Act 1990  
Criminal Damage Act 1971  
Criminal Justice Act 1988  
Customs & Excise Management Act 1979  
Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875

Fair Trading Act 1973  
Farm & Garden Chemicals Act 1967  
Fireworks Act 1951  
Fireworks Act 2003  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery & Counterfeiting Act 1981  
Fraud Act 2006  
Hallmarking Act 1973  
Health & Safety at Work etc Act 1974  
Housing Act 2004  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Legal Services Act 2007 (S198)  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976 (S16)  
Malicious Communications Act 1988  
Medicines Act 1968  
Merchant Shipping Act 1995  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Olympic Symbol etc (Protection) Act 1995  
Performing Animals (Regulation) Act 1925  
Poisons Act 1972  
Prices Act 1974  
Property Misdemeanors Act 1991  
Protection of Animals Act 1911  
Public Health Act 1961  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988 and 1991  
Road Traffic Regulation Act 1984  
Solicitors Act 1974  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Tobacco Advertising and Promotions Act 2002  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Unsolicited Goods & Services Acts 1971 & 1975  
Video Recordings Act 1984  
Weights & Measures Act 1985

53 To authorise officers of the East Sussex Fire and Rescue Service to act as licensing officer and petroleum inspectors, under sections 18 and 19 of the Health and Safety At Work (Etc) Act 1974 and the Petroleum Consolidation Act 1928, on behalf of the County Council.

54 In liaison with Action in Rural Sussex and the Chief Operating Officer~~Director of Corporate Resources~~ to agree arrangements for the



consideration of applications for assistance to Village Halls and to determine applications, subject to keeping the Lead Cabinet Member, opposition Group Spokespersons and the local member informed.

55 To determine applications for drainage approval and ordinary watercourse consent and enforcement proceedings to be taken against contraventions under the Flood and Water Management Act (2010) and the Land Drainage Act (1991) as amended

56 ~~56~~—To designate features which affect flood risk, to determine applications to alter or remove designated features, and take enforcement action against unconsented activity affecting designated features

57 Under the Safety of Sports Grounds Act 1975 (as amended):

a) after consultation with the East Sussex Fire Authority, to carry out inspections and issue Safety Certificates subject to any matters of particular relevance being reported to the Regulatory Committee.

b) to issue, serve and enforce prohibition notices.

58 Under the Fire Safety and Safety of Places of Sport Act 1987:

a) after consultation with the East Sussex Fire Authority, to undertake the County Council's powers and duties: (i) in respect of inspections, determinations and the issue, amendment and cancellation of certificates under Part III of the Fire Safety and Safety of Places of Sport Act 1987; and (ii) to enforce and institute proceedings under this legislation.

b) to charge applicants for certificates up to the statutory maximum

*Note: The Head of Trading Standards is the Chief Inspector of Weights and Measures.*

**D. Director of Children's Services**

- 1 (i) To be the Council's Director of Children's Services pursuant to Section 18 of the Children Act 2004.
- (ii) To discharge the education, children's social services and other functions conferred by Section 18(2) of the Children Act 2004 and any additional functions for which the Director of Children's Services may subsequently become the statutory officer.
- iii) Without prejudice to the general nature of the functions delegated at paragraphs 1(i) and (ii) above, to exercise the specific function set out below.

*Schools*

- 2 In consultation with a Standing Panel of teacher representatives, to fix school terms and holidays.
- 3 To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon to the Cabinet or Lead Cabinet member and to allocate to pupils the school at which education is to be provided in accordance with the County Council's school admissions policies and related criteria and to represent the County Council at school admission appeals.
- 4 In accordance with the County Council's special education policies and related criteria, to refuse or make arrangements for the assessment and re-assessment of the special educational needs of children and, where appropriate, to make statements of the special educational needs of children and to arrange for the special educational provision specified in those statements, including the undertaking of annual reviews of such statements and related provision, the ceasing of statements and representing the County Council at tribunals.
- 5 To make school attendance orders and, where appropriate, in consultation with the Assistant Director, Legal and Democratic Services , to exercise the powers of the County Council to institute proceedings if a child of compulsory school age is not receiving efficient full time education suitable to his/her age, ability and aptitude and to apply to the Court for education supervision orders.
- 6 To respond to resolutions passed at annual meetings of parents/governors.
- 7 In conjunction with the Assistant Director, Legal and Democratic Services to make Orders, or to amend existing Orders, to provide for Instruments of Government for all maintained schools in accordance with the provisions of the Schools Standards and Framework Act 1998.

- 8 To exercise the Council's powers in respect of pupils excluded from schools and to give directions to Headteachers as to reinstatement of pupils.

*Assistance to Pupils/Students*

- 9 To determine applications for boarding and tuition allowances for pupils and applications for awards and grants to students, including the power to determine where an applicant's circumstances are such that an exception to the normal policy of the County Council ought to be made.
- 10 To determine whether an applicant's circumstances are such that an exception to the policy on excluding courses from the discretionary awards scheme ought to be considered and made.
- 11 To set charges for transport conditional permits within guidelines set by the Cabinet.

*Finance and Personnel Functions*

- 12 To determine annually individual budget shares for schools in accordance with decisions of the County Council, statutory requirements and the approved scheme for the financing of maintained schools.
- 13 (i) After consultation with the Lead Cabinet Member for Children's Services, to exercise all the powers and duties of the County Council under Part 4 of the Education and Inspections Act 2006, including Section 60 (Warning Notices); Section 63 (requiring governing body to enter into arrangements); Section 64 (appointment of additional governors); Section 65 (appointment of governing body consisting of interim executive members) and Section 66 (suspension of delegated budget). Action taken Sections 63, 64, 65 and 66 to be reported to following meeting of the Cabinet.
- (ii) In respect of a school which is judged following an OFSTED inspection to be in need of special measures, or requiring significant improvement, to prepare on behalf of the County Council a commentary on the governing body's action plan and to submit to the Secretary of State a statement of the action proposed by the County Council in support of the action plan and to take all intervention and other consequential action. Where the school's delegated budget is suspended following intervention under 13 (i) or (ii), the Director of Children's Services shall exercise the County Council's powers in relation to all staffing matters.
- 14 In relation to schools with delegated budgets, to exercise the County Council's residual powers and duties in relation to staffing matters.
- 15 To approve the premature retirement of teaching staff in accordance with the County Council's policy on the premature retirement scheme for teachers.

*Buildings/Premises*

- 16 Except in the case of buildings or projects involving a major change in design policy, to approve on behalf of the Cabinet plans prepared by or on behalf of the County Council for capital projects which have been agreed departmentally and, in the case of existing educational establishments, with the head or principal and governors concerned.
- 17 To authorise the exercise of the County Council's statutory duty to transfer sites to the trustees of voluntary schools.
- 18 To authorise the payment of such sums as may be approved by the Department for Education and Skills in respect of the County Council's contribution to aided school projects, subject to the Chief Operating Officer~~Director of Corporate Resources~~ being satisfied that sufficient provision has been made for the expenditure in the revenue or capital budget and that, where required, borrowing authorisation will be available.
- 19 To authorise members of staff at educational establishments to exercise the powers of removal conferred by Section 547 of the Education Act 1996 (the Assistant Director, Legal and Democratic Services is separately authorised to institute proceedings for alleged offences).

*Miscellaneous*

- 20 To agree the mileage rates to be paid to parents who make arrangements to transport their children between home and school.
- 21.1 To make appointments of local authority representatives: (a) to fill casual vacancies on school governing bodies; and (b) in consultation with the Chair of the Governors' Panel to fill vacancies in the cases of urgency.
- 21.2 To approve the removal of local authority representatives appointed as school governors subject to a right of appeal against such decision to the Governors' Panel
- 22 To approve adjustments to the specification for the cleaning of County Council buildings and the provision of catering services and grounds maintenance services subject, in the case of buildings and catering services and grounds maintenance services not the responsibility of the Children's Services Department to prior consultation with the appropriate Director.
- 23 To set price increases for school meals under the school meals contract at a rate not to exceed the rate of inflation for food and labour costs, in consultation with the contractor, the prices to be reviewed twice yearly with increases taking effect immediately after the February half term and at the start of the Autumn term.

- 24 To set fees and charges for music tuition and instrument hire.
- 25 To make grants to county-wide voluntary organisations for community education and educational development purposes.
- 26 To authorise expenditure or donations of up to £5000 by a charity for which the County Council is trustee, and whose purposes relate, among others things, to the advancement of education, subject to consultation with the Chief Executive.

*Services for Children and Young People*

- 27 To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under the Children Act 1989, the Children Act 2004, or other relevant legislation with respect to services for children and young people. This power includes specifically:
  - a) approving expenditure in respect of any one family in any period of 12 months of up to £10,000 under Section 17 of the 1989 Act and £5,000 under Section 24 of the 1989 Act (both sums to be updated annually by the Chief Operating Officer~~Director of Corporate Resources~~ to take account of inflation);
  - b) giving and refusing consents and imposing and cancelling requirements and prohibitions in respect of the private fostering of children, removing a child under the Adoption Act 1976, and making exemptions to the usual fostering limits under the Children Act 1989;
  - c) authorising in exceptional cases variations from the scale of charges and allowances approved by the Cabinet from time to time for a particular service provided for children and young people;
  - d) in respect of children in care, consenting or withholding consent to applications for residence orders where it is in the best interests of the child concerned; and
  - e) exercising the powers and duties of the Council in respect of children and young people in their care or being looked after by them, including the power to place children and young persons in accommodation to meet their special needs and to appoint independent persons as visitors.
- 28 To undertake all the powers and duties of the County Council as an adoption agency having regard to the recommendations of the Adoption Panel and to approve the charge for home-study assessments for inter-country adoptions in accordance with the policy agreed by the Cabinet.

- 29 To undertake statutory visits to children's homes.
- 30 To make permanent or temporary variations in the approved number of places at any Children's Services establishment.
- 31 To enforce, make applications and representations to a Court or Magistrate and authorise, institute and defend proceedings under any enactment which stand referred to the Cabinet, in consultation with the Assistant Director, Legal and Democratic Services.
- 32 To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day care establishments where recruitment is difficult.
- 33 To purchase groceries, meat and other domestic provisions locally for residential and day care establishments under the control of the Cabinet:  
(a) if satisfactory tenders are unlikely to be obtained; and (b) where client training is involved.
- 34 To authorise expenditure in relation to children up to a net contribution by the County Council of £20,000 in any one case on alterations/adaptations to premises under section 2, Chronically Sick and Disabled Persons Act 1970.
- 35 To exercise all the powers of the Cabinet, in such matters as the Director considers urgent, following consultation with the relevant Cabinet member relating to:
  - a) the approval of applications under the Chronically Sick and Disabled Persons Act 1970 involving a net cost to the County Council of more than £20,000 in so far as they relate to children (see Delegation 36); and
  - b) applications for expenditure under sections 17 and 24 of the Children Act 1989 in excess of the sums set in delegation 27(a).
- 36 To make ex gratia payments of up to £1,000 where justified under the Children's Services Department's complaints procedure.
- 37 To provide individuals or families with family placements and residential and day care accommodation within any agreed policy of the Council.
- 38 To appoint the members (except for the appointment of any members who are County Councillors) of the Adoption and Permanence panels in accordance with the Adoption Agencies Regulations 2005.
- 39 To appoint the members (except for the appointment of any members who are County Councillors) of the Fostering Panel in accordance with the Fostering Services Regulations 2002.

