

Council

19 March 2019

**Constitutional Review
Incorporating Officer Delegations, Contract Standing Orders and
Financial Standing Orders**

Recommendations

1. That the revised Contract Standing Orders attached as Appendix 1 are approved with effect from 1 April 2019
2. That the revised Officer Delegations (non executive functions) attached as Appendix 2 are approved with effect from 1 April 2019
3. That the revised Financial Standing Orders attached as Appendix 3 are approved with effect from 1 April 2019
4. That Council authorises the Joint Managing Director (Resources) in consultation with the Monitoring Officer and Chief Finance Officer to make any additional minor amendments to the Constitution necessary to update it, including updating job titles and similar necessary amendments as a result of the implementation of the new operating model.
5. That from 1 April 2019 previous individual delegations to the Joint Managing Director (Resources) and to the Joint Managing Director (Communities) in respect of specific decisions are interpreted as delegations to the Strategic Director (Resources) and to the Strategic Director (Communities) as appropriate.

1.0 Background

1.1 Key Issues

- 1.1.1 The Constitution sets the framework within which the Council operates legally and financially and the roles of Members, Officers and Committees.
- 1.1.2 It is important to ensure that the Constitution provides for decision making transparently, at appropriate levels and in accordance with statutory requirements.

- 1.1.3 As a result of the Transformation Programme and changes at Senior Officer level, we have taken the opportunity to consider the Constitution (including Standing Orders and Financial Standing Orders). Some changes have been required to ensure there is consistency of terminology and that the Constitution aligns with the new Operating Model. Delegations to Senior Officers have also been reviewed.
- 1.1.4 The review has not resulted in any changes to the balance between Member and Officer decision making, nor have the Standing Orders as they relate to Members or Committees been altered (save to correct terminology in respect of posts and services and align decisions to the new operating model).
- 1.1.5 Financial Regulations have been subject to a similar review. Save for providing linkage to the more detailed set of the Finance Rules and updating terminology and responsibilities in line with the new operating model, there are no significant changes to Financial Regulations (which will be renamed Financial Standing Orders).

1.2 Contract Standing Orders

- 1.2.1 Contract Standing Orders sets the minimum requirements to ensure the conduct of the Council's business is compliant with the law and carried out in an ethical way.
- 1.2.2 The opportunity has been taken to review Contract Standing Orders (CSOs) to take account of a number of changes. Some internal to the Council such as the officer management structure and the development of a new contract management framework. Others are externally driven by changes in the EU procurement processes to encourage moves towards e-procurement and electronic communications, plus a wish to maximise the use of the Council's electronic tendering system, streamline processes and reduce costs.
- 1.2.3 The key changes proposed are
- Threshold for ordinary contracts moving from £50,000 to £100,000
 - Change to major contract threshold from £500,000 to £1,000,000 to align with changes to key decision regime previously agreed by Council
 - Update of delegated authority table to reflect changes to thresholds
 - Requirement to use electronic tendering systems
 - Changes in responsibilities of officers to reflect the new officer management structure and the new contract management framework
 - Tightened advertising requirements for contract opportunities and awards
 - Incorporation of approved disposals by auction scheme
- 1.2.4 In the light of a previous decision by Council to raise the key decision threshold to £1,000,000 we have reviewed the thresholds for minor, ordinary and major contracts. Previously major contracts have been defined as those required to

be processed through the formality of the key decision regime. We consider this connection should remain and that major contracts should be contracts of £1,000,000 or more to align with the new definition. Similarly the threshold for 'ordinary contracts' should be raised to £100,000. At the ordinary contract level formal tendering is required whereas for Minor Contracts (below £100,000) individuals can seek a minimum of 3 quotes rather than follow a full-blown tendering process. This keeps the process costs down. A lot of the Council's lower value purchases are in any event obtained via call-off arrangements from framework contracts set up by Central Government, ESPO and other public sector consortia which have been the subject of a competitive tender process.

- 1.2.5 Over the last 12 to 18 months the Council has been undergoing a transformation and there have been significant changes to the officer structure. From 1 April 2019 the Council will move back to an officer structure, led by a Chief Executive supported by three Directorates each headed by a Strategic Director, and in turn supported by a number of Assistant Directors. In addition the Council has agreed a new Contract Management Framework to strengthen the arrangements for monitoring contracts post award. We have also reconsidered the balance of responsibilities between the Strategic Directors and Assistant Directors.
- 1.2.6 Various statutory instruments in 2016 made changes to the EU procurement rules making electronic communication the default position for contracts subject to the EU rules. The Council has a well-developed e-procurement system which can deal with quotes as well as full-blown tendering processes. The previous version of CSOs encouraged electronic communications and tendering and we now consider it is appropriate for electronic communication to be the default position for the Council although it is recognised that some additional work will need to be done with those suppliers who have not yet used the system to encourage and explain how the system operates.
- 1.2.7 There are various safeguards which have been automatically built into the e - procurement system and this has allowed us to streamline and remove some of the previous requirements in CSOs – for example in relation to receipt of late tenders. The electronic system will not accept late tenders so there is no need to provide additional safeguards/advice within CSOs. Similarly the receipt and opening of tenders is systematised and allows a safe way of ensuring proper records are kept. The e-procurement process allows for more devolved management of contracting processes due to the automatic safeguards in place.
- 1.2.8 We have tightened the minimum requirements for advertising opportunities and contract awards to meet the government requirements regarding openness and transparency and the increased requirements under the EU rules.
- 1.2.9 We have re-organised the section on the Contracting Process to more closely align with the order in which events may occur in a tendering process and also

incorporated our scheme for disposals at public auction so that relevant material is in one place.

1.3 Delegations to Senior Officers

- 1.3.1 As noted above, there have been changes to the Council's Operating Model arising from the Transformation Programme. This includes the move to a single Chief Executive and three Strategic Directors. These changes have realigned certain duties between the Strategic Directors. The delegations have been updated to recognise these changes.
- 1.3.2 The opportunity has also been taken to correct any changes to terminology arising from the new operating model.
- 1.3.3 There are no alterations in the delegated powers to officers that alter or affect Members constitutional delegations.

1.4 Financial Standing Orders

- 1.4.1 As noted above, the changes to Financial Regulations (other than renaming them as Financial Standing Orders for greater consistency with the body of the constitution) simply reflect the new operating model and the respective roles of Strategic Directors and Assistant Directors within that model.

3.0 Next Steps

- 3.1 Over the next six-month period it is proposed to monitor and review the operation of the Constitution in light of the transformation programme and the implementation of the new operating model.
- 3.2 If further changes are felt to be necessary following that review a further report will be brought to Council in due course.

4.0 Timescales associated with the decision

- 4.1 Contract Standing Orders were considered by Audit & Standards Committee and Cabinet on 7th March 2019 and recommended for approval.
- 4.2 It is proposed that the changes take effect 1 April 2019.

Background papers

None

	Name	Contact Information
Report Author	Nichola Vine	nicholavine@warwickshire.gov.uk Tel: 01926 412565
Assistant Director	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk Tel: 01926 412090
Joint Managing Director	David Carter	davidcarter@warwickshire.gov.uk Tel: (01926) 412564
Portfolio Holder	Peter Butlin/Kam Kaur	

The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: N/A

Contract Standing Orders

**Council rules for buying and supplying goods,
works, or services and for disposing of assets**

April 2019

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SECTION A

For clarity and pursuant to the Constitution of the County Council the role of Chief Finance Officer is executed by the Strategic Director for Resources and the role of Monitoring Officer is exercised by the Assistant Director - Governance and Policy

1 Scope and Purpose

- 1.1 Contract Standing Orders (CSOs) aim to promote good procurement practice, public accountability, deter corruption and provide protection for staff against allegations of impropriety.
- 1.2 All procurement and disposal procedures must:
 - Achieve best value for money;
 - Be consistent with the highest standards of integrity;
 - Ensure fairness;
 - Comply with all legal requirements;
 - Support the Council's corporate aims and policies;
 - Comply with corporate policies and strategies and with the decisions of Corporate Board (or other officer boards authorised by Corporate Board), and with any other of the Council's properly constituted boards and committees acting within their jurisdiction; and
 - In relation to procurement of IT equipment, hardware and software specifically must comply with the Digital and ICT strategy and decisions taken by the Digital by Design Board
- 1.3 A relevant Contract for the purposes of CSOs is any arrangement made by, or on behalf of, the Council for the carrying out of works or for the supply of goods, materials or services, for example
 - the supply or disposal of goods;
 - hire, rental or lease of goods or equipment; and
 - the delivery of services.
- 1.4 "Contract" also includes arrangements where the Council is supplying goods, works or services.
- 1.5 Contracts must comply with these CSOs, irrespective of the method of funding (e.g. capital, revenue, sponsorship, donations or grants from a third party).
- 1.6 **The following contracts are excluded from CSOs:**
 - a. Contracts of employment which make an individual a direct employee of the

Council;

- b. Agreements for the acquisition, disposal, or transfer of land;
- c. Contracts entered into by or on behalf of the Monitoring Officer for the appointment of Counsel and/or Experts; or
- d. Loans to banks or other financial institutions and investments made in accordance with the Treasury Management Strategy.

General Requirements

2 Classification and Valuation of Contracts

The following classifications apply for the purposes of CSOs

- o Minor contract – total value less than £100,000
- o Ordinary contract –total value of £100,000 or more but below £1,000,000
- o Major contract – total value of £1,000,000 or more

The total value of the contract should be calculated in accordance with the most appropriate of the following

- (a) fixed term contracts - the total price expected to be paid during the whole of the contract period, including possible extensions; or
- (b) where the contract period is uncertain, multiply the price expected to be paid each month by 48;
- (c) If the purchase is one of a series of regular transactions which are unlikely to last for more than 12 months for the same type of item, the 'Total Value' is the expected aggregate value of all of those transactions over those 12 months.
- (d) For feasibility studies, it is the value of the scheme or contracts which may be awarded as a result.

An Officer **must not** select a method of calculating the *Total Value* in order to avoid the requirements of these CSOs.

2.2 Guiding Principles

- (a) All contracts must be let through a competitive process which meets the requirements of Section C unless an exemption has been granted or the

arrangement is permitted by these CSOs.

- (b) Adequate resources should be identified to manage the procurement and any contracts awarded
- (c) Any contract which exceeds the relevant EU threshold (or replacement threshold set by the UK Government) must comply with any legal requirements in the Public Contract Regulations or any replacement Regulations approved by the UK Government
- (d) There must be a procurement plan for all Major Contracts **and** any contract which exceeds the relevant EU threshold or UK equivalent. The procurement plan must be submitted to the Chief Finance Officer and approved before the procurement process commences.
- (e) Only approved E-systems should be used and advice should be sought from the Head of Procurement on their use. The use of e-procurement technology does not negate the requirement to comply with all elements of these CSOs.
- (f) The following are excluded from the requirement for competition
 - i. Purchases made via a purchasing consortium (e.g. ESPO) accessible to local authorities, however purchases above the *EU Threshold* will only be excluded if the consortium has let their contract in accordance with *EU Procedures*.
 - ii. Contracts entered into through sub-regional working or collaboration with other Local Authorities or public bodies, where a competitive process has been followed that complies with the CSOs of the lead organisation provided the collaboration has let their contract in accordance with *EU Procedures (where applicable)*.
 - iii. Collaborative proposals for joint working or shared services with other public bodies which the Monitoring Officer has approved as meeting the following conditions i.e.
 - The principal activity of the collaborative arrangement is the provision of services back to the participating bodies
 - The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in- house service **and**
 - There is no independent or private sector partner involved in the collaborative arrangement
 - iv. residential placements for an individual with a registered care provider of their choice under the Care Act 2014, or

- v. *Personal Care Services* where, in the opinion of the appropriate Assistant Director, the particular needs of an individual require a specific social care package which is only available from one provider.
- vi. In relation to (iv) and (v) above the Assistant Director responsible for the delivery of the services must ensure that adequate records are maintained to demonstrate:
 - The contractor meets the relevant national minimum standards;
 - The contract is effectively managed in accordance with the Councils contract management framework
 - The reasons for the choice of contractor; and
 - Why these were best possible terms for the Council in the circumstances.