- 40 To appoint representatives of the Local safeguarding Children Board in accordance with the Local Safeguarding Children Boards Regulations 2006.
- 41 To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.

**E. Director of Adult Social Care**

- 1 To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under relevant legislation with respect to services for adults including people with disabilities. This power includes specifically:
- a) arrangements made under Section 29, National Assistance Act 1948, Section 45, Health Services and Public Health Act 1968 and Section 2, Chronically Sick and Disabled Persons Act 1970 and the Health and Social Care Act 2001 (expenditure authorised up to a net contribution by the County Council of £50,000 in any one case on alterations/ adaptations to premises);
  - b) waiving assessed contributions for adaptations to premises/ provision of equipment in exceptional circumstances;
  - c) authorising the Assistant Director Resources to be appointed as the Council's nominee for obtaining Grants of Probate and dealing with related matters and to seek appointment as Deputy in appropriate cases;
  - d) under the Mental Health Act 1983 as amended, and the Mental Capacity Act 2005 appointing approved social workers/authorised mental health professionals, Best Interest Assessors and Independent Mental Capacity Advocates, accepting guardianship applications and making orders for the discharge of patients subject to guardianship, acting as the Supervisory Body in relation to the Deprivation of Liberty safeguards and undertaking functions in relation to those safeguards under the Mental Capacity Act 2005;
  - ef) under the NHS and Community Care Act 1990, (i) increasing the limits paid for residential care in line with published DSS rates and, when they are no longer published, in consultation with the Chief Operating Officer~~Director of Corporate Resources~~ to take account of inflation; (ii) approving, in special circumstances, packages of home support costing more than net residential care costs; (iii) making payments to providers of individual care quarterly in advance where the provider will not accept any other terms; and (iv) amending the eligibility criteria in respect of community care services as circumstances dictate;
  - fg) disregarding the value of a former dwelling in assessing the client's contribution towards the cost of residential accommodation where it is considered reasonable to do so in consultation with the Chief Executive and the Chief Operating Officer~~Director of Corporate Resources~~ —(and where appropriate the relevant Cabinet member); and





**F Assistant Director, Legal Aand Democratic Services**

- 1 a) To perform the role of Solicitor to the Council and, as such, to be its chief legal adviser.
- b) To institute, defend and carry on legal proceedings to protect the County Council's interest or to implement a decision made by it or on its behalf or for the recovery of any debt or sum due to it and to negotiate and settle claims.
- c) To exercise the County Council's powers to institute proceedings:
  - i) for alleged contravention of bylaws made by it;
  - ii) under the Wildlife and Countryside Act 1981, Part 1;
  - iii) under the Education Act 1996, section 547;
- d) To institute or defend criminal proceedings on behalf of the County Council.
- e)
  - i) To exercise the powers, and to institute proceedings, under the Criminal Justice and Public Order Act, Sections 77 to 79.
  - ii) In consultation with the relevant Chief Officer, to authorise legal proceedings for the recovery of land.
- 2- To sign, present or sue on petitions in bankruptcy and applications for winding up, to make affidavits, proofs of debts and proxies and to take all necessary action under the Insolvency Act 1986 on behalf of the County Council as shall appear to him to be expedient and in the interests of the Council.

*Note:*

*It is a condition of this delegation that the relevant member of the Cabinet shall be consulted where residents in homes are involved.*
- 3- To appoint authorised officers (for surveillance purposes) and designated person and single points of contact (for the purposes of communications data) under the Regulation of Investigatory Powers Act 2000.
- 4- To grant dispensations relieving a member from either or both of the restrictions -(participating in discussions and in voting)
- 5- To appoint Independent Persons for the Standards Committee and to determine the rules and procedures for investigations and hearings by the full Standards Committee or any sub committee of the Standards Committee

6- To determine requests by officers and members for assistance under the indemnity with respect to civil liability, except in the case of requests for assistance by members in respect of breaches of the Members' code of Conduct, where the Chief Executive shall determine such requests.

Note:

i) *The Assistant Director, Legal and Democratic Services has been designated as the Monitoring Officer under the Local Government and Housing Act 1989.*

ii) *The Assistant Director, Legal and Democratic Services has been authorised to make decisions at Stage 2 of the internal dispute resolution procedure under the Local Government Pension Scheme (Administration) Regulations 2008 (Note: the Pension Compliance Manager has been authorised to deal with Stage 1 disputes).*

7 To require information as to interests in land under a power conferred upon the County Council by any Act.

8 To exercise the Council's powers and duties under:

a) the Charities Acts 1993 and 2006;

b) the Local Government (Access to Information) Act 1985 to set charges for copy documents and other matters;

c) section 3 of the Local Government and Housing Act 1989 (politically restricted posts).

9 a) After undertaking consultations, as appropriate, or, in the case of appointments under the Local Government and Housing Act 1989 on receipt of nominations, to appoint members, and fill vacancies.

b) In consultation with the Leader of the Council, to approve the appointment of delegates to attend conferences at which the County Council is invited to be represented and at meetings of bodies of which the County Council is a member and to appoint substitutes.

10 To appoint a person(s) to consider representations made by objectors who request a hearing under Section 6(1) of the Commons Registration (East Sussex) Act 1994 and to report to the Cabinet regarding those representations.

11 In relation to school admission appeal panels:

i) to appoint a panel of persons from whom Appeal Panels can be drawn, to comprise: (a) those persons who either have experience in education or are familiar with local educational circumstances or

are parents of children currently at a school and whose names he has approved; and (b) those persons who have responded to statutory advertisements for lay members, or who otherwise meet the statutory criteria to serve as lay members, and whose names he has approved;

ii) to constitute from time to time Appeal Panels by the selection of three panel members, subject to statutory requirements;

iii) to appoint panel members as Chairmen of Appeal Panels;

iv) to approve a list of persons for appointment to Appeal Panels established by governors of voluntary aided schools.

12 To make arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (appeals by governing bodies in relation to admitting excluded pupils)

13 In relation to school exclusion appeal panels:

i) to appoint a panel of persons from whom School Exclusion Appeal Panels can be drawn, to be comprised of one from each of the following three groups: (a) lay panel members, defined as those who have not worked in a school in a paid capacity, although they may have been a school governor or worked as a volunteer; (b) those members who must be, or have been, a governor of a maintained school provided they have served in this capacity for at least 12 months in the last 6 years (but must not be or have been a teacher or headteacher); and (c) those members who are, or have been in the last five years a headteacher of a maintained school. In the event of an exclusion from a Pupil Referral Unit (PRU), the member can either be a headteacher from a maintained school or a teacher in charge of a PRU;

ii) to constitute from time to time School Exclusion Appeal Panels by the selection of one panel member from each of the three categories above;

iii) to meet statutory requirements, to appoint only lay members as Chairmen of School Exclusion Appeal Panels;

iv) to approve a list of persons for appointment to School Exclusion Appeal Panels established by governors of voluntary aided schools.

14 To enter into model agreements, as amended, under the New Roads and Street Works Act 1991 or any re-enactment thereof.

15 In consultation with the Director of Transport and Environment and the Chief Operating Officer to agree, on behalf of the County Council, to acquire land pursuant to the service on the County Council under Section

150 of the Town and Country Planning Act 1990 of a valid blight notice in respect of land which is blighted under any of paragraphs 13-18 of Schedule 13 to that Act provided he is satisfied that no grounds exist for service of a counter-notice under Section 151 of the 1990 Act.

16 To agree, in consultation with the relevant Director, individual compensation settlements arising from references to the ACAS Conciliation Officer in Employment Tribunal cases.

17 To determine claimed public rights of way pursuant to Section 53(5) of the wildlife and Countryside Act 1981

**G. Chief Finance Officer**

1 To make arrangements for the borrowing of such money as the County Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time by the Council and subject to the receipt of the necessary Government approvals.

2 In accordance with the provisions of the Local Government and Housing Act 1989:

a) to issue bonds and to deal with allied detailed matters as reported to the Cabinet;

b) to issue bills in accordance with conditions reported to the Cabinet.

Note: Delegation 23 above is granted subject to the Chief Operating Office ~~Director of Corporate Resources~~ reporting at regular intervals to the Cabinet on action taken.

3 To be responsible for implementing the policy decided by the Pension Fund Investment Panel and to act on its behalf in special or emergency situations where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.

4 To authorise the approval of the terms of an admission agreement and any related bond or indemnity, with a body to which staff are being transferred under a Best Value arrangement, to participate in the East Sussex Pension Scheme.

5 To approve any requests, and undertake any necessary actions in connection with designating any employees, or class of employees, of the governing body of a foundation school as being eligible for membership of the East Sussex pension Fund

6 To undertake any necessary actions in connection with admission of any academies to the East Sussex Pension Fund as scheme employers

7 To approve the terms of an Admission Agreement, together with any related bond or indemnity, under which a community association body may participate in the East Sussex Pension Scheme

8 After consultation with the relevant Cabinet members (subject to the provisions of Financial Regulations) to:

a) authorise transfers between budget headings;

b) vary the capital programme;

c) deal with urgent budgetary matters;

d) deal with urgent matters relating to borrowing, investments and excusal of debts; and

e) vary the interest rate chargeable for staff housing advances.

9 After consultation with the Director of Adult Social Care, to set future inter authority and standard charges for residential and day care accommodation, in accordance with the formula recommended by the Local Government Association.

Note: The ~~Chief Finance Officer~~~~Director of Corporate Resources~~ has been designated as the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.

## **(8) Contracts Procedure Rules (Contract Standing Orders)**

### **Scope**

These rules, more commonly referred to as the Council's Contract Standing Orders, set out procedures which must be followed to ensure probity in the letting of contracts by the County Council. Contract Standing Orders are attached.

### **Contract Standing Orders**

#### **Introduction**

The Council's Contract Standing Orders (CSOs) set out the rules by which the Council spends money on the goods, services and works it needs to deliver its agreed services to the people of East Sussex.

#### **The CSOs:**

- have been written to reflect best value, to empower staff to develop ideas, and deliver improved and innovative services

- only refer to corporate issues and prescribe the minimum corporate rules necessary for good governance in the letting of contracts by the County Council

- apply equally to all ESCC staff and to any consultants acting on the Council's behalf

- are supported by a series of best practice documents, referred to at the end of each Contract Standing Order, as appropriate

- provide the necessary delegated authority to Lead Cabinet Members and Chief Officers to make decisions on behalf of the Council.

#### **How to find what you need in the CSOs**

The CSOs are arranged in a logical sequence of sections, following a procurement route. A summary of what is in each section comes first, followed by a list of the CSOs in that section.