2.3 Approvals

- (a) All contracts must be appropriately authorised in accordance with the Council's Scheme of Delegation before a procurement process (whether to be undertaken by negotiation or competition) is begun or a contract awarded.
- (b) Any proposal to let a contract with an estimated total value of £1,000,000 or more up to £3,000,000 can only be approved by the Deputy Leader, the Leader or Cabinet. See table below.
- (c) Any proposal to let a contract with an estimated total value of more than £3,000,000 can only be approved by either the Cabinet or the Leader. See table below.
- (d) All contracts should be in written form and once the terms and conditions are agreed should be submitted to the appropriate person for signature. The written formalities should be completed **before** the contract is due to start.
- (e) The table below sets out in more detail the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts awarded from framework arrangements including those let using an ESPO framework.
- (f) Any *Major Contract* **must** comply with the key decision regime. When commissioning *Major Contracts*, the Key Decision is the proposal to begin a procurement process for a particular contract.
- (g) The subsequent decision to award the *Major Contract* to a specific contractor will not be a key decision provided the value of the contract does not vary above the original estimated value by 10% or more.

Total Contract Value	Column 1 Authority to start process	Column 2 Contract Terms	Column 3 Authority to award contract	Column 4 Contract Signing
Major Contracts More than £3,000,000	Cabinet or Leader This will be a key decision. This authority will also generally give the Strategic Director delegated authority to award the contract.	Monitoring Officer, unless standard terms and conditions have already been approved.	Generally covered by Column 1. If bids exceed the original estimates by 10% or more then you must report back to Leader or Cabinet before award.	Send to Monitoring Officer for signing / sealing by designated officers. The relevant authority must be provided at the same time.
Major Contracts £1,000,000 or more up to £3,000,000	Leader, Deputy Leader or Cabinet. This will be a key decision. This authority will also generally give the Strategic Director delegated authority to award the contract.	Monitoring Officer unless standard terms and conditions have already been approved.	Generally covered by column 1. If bids exceed original estimates by 10% or more then report back to Leader, Deputy Leader or Cabinet before award	Send to Monitoring Officer for signing / sealing by designated officers. The relevant authority must be provided at the same time
Ordinary Contracts £500,000 or more but below £1,000,000	Strategic Director or person authorised in writing by him/her <u>nominee authorised in writing</u>	Monitoring Officer unless standard terms and conditions have already been approved	Same as column1.	Strategic Director or above

Ordinary Contracts £100,000 or more but below £500,000	Assistant Director or Third Tier Manager or <u>nominee authorised in writing person authorised in writing by him/her</u>	Monitoring Officer unless standard terms and conditions have already been approved	Line Manager or above of person who gave authority to start the process (column 1)	Assistant Director or above
Minor Contracts Below £100,000	Cost Centre Manager or above	Purchase Order terms can be used unless the contract is for works, software or the services of a consultant, in which case legal or procurement advice must be taken.	Line Manager or above of person who gave authority to start the process (column 1)	Tier 3 Manager, Cost Centre Manager or above

2.4 Exemptions from CSOs

2.4.1 Any requirement of CSOs may be waived with the consent of both the Chief Finance Officer and the Monitoring Officer subject to any legal restraints.

2.4.2 An application for a waiver (exemption) shall be

- a) submitted on the approved 'Exemption Form'
- b) set out the reason for requiring the waiver and
- c) show how the proposal complies with any applicable law, demonstrates propriety, value for money and supports the council's objectives

2.4.3 Where an exemption from competition is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services the relevant Strategic Director and Assistant Director must submit a report to the *Chief Finance Officer* and the *Monitoring Officer as soon as practicable following the event*. Any contract entered into for these purposes should be the minimum required to remove the immediate risk to persons or property or to reduce the disruption to Council services to a manageable level.

2.4.4 In cases of urgency if the contract is likely to exceed £1,000,000 then the urgent

key decision regime must be complied with **before** any contract is entered into.

2.5 Contract Formalities and Sealing – Minimum Requirements

2.5.1 Contracts shall be signed by the Council as follows:

Major Contracts By affixing the common seal of the Council witnessed (signed) by one *Designated Officer* **OR** where there is no Seal affixed signed by at least two *Designated Officers*.

Ordinary Contracts By affixing the common seal of the Council witnessed (signed) by one *Designated Officer* **OR** where there is no Seal affixed signed by a Strategic Director or above between £500,000 and £999,999 or by an Assistant Director or above if between £100,000 and £499,999.

Minor Contracts Signed by Tier 3 Manager, Cost Centre Manager or above .

2.5.2 A contract must be sealed where:

- The Council wishes to enforce the contract more than six years after its end;
- The price paid or received under the contract is nominal and does not reflect the value of the goods or services;

2.5.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer.

2.5.4 The *Authorised Officer* is responsible for securing signature of the contract and must ensure that the person signing for the other contracting party has authority to enter into a legal agreement.

2.6 Contract Documents

2.6.1 All *Contracts*, irrespective of value, shall clearly specify:

- What is to be supplied – the specification
- The price to be paid and when
- Appropriate performance indicators
- Clear dates and times for performance; and
- Liquidated damages and termination provisions

- 2.6.2 The terms and conditions of all Contracts must have been approved by the Monitoring Officer either as a standard form contract for particular types of matters or through a specific approval.

2.7 Record Keeping

The Authorised Officer shall ensure that the following records are kept in the Councils Contract Management System.

- (a) **Successful Tenders/Quotes** - The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract is interpreted) for at least 6 years after contract comes to an end. If made as a deed / under seal they must be kept forever.
- (b) Un-successful tenders/Quotes – for at least 2 years from the date the contract starts.

2.8 Contract Management, Evaluation and Review

All contracts must be managed in accordance with the Councils ~~contract~~ Contract management Management framework Framework

2.8.1 For all *Ordinary* and *Major Contracts*,

- An up to date risk register should be maintained throughout the procurement process and during the life of the contract;
- For identified risks, appropriate actions should be put in place to manage them.
- There should be regular monitoring and reports during the contract period on:
 - performance;
 - compliance with programme, specification, terms and conditions;
 - estimated final cost compared to budgets;
 - any value for money requirements; and
 - user satisfaction and risk management.

2.8.2 Before commencing any procurement for a Major Contract or a contract above EU thresholds the following steps must be completed

- A lessons learnt report should be considered to inform the tendering process
- A business case must be approved.
- A procurement plan must be approved by the Chief Finance Officer.

Section B Officers' responsibilities

3.1 General

- 3.1.1 **All Officers** and any *Agents or Consultants acting on their behalf* must comply with these CSOs, Financial Regulations, the *Code of Conduct* and with all legal requirements. They must also comply with Codes of Practice, guidance and instructions regarding contractual arrangements issued by the Chief Finance Officer or Monitoring Officer.
- 3.1.2 **All Officers** must comply with the *Code of Conduct* and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to show that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal. Gifts and Hospitality should only be accepted in accordance with the Gifts and Hospitality policy.
- 3.1.3 **Authorised Officers** (those responsible for conducting a procurement process) must
- a) ensure they have all appropriate approvals before seeking any quotes, commencing any procurement process or awarding a contract;
 - b) seek all necessary legal, procurement, financial, risk management and technical advice in good time;
 - c) ensure there is sufficient budgetary provision before awarding any contract
 - d) comply with the requirements of these CSOs and observe any codes of practice guidance or instructions relating to contracting matters issued *by the Monitoring Officer or Chief Finance Officer*;
 - e) ensure there is a procurement plan approved by the Chief Finance Officer for major contracts and contracts above the applicable EU threshold
 - f) check whether a suitable *Corporate Contract* exists before seeking to let a new contract. Where a suitable *Corporate Contract* exists that contract must be used;
 - g) ensure Council suppliers have sufficient insurance cover appropriate to the contract in accordance with the Council's insurance guidance;
 - h) maintain details of all contracts they are responsible for in the Contracts Management System;
 - i) ensure a record is kept for every contract of any *Contracting Decision* and the reasons for it; any exemption from CSOs together with the reasons for it; and any *Award Criteria*;

- j) ensure that where an employee of the Council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting *Tenders* or quotations.

3.2 Contract Managers must in relation to the contracts they are responsible for carry out their responsibilities in accordance with the Contract Management Framework

3.3 Assistant Directors must in relation to their Service:

- a) Ensure all officers
 - Comply with CSOs
 - Are sufficiently skilled in procurement matters to fulfil the duties of their post
 - Complete any required learning and development
- b) Ensure there are effective systems in place to control budgets properly;
- c) Ensure there are effective contract management arrangements in place for all contracts
- d) Provide any information requested by the *Chief Finance Officer* or the Monitoring Officer about their contracts.

3.4 Strategic Directors must in relation to their Directorate

- a) Nominate at least one member of their staff as *Contracts Co-ordinator*
- b) Submit the scheme of delegation for their respective Directorate, including details of *Contract Managers* and their *Contracts Co-ordinators*, to the Monitoring Officer and Chief Finance Officer for approval;

Any delegation made does not prevent the Strategic Director from exercising those delegated powers his/herself.

- c) Approve any proposals by their Directorate to provide services to external organisations
- d) Ensure all Assistant Directors and *Contract Co-ordinators within their Directorate* are sufficiently skilled in procurement matters to fulfil the duties of their post.

3.5 Monitoring Officer and Chief Finance Officer

3.5.1 The *Chief Finance Officer* and the Monitoring Officer may

- (a) with the consent of each other waive any provision of these CSOs subject to any legal constraints and may nominate other officers to exercise all or part of these powers on their behalf.
- (b) Issue codes of practice, guidance and instructions on any matters which are relevant to contracting arrangements.
- (c) Specify the approved learning and development requirements in procurement matters that Officers must complete to meet the minimum competency standards to fulfil their duties under CSOs.

3.5.2 The *Chief Finance Officer* shall

- (a) Approve procurement plans for major contracts and contracts above the applicable EU threshold

3.5.3 The *Monitoring Officer* shall:

- (a) Approve the form of contract to be used.
- (b) Maintain central registers of all major contracts and all contracts completed under seal and arrange for the safekeeping of such contracts on Council premises; and
- (c) Maintain a central register of all exemption applications relating to contracts of £100,000 or more.

3.6 **Contract Co-ordinators** shall on behalf of their Directorate

- (a) Ensure details of all contracts are accurately recorded and maintained in the Contracts Management System;
- (b) Be authorised to approve exemptions from undertaking a competitive process for minor contracts
- (c) Submit an annual report by 31 March each year to the Monitoring Officer detailing any exemptions that they have approved.

Section C – The Contracting Process

This section sets out in more detail the requirements to be met when dealing with a specific contract

4 Steps Prior to Purchase

4.1 Before beginning a purchase, *Authorised Officers must*

- a) Assess the need for the expenditure
- b) Define the objectives of the purchase

- c) Calculate the *Total Value*;
- d) Make sure that appropriate approval is in place to start the process and that the budget covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
- e) Make sure the *Forward Plan requirements* have been followed where the purchase is a *Key Decision*;
- f) Ensure sufficient legal, procurement, finance, risk management and technical support is available throughout the entire procurement process;
- g) Ensure sufficient resources will be available (i.e. people with sufficient skills and capacity) to manage the contract once it has been let;
- h) Ensure the Council's requirements for data security and the General Data Protection Regulations are met
- i) Consider when commissioning services whether these could improve the economic, social and environmental wellbeing of the area (social value)

4.2 For Major contracts or contracts above the relevant EU threshold

- i. Consider a lessons learnt report from the last tender process
- ii. Produce a business case for approval by the appropriate body
- iii. Submit a fully completed procurement plan for approval by the Chief Finance Officer
- iv. Carry out an options appraisal to decide the best way to achieve the purchasing objectives, including internal or external sourcing, partnering, and collaborative procurement arrangements with another public authority or government department
- v. Consult users where appropriate about the proposed procurement, contract standards, performance and user satisfaction monitoring
- vi. Consult the market where appropriate in accordance with CSO 4.3
- vii. Assess the risks and how to manage them
- viii. Agree with the Monitoring Officer, the approved form of contract to be used or if none the terms and conditions that are to apply to the proposed contract

Pre-Tender Market Research and Consultation

- 4.3 **Authorised Officers** may consult potential suppliers prior to the issue of an Invitation to Tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.
- 4.4 **Authorised Officers** must not once any consultation period under 4.3 has ended seek or accept technical advice on the preparation of the actual Invitation to Tender or Quotation from anyone who may have a commercial interest in bidding for the

contract as this may prejudice the equal treatment of all potential Tenderers and distort competition.

Prevention of Corruption

4.5 The following clause must be included in every Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- (a) Offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or***
- (b) Commits an offence under the Bribery Act 2010 or s117(2) of the Local Government Act 1972; or***
- (c) Commits any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.***

Any clause limiting the Contractor's liability shall not apply to this clause"

5 Conducting a Purchase

5.1 Purchasing – Competition Requirements

5.1.1 Where the *Total Value* for a purchase is within the values in the first column below, the *Award Procedure* in the second column must be followed as a minimum.

Total Value	Award Procedure
Minor - up to £10,000	One Quotation confirmed in writing.
Minor - £10,000 to below £100,000	Three written Quotations of which at least one should be local if appropriate. Local means has a place of business in Warwickshire.

<p>Ordinary & Major</p> <p>£100,000 or more</p>	<p><i>Invitation to Tender to at least three Tenderers.</i></p> <p><i>If the contract value exceeds the applicable EU threshold the procedure must also be EU compliant.</i></p>
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- 5.1.2 Where an EU compliant procedure (or UK replacement procedure) is required the *Authorised Officer* shall consult the Head of Procurement to determine the method of conducting the purchase.

5.2 The Appointment of Consultants to Provide Services

- 5.2.1 Professional *Consultants* are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with these CSOs.
- 5.2.2 The engagement of a *Consultant* shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment. Self-employed consultants must not fall within the off-payroll working rules i.e. IR35.
- 5.2.3 Records of consultancy appointments shall be maintained in accordance with these CSOs and entered on the Contract Management System
- 5.2.4 *Consultants* shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Council's Insurance Manager for the periods specified in the respective agreement.

6. Advertising and Framework Agreements

6.1 Advertising the Opportunity

- 6.1.1 The minimum advertising requirements are

- All contracts with an estimated aggregate value above £100,000 must be published on the Council's website and in Contracts Finder
- In addition to the above all contracts exceeding the applicable EU threshold must be published in the Official Journal of the European Union (OJEU) or meet any replacement UK requirement

- Advertisements for *contracts exceeding the relevant EU threshold* should not appear on the Council's website or in Contracts Finder until after they have appeared in the OJEU.
- If you choose to advertise contracts below £100,000 you must also advertise on Contracts Finder

6.2 Framework Agreements

6.2.1 The term of a Framework Agreement must not exceed four years without the written consent of the *Monitoring Officer*.

6.2.2 Contracts based on framework agreements may be awarded by either

- Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; **or**
- Where the terms laid down in the framework agreement are not precise enough by holding a mini competition in accordance with the following procedure:
 - Inviting the organisations within the framework agreement who are capable of delivering the contract to submit written tenders;
 - Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract; and
 - Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the framework agreement.
 - Observing a standstill period before finalising the award for contracts above the EU threshold.

7. Collaborative and partnership arrangements

7.1 In order to secure value for money the Council may enter into collaborative procurement arrangements. The *Authorised Officer* must consult the *Monitoring Officer* and *the Head of Procurement* where the purchase is to be made using collaborative procurement arrangements.

7.2 Collaborative and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.

7.3 Collaborative arrangements between public bodies for shared services where the aim of the arrangement is for the participating bodies to be provided with services by each other or through a *Teckal* company rather than by an external provider may fall outside the need for competition if the conditions in CSO 2.2(e) (iii) can be met.

8 Setting Standards and Award Criteria

- 8.1.1 The *Authorised Officer* must, before seeking bids, define the *Selection* and *Award Criteria* that are appropriate to the purchase and designed to secure an outcome giving value for money for the Council.
- 8.1.2 Authorised Officers are responsible for ensuring that all Tenderers for a contract are suitably assessed. The assessment process shall establish that all potential Tenderers have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the Council.
- 8.1.3 The criterion for award of a contract shall be the "most economically advantageous". This must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, social value and any other relevant matters.
- 8.2 *Selection* and *Award Criteria* must not include:
- *Non-Commercial Considerations;*
or
 - matters which discriminate against suppliers from the *European Economic Area* or signatories to the *Government Procurement Agreement*.
- 8.3 Any Shortlisting exercise must have regard to the financial and technical standards relevant to the contract and the *Selection* and *Award Criteria*.

9 Invitations to Tender / Quotations

- 9.1 All Invitations to Tender or Quotation must:
- a) Specify the goods, service or works that are required, together with the terms and conditions of contract that will apply; and.
 - b) State that the Council is not bound to accept any *Quotation* or *Tender*.
 - c) Include a reference and link to the Council's Whistleblowing Code.
- 9.2 All Tenderers invited to *Tender* or *Quote* must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 9.3 All Invitations to *Tender* shall include:
- a) Clear instructions on how and where Tenders are to be submitted, together with the date and time by which they are to be received;

- b) A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- c) A description of the *Award Procedure* ;
- d) Full details about how the bids will be assessed including any weighting and sub-criteria that apply and any "pass mark" for any stage of the procurement;
- e) Information on the Council's policies as appropriate e.g.:
 - i. Equalities;
 - ii. Complaints;
 - iii. Sustainability

9.4 All Invitations to Tender shall state that any Tender received after the date and time stipulated in the Invitation to Tender shall be rejected and not considered.

9.5 All Invitations to Tender shall include requirements for Tenderers to:

- a) Declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose e.g. legal, financial advice etc); and
- b) Complete fully and sign a form of tender and certificates relating to canvassing and non-collusion.
- c) Submit Tenders to the Council on the basis that they are compiled at the Tenderer's expense

9.6 The Councils approved E-tendering system must be used for all competitive procurement activity unless agreed otherwise by the Head of Procurement or otherwise approved by these CSOs

9.7 No tender will be considered unless submitted in accordance with the Conditions of Participation included within the Invitation to Quote/Tender

10. Submission, Receipt and Opening of Tenders

10.1 Tenderers must be given an adequate period in which to prepare and submit a Tender, consistent with the complexity of the contract. The EU Procedure lays down specific time periods.

10.2 All Tenders must be returned in accordance with the system requirements of the Council's approved E Tendering system

- 10.3 Tenders received by fax or other electronic means (e.g. email) must be rejected. Quotations for Minor Contracts under £10,000 may be received by email.
- 10.4 All Tenders are opened at the same session after the period for their submission has ended. Tenders must be opened in the presence of at least two officers.
- 10.5 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the Tenderer, who should be requested to confirm their Tender.

11 Clarification Procedures and Post-Tender Negotiations

- 11.1 Providing clarification of an Invitation to Tender to potential or actual Tenderers or seeking clarification of a Tender whether in writing or by way of a meeting is permitted.
- 11.2 However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) must be the exception rather than the rule. In particular, such negotiations must not be conducted during an EU Procedure (other than within the provisions of the EU Competitive With Negotiation (CWN) and Competitive Dialogue (CD) procedures) without the agreement of the Monitoring Officer.
- 11.3 If post tender negotiations appear necessary after a single stage tender or after the second stage of a two stage tender then you should take legal advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those who have met the selection criteria in the original process. During negotiations, the Council's requirements set out in the original procedure should not be substantially altered. The prior approval of the Monitoring Officer is required to any proposal to negotiate in other circumstances.

12 Evaluation, Award of Contract and Debriefing Tenderers

- 12.1 Apart from the debriefing required or permitted by these CSOs, the confidentiality of Quotations, Tenders and the identity of Tenderers must be preserved at all times and information about one Tenderer's response must not be given to another during the evaluation process.
- 12.2 Quotations and Tenders must be evaluated in accordance with the Award Criteria. During this process Authorised Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any significant differences are examined and resolved satisfactorily.
- 12.3 For Ordinary and Major Contracts, *Authorised Officers* must advise all Tenderers in writing of their award decisions. For contracts that are subject to the *EU Procedure* or *UK replacement Procedure*, this must be in the form of intention to award letters (award notification letters) that are issued simultaneously to all *Tenderers* advising them of the intention to award the contract to the successful *Tenderer* and providing

them with a 'standstill period' of at least 15 days (10 days if notification letters are sent by via the Councils approved E tendering system) in which to challenge the decision before the contract award is confirmed

12.4 For contracts that are subject to the EU Procedure or UK replacement procedure, the Councils 'intention to award notification letter' standard template must be used which includes the following debriefing information -

- i. How the award criteria were applied;
- ii. The name of the successful *Tenderer(s)*;
- iii. The score of the *Tenderer*, together with the score of the successful *Tenderer/s*;
- iv. Details of the reason for the decision, including the characteristics and relative advantages of the successful *Tender/s*; and
- v. Confirmation of the date before which the Council will not enter into the contract (i.e. the date after the end of the 'standstill period').

12.5 If a decision is challenged by an unsuccessful *Tenderer*, after the issue of an intention to award notification letter, then the Authorised Officer shall immediately inform the Chief Finance Officer and seek the advice of the Monitoring Officer on next steps. No contract may be awarded until the Chief Finance Officer and the Monitoring Officer are satisfied that the matter has been resolved.

12.6 Authorised Officers shall ensure that all the contract formalities are completed following the award of the contract. (See CSO 2.5)

13 Publication of Contract Awards

13.1 The award of all contracts over £5,000 must be published via the Councils contract management system

13.2 In addition the award of all contracts over £25,000 must be published on contracts finder

13.2 In addition the award of contracts above the relevant EU threshold must be published in OJEU

14. The Council as a supplier - providing works, goods or services to external organisations

14.1 The *Chief Finance Officer* and the *Monitoring Officer* must be consulted where work for an external organisation is contemplated.

14.2 Any proposals to work for an external organisation must be approved by the Strategic

Director responsible for the service either through a business plan or otherwise.