#### **Section 1: Interpretation, Compliance and Public Notice**

This section contains a list of definitions and interpretations of words, titles and names used within the CSOs document to help you understand the terminology at the outset. The CSOs in this section cover compliance with the CSOs and relevant legislation, the requirements for placing public notices (advertisements) and possible exemptions from having to do so:

CSO 1 – Definitions and Interpretations



CSO 2 – Compliance with Contract Standing Orders and legislation

CSO 3 – Public Notices and Shortlisting Persons invited to bid

### **Section 2: Working within select lists**

This section contains the rules for working within select lists. These are lists of approved contractors who carry out building and construction works. They also cover providers of various care services. The section also indicates that framework agreements can be considered as an alternative to select lists:

CSO 4 – Select Lists

### **Section 3: Requirement to obtain tenders**

This section sets out clearly the various financial thresholds above and below which competitive quotations or tenders are normally required, whether it leads to a formal contract or a contract formed by placing a purchase order. It sets different thresholds for works in recognition of the need for more flexibility in that area:

CSO 5 – Contracts more than £1,000 and not exceeding £5,000  
**(£15,000 for Works)**

CSO 6 – Contracts exceeding £5,000 **(£15,000 Works)** and not exceeding £50,000 **(£100,000 Works)**

CSO 7 – Contracts exceeding £50,000 **(£100,000 Works)**

### **Section 4: Tendering Process**

This section describes the choice of four tendering procedures available: an open procedure, a restricted procedure, a negotiated procedure and a competitive dialogue procedure, and advises how to make that choice. It also sets out the procedure for delivery, opening and recording of tenders, and the choice of two methods for evaluation of tenders:

CSO 8 – Choice of Tendering Procedure

CSO 9 – Delivery, opening & recording of tenders

CSO 10 – Evaluation of quotations and tenders

### **Section 5: Requirements for contracts**

This section covers acceptance of tenders, financial control of contracts and contract award. It also clarifies the position regarding use of mandatory contract conditions to reduce risk, post-tender negotiation when using the open or restricted procedure (see CSO 4), and the use of nominated sub-contractors:

CSO 11 – Acceptance of Tenders

CSO 12 – Control of contracts

CSO 13 – Contract Award

CSO 14 – Risk Management/Mandatory Contract Conditions

CSO 15 – Post-tender Negotiation

CSO 16 – Nominated Sub-contractors

NB: Two existing Standing Orders are deleted:

SO 68 – In-house providers;

SO 77 Sale of Property – this will be incorporated in Section 8 Standards of Conduct handbook "Purchase and Disposal of Land/Building Code".

## **Section 1: Interpretation, compliance & public notice**

This section contains a list of definitions and expressions used within Contract Standing Orders ("CSOs") to help you understand the terminology at the outset. The CSOs in this section cover compliance with the CSOs themselves and relevant legislation, the requirements for placing public notices (advertisements) and possible exemptions from having to do so.

### **1. CSO 1 (SO 78) Definitions and Interpretations**

#### **Definitions**

1.1 "**best value**" means the duty of the Council to make arrangements to secure continuous improvement in the way in which its functions are exercised, having a regard to a combination of economy, efficiency and effectiveness.

1.2 "**contract**" means a binding agreement made between two or more parties for the supply of goods or materials, or for the execution of any works or the provision of any services which is intended to be enforceable at law.

1.3 "**consortium**" means two or more local authorities or public bodies acting jointly for the purpose of the purchase of goods, services or works.

1.4 "**dynamic purchasing system**" means a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.

1.5 "**electronic auction**" means a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or of new values concerning certain elements of tenders, which occurs after an initial evaluation of the tenders, enabling them to be ranked using automated evaluation methods.

1.6 "**EU procurement regulations**" means regulations in relation to public procurement made pursuant to the European Communities Act 1972, from time to time.

1.7 "**framework agreement**" means an agreement for a defined range of goods, services or works, the terms of which are agreed through an initial competitive tendering exercise, and under which the contractor undertakes to enter into contracts for requirements called off as and when required.

1.8 "**joint commissioning**" means where the Council jointly with one or more local authorities or public bodies enters into a contract.

1.9 "**lowest cost**" in relation to a tender means the lowest price if payment is to be made by the Council and the highest price if payment is to be made to the Council and, in either case, refers to a tender which conforms to the Council's tendering requirements.

1.10 "**most economically advantageous tender**" means the most economically advantageous tender to the Council determined by criteria which may include quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after sales, technical assistance, delivery date and delivery period and period of completion.

1.11 "**novation**"- means the substitution of a new contract for one already existing.

1.12 "**person**" The expression "person" or "persons" shall include a firm, partnership, company or public authority.

1.13 "**quotation**" means a formal offer to supply or purchase goods, or materials, execute works or provide services including consultancy at a stated price based on terms and conditions agreed with the supplier.

1.14 "**select list**" (sometimes also known as an approved list) means a list of suitable prospective contractors approved for the purposes of the supply of goods or services or the execution of works in accordance with the provisions of Contract Standing Order 4.

1.15 "**tender**" means a formal offer to supply or purchase goods, or materials, execute works or provide services including consultancy, at a stated price based on the Council's terms and conditions.

1.16 "**works**" means a contract involving building or civil engineering activities whether in the form of a specific service or in the form of a series of services leading to the completion of a work that has an economic or technical function.

## Interpretation

1.17 "**unavailability of Lead Cabinet Member**"- where there is a reference to a Lead Cabinet Member and the relevant Lead Cabinet Member is not available, another Lead Cabinet Member may act.

1.18 "**the cost of a contract**" – for the purpose of calculating the thresholds under these Standing Orders, the cost of a contract is the estimated total value payable by the Council to the contractor over the term of the contract, including allowable extensions. In the case of indefinite contract periods, the term of the contract is assumed to be 4 years.

1.19 **interpretation** – any dispute or difference as to the interpretation of Contract Standing Orders shall be determined by the Assistant Director, Legal and Democratic Services.

## 2. CSO 2 (SO 67) Compliance with Contract Standing Orders

### Compliance

2.1 Subject to Standing Order 2.2 below, Chief Officers **must** comply with these Contract Standing Orders every time they intend to enter into a contract on behalf of the Council. Chief Officers **must** also have regard to any related Codes of Practice including Procurement Codes as set out in supporting documents to these Contract Standing Orders.

### Consortiums, framework agreements, joint commissioning and other government arrangements

2.2 Chief Officers, after consultation with the relevant Lead Cabinet Member, may, on behalf of the Council, enter into or participate in:

2.2.1 a national, regional, or local consortium;

2.2.2 a Government, Government agency, or local authority, framework agreement;

2.2.3 a joint commissioning arrangement with a local authority, or health agency;

2.2.4 a Government, Government agency, or local authority, dynamic purchasing system or electronic auction;

subject in all cases covered by Standing Order 2.2.1–2.2.4, to the [Chief Operating Officer](#)~~Director of Corporate Resources~~, and the Assistant Director, Legal and Democratic Services, being satisfied that:

(a) the arrangements are properly set up or constituted;

(b) any necessary legal provisions and risk assessments have been complied with, and;

(c) the terms and conditions of such an arrangement are those most economically advantageous to the Council.

### **Exemptions**

2.3 There shall be exempted from the provisions of these standing orders, but not from the requirement to seek best value:

2.3.1 any contract of employment;

2.3.2 any contract relating to the engagement of counsel or other legal specialists;

2.3.3 any contract relating to the transfer, acquisition or disposal of land;

2.3.4 any contract let by a consortium of which the County Council is a member;

2.3.5 any contract of insurance below the EU procurement regulations threshold;

2.3.6 any contract for the supply of goods, the provision of services, or the execution of works where the total estimated value is less than £1000;

2.3.7 any placement of a child or young person with special educational needs in an independent special school; and

2.3.8 any placement of a child or young person, who is vulnerable or has complex needs, in an independent residential home.

2.3A The requirements of Contract Standing Order 13(Contract Award) shall apply to Contract Standing Orders 2.3.3 to 2.3.8.

### **Waiver of Contract Standing Orders**

2.4.1 Proposals to waive the requirement to comply with the provisions of one or more Contract Standing Orders may be approved by the Cabinet, or the relevant Lead Cabinet Member, or a Chief Officer, after consultation with the relevant Lead Cabinet Member, following consideration of a waiver report ('the Report'). The requirements for the Report are:

(a) the Report is compiled after consultation with the [Chief Operating Officer](#)~~Director of Corporate Resources~~, and the Assistant Director, Legal and Democratic Services;

(b) the Report is issued setting out the Contract Standing Order(s) being waived;

(c) the Report includes legal and financial comments and highlights as necessary, any future commitment (whether of a financial character or not) which the contract may entail; and

(d) the Report justifies the method of selection of contractor so that value for money and compliance with EU procurement Regulations and domestic law can be demonstrated.

2.4.2 A copy of the Report shall be provided to the [Director of Corporate Resources-Chief Operating Officer](#), who shall maintain a register of all waivers.

### **Legislation**

2.5 Where there is a difference between the two, national and/or European Union legislation governing contract procedures override these Contract Standing Orders and must be complied with.

### **Compliance**

2.6 These Contract Standing Orders **must** be adopted by any external contractors empowered to form contracts on behalf of the Council, and by any person (who is not an officer of the Council) required to supervise, or manage a contract on the Council's behalf.

### **Aggregation and valuation**

2.7 Contracts **must** not be artificially separated either in structure or duration so as to avoid any Contract Standing Orders applying, except where this is necessary to enable small, or medium sized enterprises to compete, subject to compliance with EU procurement regulations.

*Supporting documents:*

*Code of conduct for Employees;*

*Financial Regulations;*

*Tendering & Contracting Codes;*

*Consultancy Code;*

*ESCC Purchasing Manual.*

## **3. CSO 3 (SO 69 & 71) Public Notice and Shortlisting Persons invited to bid**

3.1 The Council **must** ensure that, where proposed contracts irrespective of their estimated cost, might be of interest to potential candidates located in the member states of the European Union, a sufficiently accessible advertisement

is published. Generally, the greater interest of the contract to potential bidders from other member states, the wider should be the coverage of the advertisement. Without prejudice to the above requirement, and subject to Standing Order 3.3, the Council requires the following approach to the placing of advertisements:

a) the Council's website;

All tenders with an estimated cost exceeding £50,000 for goods and services, and £100,000 for works **must** be advertised on the Council's website using the Council's official electronic public notice service or such other service as approved for this purpose from time to time by the [Director of Corporate Resources Chief Operating Officer](#);

b) trade newspaper or journal;

If considered appropriate, tenders may be advertised in a relevant trade newspaper or journal likely to be read by persons undertaking such contracts

c) Local press

Periodically the [Director of Corporate Resources Chief Operating Officer](#) shall place an advertisement in a local newspaper, containing or referring to information in respect of contracts which the Council is intending to tender. Other Chief Officers shall supply such information, and contribute a due proportion of the cost of such advertisement as approved by the [Director of Corporate Resources Chief Operating Officer](#).

d) Official Journal of the European Union

If required under the EU Procurement regulations public notice of tender **must** appear in the Official Journal of the European Union.

3.2 Tenders **must** normally be invited from all persons who have indicated a wish to tender. If it is not proposed to invite all to tender, the list of persons to be invited to tender shall be settled by the Chief Officer responsible for the contract, in consultation with the relevant Lead Cabinet Member.

3.3 Public notice is **not** required where:

a) a properly advertised Select List is in place;

b) in the opinion of the Chief Officer responsible for the contract in consultation with the relevant Lead Cabinet Member, the [Director of Corporate Resources Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services, the goods or services to be supplied or the execution of

works are of a specialist nature, and only a limited number of suitable persons who can supply are available;

c) in the opinion of the Chief Officer in consultation with the relevant Lead Cabinet Member, the ~~Director of Corporate Resources~~[Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services, there is only one person who can properly supply the goods or services or execute the works;

d) goods, services or works are obtained from a consortium or framework agreement of which the Council is a member or to which it has access, approved in accordance with Contract Standing Order 2.2; or

f) in the opinion of the Chief Officer in consultation with the relevant Lead Cabinet Member, the ~~Director of Corporate Resources~~[Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services, full tendering is inappropriate because of the developmental or trial nature of the goods, services or works to be provided.

*Supporting document:*

*Tendering & Contracting codes;  
ESCC Purchasing manual.*

## **Section 2: Working within select lists**

This section contains the rules for working within select lists. These include among others lists of approved contractors who carry out building and construction works. The section also indicates that use of framework agreements can be considered as an alternative to select lists.

### **4. CSO 4 (SO 70) Select Lists**

4.1 Where the Chief Officer responsible for the contract in consultation with the relevant Lead Cabinet Member decides that a select list of approved contractors shall be maintained, at least four weeks before the list is compiled or reviewed notices inviting applications for inclusion on the list **must** be published in accordance with the requirements set out in Standing Order 3.1 (a) and (b) above. In addition, each person already included on any relevant list shall be asked whether they wish to remain on it.

4.2 Each list **must** be re-advertised at least every five years. Any necessary amendments including additions and deletions may be made in between where approved by the appropriate Chief Officer. The criteria for admission to and suspension and exclusion from each list, and the selection for work from the list, shall be specified in writing by the appropriate Chief Officer.

4.3 When the Council is entering into a contract for goods or for the execution of any works or the provision of any services in an area where a select list of



approved contractors is maintained, the appropriate Chief Officer **must** send a written invitation to at least three persons from the list for that class of work to submit a tender. If less than three firms are invited to tender, then the appropriate Chief Officer **must** keep a record of the reasons for this with the project file.

4.4 The Chief Officer responsible for the contract may after consultation with the relevant Lead Cabinet Member, subscribe to and use an external vetted electronic supplier database as an alternative to the Council maintaining its own select list, subject to protocols issued from time to time by the Assistant Director, Legal and Democratic Services.

4.5 In the case of a select list of residential care homes or nursing homes registered under the Care Standards Act 2000 and regulated by the National Care Standards Commission, the Director of Adult Social Care is not required to invite tenders provided that:

- a) ordinarily the payments to be made under the contracts for the provision of such services do not exceed the maximum weekly amounts for the different client groups/type of care as agreed from time to time by the relevant Lead Cabinet Member, including individuals or groups with specialist care needs;
- b) in entering into such contracts the Director of Adult Social Care shall so far as practicable having regard to client/carer wishes, locality, availability of places/services, spreading of business between registered providers, and such other factors that he may consider expedient, endeavour to contract with the registered provider providing such services at the lowest cost;
- c) where (i) the Director of Adult Social Care is reasonably satisfied that there is only one approved supplier of such services due to the specialist care required or (ii) there is more than one provider of such specialist care and quotations have been received from at least two of them, he may authorise a contract in excess of the maximum weekly amount set in accordance with Standing Order 4.5a).

4.6 In the case of a select list of approved providers of home (domiciliary) care services, the Director of Adult Social Care is not required to invite tenders in accordance with Standing Order 4.3, provided that:

- a) the payments to be made under the contracts for the provision of such services do not ordinarily exceed the maximum weekly amounts for the different client groups for residential care as agreed from time to time by the relevant Lead Cabinet Member;
- b) except where there is only one approved provider, the Director of Adult Social Care obtains quotations from at least two of the approved providers of

such services and contracts with the approved provider providing the services required at the lowest cost;

c) where the Director of Adult Social Care is reasonably satisfied that there is only one Approved Provider of such services due to the specialist care required, he may authorise a contract in excess of the maximum weekly amounts set in accordance with Standing Order 4.6 (a) above, and without having to obtain quotations.

4.7 A Chief Officer responsible for a select list, may after consultation with the relevant Lead Cabinet Member, discontinue the use of a select list where best value to the Council can be demonstrated, and replace this, using an appropriate tender procedure, with a framework agreement.

*Supporting document:*

*Tendering & Contracting Codes.*

### **Section 3: Requirement to obtain tenders**

This section sets out clearly the various financial thresholds above and below which competitive quotations or tenders are normally required, **whether it leads to a formal contract or a contract formed by placing a purchase order**. It sets different thresholds for works in recognition of the need for more flexibility in that area:

#### **5. CSO 5 Contracts exceeding £1000 and not exceeding £5,000 (or £15,000 in the case of contracts for works) total value:**

5.1 For contracts for works, goods, or services (including consultancy) with an estimated cost exceeding £1000, and not exceeding £5,000 (£15,000 for contracts for works), the appropriate Chief Officer **must** obtain a single written quotation (or more than one where practicable) or place an order with a contractor under a framework agreement or use a consortium, where such arrangements have been put in place by the Council. Where a select list exists the quotation must be obtained from an approved contractor on the select list.

#### **6. CSO 6 Contracts exceeding £5,000 (£15,000 for contracts for works) and not exceeding £50,000 (£100,000 for contracts for works) total value:**

6.1 In the case of contracts with an estimated cost greater than £5,000 (£15,000 for contracts for works) and not exceeding £50,000 (£100,000 in the case of contracts for works) the appropriate Chief Officer **must** obtain at least 3 written quotations, or place an order with a contractor under an approved framework agreement or use a contract set up by an approved Consortium, where such arrangements have been put in place by the Council. If 3 quotations cannot be obtained due to lack of suitable persons prepared to

quote, the Chief Officer **must** keep a record of the reasons for this with the project file. Where a select list exists, the quotations must be obtained from approved contractors on the select list.

6.2 In seeking quotations a Chief Officer **must** have regard to any guidance issued by the ~~Director of Corporate Resources~~[Chief Operating Officer](#).

6.3 Faxed or emailed quotations are acceptable for the purposes of CSOs 5 to 6 above.

### **7. CSO 7 Contracts exceeding £50,000 (£100,000 in the case of a contract for works) total value:**

7.1 Contracts with an estimated value exceeding £50,000 (£100,000 in the case of a contract for works) **must** be let by competitive tender, using one of the procedures set out under CSO 8 below (save for the exemptions provided under CSO 3);

7.2 Where the estimated value of the Contract is in excess of the relevant EU threshold, the procedures under the EU procurement regulations **must** be followed;

7.3 The Council thresholds set out under Contract "CSOs" 5–7 above are reviewed annually by the ~~Director of Corporate Resources~~[Chief Operating Officer](#) who may vary them approximately in line with inflation.

**Note** From 1 January 2008, the EU threshold for supplies and services is £156,442 (excluding Part B services, and R&D, and certain telecom services and subsidised services) and for works is £3,927,260 (excluding subsidised works) [goods, services and works being as defined by the EU procurement regulations].

*Supporting document for CSOs 5–7:*

*Competitive Process Thresholds;*

*Tendering & Contracting Codes;*

*External Consultancy Code;*

*Purchasing Manual;*

*EU Procedures;*

*Formal quotation & tendering documents-Procurement Library.*

### **Section 4: Procedures leading to award of Contracts**

This section describes the choice of procurement procedures available. There is a choice of 4 tendering procedures- an open procedure, a restricted procedure, a negotiated procedure, and a competitive dialogue procedure

In addition, there are 3 specialist procedures that can be deployed in conjunction with one or more of the tendering procedures, as set out at 8.2.1 – 8.2.3 they are- framework agreements, dynamic purchasing systems, and electronic auctions. This section advises on how to decide which procedure(s) to use. It also sets out the procedure for delivery, opening and recording of tenders, and the choice of two methods for evaluation of bids.

## **8. CSO 8 Choice of Procurement Procedure**

### **8.1 Tendering procedures**

Contracts should be awarded by competitive tender using either the open procedure, or restricted procedure, save where use of the negotiated procedure or the competitive dialogue procedure is appropriate. The choice of tendering procedures is set out below:

#### **8.1.1 Open Procedure**

This may be used where there is no easily identifiable and stable marketplace. Public notice is required in accordance with Contract Standing Order 3, unless an exemption applies. Tenders are issued to all those expressing interest. Post-tender negotiation is only allowable as under Contract Standing Order 15.

#### **8.1.2 Restricted Procedure**

This may be used where there is an established marketplace and many competing companies. Public notice is required in accordance with Contract Standing Order 3, unless an exemption applies. A pre-qualification questionnaire is normally issued to all those expressing interest. An invitation to tender is issued to only those successful after pre-qualification. A minimum of 3 persons (5 in the case of a procurement subject to the EU procurement regulations) expressing interest **must** be invited to tender or if there are less than 3 suitable persons, the Chief Officer **must** keep a record of the reasons for this with the project file. Post-tender negotiation is only allowable as under Contract Standing Order 15.

#### **8.1.3 Negotiated Procedure**

This may be used in cases where the open or restricted procedures are not considered appropriate. The procedure is most likely to be used in cases where the requirement is difficult to fully specify, the requirement does not permit prior overall pricing, or where best value is likely to be achieved. In any of those circumstances, a Chief Officer may decide to use the negotiated procedure in consultation with the Lead Cabinet member, the [Director of Corporate Resources](#) [Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services, being satisfied that the process is appropriate. Public notice is required as under Contract Standing Order 3 unless an exemption applies. A pre-qualification questionnaire is normally issued to all those

expressing interest. An invitation to negotiate is only issued to those successful after pre-qualification.

#### **8.1.4 Competitive Dialogue Procedure**

This may be used in cases where the open or restricted procedures are not considered appropriate, and the Council wishes to award a particularly complex contract. The Council may be aware of their broad needs but does not know in advance what is the best technical, legal, or financial solution for satisfying their needs. Competitive dialogue is a structured process of identifying one or more solutions to meet the Council's needs. It always involves a competitive tender, and the most economic advantageous award criteria must be used. A Chief Officer may decide to use the competitive dialogue procedure in consultation with the Lead Cabinet member, the [Director of Corporate Resources](#) [Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services, being satisfied that the process is appropriate. Public notice is required as under Contract Standing Order 3. A pre-qualification questionnaire is normally issued to all those expressing interest. An Invitation to Competitive Dialogue is only issued to those successful after pre-qualification.

### **8.2 Specialist procedures**

Chief Officers may use these procedures as enhancements to the standard tendering procedures, where appropriate

#### **8.2.1 Framework Agreements**

Framework agreements are used in the case of repetitive purchases to choose suppliers who, when the time comes, will be able to meet the Council's needs. Framework agreements may be set up in conjunction with the open procedure, restricted procedure, negotiated procedure, or competitive dialogue procedure set out above.

#### **8.2.2 Dynamic Purchasing System**

Dynamic purchasing systems are intended to address commonly used purchases. They are a kind of electronic framework agreement, which bidders can join at any point during its lifetime. The open procedure must be used to establish the system up to the award of contracts. The system must be wholly electronic. Public notice is required as under Contract Standing Order 3.

#### **8.2.3 Electronic Auctions**

Electronic auctions may be used in conjunction with the open, restricted, negotiated, or competitive dialogue procedures, or the reopening of competition within a framework, or on the opening for competition of contracts to be awarded through a dynamic purchasing system

*Supporting documents:*

*Contracting & Tendering Codes.*

**9. CSO 9 (SO 72 & 73) Delivery, opening and recording of tenders**

9.1 Every invitation to tender **must** state:

a) that all tenders with a pre-tender valuation of over £50,000 (£100,000 in the case of a contract for works) will be delivered in a sealed, plain envelope addressed to the Assistant Director, Legal and Democratic Services, and bearing the words "Tender for .... " and the title of the contract, but without any name or mark indicating the sender or received electronically in a designated format; and

b) that the Council does not bind itself to accept the most economically advantageous tender or lowest cost tender, or indeed, any tender.

9.2 (a) Paper based tenders will remain unopened in the custody of the Assistant Director, Legal and Democratic Services, until the time appointed for their opening.

(b) Electronically received tenders will remain in their unique, secure electronic state until the time appointed for their opening.

9.3 All tenders will be opened together after the end of the time for tendering by one senior officer nominated by the Assistant Director, Legal and Democratic Services, and another officer. Such officers will be independent from the department tendering the contract.