- 14.3 Authorised Officers shall produce robust business cases for the Council acting as a supplier which fully takes into account the costs to the Council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the Chief Finance Officer.
- 14.4 Authorised Officers shall liaise with the Council's Insurance Manager to ensure any potential liabilities are sufficiently covered by the Council's insurance policies.
- 14.5 Where the *Total Value* of the proposed contract is likely to be £1,000,000 or more the key decision regime applies **and before** tenders are prepared the *Chief Finance Officer* and the *Monitoring Officer* must jointly approve the business case including:
- a) Confirming the Council can legally enter into the contract;
 - b) Accepting the legality of the charging arrangements; and
 - c) Approving the terms and conditions of the proposed contract.

15. Disposals

- 15.1 Assets for Disposal must be sent to public auction except where:
- a) Better value for money is likely to be obtained by inviting Quotations or Tenders or
 - b) The prior approval of the Chief Finance Officer and the Monitoring Officer has been obtained to the selling of specified items on an auction website such as eBay, or
 - c) Specific disposal procedures have been agreed by the Council for certain types of Assets

16. Approved Scheme for Sale of Assets/Goods via Public Auction

- 16.1 Goods or assets may be disposed of via public auction, whether through electronic auctions such as ebay or otherwise, without further specific consent being sought provided the following conditions are met
- (a) The Council owns the item and has the right to sell it.
 - (b) Appropriate market research has been carried out to establish the estimated value of the item
 - (c) The estimated value of the item to be auctioned does not exceed £10,000
 - (d) A reasonable reserve price is set for the item based on the estimated value

- (e) The item is withdrawn from sale if it does not reach its reserve price
- (f) The item is in good working condition and fit for purpose, and complies with relevant legislation, in particular;
 - i. Any electrical item bears a valid Electrical Safety Check label, completed by a registered electrician who is registered on the Kite Mark Scheme, the Electrical Safety Register or the Electric Safe Register. The date of the inspection on the label must not be more than 12 months prior to the date of sale
 - ii. Any item of furniture complies with the Furniture and Furnishings (Fire Safety) Regulations 2010. Any item of furniture, with the exception of mattresses and bed bases, will have a permanent label in compliance with the Regulations.
 - iii. Any computer or data storage device is adequately wiped of data, to ensure that no information, particularly personal data remains on the device.
- (g) When an item is disposed of, any listing or description of it must NOT give any indication that the Council provides any guarantee for the product or any promise to make good any defects. All items are to be carefully and truthfully described in detail and any known defects highlighted.

ITEM IS SOLD AS IS: THE SELLER DISCLAIMS ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR DESIGN

- (h) A record of the steps taken under (a) to (g) is kept for a period of 2 years

16.2 Applications for approval of the disposal of goods/assets by auction which do not meet the above conditions should be made using the relevant exemption form i.e.

- (a) An item with an estimated value of up to £100,000 to the Directorate Contract Co-ordinator
- (b) An item with an estimated value of £100,000 or more to the Monitoring Officer and Chief Finance Officer

GUIDANCE NOTES

An individual purchasing goods at auction without the opportunity to inspect the goods may still have consumer rights i.e. that the goods -

- Are of a satisfactory quality
- Do what they are designed to do
- Are as described, matching any pictures or descriptions of them

- Are safe, under the Consumer Protection Act 1987

Other matters to be aware of

- Misrepresentation of goods - A customer is entitled to a refund on goods that have been misrepresented, for example, goods sold on the basis of features they do not have. Prosecution can also follow, if the misrepresentation is reported to Trading Standards.
- Faulty goods - It is the Council's responsibility to arrange for the collection of faulty goods, particularly large items. If a customer returns faulty goods within a reasonable time, the Council is obliged to give a refund, and not a credit note. If a repair of a faulty good is unsatisfactory, a customer is still entitled to a refund.
- Time to check goods –on-line auctions - Customers have the right to the time to check they are satisfied with their goods, though this can be just a week

Definitions Appendix

"Agent"	A person or organisation acting on behalf of the Council.
Authorised Officer	An officer responsible for conducting a procurement
"Award Criteria"	The criteria by which the successful Quotation or Tender is to be selected (see further CSO 12)
Award Procedure	The procedure for awarding a contract as specified in CSO 14
Chief Finance Officer	The officer to whom the statutory role is delegated (currently Strategic Director Resources or nominee specified in writing)
Code of Conduct	The 'Officers Code of Conduct' (See Part 4 Constitution)
Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • Shortlisting • award of contract • any decision to terminate a contract.
Contracts Co-ordinator	Officers nominated by the Strategic Directors in accordance with CSO 3.7 as the point of contact within their directorate for matters relating to procurement and contracting, and who are authorised to grant exemptions from competition for minor contracts
Corporate Contract	A contract entered into directly by the Council that can be utilised by all Assistant Directors for the supply of the goods, works or services specified within its terms. Also, a contract which the Chief Finance Officer has confirmed may be legally utilised by the Council either through a

	sub-regional collaborative arrangement, or through purchasing organisations such as the Crown Commercial Services (CCS) ESPO, SCAPE etc..
Contract Managers	Those officers carrying out post award management of the contract in accordance with the contract management framework.
Designated Officer	The Chief Executive, Strategic Director for Resources and any other officer authorised by either of them
ESPO	The Eastern Shires' Purchasing Organisation
EU Procedure	The procedure required by the EU or UK replacement where the Total Value exceeds the EU Threshold or any UK replacement threshold
EU Threshold	The contract value at which the EU public procurement directives or UK replacement procedure must be applied
Forward Plan	The forward plan, which is prepared on a rolling basis and contains matters which the Council has reason to believe are likely to be the subject of key decisions during the following four months.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period.
Invitation to Tender	An Invitation to Tender sent to Tenderers inviting bids for works goods or services
Key Decision	<p>Decisions that are defined as Key Decisions in the Constitution</p> <p>In relation to letting contracts, the Key Decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of</p>

	£1,000,000 or more.
Major Contract	A Contract that has a Total Value of £1,000,000 or more
Minor Contract	A Contract where the Total Value is less than £100,000
Monitoring Officer	The officer to whom the statutory role is delegated (currently Assistant Director Governance & Policy or nominee specified in writing)
Non-Commercial Considerations	<p>(a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (“workforce matters”);</p> <p>(b) whether the terms on which contractors contract with their sub- contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;</p> <p>(c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;</p> <p>(d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);</p> <p>(e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;</p> <p>(f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;</p> <p>(g) financial support or lack of financial support by contractors for any institution to or from which the</p>

	<p>authority gives or withholds support;</p> <p>(h) use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations for the purposes of s17(5) Local Government Act (LGA) 1988 and part 1 of the LGA 1999 (Best Value); or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 ("TUPE") may apply.</p>
Officer	A person employed by the Council
OJEU	The Official Journal of the European Union, or any alternative location for advertisement of tender opportunities specified by government for use after 29 March 2019
Ordinary Contract	A Contract where the Total Value is £100,000 or more but is less than £1,000,000.
Pecuniary Interest	Any direct or indirect financial interest. An indirect interest is distinct from a direct interest in as much as it is not a contract to which the member or employee is directly a party. A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the greater) is not a pecuniary interest for the purposes of these CSOs
Personal Care Services	Services provided to people who have personal care needs as assessed by the Strategic Director for People. As such these Services can be provided to people of all ages whose needs may result from old age, physical disability, sensory loss, mental illness or learning disability.

Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender)
Relevant Contract	A contract to which these Contract Standing Orders apply (see CSO 1)
Selection Criteria	The criteria by which Tenderers are chosen to be invited to submit Quotations or Tenders
Shortlisting	The process of selecting Tenderers who are to be invited to submit Quotations or Tenders or to proceed to final evaluation as part of a Restricted, Competitive with Negotiation or Competitive Dialogue Procedure
Teckal company	A company which meets particular legal requirements relating to its ownership and activities i.e. wholly public sector owned and its main business is providing services to its members. Take legal advice on whether or not a proposal meets the requirements.
Tender	A Tenderer's proposal submitted in response to an Invitation to Tender.
Tenderer	Any person who asks or is invited to submit a Quotation or Tender
Total Value	As defined in CSO 2.1
TUPE	<p>Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246]</p> <p>Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a 'contracting-out' or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of</p>

	<p>employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
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SECTION 10 – DELEGATIONS TO OFFICERS**LOCAL GOVERNMENT ACT 1972: SECTIONS 100 G(2) AND 101****LOCAL GOVERNMENT ACT 2000: SECTION 15**

[Throughout this document reference to “The Act of 1972” will be reference to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 or any other statutory enactment.]

The tables in the following sections below list the powers and duties delegated to officers by the council and the executive. Local choice functions are not separately identified, they are included as either an executive or non-executive function depending on whether or not the function has been allocated to the executive.

PART A: GENERAL DELEGATIONS TO STRATEGIC DIRECTORS AND CHIEF EXECUTIVE or their nominees

1. Any member body or executive member may delegate their powers to the Chief Executive and /or Strategic Directors subject to any statutory restriction and the General Scheme of Delegation in Part 2 Section 1 of this Constitution.
2. Statutory officers i.e. head of paid service, the monitoring officer, the chief finance officer, the director of public health and any other proper officer or holder of any statutory role may exercise those statutory powers which are necessary to fulfil their statutory roles.
3. Any officer to whom powers have been delegated shall be authorised to further delegate any of their powers to their nominees subject to any statutory prohibition or express restriction within the delegation itself.
4. The Council and Leader have delegated the following general powers to the Chief Executive and Strategic Directors who in turn have delegated these to Assistant Directors or their nominees in relation to services or functions for which they are responsible
 - Taking and implementing decisions on matters relating to day to day administration
 - Taking and implementing decisions to maintain the operation and effectiveness of services or functions
 - Taking any necessary decisions incidental to policy decisions that have been taken by elected members
 - To determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters in accordance with the council's grading structure and policy guidelines (other than in respect of the Statutory Officer roles and the appointment of the Chief Executive, Strategic Directors and Assistant Directors which are subject to specific delegations and constitutional requirements)
 - To write off as irrecoverable sums due to the Council up to the limit of

£1000

- To obtain all necessary tenders and completion of contracts to give effect to the agreed revenue budget and capital programme, subject to compliance with Contract Standing Orders, Financial Regulations and the key decision regime.
 - To prepare reports for member bodies or executive members that comply with the access to information regime, the Council's standing orders and any other legal requirements
 - To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.
5. Any officer delegating powers to other officers may at any time prior to the exercise of that power in relation to a particular matter withdraw that delegation.
 6. Any officer exercising delegated powers is obliged to comply with any prescriptive legal duties on the Council and ensure that the implementation of policy complies with legal requirements.
 7. The Council and the Leader have delegated the specific powers in Part B to the Chief Executive and the Strategic Directors or their nominees.
 8. The Chief Executive, Strategic Directors and Assistant Directors shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.

Statutory Officers

Statutory Officer	Post Held
Head of Paid Service	Chief Executive
Monitoring Officer	Assistant Director Governance & Policy
Chief Finance Officer	Strategic Director for Resources
Proper Officer Registration Services	Assistant Director Business & Customer Support Services
Proper Officer Access to Information Regime	Strategic Director of Resources
Proper Officer for all other	Chief Executive

purposes	
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PART B –SPECIFIC DELEGATIONS

10.1 Chief Executive and Strategic Directors:

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees			
	Powers and duties	Statutory Reference	Function Type
1	The strategic director originating the report or, in the case of a joint report, the first named strategic director, to decide what are the background papers used or referred to in the preparation of the report, to list the background papers on the report and to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-executive - reports to the full council and its committees Executive - reports to cabinet, its committees and officer key decisions
2	The strategic director proposing to take a report to a member body in respect of a key decision or strategic director proposing to take a key decision is responsible for giving prior notice of that decision to the monitoring officer in accordance with the Access to Information Regime.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive - reports to cabinet and its committees or other member bodies making key executive decisions
3	The strategic director prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Regime.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
4	The strategic director immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000;	Executive

	taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the monitoring officer who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000	
5	No strategic director or any person nominated by them shall make a key decision which does not comply with the Access to Information Regime.	Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000 as amended	Executive
6	Reports by strategic directors referring to the finances of the council shall not be circulated to members without consultation with the Chief Finance Officer .	Section 151, The Act of 1972	Executive or non-executive depending on the context
7	Responsibility for ensuring that financial regulations, finance rules and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
8	Responsibility to notify the strategic director for resources of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
9	Responsibility for ensuring accurate and prompt input of payments data to the creditor's payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
10	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
11	With the approval of the strategic director for resources and after consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context

	(ii) any requirements of the Access to Information Regime are met. Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.		
12	Responsibility to render promptly official invoices for sums due to the council and to notify the strategic director for resources of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context
13	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the strategic director for resources.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context

PART B: SPECIFIC DELEGATIONS TO STRATEGIC DIRECTORS**10.2 Chief Executive**

CHIEF EXECUTIVE or his/her nominees			
	Powers and duties	Statutory Reference	Function Type
1	To act as the proper officer for the purposes of any functions conferred on the council except those functions expressly delegated to other officers.	The Act of 1972 and any other enactment conferring functions on the council	Executive or non-executive depending on the context
2	To act as the head of paid service of the council.	Section 4, Local Government & Housing Act 1989	Non-executive
3	To act as the returning officer for elections of county councillors.	Section 35, Representation of the People Act 1983	Non-executive
4	To receive and/or witness declarations of acceptance of office.	Section 83, The Act of 1972	Non-executive
5	To receive resignations of members of the council.	Section 84, The Act of 1972	Non-executive
6	To convene meetings of the council to fill a vacancy in the office of chairman.	Section 88, The Act of 1972	Non-executive
7	To receive notice of a casual vacancy from two local government electors.	Section 89(1)(b), The Act of 1972	Non-executive
8	To sign the summons to members to attend council meetings.	Schedule 12, The Act of 1972	Non-executive
9	To sign the summons to members to attend meetings of the executive.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
10	To receive and deal with documents relating to elections.	Local Elections (Principal Areas) Rules 1986	Non-executive
11	To review the scale of fees for the conduct of elections before each county council quadrennial election to ensure that they are comparable with those paid by the Warwickshire District Councils.	Section 36, Representation of the People Act 1983; Section 111, The Act of 1972	Non-executive
12	To approve the payment of any future revised maxima notified in respect of members' allowances.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
13	Together with the Strategic Director Resources review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act	Non-executive

	members' allowance after each quadrennial election on the same basis.	1989	
14	Authority to receive money from officers accountable for it.	Section 115, The Act of 1972	Non-executive
15	To issue certificates and make statutory declarations concerning the transfer of securities held by the council.	Section 146, The Act of 1972	Executive
16	To affix the common seal of the council to any document required to give effect to decisions of the council, any member body or officer acting with delegated powers.	Sections 111 and 135, The Act of 1972	Executive or non-executive depending on the context
17	To receive and deal with applications from ordnance survey for assistance in preparation of ordnance survey maps.	Section 191, The Act of 1972	Executive
18	To receive documents to be held in the custody of the council.	Section 225, The Act of 1972	Executive or non-executive depending on the context
19	To certify photographic copies of documents.	Section 229, The Act of 1972	Executive or non-executive depending on the context
20	To authenticate documents.	Sections 234 and 238, The Act of 1972	Executive or non-executive depending on the context
21	To send copies of bylaws to district councils.	Section 236, The Act of 1972	Non-executive
22	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
23	To act as the authorised representative of the council in respect of all companies of which the council is, or may become, a member or a shareholder.	Section 323, Companies Act 2006	Executive or non-executive depending on the context
24	To approve, after consultation with the chair of the staff and pensions committee and chair of the cabinet, voluntary redundancies where it is in the council's interest to allow the employee concerned to retire early (or otherwise take voluntary redundancy on the council's usual terms) and there would be a net financial cost to the authority in doing so.	Section 112, The Act of 1972	Non-executive
25	Subject to policy guidelines laid down by	Section 112, The Act of 1972	Non-

	the council, to approve proposals on personnel matters from employing departments and, in respect of proposals not falling within the guidelines, to exercise his/her discretion to approve the proposals.		executive
26	To select members from a pool of members to form the appointments and disciplinary appeals sub-committees as and when required.	Sections 101 and 111, The Act of 1972	Non-executive
27	To take all necessary steps to establish the independent remuneration panel, appoint the members of the panel, agree their terms and conditions and arrange any meetings of the panel.	Section 18, Local Government & Housing Act 1989; Sections 100 and 105, Local Government Act 2000; Local Authorities (Members' Allowances) (England) Regulations 2003	Non-executive
28	Duty to publish notice if proposals relating the changing governance arrangements are not approved in referendum.	Section 33K(6), Local Government Act 2000	Non-executive
29	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the LGPS Pension Disputes Resolution Procedures on behalf of the administering authority and to nominate appropriate persons to deal with the first instance decisions and adjudications on behalf of the administering authority.	Section 50, Pensions Act 1995	Non-executive

10.3 Strategic Director for Resources

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3			
Governance			
	Powers and duties	Statutory Reference	Function Type
1	To decide which reports to be considered by a committee are not likely to be considered in public, to mark them “ <i>not for publication</i> ” and to identify the category of exempt or confidential information they contain.	(a) Section 100 B(2), The Act of 1972; Local Government (Access to Information) Variation Order 2006 (b) Regulation 11, Local Authorities (Executive Arrangements) Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
2	To make the written statement and any accompanying reports relating to officer key decisions available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) Access to Information) (England) Regulations 2000	Executive
3	To supply to the press on request, and at his/her discretion, copies of documents which are supplied to committees, but which are not included in the report(s) with the agenda.	(a) Section 100 B(2), The Act of 1972; (b) Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
4	To make a written summary of the proceedings at a meeting when it is not open to the public in such a way as to form a reasonably fair and coherent record of proceedings without disclosing confidential or exempt information.	(a) Section 100 C(2), The Act of 1972; (b) Regulations 3 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
5	To decide which documents, bearing in mind exempt or confidential information requirements, in the possession of the cabinet or any committee relating to business to be transacted at a meeting but not included with the agenda for the meeting shall be open to inspection by members of the council who may be entitled to see them under their common law rights or other rights. Any dispute	(a) Section 100 F(2), The Act of 1972; (b) Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive

	about their rights will be referred to the appropriate member body.		
6	To decide which documents, bearing in mind confidential or exempt information requirements, in the possession of an officer relating to key decisions shall be open to inspection by members of the council who may be entitled to see them. Any dispute about their rights will be referred to the cabinet.	Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
7	To receive and record notices of financial interest from members.	Section 96, The Act of 1972	Non-executive
8	To receive on deposit lists of protected buildings.	Section 2, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
9	To write off as irrecoverable sums due to the council up to a limit of £2000, to revise the limits for write off of irrecoverable debts each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972	Executive
10	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
11	To complete and authenticate any document and take any other step in order to give effect to a decision of the council (whether made by a member body or an officer).		Executive or non-executive depending on the context
12	To exercise the powers of the council under the listed provisions in addition to instigating proceedings for possession of land in the county court, such powers to be exercised following a request from the appropriate director.	Sections 77, 78 and 79, Criminal Justice & Public Order Act 1994 as amended	Executive
13	To obtain information as to interests in land and the particulars of persons interested in land.	Section 330, Town and Country Planning Act 1990; Section 16 Local Government (Miscellaneous Provisions) Act 1976	Non-executive
14	To sign, to issue and to serve notices on behalf of the council in relation to highways and public rights of way.	Highways Act 1980; Rights of Way Act 1990; Wildlife and Countryside Act 1981; Road Traffic Regulation Act 1984; Cycle Tracks Act 1984; New Roads and Street Works Act 1991; Clean Neighbourhood & Environment	Executive or non-executive depending on the context

		Act 2005; and any other enactment conferring functions on the council	
15	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	Sections 184 and 278, Highways Act 1980; Section 106, Town & Country Planning Act 1990	Non- executive
16	To enter into agreements for the future maintenance of roads provided by developers.	Section 38, Highways Act 1980	Non- executive
17	To determine applications for certificates of lawful use or development or proposed use or development.	Sections 191 and 192, Town & Country Planning Act 1990	Non- executive
18	To take action by way of Planning Contravention Notices, Breach of Condition Notices, Enforcement Notices, Stop Notices and Temporary Stop Notices.	Section 171C, 171E, 172, 187A, 187B and 183(1), Town & Country Planning Act 1990	Non- executive
19	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Fire Precautions Act 1971; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; and any Orders, Regulations or Directives made amending, varying, extending or re- enacting the same.	Non- executive
20	To prosecute for causing nuisance or disturbance on educational premises.	Section 40, Local Government (Miscellaneous Provisions) Act 1982	Executive
21	To appoint members as required from time to time to hear school admission and exclusion appeals and to constitute panels of 3 or 5 as required.	Part III, School Standards & Framework Act 1998	Non- executive
22	To amend the constitution to reflect any changes made by the council, its subsidiary bodies or the leader or cabinet to ensure the constitution remains up to date.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
23	To update the constitution to reflect changes where delegation of powers have been made under particular legislation which has been repealed / amended and substantially re-enacted / amended in new legislation.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
24	To take any necessary steps to implement the agreed petitions scheme and operate the scheme in accordance with those arrangements, including deciding whether or	Sections 10 to 22, Local Democracy, Economic Development & Construction Act 2009	Non- executive

	not a petition meets the requirements of the scheme.		
25	To make any arrangements as he/she considers necessary for terrorism cover, as and when such cover is available.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
26	In relation to Pride in Camp Hill Limited: (i) to confirm to the board that the council has or will endeavour to get all necessary approvals, powers, etc., in order to comply with the terms; (ii) to notify other partners if the council becomes aware that another partner is in default; (iii) to select/agree an independent person (expert) in the case of deadlock; and (iv) to notify the company if the council believes the company or any group company has become subject to the influence of a local authority.	Section 2, Local Government Act 2000	Executive
27	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; and (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1 to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
28	In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date.	Section 2, Local Government Act 2000	Executive
29	To develop and introduce a standard approach to race equality for contracts below £100,000 in value.	Section 2, Local Government Act 2000	Executive
30	To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as he/she sees fit.	Regulation of Investigatory Powers Act 2000	Executive
31	Subject to any statutory restrictions, to determine fees that may be charged in respect of Freedom of Information requests.	Freedom of Information Act 2000	Executive
32	To act as the authorised representative of the council in respect of all companies of which the council is, or may become, a member or a shareholder.	Section 323, Companies Act 2006	Executive or non-executive depending on the context
33	To exercise the powers of the council in	Sections 19(3) and 22,	Executive

	relation to the provision of advice, training and support for school governors jointly with the Strategic Director for People	Educational Act 2002 and any associated legislation	
34	To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for people.	Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education (Fees and Awards) Act 1983; Education Reform Act 1988; Employment & Training Act 1973; Further Education Act 1985; School Standards & Framework Act 1998; Schools Inspections Act 1996	Executive or non-executive depending on the context
35	To affix the common seal of the council to any document required to give effect to decisions of the council, any member body or officer acting with delegated powers.	Sections 111 and 135, The Act of 1972	Executive or non Executive depending on the context
Village Greens			
	Powers and duties	Statutory Reference	Function Type
1	Power to register land as a town or village green where the application is made by the owner of any land under section 15(8) of the Commons Act 2006.	Section 15(8), Commons Act 2006; Regulation 8, Commons (Registration or Town & Village Greens) (Interim Arrangements) (England) Regulations 2007	Non-executive
2	Functions relating to the registration of common land and town or village greens.	Part I, Commons Act 2006 (c.26); The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)	Non-executive
3	Power to apply for an enforcement order against unlawful works on common land.	Section 41, Commons Act 2006	Non-executive
4	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a), Commons Act 2006	Non-executive
5	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b), Commons Act 2006	Non-executive