9.4 All tenders received will be recorded. For electronic tenders a secure, auditable electronic record showing the identity of the persons opening the tender, and the date of opening shall be added to the tender file.

9.5 Any tenders received after the end of the time for tendering or which contravene any provision of these Contract Standing Orders or any applicable tendering conditions or instructions will only be opened with the authority of the Assistant Director, Legal and Democratic Services, after consultation with the relevant Lead Cabinet Member.

9.6 Any electronic tendering must conform to any protocols issued from time to time by the [Director of Corporate Resources](#) [Chief Operating Officer](#) and the Assistant Director, Legal and Democratic Services.

9.7 Quotations and tenders with a pre-valuation of under £50,000 (£100,000 in the case of a contract for works) may be delivered to and opened by the Chief Officer responsible for the contract, two people being present.

9.8 Contracts Registers

9.8.1 The single electronic central register of contracts over £500 entered into by the Council will be kept by the Corporate Resources Department. The register shall include for each contract, such information as is required from time to time by the [Director of Corporate Resources](#)[Chief Operating Officer](#).

9.8.2 Each Chief Officer will ensure that the central register of contracts is kept up to date with all the required information relating to the contracts for which the Chief Officer is responsible.

*Supporting documents:*

*Tendering & Contracting Codes*

## **10. CSO 10 Evaluation**

10.1 Where written quotations are invited for contracts valued below £50,000 (or £100,000 in the case of a contract for works), if there are no clear selection criteria in the documents used to invite tenders, then the bidder submitting the lowest price **must** be awarded any resulting contract.

10.2 For contracts valued over £50,000 (£100,000 in the case of contracts for works) and for all contracts governed by EU procurement regulations, a tender evaluation procedure based on the identification of the most economically advantageous tender ("MEAT") should be used, unless the Chief Officer responsible for the contract determines that a tender evaluation based on lowest cost is more appropriate.

*Supporting documents:*

*Tendering & Contracting Codes.*

## **Section 5: Requirements for contracts**

This section covers acceptance of tenders, financial control of contracts and award of contracts. It also clarifies the position regarding use of essential contract conditions to lessen risk, post-tender negotiation when using the open or restricted procedure (see CSO 4), and the use of nominated sub-contractors or suppliers.

## **11. CSO 11 (SO 74) Acceptance of Tenders**

11.1 Subject to the provisions of this Contract Standing Order, the relevant Chief Officer is empowered to accept the most economically advantageous tender, or the lowest cost tender, where such a contract award criterion is being used.

11.2 The Assistant Director, Legal and Democratic Services, will maintain a record of tenders accepted and amendments agreed by Chief Officers under the powers given to them by these Contract Standing Orders.

11.3 On being provided with details of errors of arithmetic discovered in his or her tender, a tenderer will be allowed, with the approval of the Assistant Director, Legal and Democratic Services, after the date fixed for receipt of tenders, and before acceptance of tenders only:

(a) to confirm without amendments or withdraw his or her offer before any tender for that contract is accepted; or

(b) to amend his or her offer in order to correct those errors.

*Supporting documents:*

*Tendering & Contracting Codes.*

## **12. CSO 12 (SO 74) Control of contracts**

### **12.1 Capital budgets**

In the case of contracts to be financed from capital, authority to accept a tender is subject to any necessary Government approvals and borrowing authorisations having been received and the relevant Chief Officer being satisfied that the tender is within the department's capital programme budget. Significant variations **must** be reported to the relevant Chief Officer. In the case of building works, before accepting the tender the Chief Officer **must** take appropriate professional advice in accordance with guidelines which may be laid down from time to time, including requirements to comply with corporate property requirements.

### **12.2 Revenue budgets**

In the case of works or services or the supply of goods or materials to be financed from revenue, all contracts and agreements **must** be covered by an approved revenue budget at the date of award. When contracts have a duration of more than one financial year, Chief Officers must ensure that the costs stemming from such arrangements can be accommodated within the estimates for the current and future years.

### **12.3 Financial Company Appraisals**

12.3.1 Prior to the letting of a contract above £50,000 (£100,000 in the case of contracts for works), Chief Officers **must** ensure that an adequate technical and financial appraisal of the supplier has been undertaken in consultation with the [Chief Operating Officer](#)~~Director of Corporate Resources~~, except where a select list is in operation.

12.3.2 For contracts identified as business critical, Chief Officers must ensure that an adequate business continuity process is in place with relevant suppliers.

### **12.4 Extensions to Contracts**



12.4.1 Extensions to the contract period of a contract, other than those already provided for within the original public notice, and the contract, may be approved, where best value to the Council has been demonstrated by the Chief Officer responsible for the contract, in consultation with the relevant Lead Cabinet Member, the ~~Director of Corporate Resources~~[Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services. This requirement applies to all contracts above £5000 (£15,000 in the case of contracts for works).

12.4.2 A Chief Officer may approve an assignment or novation of a contract to a new contractor subject to being satisfied as to the financial standing and the technical competence of the proposed new contractor, and after consulting with the ~~Director of Corporate Resources~~[Chief Operating Officer](#) and the Assistant Director, Legal and Democratic Services.

## **12.5 Performance Monitoring**

Chief Officers responsible for relevant contracts **must** ensure that for all contracts over £50,000 (£100,000 for Works), appropriate management and performance monitoring mechanisms are in place.

*Supporting document:*

*Financial Regulations for control of contract;  
Tendering & Contracting Codes.*

## **13. CSO 13 (SO 75) Contract Award**

13.1 Every contract shall be in writing.

13.2 Every contract for more than £50,000 (£100,000 in the case of contracts for works) in value **must** be in a form approved by the Assistant Director, Legal and Democratic Services, and will either be:

- a) sealed with the common seal of the Council; or
- b) signed on behalf of the Council by the Assistant Director, Legal and Democratic Services, and another officer authorised in writing by him or two such officers authorised in writing by the Assistant Director, Legal and Democratic Services.

13.3 For contracts under £50,000 (£100,000 in the case of contracts for works) the relevant Chief Officers sign, or delegate authority to officers within their departments to do so.

13.4 Electronic signatures may be used in accordance with the Electronic Signatures Regulations 2002 provided that the sufficiency of the security arrangements have been approved by the [Director of Corporate Resources/Chief Operating Officer](#), and the Assistant Director, Legal and Democratic Services

13.5 Before awarding a contract or concluding a framework agreement, which is subject to the EU procurement regulations and above the relevant threshold, the Chief Officer shall consult with the Assistant Director, Legal and Democratic Services.

**See note** at end of CSO7 for relevant thresholds under EU procurement regulations

*Supporting documents:*

*Formal contract documentation Procurement Library.*

#### **14. CSO 14 Risk management/Mandatory Contract Conditions**

14.1 Each contract over £50,000 (£100,000 in the case of contracts for works) **must** contain mandatory contract conditions as specified by the Assistant Director, Legal and Democratic Services, unless exempted from doing so by that Assistant Director.

*Supporting documents:*

*Standard/Mandatory Contract Conditions Procurement Library.*

#### **15. CSO 15 (SO 74) Post-tender Negotiation**

15.1 Following receipt of tenders, the relevant Chief Officer may wish to clarify or negotiate with the preferred bidder, that is, the one submitting the most economically advantageous tender (or where applicable the lowest cost tender if that award criterion is being used), or in the case of a single tender, the only bidder. These clarifications or negotiations are to obtain improvements in terms of price, delivery or content and are subject to the following requirements:

- a) any such clarifications or negotiations **must** not alter the original specification except where the relevant Chief Officer considers that special circumstances exist that can be substantiated and recorded; and
- b) any such clarifications or negotiations after receipt of formal tenders and before the letting of a contract **must** have the authorisation of the appropriate Chief Officer and be undertaken in accordance with arrangements approved by the Assistant Director, Legal and Democratic Services, and [Director of Corporate Resources/Chief Operating Officer](#). Amendments, once agreed, **must** be put in writing by the tenderer and shall be signed by the tenderer.

15.2 The provisions set out in 15.1 above will not apply where the use of the negotiated procedure under the EU procurement regulations, or the Council's Negotiated Procedure as set out under Contract Standing Order 8.1.3 have been approved.

*Supporting documents:*

*Tendering & Contracting Code.*

## **16. CSO 16 (SO 76) Nominated Sub-Contractors and Suppliers**

16.1 This Contract Standing Order only applies where a sub-contractor or supplier is nominated to a main contractor.

16.2 Where the estimated cost of the sub-contract or of the goods or services to be supplied by the nominated supplier are £50,000 (£100,000 in the case of a contract for Works) or more, tenders will be invited unless the appropriate Chief Officer decides that it is not reasonably practicable to do so.

16.3 The Chief Officer **must** invite at least three tenders for the nomination. The terms of the invitation shall require an undertaking by the tenderer that if selected the sub-contractor, or supplier, will be willing to indemnify the main contractor against the sub-contractor's, or supplier's, own obligations under the main contract in relation to the work or goods or services included in the sub-contract.

16.4 The Chief Officer, or a duly authorised officer, **must** nominate to the main contractor the person who's tender or quotation is successful.

## **(7) Financial Procedure Rules**

### **1. SCOPE**

These rules, more commonly referred as the Council's Financial Regulations and Standard Financial Procedures, provide a framework of control, responsibility and accountability for the administration of the Council's financial affairs. Financial Regulations and Standard Financial Procedures are attached.

## **FINANCIAL REGULATIONS**

### **SUMMARY OF CONTENTS**

- A.1 Introduction
- A.2 General Financial Management
- A.3 Accounting Arrangements
- A.4 Audit Arrangements
- A.5 Control of Financial Budgets
- A.6 Control of Staffing Budget
- A.7 Control of Financial Information and Communications Systems
- A.8 Control of Contracts
- A.9 Banking Arrangements
- A.10 Treasury Management, Investments and Trust Funds
- A.11 Estates
- A.12 Insurance
- A.13 Financial Limits

## A.1. INTRODUCTION

A.1.1 Under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988, the ~~Director of Corporate Resources~~ Chief Finance Officer is responsible for the proper administration of the Council's financial affairs and is required to report where he/she believes the Council or an officer is likely to make a decision or take a course of action which

- (i) would lead to unlawful expenditure, or
- (ii) is likely to cause a loss or deficiency, or where
- (iii) the Council's expenditure is likely to exceed significantly the available resources.

A.1.2 The purpose of Financial Regulations is to provide a framework of control, responsibility and accountability for the proper administration of the Council's financial affairs, to enable the Chief Executive and Head of Paid Service, the ~~Director of Corporate Resources~~ Chief Finance Officer and all Chief Officers to carry out their statutory duties.

**A.1.3 In addition, Financial Regulations have an important role in establishing a sound system of corporate governance for the County Council and also in supporting the County Council's Anti-Fraud and Corruption Strategy. Chief Officers have individual and collective responsibility to ensure that the fundamental principles as established by the Cadbury Report on "the financial aspects of corporate governance", namely openness, integrity, and accountability, are established through compliance with Financial Regulations.**

A.1.4 Financial Regulations are deemed to be part of the Constitution and Standing Orders in so far as they relate to the conduct of business in Council, Cabinet, Committees, Sub-Committees and Panels. Cabinet means a formal meeting of the Cabinet, meeting as a committee, convened in accordance with the access to information provisions of the Local Government Act 1972.

A.1.5 Financial Regulations endorse the Chartered Institute of Public Finance and Accountancy statement "The Role of the Chief Finance Officer in Financial Administration in Local Government" issued in December 1993 in respect of the role of the ~~Director of Corporate Resources~~ Chief Finance Officer.

A.1.6 Financial Regulations outline the system of financial administration to be operated within the Council, and it shall be the responsibility of the Council and Chief Officers to ensure that they are observed. Where the Council has allocated powers to Members and Chief Officers, these shall be exercised in accordance with Financial Regulations.

A.1.7 Local management schemes have been approved for Social Services and Education, including Community Education and the Education Advisory and Inspection Service. These shall have effect subject to the overall authority of these Financial Regulations. The ~~Director of Corporate Resources~~Chief Finance Officer may approve changes to any more-detailed financial regulations within approved local management schemes again subject to their compliance with these Financial Regulations.

A.1.8 These Financial Regulations are subject to Accounts and Audit Regulations (1996 or subsequent) issued by Government under S23 of the Local Government Finance Act 1982. Accounts and Audit Regulations establish statutory provisions for accounting arrangements, for audit arrangements and for financial control within the County Council.

## A.2 GENERAL FINANCIAL MANAGEMENT

A.2.1 To enable the ~~Director of Corporate Resources~~Chief Finance Officer to carry out his/her statutory duties, each Chief Officer must provide such information as requested within any reasonable timescale set.

A.2.2 Copies of notifications from Government Departments including consents, approvals, regulations, circulars, letters, etc. in any way relating to finance shall be forwarded by Chief Officers immediately to the ~~Director of Corporate Resources~~Chief Finance Officer.

A.2.3 Notices of all meetings and copies of all agenda, reports and minutes of Cabinet, Committees, Sub-Committees and Panels shall be sent to the ~~Director of Corporate Resources~~Chief Finance Officer as soon as they are available.

A.2.4 The ~~Director of Corporate Resources~~Chief Finance Officer shall be the chief financial adviser to the Council and shall keep the Council informed of the financial implications of all new policies and changes of policy.

A.2.5 Each Chief Officer shall consult with the ~~Director of Corporate Resources~~Chief Finance Officer in respect of any matter within his or her responsibilities which contains financial implications for either the revenue budget or capital programme or affects the finances of the Council before any provisional or other commitment is made and before reporting thereon to a Cabinet, Committee, Sub-Committee or Panel. Any report must include the ~~Director of Corporate Resources~~Chief Finance Officer' views as well as those of the appropriate Chief Officer.

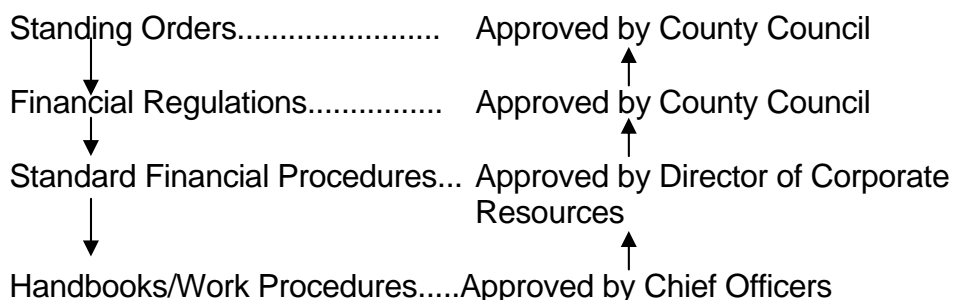
A.2.6 The ~~Director of Corporate Resources~~Chief Finance Officer, with his/her statutory responsibilities and also with his/her Head of Profession role for Finance, issues a set of Standard Financial Procedures to establish sound practice and to assist him/her and other Chief Officers in their responsibilities. Standard Financial Procedures have the same authority as Financial Regulations. In particular:

- All payments shall be made in accordance with Standard Financial Procedures or other arrangements formally approved by the ~~Director of Corporate Resources~~ Chief Finance Officer.
- The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees shall be made in accordance with Standard Financial Procedures or other arrangements formally approved by the ~~Director of Corporate Resources~~ Chief Finance Officer.
- The collection of all income due to the Council shall be in accordance with Standard Financial Procedures or other arrangements formally approved by the ~~Director of Corporate Resources~~ Chief Finance Officer.

A.2.7 Chief Officers are responsible for the operation of sound financial procedures within their Department and in order to fulfil this duty they shall ensure that adequate controls are in place.

A.2.8 For this purpose, Chief Officers may issue Handbooks and Work Procedures in accordance with Standard Financial Procedures. The ~~Director of Corporate Resources~~ Chief Finance Officer may vary Standard Financial Procedures in accordance with the needs of individual departments. Provided he/she is satisfied that all necessary controls are met, the ~~Director of Corporate Resources~~ Chief Finance Officer may agree to variations proposed by Chief Officers. Agreed variations must be properly recorded.

A.2.9 The general regulatory hierarchy of the Council’s Constitution may therefore be described as follows:



A.2.10 Where a Chief Officer delegates his/her powers to staff in accordance with a scheme of delegation, a record including appropriate authorisation of such delegation shall be maintained by the Chief Officer concerned.

A.2.11 Heads of Resources and designated financial managers in all departments shall be accountable to the ~~Director of Corporate Resources~~ Chief Finance Officer as Head of Profession on financial matters and shall act in support of his/her Section 151 role.



A.2.12 The Head of Finance shall perform the statutory and Head of Profession functions in the absence of the ~~Director of Corporate Resources~~Chief Finance Officer.

### A.3 ACCOUNTING ARRANGEMENTS

A.3.1 Chief Officers are responsible for the operation of financial processes within their Department and in consultation with the ~~Director of Corporate Resources~~Chief Finance Officer shall ensure that adequate controls are in place.

A.3.2 Central accounting systems, financial accounts and supporting records shall be determined by the ~~Director of Corporate Resources~~Chief Finance Officer in accordance with the Accounts and Audit Regulations and other Accounting Codes and Standards. It shall be the responsibility of the ~~Director of Corporate Resources~~Chief Finance Officer to ensure that such accounts and systems are kept up to date either through the staff under his/her control or other appointed agents.

A.3.3 Financial systems, as determined by the ~~Director of Corporate Resources~~Chief Finance Officer that record, monitor or control financial transactions, and that are developed locally within departments, shall be developed in consultation with the ~~Director of Corporate Resources~~Chief Finance Officer and managed in accordance with principles of reconciliation and other guidelines issued by the ~~Director of Corporate Resources~~Chief Finance Officer.

A.3.4 Chief Officers shall maintain full and accurate records in order to supply the ~~Director of Corporate Resources~~Chief Finance Officer with such financial and statistical information as he/she shall require to enable him/her to report fully and accurately on the finances of the Council.

A.3.5 The Chief Officers shall ensure that the principles of internal control within all operations are maintained at least to a standard required by the ~~Director of Corporate Resources~~Chief Finance Officer, from whom advice may be sought. In particular, the following principles shall be observed in connection with accounting systems:

- (a) the duties of providing information regarding sums due to or from the Council and of calculating, checking and recording those sums shall be separated as completely as possible from the duty of collecting or disbursing them;
- (b) officers charged with the duty of examining and checking the accounts of financial transactions shall not themselves be engaged in any of these transactions.

A.3.6 Before claims for grant or reimbursement are submitted to any government department or other body they shall be sent to the ~~Director of Corporate Resources~~Chief Finance Officer for examination and certification.

A.3.7 Applications for bid finance including for Private Finance Initiative (PFI) Schemes shall be prepared in accordance with guidelines issued by, or in consultation with, the ~~Director of Corporate Resources~~Chief Finance Officer. Before applications are submitted to any government or other body, they shall be sent to the ~~Director of Corporate Resources~~Chief Finance Officer for examination and to confirm that financial implications have been fully assessed.

A.3.8 Chief Officers shall consult the ~~Director of Corporate Resources~~Chief Finance Officer prior to the County Council entering any formal or legally binding Partnership arrangement. Chief Officers shall ensure that an adequate technical and financial appraisals of all partners is undertaken. Financial appraisals shall be undertaken in consultation with the ~~Director of Corporate Resources~~Chief Finance Officer.

#### A.4 **AUDIT ARRANGEMENTS**

A.4.1 In accordance with delegated powers and Accounts and Audit Regulations, the ~~Director of Corporate Resources~~Chief Finance Officer shall maintain adequate and effective arrangements for the internal audit of the Council's accounting records and control systems, to operate in accordance with the Auditing Practices Board's (or other relevant) Auditing Guidelines.

A.4.2 Internal auditors appointed by the ~~Director of Corporate Resources~~Chief Finance Officer shall, in pursuance of their duties, have the authority under Accounts and Audit Regulations to:

- (i) visit all County Council establishments and premises to carry out audits of their activities;
- (ii) access, at all times, all property documents and records considered necessary to the audit by the ~~Director of Corporate Resources~~Chief Finance Officer;
- (iii) require any employee of the County Council to produce cash, stores or any other property of the Council, or to produce the property of persons for whom the Council is responsible which is under his/her control.

All officers are required to co-operate with audit enquiries and to provide any information and explanation considered necessary for the audit.

A.4.3 Immediately an officer suspects an irregularity affecting income, expenditure, cash, stores or any other resources of the Council, it is the officer's duty to report the matter to the senior finance manager in the department, or if not appropriate, to the Chief Officer of the department who shall promptly inform the ~~Director of Corporate Resources~~Chief Finance Officer. The ~~Director of Corporate Resources~~Chief Finance Officer shall take such steps as are necessary by way of investigation and report.

A.4.4 Chief Officers are responsible for ensuring that all employees are informed of the County Council's Anti-Fraud and Corruption Strategy and that copies of the Policy Statement and Code of Conduct for Employees documents are provided to all new employees.

## A.5 CONTROL OF FINANCIAL BUDGETS

Budget Process  
Revenue Budget Management  
Capital Programme Management

### A.5.1 Budget Process

A.5.1.1 Chief Officers and the ~~Director of Corporate Resources~~Chief Finance Officer shall jointly prepare departmental annual estimates for both revenue and capital expenditure for the coming financial year for presentation to the Cabinet during the December/January cycle of meetings. The estimates shall be in a form agreed and notified by the ~~Director of Corporate Resources~~Chief Finance Officer and be in accordance with any criteria set by the Council. Where a scheme of delegated financial management has been developed and approved by the Council, detailed estimates shall be prepared in accordance with the scheme.

A.5.1.2 Estimates presented to the Cabinet shall include a report by the ~~Director of Corporate Resources~~Chief Finance Officer on the effects on the finances of the Council. The Cabinet shall consider the estimates presented and the report of the ~~Director of Corporate Resources~~Chief Finance Officer, make such amendments as it deems necessary to the estimates, and recommend the level of the precept for the Council's approval.

A.5.1.3 During each financial year, Chief Officers shall submit revenue budget and capital programme monitoring information to the ~~Director of Corporate Resources~~Chief Finance Officer in a format and at such intervals as may be agreed.

A.5.1.4 The ~~Director of Corporate Resources~~Chief Finance Officer will report on the outturn of expenditure and income to the Cabinet as soon as practicable after the end of the financial year.

A.5.1.5 The ~~Director of Corporate Resources~~ **Chief Finance Officer** will certify that the Statement of Accounts has been prepared in accordance with Accounts and Audit Regulations and that the Statement represents fairly the financial position of the County Council. The ~~Director of Corporate Resources~~ **Chief Finance Officer** will submit the Statement of Accounts to the Cabinet for approval not later than six months after the end of the financial year.