Libraries, Heritage and Registration Services			
	Powers and duties	Statutory Reference	Function Type
1	To review the fixed fee, the per minute on-line charge and the printing charge in respect of commercial searches via the online information services operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2	To agree any change in the charging structure for the sound recordings service operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
3	To review and to vary, where appropriate, the level of fines for the late return of books, fees for requests for books and charges for photocopies in order to achieve income targets established for the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
4	To determine the scale of charges for the fax service available to the public at the Rugby and Warwick libraries in order to maintain it on a self-financing basis.	Public Libraries & Museums Act 1964; Section 150 Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
5	To make representations on behalf of library services relating to the formulation of local planning policies, including if necessary attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
6	To exercise the functions of the council relating to the organisation of the registration services	Registration Services Act 1953 as amended	Executive
7	To impose a reasonable charge for correspondence and searches made in response to genealogical enquiries at the Warwickshire County Record Office.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive

8	To make representations on behalf of the heritage and museum services relating to the formulation of local planning policies, including if necessary attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
Property Management			
	Powers and duties	Statutory Reference	Function Type
1	To proceed with all building projects without reference to cabinet for approval of scheme design plans.	Section 111, The Act of 1972; Section 15, Local Government Act 2000	Executive
2	To appoint external professional consultants as required to deal with building development and property matters, appointments to be reported to the appropriate committee for information.	Section 1, Local Government (Contracts) Act 1997 or any other enactments conferring such powers	Executive
3	To authorise all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4	To grant at market value and take up leases, easements and licences over council property or for the benefit of the council where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5	To negotiate and authorise revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6	To seek development agreements, where necessary, in connection with the disposal of land on the council's industrial estates.	Section 123, The Act of 1972; Local Authorities (Land) Act 1963 and any applicable statutory consents	Executive
7	To make planning applications on behalf of the council.	Section 9E, Local Government Act 2000	Executive
8	To make applications on behalf of the council: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Regulation 7(1)(a), Town & Country Planning General Regulations 1992; Regulation 3, Planning (Listed Buildings & Conservation Areas) Regulations 1990	Executive
Rural Estates			
	Powers and duties	Statutory Reference	Function

			Type
1	To sign agricultural tenancy agreements in respect of the smallholdings estate on behalf of the council.	Section 123, The Act of 1972 and applicable statutory consents	Executive
2	To appoint tenants to smallholdings subject to prior consultation with the panel of members established for this purpose.	Section 123, The Act of 1972 and applicable statutory consents	Executive
3	To authorise, within the council's smallholdings or country parks estate, all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
4	To grant at market value and take up leases, easements, and licences over the council's smallholdings or country parks estate or for the benefit of the smallholdings or country parks estate where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
5	To negotiate and authorise, in connection with the council's smallholdings or country parks estate, revised rentals for fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
6	To grant at market value and take up leases, easements and licences over the council's business centre properties where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
7	To negotiate and authorise in connection with the council's business centre properties revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
Financial Management			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for reviewing the financial regulations from time to time and recommending to the audit and standards committee any amendment which he/she considers desirable.	Section 151, The Act of 1972	Non-executive
2	Responsibility for updating monetary sums included in the financial regulations from time to time by reference to the appropriate price	Section 151, The Act of 1972	Non-executive

	indices.		
3	Responsibility for the proper administration of the council's financial affairs.	Section 151, The Act of 1972	Non-executive
4	Responsibility for maintaining an internal audit services including visiting council establishments to conduct audits		
5	Responsible for ensuring that safe and efficient arrangements are made for the receipt and payment of money.		
6	Responsible for deciding the conditions under which imprest accounts are to be operated		
7	Responsibility for the overall supervision of any systems that involve the receipt or payment of money.	Section 151, The Act of 1972	Non-executive
8	Advising officers as necessary on financial arrangements.	Section 151, The Act of 1972	Non-executive
9	To have access to all documents and books concerned with finance.	Section 151, The Act of 1972	Non-executive
10	Responsibility, in consultation with the monitoring officer and the strategic director concerned, for carrying out or supervising investigations into any suspected financial irregularities.	Section 151, The Act of 1972	Non-executive
11	Responsibility for amending estimates to take account of changes in pay and prices and agreeing cash budgets, where appropriate, to allow for expected price changes, to the extent that any increases can be met from the council's reserves under the control of the cabinet	Section 151, The Act of 1972	Executive
12	Responsibility for raising loans and arranging such other financial facilities, e.g. leasing, as may be required, subject to the general direction of the cabinet.	Section 151, The Act of 1972 and any other enactment or provision conferring such powers on the council	Non-executive
13	Responsibility for the purchase and sale of investments of the council.	The Act of 1972 and any other enactment or provision conferring such powers on the council	Executive
14	Responsibility for the purchase and sale of investments of the superannuation fund.	Superannuation Act 1972	Non-executive
15	Responsibility for the temporary investment or utilisation of revenue balances	Section 111 and 151, the Act of 1972	Executive
16	Responsibility for supervising the collection of money and for giving detailed instructions.	Section 151, The Act of 1972	Non-executive
17	Responsibility for agreeing the form of income records kept by each department.	Section 151, The Act of 1972	Non-executive

18	Responsibility for the examination of accounts passed for payment and payment of those accounts.	Section 151, The Act of 1972	Non-executive
19	Responsibility for payments in respect of all liabilities falling to be discharged by the council which are not otherwise detailed in financial regulations.	Section 151, The Act of 1972	Executive or non-executive depending on the context
20	To dissolve the special reserve funds for the maintenance of buildings, library books, school meals and miscellaneous matters, to reduce, if necessary, the road maintenance reserve and to transfer the balances to the county fund to maximise the financial benefit to the council.	Section 41, Local Government & Housing Act 1989	Executive
21	Together with the Chief Executive to review members quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Section 173 to 178 the Act of 1972; Section 18 Local Government and Housing Act 1989	Non-executive
22	To take appropriate action annually to maximise the financial benefit to the Council when the accounts for the year in question are finalised.	Section 111, 151 of the Act of 1972	Executive
23	To declare the rate of interest chargeable by the authority on loans for housing and other purposes.	Section 438, Housing Act 1985	Executive
24	To exercise the powers and duties set out in the Treasury Management Strategy	Section 151, The Act of 1972	Executive
25	Together with the Strategic Director for Communities, to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme prior to any trade.		
26	After consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and (ii) any requirements of the Access to	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions and Responsibilities)	Executive or non-executive depending on the context

	Information Rules are met. Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.	(England) Regulations 2000	
27	In relation to Pride in Camp Hill Limited: (i) to carry out any functions prior to adoption of the first business plan and cash flow; (ii) to agree to the company changing its accounting policies, principles or practices of the company; and (iii) to agree their annual accounts.	Section 2, Local Government Act 2000	Executive
28	In relation to Pride in Camp Hill Limited, jointly with the strategic director (communities): (i) to receive quarterly the current cash flow, contribution account and minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
Financial Administration			
1	Responsibility for payment of salaries, wages, superannuation, compensation and other emoluments.	Section 151, The Act of 1972	Non-executive
2	Responsibility for the operation of the council's bank accounts in accordance with the banking agreement approved by the council and their bankers.	Section 151, The Act of 1972	Executive
3	Responsibility for ordering and controlling the issue of council cheques, including directions for their signing.	Section 151, The Act of 1972	Non-executive
4	To make all payments out of the superannuation fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Superannuation Act 1972 and any enactment amending the same and any orders regulations	Non-executive
5	To make all payments out of the county fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Section 111, The Act of 1972	Executive
6	Responsibility, in consultation with the directors concerned, for making imprest advances.	Section 151, The Act of 1972	Non-executive
7	Responsibility for the ordering, control and issue of all official receipt books, tickets and other similar documents.	Section 151, The Act of 1972	Non-executive
8.	Responsibility for prescribing the items to be included in inventories.	Section 151, The Act of 1972	Non-executive
STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees (cont'd)			

Commissioning			
	Powers and duties	Statutory Reference	Function Type
1.	Responsibility for keeping a contract ledger in respect of all contracts showing the state of account between the council and each contractor.	Section 151, The Act of 1972	Non-executive
2.	Requirement to review at least every two years, and to revise if necessary, the figures included in contract standing orders having regard to changes in the appropriate index since the last review.	Section 151, The Act of 1972	Non-executive

10.4 Strategic Director for People

STRATEGIC DIRECTOR FOR PEOPLE or his/her nominees			
Adult Social Care			
	Powers and duties	Statutory Reference	Function Type
1	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To make payments up to £1000 to disabled persons.	Section 2, Chronically Sick & Disabled Persons Act 1970	Executive
3	To approve the use of adult social care premises by other organisations when not required for adult social care purposes at charges that will cover any additional costs to the council.	Section 123, The Act of 1972; Section 65, Health Services & Public Health Act 1968	Executive
4	To act on behalf of the council in relation to its powers and duties in respect of guardianship.	Mental Health Act 1983	Executive
5	In consultation with the strategic director for resources, to vary the access policy relating to adult social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
6	On or after 1 October 2002 to waive any charges for home care or other non-residential social services payable in whole or in part by: (i) any charge payer whose overall income does not exceed the appropriate basic level plus 25%; and (ii) any charge payer in receipt of more than 10 hours weekly home care following as assessment of income and disability costs.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
7	To act as the authorised officer for the purposes of the Learning Disability Partnership established under section 31 of the Health Act 1999.	Section 31, Health Act 1999; Section 2, Local Government Act 2000	Executive
8	To waive any charges payable in whole or in part from 1 April 2003 by any charge payer in receipt of home care and day care following an assessment of their income, capital and disability related expenditure.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
9	To act in relation to the implementation of the Care Act 2014 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health subject to compliance with all policy	Care Act 2014	Executive

	decisions taken by the council.		
10	To exercise the discretions set out in the council's deferred payments scheme.	Care Act 2014	Executive
Education			
	Powers and duties	Statutory Reference	Function Type
1	<p>In relation to persons under 19 years, to take and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of all the education services for which the strategic director is responsible and which are statutorily covered by the listed principal Acts of Parliament and regulations arising thereunder.</p> <p>To exercise the powers of the council in relation to the governance of schools in consultation jointly with the Strategic Director of Resources .</p> <p>In exercising these powers he/she is required to observe all policy decisions taken by the council and its relevant bodies.</p>	<p>Academies Act 2010; Anti-Social Behaviour Act 2003; Childcare Act 2006; Children and Families Act 2014; Education & Inspections Act 2006; Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education Act 2005; Education Reform Act 1988; Education (Fees & Awards) Act 1983; Employment & Training Act 1973; Further Education Act 1985; School Inspections Act 1996; School Standards & Framework Act 1998</p>	Executive or non-executive depending on the context
2	To institute proceedings in relation to failures to secure the attendance of children at school or failures to comply with school attendance orders.	Sections 437 to 447, Education Act 1996	Executive
3	To take all necessary steps to discharge the council's responsibilities to secure the provision of full or part-time education and recreational, social and physical training for 16-19 year olds.	Sections 15A, 507 and 508, Education Act 1996	Executive
4	<p>To take all necessary steps to discharge the council's responsibilities to secure the provision of full and part-time education, social, recreational and/or physical training facilities for over-19 year olds.</p> <p>In exercising these powers he/she is required to observe all policy decisions taken by the council and its relevant bodies.</p>	Sections 15B and 508, Education Act 1996	Executive
Children's Services			
	Powers and duties	Statutory Reference	Function