A.5.1.6 Where a Chief Officer is responsible for a direct service organisation, he/she shall prepare an annual report and accounts for the previous financial year for that organisation, in association with the ~~Director of Corporate Resources~~ **Chief Finance Officer** and in accordance with any legislative requirements. The annual report and accounts shall be completed as soon as practicable after the year end but not later than six months after the end of the financial year.

## **A.5.2 Revenue Budget Management**

A.5.2.1 Chief Officers shall be responsible for managing and directing resources to achieve the objectives of the budget. This will involve monitoring expenditure and income and the regular review of performance. Where budgets are delegated to local financial managers ("budget managers"), the budget managers are charged with the same responsibility.

A.5.2.2 No expenditure shall be incurred which is not covered by an approved budget. If a Chief Officer is of the opinion that a budget will be or is likely to be overspent he/she must inform the ~~Director of Corporate Resources~~ **Chief Finance Officer**. The Chief Officer in consultation with the ~~Director of Corporate Resources~~ **Chief Finance Officer** will seek any necessary supplementary estimate or approval to commit additional expenditure in future years from the Cabinet.

A.5.2.3 Earmarked revenue budget income, received for a specific purpose, may be spent for the purpose it was received so long as the expenditure will not cause additional commitments for future years. Where commitments do arise, the approval of the Cabinet must be obtained.

A.5.2.4 As part of the approved budget, a contingency provision may be approved each year by the Council. Once approved, allocations will only be made from the contingency provision under the direction of the ~~Director of Corporate Resources~~ **Chief Finance Officer** and in accordance with the approved purposes of the contingency.

A.5.2.5 In accordance with the Code of Practice on Prudential Approach to Local Authority Commitments, each year the ~~Director of Corporate Resources~~ **Chief Finance Officer** shall prepare a report incorporating the assessment of commitments for the next three years or such other period as may be prescribed.

A.5.2.6 Revenue Budget transfers and under/overspending carry forwards shall be in accordance with the procedures set out in Regulation A.13 (Financial Limits).

A.5.2.7 Surpluses earned by direct service organisations of the Council shall only be used for purposes approved by the Cabinet.

### **A5.3 Capital Programme Management**

A.5.3.1 Capital expenditure, as defined in the Local Authorities (Capital Finance) Regulations 1990 or in such subsequent Regulations as may succeed these, will be considered for inclusion within the approved capital programme. The ~~Director of Corporate Resources~~Chief Finance Officer will periodically review and issue a minimum threshold value below which projects cannot be charged to capital.

A.5.3.2 Capital projects shall be incorporated in a Capital Programme for consideration by the Council, in conjunction with the annual revenue budget process, detailing the phasing of expenditure on such projects and the full year revenue cost associated with each project, and having regard to the level of available resources. The first year of the plan will form the approved capital budget for the forthcoming financial year.

A.5.3.3 Prior to the approval by the Council of a capital programme each year, Chief Officers, jointly with the ~~Director of Corporate Resources~~Chief Finance Officer, shall prepare financial appraisals of all projects to be put forward for inclusion in the capital programme.

A.5.3.4 Subject to paragraphs A.5.3.5 and A.5.3.6 below, no expenditure shall be incurred on capital projects which is not included in the approved capital programme and no contracts entered into or tender accepted unless any necessary government approvals and borrowing powers have been received, and resources approved in accordance with these Regulations.

A.5.3.5 The capital programme may be varied with the agreement of the ~~Director of Corporate Resources~~Chief Finance Officer, if no additional commitments for future years are incurred, in the following circumstances:

- (a) where budget provision is transferred to capital expenditure financed from revenue account (CERA) in accordance with Regulation A.13 (Financial Limits) below.
- (b) where earmarked capital receipts are spent for the purpose they were received, provided that capital resources are enhanced by the amount received and that the capital receipts are received

either before the payments are made, or within the same financial year.

For all other proposals that vary the capital programme, the approval of the Cabinet must be obtained.

- A.5.3.6 Capital payments must be contained within the individual provisions in the approved capital programme. Where over and underspendings arise because of slippage and there is no effect on the availability of capital resources, equivalent adjustments will be made to the following year's programme. Where overspendings compared to the annual provisions in the capital programme arise, which are not the result of slippage, departments must report the figures to the ~~Director of Corporate Resources~~ **Chief Finance Officer**, together with proposals for equivalent savings from other approved projects.
- A.5.3.7 Capital schemes shall not be changed without the approval of the Cabinet and any consequent increase in the cost of the scheme shall be contained within the relevant Department's approved capital programme. Any significant alteration to the size, content or specification of a scheme which increases the cost by more than 10% must be reported in a timely manner to the Cabinet.
- A.5.3.8 If a tender price exceeds the capital programme provision, then provision may be transferred from one approved project to another. If such a transfer is not possible then the approval of the Cabinet must be obtained before the tender is accepted.
- A.5.3.9 The final cost of each capital scheme chargeable against the capital programme shall be reported by the appropriate Chief Officer to the Cabinet if the cost exceeds the provision in the capital programme by 10% or more, as soon as possible after completion together with explanations for variances from the estimated cost.
- A.5.3.10 The ~~Director of Corporate Resources~~ **Chief Finance Officer** will report on the outturn of capital expenditure to the Cabinet as soon as practicable after the end of the financial year.

## A.6 CONTROL OF STAFFING BUDGET

- A.6.1 Within the total financial estimate provision approved by the Council, Chief Officers shall be entitled to vary the numbers and composition of their workforce in order to meet service requirements provided such variations do not commit the Council to increased expenditure in future years.
- A.6.2 Each year, Chief Officers in association with the Chief Executive shall prepare a staffing report containing information on the number and



composition of the County's workforce, changes during the previous twelve months and a forecast of the staffing budget for the year ahead.

- A.6.3 Chief Officers must adhere to the mandatory aspects of the Council's Personnel Policies and Practices including the proper use of appointment procedures; the proper use of job evaluation or other agreed system for determining remuneration; and the method used to make payments to staff and employees including those falling within locally determined and local management schemes.
- A.6.4 Chief Officers shall ensure that personnel information is maintained in a form required by the Chief Executive and a form necessary to comply with the Council's Personnel Policies and Practices.
- A.6.5 Chief Officers shall also ensure that any systems used to process personnel data or remuneration are properly maintained in accordance with these Financial Regulations.
- A.6.6 Arrangements for the payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees shall be made in accordance with Standard Financial Procedures issued by the ~~Director of Corporate Resources~~Chief Finance Officer.

**A.7 CONTROL OF FINANCIAL INFORMATION AND COMMUNICATION SYSTEMS**

- A.7.1 All Chief Officers will conform with and follow the Council's IS/IT Strategy and will seek the advice of the ~~Director of Corporate Resources~~Chief Finance Officer on the introduction of information and communications systems. In particular, Chief Officers ensure that sufficient standards and procedures are in place and will also ensure the achievement of value for money in the introduction of new systems and equipment.
- A.7.2 Chief Officers shall consult with the ~~Director of Corporate Resources~~Chief Finance Officer on the development of any financial or other systems whether computerised or manual at the earliest practicable stage and obtain the consent of the ~~Director of Corporate Resources~~Chief Finance Officer in implementing those systems.
- A.7.3 Minimum standards of control for any new system or development of an existing system which involves a financial operation or produces output that may influence such an operation, must be agreed in advance with the ~~Director of Corporate Resources~~Chief Finance Officer.
- A.7.4 Chief Officers shall conform to the County Council's security and control of systems' standards within their Departments. They shall also be responsible for the security and privacy of data necessary to accord with the Data Protection Act 1984. When accessing central or other systems,

Chief Officers will be responsible for ensuring that agreed procedures are followed.

A.7.5 Any proposal to purchase or develop a computer system (IT hardware, software or communications equipment) shall be the subject of a business case in an approved form and in accordance with the Council's IS/IT strategy. In the same manner, such proposals will also be subject to post implementation review.

A.7.6 Chief Officers shall make sound and sufficient contingency arrangements to ensure the security and continuity of services in the event of a disaster eg fire, flood etc and to enable the restitution of systems and data.

## A.8 CONTROL OF CONTRACTS

A.8.1 All contracts and agreements entered into shall conform with the Council's Rules of Procedure and Standing Orders for contracts and tenders and must be covered by an approved budget. When contracts have a duration for more than one financial year, Chief Officers must ensure that the charges stemming from such arrangements can be accommodated within the estimates for the current and future years.

A.8.2 Chief Officers shall comply with European Commission Directives and United Kingdom Regulations relating to public procurement. Where appropriate, contracts and agreements shall be on the standard form of the Council.

A.8.3 Chief Officers shall ensure, in consultation with the ~~Director of Corporate Resources~~Chief Finance Officer, that they adopt and operate a scheme of competitive discipline for all contracts and procurement below the threshold of competition required by the Council's Rules of Procedure and Standing Orders.

A.8.4 Chief Officers shall have proper regard for any Code of Procurement issued from time to time by the ~~Director of Corporate Resources~~Chief Finance Officer. Prior to the letting of a contract above the threshold of Standing Orders, Chief Officers shall ensure that an adequate technical and financial appraisal of the tenderers is undertaken. Financial appraisal of tenderers shall be undertaken in consultation with the ~~Director of Corporate Resources~~Chief Finance Officer.

A.8.5 The ~~Director of Corporate Resources~~Chief Finance Officer will advise on matters relating to the maintenance of buildings, the need for repairs etc. and other such works for which he/she has budget responsibility. Also, through Property Head of Profession, a general responsibility for advising sound procedures will be maintained.



A.8.6 A register of formal contracts entered into and a record of payments made thereunder shall be kept by each Chief Officer in a form approved by the ~~Director of Corporate Resources~~ Chief Finance Officer for all contracts involving stage payments. Where appropriate, the record of payments will be supported by details of the final account and a certificate of completion.

A.8.7 Where the contract requires that interim and final payments shall be made on certificate, that certificate shall be:-

- in a form approved by the ~~Director of Corporate Resources~~ Chief Finance Officer;
- signed personally by an officer authorised by the Chief Officer;
- authorised and issued in sufficient time to enable payment to be made within the time specified.

A.8.7A.8.8 Such documents as may be necessary shall be made available to the ~~Director of Corporate Resources~~ Chief Finance Officer to enable him/her, or his/her appointed agents, to audit a contract. If contracts are supervised and managed by persons other than officers of the Council, the agreement with that person (or persons) shall provide that all documents relating to a contract shall be available for inspection by officers of the Council if required.

A.8.8A.8.9 Any variation to a contract for building or civil engineering work will be authorised in writing by an employee or, where employed, consultant, whose name shall be in a list approved by the Chief Officer.

A.8.9A.8.10 When the final certificate of completion of any contract is issued by the appropriate officer, private architect, engineer or consultant a copy shall be produced to the ~~Director of Corporate Resources~~ Chief Finance Officer together, if required, with a detailed statement of account and other relevant documents.

A.8.10A.8.11 Where expenditure on a contract exceeds the contract value, the Chief Officer will report if Regulation A.13 (Financial Limits) is exceeded. Where a contract period is likely to be exceeded, so as to significantly affect service provision, a report shall be submitted to the Cabinet by the Chief Officer giving reasons for the delay, and making any recommendations as to claims after consultation with the Assistant Director, Legal and Democratic Services.

A.8.11A.8.12 Operational leasing or contract hire arrangements for vehicles, plant or equipment may be undertaken by Chief Officers provided the ~~Director of Corporate Resources~~ Chief Finance Officer is satisfied that the method of finance is appropriate for the asset concerned and that the best terms available have been secured.

## A.9 BANKING ARRANGEMENTS

A.9.1 The Cabinet shall approve all banking contract terms and conditions. All other arrangements with the Council's bankers shall be made by or approved by the ~~Director of Corporate Resources~~Chief Finance Officer who shall be authorised to operate such accounts, including National Giro accounts, as he/she deems necessary. Bank accounts for imprest holders and delegated financial management schemes and the provision of credit card facilities shall be subject to the same arrangements.

A.9.2 With the exception of imprest accounts or Local Management Schemes all cheques, including National Giro payment forms, shall be ordered on the authority of the ~~Director of Corporate Resources~~Chief Finance Officer who shall make proper arrangements for their safe custody. Credit cards may only be issued to Chief Officers or other officers with delegated authority with the consent of the ~~Director of Corporate Resources~~Chief Finance Officer and only on terms approved by the ~~Director of Corporate Resources~~Chief Finance Officer.

A.9.3 Cheques drawn on the Council's main banking accounts, including National Giro accounts, shall bear the facsimile signature of the ~~Director of Corporate Resources~~Chief Finance Officer or be signed by him/her or officers authorised by the Cabinet. The manual pre-signing of cheques is not permitted on any cheque drawn on a County Council bank account.

A.9.4 Where payments are to be transmitted either electronically or automatically, the ~~Director of Corporate Resources~~Chief Finance Officer shall approve the necessary arrangements made to safeguard the interests of the Council.

A.9.5 All County Council funds shall be banked to the corporate accounts of the County Council, appropriate subsidiary accounts or other accounts in the name of the County Council and approved by the ~~Director of Corporate Resources~~Chief Finance Officer. No other account shall be used for transacting or transferring County Council funds.

## A.10 TREASURY MANAGEMENT, INVESTMENTS AND TRUST FUNDS

A.10.1 All monies in the hands of the Council shall be aggregated for the purposes of Treasury Management and shall be under the control of the ~~Director of Corporate Resources~~Chief Finance Officer as delegated by the County Council.

A.10.2

- The County Council has adopted the key recommendations of CIPFA's *Treasury Management in the Public Services : Code of Practice*.
- Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:

- a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities;
- suitable Treasury Management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will following the recommendations contained in the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key recommendations.

- The County Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet and for the execution and administration of treasury management decisions to the ~~Director of Corporate Resources~~Chief Finance Officer who will act in accordance with the policy statement and TMPs and, he/she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.

- A.10.3 The ~~Director of Corporate Resources~~Chief Finance Officer shall report to the County Council at the beginning of the financial year and make recommendations on the following:-
- a) the overall borrowing limit;
  - b) the short term borrowing limit;
  - c) the maximum proportion of borrowing which may be at variable interest rates.

Once approved by the County Council, these limits may only be varied by the County Council itself.

- A.10.4 The ~~Director of Corporate Resources~~Chief Finance Officer is authorised to borrow all monies and to arrange the temporary investment of funds within the approved borrowing limit and in accordance with the County Council's Treasury Management Policy Statement. Borrowing or lending or investing of monies not within the ~~Director of Corporate Resources~~Chief Finance Officer' delegated powers will not be permitted without the approval of the County Council.

- A.10.5 Subject to Financial Regulation A.10.3, the ~~Director of Corporate Resources~~Chief Finance Officer shall be authorised to borrow in respect of projects provided the necessary Government Credit Approvals have been received or provided financing is contained within the County Council's "aggregate credit ceiling" (as statutorily defined) and in accordance with the approved Capital Programme.

A.10.6 All loans and investments, other than those belonging to the East Sussex Pension Fund and bearer securities, shall be made in the name of the Council. Investments in the East Sussex Pension Fund, other than bearer securities, shall be held in the name of the Council or the Council's nominees.

A.10.7 All securities the property of or in the name of the Council or its nominees, and the title deeds of all property in its ownership shall be held in the custody of the Assistant Director, Legal and Democratic Services, the ~~Director of Corporate Resources~~Chief Finance Officer, or the Council's bankers as appropriate or under such other arrangements as are approved by the ~~Director of Corporate Resources~~Chief Finance Officer.

A.10.8 The ~~Director of Corporate Resources~~Chief Finance Officer or the Council's bankers shall be the Council's registrar of stocks, bonds and mortgages as appropriate. The ~~Director of Corporate Resources~~Chief Finance Officer shall maintain records of all borrowing of money by the Council. Stocks, bonds and mortgages held by the East Sussex Pension Fund may be registered in the name of the Fund's nominees.

A.10.9 All trust funds shall, wherever possible, be in the name of the Council or approved nominees. All officers acting as trustees by virtue of their official position shall deposit all securities, etc. relating to the trust with the Assistant Director, Legal and Democratic Services unless the deed otherwise provides.

#### A.11 **ESTATES**

A.11.1 The ~~Director of Corporate Resources~~Chief Finance Officer shall, in consultation with the Assistant Director, Legal and Democratic Services, maintain a terrier of all properties owned by the Council, recording the holding department, location, extent, plan reference, purchase details, nature of the interest, tenancies granted, rents payable, and purpose for which the property is held.

A.11.2 The ~~Director of Corporate Resources~~Chief Finance Officer shall maintain an asset register in such a form to record sufficient details to meet the requirements of the Code of Practice on Local Authority Accounting in respect of capital accounting.

A.11.3 The Assistant Director, Legal and Democratic Services shall have custody of all title deeds under secure arrangements agreed with the ~~Director of Corporate Resources~~Chief Finance Officer.

#### A.12 **INSURANCE**

- A.12.1 The ~~Director of Corporate Resources~~Chief Finance Officer shall effect all necessary insurance cover and negotiate all claims, in consultation with other officers where necessary. In respect of direct service organisations, adequate insurance cover shall be maintained by each organisation for employers and third party liability, buildings and contents and such other risks as are deemed necessary.
- A.12.2 Chief Officers shall notify the ~~Director of Corporate Resources~~Chief Finance Officer immediately of:-
- (a) all new risks and liabilities which may require to be insured;
  - (b) any alteration which may affect existing insurance;
  - (c) any loss, damage, claim or event which might give rise to a claim by or against the Council;
  - (d) any acquisition or disposal of interests in property which involves an amendment to insurance cover.
- A.12.3 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- A.12.4 The ~~Director of Corporate Resources~~Chief Finance Officer shall, at least annually, review all insurance in consultation with other Chief Officers.
- A.12.5 Chief Officers shall consult with the ~~Director of Corporate Resources~~Chief Finance Officer and the Assistant Director, Legal and Democratic Services in respect of the terms of any indemnity which the Council is requested to give.

**A.13 FINANCIAL LIMITS**

Budget Limits  
 Control of Contracts  
 Ex-Gratia Payments  
 Write Off of Debts  
 Write Off of Stocks and Stores  
 Payment of Accounts

- A.13.1 Budget Limits  
 - Revenue Budget Transfer and Supplementary Estimates

A.13.1.1 For each vote number within the approved revenue budget, the following sums (subject to Financial Regulation A.13.1.2 below) may be transferred in each financial year from one heading to another by the Chief Officer concerned:

- If the budget is £1m or less: 20% of the budget or £50,000 (whichever is the lower),

*NB. Where this transfer is to Capital Expenditure financed from Revenue Account (CERA), the capital programme can be varied with the approval of the ~~Director of Corporate Resources~~ Chief Finance Officer (refer to financial Regulation A5.3.5 above). In respect of LMS school budgets, so long as an overspending is not caused, the ~~Director of Corporate Resources~~ Chief Finance Officer may approve expenditures over £50,000 to be included in the capital programme.*

- If the budget is greater than £1m: 5% of the budget or £100,000 (whichever is the lower)

A.13.1.2 If the Council is committed to additional expenditure in future years, no transfer will be permitted unless approved by the Cabinet. Transfers out of building maintenance shall be permitted only with the approval, in advance, of the Cabinet.

A.13.1.3 All other proposals for transfer and supplementary estimates will require the approval of the Cabinet, unless a significant change to an existing policy, or the development of a new policy is involved, when the approval of the County Council will be required.

A.13.1.4 Where the budget is delegated to budget managers, transfers may be made from one head to another as approved by the appropriate scheme of delegation.

- Revenue Budget Under/ Overspendings

A.13.1.5 Unless subject to local financial management or delegated budget schemes, underspendings may be carried forward to the following financial year:

- If the budget is £1m or less: 20% of the budget or £50,000 (whichever is the lower).
- If the budget is greater than £1m: 5% of the budget or £100,000 (whichever is the lower).

A.13.1.6 Local management schemes and schemes of delegation shall be permitted to carry forward underspendings in accordance with their approved schemes.

A.13.1.7 Where overspendings occur, these must first be offset against underspendings or deducted from the following year's budget unless the approval of the Cabinet to other action has been obtained.

*(Note - supplementary estimates should be taken into account when determining overspenders at the year end, but not for determining underspenders. Therefore supplementary estimates and their related expenditure will be deducted before carry forwards of underspenders are determined.)*



### **A.13.2 Control of Contracts**

A.13.2.1 Where during the currency of a contract valued at £50,000 or more, it becomes apparent that expenditure against the contract will exceed the contract value by 10% or more, other than as a result of a price fluctuation clause, the Chief Officer, in consultation with the ~~Director of Corporate Resources~~ Chief Finance Officer, shall present a full report to the next practicable meeting of Cabinet.

### **A.13.3 Ex-Gratia Payments**

A.13.3.1 Chief Officers may authorise ex-gratia payments up to £500. Ex-gratia payments in excess of £2,500 shall only be authorised by the Cabinet.

A.13.3.2 Ex -gratia payments falling between these limits may only be authorised by the Chief Officer after consultation with the ~~Director of Corporate Resources~~ Chief Finance Officer and Assistant Director, Legal and Democratic Services.

A.13.3.3 The Director of Adult Social Care may authorise ex-gratia payments of up to £1,000 where justified under the Adult Social Care Department's complaints procedure.

A.13.3.4 A complete record of ex-gratia payments made by Chief Officers shall be maintained and shall be available to the ~~Director of Corporate Resources~~ Chief Finance Officer on request and retained in accordance with Standard Financial Procedures.

### **A.13.4 Write Off of Debts**

A.13.4.1 The write-off of debts below £1,000 may be authorised by the Chief Officer. The write-off of debts in excess of £2,500 shall only be authorised by the Cabinet.

A.13.4.2 All other debts falling between these limits may only be written off by the Chief Officer after consultation with the ~~Director of Corporate Resources~~ Chief Finance Officer and Assistant Director, Legal and Democratic Services.

A.13.4.3 A complete record of debts written off shall be maintained by the appropriate Chief Officer and retained in accordance with Standard Financial Procedures.

### **A.13.5 Write Off of Stocks and Stores**

A.13.5.1 No deficiency which occurs in excess of £2,500 shall be written off by a Chief Officer without the prior approval of the Cabinet.

A.13.5.2 Variations below this figure may be written off by the Chief Officer following consultation with the ~~Director of Corporate Resources~~Chief Finance Officer and Assistant Director, Legal and Democratic Services.

A.13.5.3 A complete record of stocks and stores written off shall be maintained by the appropriate Chief Officer and retained in accordance with Standard Financial Procedures.

**A.13.6 Payment of Accounts**

A.13.6.1 No payment in advance of £500 or more shall be made without the prior approval of the ~~Director of Corporate Resources~~Chief Finance Officer. Payments in advance of less than £500 can only be made in circumstances prescribed by Standard Financial Procedures.