			Type
1	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To revise annually pocket money allowance for looked after children in foster care or children's home in line with the retail price index.	Part III, Children Act 1989 and any regulations made thereunder	Executive
3	To make "exceptional needs" payments up to £1000 to local authority foster parents of looked after children.	Part III, Children Act 1989 and any regulations made thereunder	Executive
4	To approve the making of capital loans, in a form and on terms agreed with the Strategic Director Resources, to local authority foster parents for housing extensions provided the resources are available.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
5	To undertake the functions of the council as an adoption agency, subject to consultation where necessary with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
6	To appoint the members of the adoption panel other than the appointment of elected members of the council to serve on the panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
7	To update the adoption procedures within the overall policy and after consultation with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
8	To institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings, and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings.	Section 111, The Act of 1972; Section 9E, Local Government Act 2000; Parts II, IV and V, Children Act 1989 as amended; Supreme Court Act 1981	Executive
9	To act on behalf of the council in relation to its powers and duties in relation to day care, child minders and private fostering.	Parts IX and X, Schedules 8 and 9, Children Act 1989	Executive
10	To make payments up to £1000 to support a child in need in exceptional circumstances.	Section 17, Children Act 1989	Executive
11	To act in relation to the implementation of all those provisions of the Children Act 1989 where such delegation is required either by	Section 9E, Local Government Act 2000; Children Act 1989 and any	Executive

	regulation or ass suggested in guidance received from the Department of Health.	regulations made thereunder; and guidance under Section 7 Local Authority Social Services Act 1970	
12	In consultation with the strategic director for resources, the chair of the cabinet and relevant portfolio holder, to introduce charges under the Children Act 1989 in line with guidance from the Department of Health.	Section 29, in Part III of Schedule 2 Children Act 1989	Executive
13	On or after 1 January 2003 to determine any new applications for financial assistance by way of grant or loan and to grant waivers in whole or part of repayments under the revised Policy on Foster Carer Adaptations.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
14	In consultation with the Strategic Director Resources, to vary the access policy relating to children's services social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
15	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as the children's services authority.	Licensing Act 2003	Executive
16.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for resources and chief fire officer).	Gambling Act 2005	Executive

10.5 Strategic Director for Communities

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees			
Fire and Rescue			
	Powers and duties	Statutory Reference	Function Type
1	To discharge the powers, duties and responsibilities of the council as a fire & rescue service, including in particular: (i) the promotion of fire safety; (ii) the extinguishment of fires and the protection of life and property; (iii) the rescue of persons from road traffic accidents; and (iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment.	Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
2	To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, fire-fighting or rescue including powers of entry on to premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.	Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
3	To exercise the council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the fire & rescue service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.	Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
4	To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid	Section 112, Local Government Act; Fire & Rescue Services Act	Non-executive

	down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.	2004	
5	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.	Licensing Act 2003	Executive
6	Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the joint managing director (resources) and the strategic director for people.	Gambling Act 2005	Executive
7	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.	Section 50, Pensions Act 1995	Non-Executive
Crime and Disorder			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for liaising with other responsible authorities in the formulations and implementation of a strategy for the reduction of crime and disorder and for combating the misuse of drugs.	Crime & Disorder Act 1998	Executive
Emergency Planning			
	Powers and duties	Statutory Reference	Function Type
1	To carry out the council's emergency planning functions including the assessment of risk of emergencies occurring and taking measures for preventing an emergency, dealing with its effects, giving advice or assistance to the public and taking any other action in connection with an emergency. To liaise with the West Midlands Regional Planning Board and other appropriate bodies in the development of such plans and their implementation.	Civil Contingencies Act 2004	Executive or non-executive depending on the context

Flood Risk Management			
	Powers and duties	Statutory Reference	Function Type
1	Power to serve notice on liable person failing to do any work in relation to any watercourse, bridge or drainage work (whether by way of repair, maintenance or otherwise) to do the necessary work with all reasonable and proper despatch.	Section 21(21), Land Drainage Act 1991	Executive
2	Power to do all such things as are necessary for that purpose and recover expenses reasonably incurred from the person liable to repair if the person fails, within seven days, to comply with a notice served on him under subsection (2) above.	Section 21(4) and (5), Land Drainage Act 1991	Executive
3	Duty to determine applications to erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or erect a culvert in an ordinary watercourse, or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse within two months.	Section 23 (1) to (4), Land Drainage Act 1991	Executive
4	Power to serve notice on persons having power to remove any obstruction that is erected or raised or otherwise altered, or any culvert is erected or altered, in contravention of section 23 above requiring him to abate the nuisance within a period to be specified in the notice.	Section 24(1) and (2), Land Drainage Act 1991	Executive
5	Power to take such action as may be necessary to remedy the effect of the contravention or failure; and recover the expenses reasonably incurred by doing so from the person acting in contravention of, or fails to comply with, any notice served under subsection (1).	Section 24(4), Land Drainage Act 1991	Executive
6	Power to serve notice on persons owning or having control of the part of any ordinary watercourse that is in such a condition that the proper flow of water is impeded, requiring that person to remedy that condition.	Section 25, Land Drainage Act 1991	Executive
7	Duty to give effect to the order of the court where upon an appeal under this section a	Section 27(9), Land Drainage Act 1991	Executive

	court varies or reverses any decision of a body which has served a notice under section 25.		
8	Power to do flood risk management works.	Section 14A, Land Drainage Act 1991	Executive
9	Power to do works for environmental benefit that could increase flooding (where the benefits outweigh the harmful consequences).	FWMA S39	Executive
10	Power of entry any land for the purpose of exercising any functions under this act at all reasonable times after producing a duly authenticated document showing authority.	Section 64, Land Drainage Act 1991	Executive
11	Power of entry without notice in an emergency.	Section 64(3), Land Drainage Act 1991	Executive
Trading Standards			
	Powers and duties	Statutory Reference	Function Type
1	To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage, explosive storage and sales and performing animals under the Acts listed; including any Regulations, Orders or Rules made under them. To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.	Performing Animals (Regulation) Act 1925; European Communities Act 1972 – Explosives Regulations 2014; Health & Safety at Work, etc. Act 1974 – Petroleum (Consolidation) Regulations 2014; and Fireworks Act 2003	Non-executive
2	To record, suspend and revoke registrations, declarations and approvals, on behalf of the county council under the Act and Regulations listed. To collect fees in relation to approvals and amendments to approvals, on behalf of the council.	European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Feed (Hygiene and Enforcement) (England) Regulations 2005	Non-executive
3	To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.	Animal Health Act 1971 - Disease Control (England) Order 2003	Non-executive
4	To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the Acts listed. To carry out all the enforcement powers,	Administration of Justice Act 1970; Agricultural Produce (Grading & Marking) Acts 1928-1931; Agriculture Act 1970; Animal By-products	Executive or non-executive depending on the context

	<p>investigations and statutory duties of the county council under the Acts listed, and any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same.</p> <p>To exercise the powers and statutory duties of the council to appoint suitably qualified and competent officers including chief inspector of weights and measures, inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p>	<p>(Enforcement) (England) Regulations 2013; Animal Feed (Hygiene, Sampling, etc. & Enforcement) (England) Regulations 2015; Animal Health & Welfare Act 1984; Animal Health Act 1981; Animal Welfare Act 2006; Animals & Animal Products (Examination for Residues & Maximum Residue Limits)(England & Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 – Section 54; Apprenticeships, Skills, Children & Learning Act 2009;</p>	
4	(cont'd)	<p>Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef & Veal Labelling Regulations 2010; Biocidal Products & Chemicals (Appointment of Authorities & Enforcement) Regulations 2013); Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children & Families Act 2014; Children & Young Persons Act 1933; Children & Young Persons (Protection from Tobacco) Act 1991; Climate Change Act 2008; Clean Air Act 1993-Pt IV; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from</p>	Executive or non-executive depending on the context

		Unfair Trading Regulations 2008; Consumer Rights Act 2015; Copyright, Designs & Patents Act 1998; Counter Terrorism Act 2008; Criminal Justice Act 1988 - Part IX; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England & Wales) Regulations 2006; Education Reform Act 1988- Part IV; Energy Act 1976 & 2011 (Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Estate Agents Act 1979; European Communities Act 1972; Explosives Act 1875; Fair Trading Act 1973; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information & Compositional Requirements)(England) Regulations 2016; Food Safety Act 1990; Food Safety & Hygiene (England) Regulations 2013; Forgery & Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health & Safety at Work etc. Act 1974; Horse Passport Regulations 2009; Intellectual Property Act	
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		2014; Intoxicating Substances (Supply) Act 1985; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968;	
4	(cont'd)	Motor Cycle Noise Act 1987; Official Controls (Animals, Feed & Food) (England) Regulations 2006; Official Feed & Food Controls (England) Regulations 2009; Olympic Symbol etc (Protection) Act 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England & Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection from Harassment Act 1997; Protection of Animals Act 1911; Protection of Animals (Amendment) Act 1954; Psychoactive Substances Act 2016; Public Health Act 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Road Traffic Act 1988; Road Traffic Offenders Act 1988; Road Traffic (Foreign Vehicles) Act 1972; Theft Act 1968; Theft Act 1978;	Executive or non-executive depending on the context

		Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals & Related Products Regulations 2011; Trade Marks Act 1994; Transmissible Spongiform Encephalopathies (England) Regulations 2010; Transport Act 1968; Unsolicited Goods & Services Act 1971; Unsolicited Goods & Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights & Measures Act 1985	
5	<p>To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.</p> <p>To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 including to institute proceedings in the courts under that Act.</p>	Enterprise Act 2002	Executive
Rights of Way, Traffic Regulation, Planning and Environment			
The following powers and duties are delegated subject to the following provisos: (a) legal proceedings may only be commenced with the consent of the strategic director for resources or his/her nominees; and (b) the strategic director for resources or his/her nominees is the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of functions marked *.			
Rights of Way and Traffic Regulation			
	Powers and duties	Statutory Reference	Function Type
1	To request the traffic commissioner to impose traffic regulation conditions.	Transport Act 2000	Executive

2	Responsibility for providing school crossing patrols.	Part III, Road Traffic Regulation Act 1984	Executive
3	Respond on behalf of the council in relation to any proposal for development, highway works or traffic management made or to be determined by another body.	Any legislation relevant to the responsibilities of the strategic director	Executive
4*	Exercise the functions of the council under the private street works code and the advance payments code.	Part XI, Highways Act 1980	Executive
5*	To propose the making or orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, to make the orders.	Part I, II, IV and VI, Road Traffic Regulation Act 1984	Executive
6*	Stopping up or diversion of highways by magistrates.	Section 116, Highways Act 1980	Executive
7*	To make Definitive Map Modification Orders, where evidence demonstrates the existence of a public right of way and to confirm any unopposed Definitive Map Modification Order.	Wildlife and Countryside Act 1981	Non-executive
8*	To make order in relation to cycle tracks and to confirm such orders if they are unopposed.	Section 3, Cycle Tracks Act 1984	Non-executive
9*	To make orders for the stopping up of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 118, 118A and 118B, Highways Act 1980	Non-executive
10*	To make orders for the diversion of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 119, 119A and 119B, Highways Act 1980	Non-executive
11*	To make orders for the compulsory creation of footpaths and bridleway and, in the event of the orders being unopposed, to confirm them.	Section 26, Highways Act 1980	Non-executive
12*	To exercise the functions of the council in relation to new roads and street works.	New Road and Street Works Act 1991	Executive
13	To grant extensions of time for making good the surface of footpath and bridleways.	Section 134, Highways Act 1980	Executive
14	To submit to other public path order making authorities the council's view in respect of proposed public path orders within or adjacent to Warwickshire.	Part III, Highways Act 1980	Executive
15*	To enter public path creation agreements.	Section 25, Highways Act 1980	Non-executive
16	To exercise any powers of enforcement in respect of any unlawful interference with the highway or its users, including powers to remove or remediate interference or to carry	Part IX, Highways Act 1980 and any other enactment or common law provision conferring such powers	Executive or non-executive depending on the context

	out works in default of compliance with any notice or other requirement.		
17	To exercise the functions of the council in relation to the following matters (including fixing and recovering charges):		Executive of non-executive depending on the context
(a)	providing and permitting services, amenities, recreation and refreshment facilities in the highway and related powers;	Part VIIA, Highways Act 1980	Executive
(b)	flagpoles, pylons and other structures on the highway;	Section 144, Highways Act 1980	Non-executive
(c)*	dropped kerbs;	Section 184, Highways Act 1980	Non-executive
(d)	skips;	Section 139, Highways Act 1980	Non-executive
(e)*	the planting of trees, shrub, plants or grass;	Section 142, Highways Act 1980	Non-executive
(f)	scaffolding;	Section 169, Highways Act 1980	Non-executive
(g)	building materials and making of excavations in streets;	Section 171, Highways Act 1980	Executive
(h)	hoardings during building works;	Section 172, Highways Act 1980	Executive
(i)*	the construction, alteration or use of buildings over highways;	Section 177, Highways Act 1980	Non-executive
(j)*	installation of apparatus;	Section 50, New Roads & Street Works Act 1991	Non-executive
(k)*	the placing of rails, beams, pipes, cables, wires or similar apparatus over, along or across the highway;	Section 178, Highways Act 1980	Non-executive
(l)*	the construction of cellars under the street, etc.;	Section 179, Highways Act 1980	Non-executive
(m)*	the control of openings into cellars or vaults under streets and pavements, lights and ventilators.	Section 180, Highways Act 1980	Executive
18*	<p>To propose the making of orders relating to minor road traffic orders provided that the local member does not object.</p> <p>A “minor traffic order” is one falling into one of the following categories:</p> <p>(i) no waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals;</p>	Parts I and II, Road Traffic Regulation Act 1984	The definition of a “minor traffic order” will apply to new traffic orders and to amendments to existing traffic orders, including

	<p>(ii) waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road;</p> <p>(iii) extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; and</p> <p>(iv) any other traffic order designated by the Strategic Director Resources joint managing director (resources) as such following consultation with the relevant overview and scrutiny committee.</p> <p>The maximum lengths of roads which come within the definition of “minor traffic order” apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p>		consolidation orders
19	To construct, alter or remove a cycle track provided that the local member does not object.	Section 65, Highways Act 1980	Executive
20	Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee if, following consultation with the portfolio holder, he/she is satisfied that doing so has not significant policy or budget implications.	Part 6, Traffic Management Act 2004 (“the 2004 Act”); Sections 101(5), 102(1) (b) and 101(5B), The Act of 1972; Section 20, Local Government Act 2000; Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000; Local Authorities (Goods & Services) Act 1970	Executive
21*	To propose the making, amendment and revocation of gating orders and, in the event of no objections or representations against the proposal being received, to make the orders.	Sections 129A to 129G, Highways Act 1980	Executive
22*	To exercise functions in relation to the transfer of roadway and footway lighting systems from lighting authorities.	Section 270, Highways Act 1980	Executive
23	To give consent to the placing of waste collection receptacles on a highway.	Section 46(5), Environmental Protection Act 1990	Executive

24	In consultation with the relevant cabinet member, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990; Articles 5(3) and 20(31), Town & Country Planning (General Development Procedure) Order 1995	Executive
Planning and Environment			
	Powers and duties	Statutory Reference	Function Type
<p>General – the delegated powers to grant planning permissions and/or determine planning applications include power to:</p> <ul style="list-style-type: none"> (a) impose any condition, limitation or other restriction on any permission, approval or consent given in the exercise of those functions and to determine any other terms to which any such permission, approval or consent is subject; and (b) do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions; <p>and are subject to the proviso that an application for planning permission shall be referred to the regulatory committee for determination if the Strategic Director Communities or their nominee) considers that any of the following circumstances apply:</p> <ul style="list-style-type: none"> (i) the application is a departure from the development plan which would require referral to the Secretary of State before being granted; (ii) the application constitutes a major development as defined in Article 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and is accompanied by an environmental statement; (iii) the application is subject to four or more written objections on material planning grounds received during the statutory consultation period (in the case of a petition each signature shall count as one objection); (iv) the application is subject to an objection from a statutory consultee identified in Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010; (v) the application is one which should be refused; (vi) the responsibilities of the Strategic Director Communities include any aspect of the management of the land or buildings to which the application relates; (vii) the application is required to be referred because notice of an interest has been given by a county councillor or by a relevant officer in accordance with the council's Planning Code of Practice; (viii) the application is subject to a request that it be referred to the regulatory committee made by a county councillor within whose constituency the application site or part of it is situated. 			
1*	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492).	Non-executive
2	To respond to consultations from district	Article 10, Town & Country	Executive

	councils under the listed provisions.	Planning (General Development Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990	
3	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town & Country Planning Act 1990 (c8)	Non-executive
4.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town & Country Planning Act 1990	Non-executive
5.	Power to grant planning permission for development already carried out.	Section 73A of the Town & Country Planning Act 1990	Non-executive
6.	Power to decline to determine an application for planning permission.	Section 70A of the Town & Country Planning Act 1990	Non-executive
7.	To administer applications under any planning legislation and to take any steps (including any steps in relation to environmental impact assessment) preparatory or incidental to the determination of any such application.	Part III, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995; Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999; Town & Country Planning General Regulations 1992; Town & Country Planning (Applications) Regulations 1988; Town & Country Planning (General Permitted Development) Order 1995 and any other relevant enactment	Non-executive
8	Responsibility for the administration of the council's powers relating to the management and disposal of waste.	Sections 45 to 63A, Environmental Protection Act 1990; Section 32, Waste Emissions Act 2003	Executive
9	To make applications: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and	Section 9E, Local Government Act 2000; Section 82, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive

	(iii) for the demolition of unlisted buildings in conservation areas.		
10	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town & Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town & Country Planning (General Development Procedure) Order 1995 (SI1995/419) and directions made thereunder	Non-executive
11	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492)	Non-executive
12	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning & Compensation Act 1991 (c 34); Paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25); and Paragraph 6(5) of Schedule 14 to that Act	Non-executive
13	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of his/her responsibilities.	Highways Act 1980; Town & Country Planning Act 1990; New Roads & Street Works Act 1990; Countryside & Rights of Way Act 2000 and any other enactment conferring relevant powers	Executive or Non-executive depending on the context
14	Together with the strategic director for resources to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme.		
Other Functions			
	Powers and duties	Statutory Reference	Function Type
1	In relation to Pride in Camp Hill Limited:	Section 2, Local Government	Executive

	<p>(i) to arrange for secondments of staff to the company;</p> <p>(ii) to make a loan of £250,000 for the Early Purchase Scheme;</p> <p>(iii) to make operating payments to the Board;</p> <p>(iv) to make provisions for £445,000 capital works for environmental improvements;</p> <p>(v) to approve additional expenditure up to the shortfall amount;</p> <p>(vi) to agree contribution account amounts;</p> <p>(vii) to demand payment of bank guarantee proportions if called upon;</p> <p>(viii) to provide notice that the council will not be attending a general meeting; and</p> <p>(ix) to state in writing to the other partners why consent to any item in Article 15 was not given.</p>	Act 2000	
2	<p>In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources:</p> <p>(i) to give consent to the appointment of directors other than partner directors;</p> <p>(ii) to agree to the WCC director not being on a committee/sub-committee of the company;</p> <p>(iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and</p> <p>(iv) to arrange for the transfer of freehold of Dev1.</p>	Section 2, Local Government Act 2000	Executive
3	<p>In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources:</p> <p>(i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and</p> <p>(ii) in the event of an early exit notice, attend a resolution meeting.</p>	Section 2, Local Government Act 2000	Executive

SECTION 4 – FINANCIAL REGULATIONS

1. INTRODUCTION

1.1 What are Financial Regulations?

1.1.1 The County Council is responsible for providing a wide range of services for its citizens which involves receiving and spending large sums of money each year. Financial Regulations aim to ensure that the County Council makes the best use of the money it has available to spend.

1.1.2 The Financial Regulations are very much a strategic document and at the highest level sets out the financial responsibilities of members, and some of the most senior officers, Strategic Directors, Assistant Directors (including the chief fire officer), and the Chief Finance Officer (also known as the Section 151 officer) of the County Council.

1.1.3 The Financial Regulations form a part of the means by which the County Council manages its business. They clarify roles and responsibilities and provide a framework for financial decision-making. Where there are specific statutory powers and duties the Financial Regulations seek to ensure these are duly complied with, as well as reflecting best professional practice and decision-making of the County Council, cabinet and committees. In summary the Financial Regulations are the regulatory framework within which the financial affairs of the County Council operate.

1.1.4 Supporting the Financial Regulations are detailed finance rules which deal with the day to day work of the County Council. All members and all officers of the County Council must abide by both the financial regulations and the finance rules.

1.1.5 The finance rules are found at []. It is the responsibility of the Chief Finance Officer to ensure that Financial Regulations and finance rules are kept under review and fit for purpose in accordance with the constitution.

1.2 Why are Financial Regulations important?

1.2.1 To conduct its business effectively, the County Council needs to ensure that sound financial management arrangements are in place and they are strictly adhered to in practice. In particular, Financial Regulations:

- Provide a framework for all members and officers for the proper and efficient administration of the council's financial affairs;
- Encourage all members and officers to abide by the highest standards of probity and integrity with clear standards which need to be continually maintained and there are controls to ensure that these standards are met;
- Ensure that there are clear roles, responsibilities and accountabilities for members and officers in order to protect the council's money and assets; and
- Ensure that the use of resources is legal, properly authorised and gives value for money.

1.2.2 In seeking to achieve value for money all members and officers shall give due consideration to:

- How each service fits within the corporate activities;
- Acquiring resources at an appropriate quality and minimum cost;
- Ensuring that the maximum benefit is obtained from the resources used;

- Ensuring that the benefit from providing a service is achieving the desired result or predefined target; and
- How performance can be assessed objectively and what evidence needs to be provided to allow this to be evaluated by the community we serve.

1.2.3 The Financial Regulations should be read in conjunction with other documents and sections of the constitution, in particular:

- The Budget and policy framework
- Contract standing orders
- The General scheme of delegation

1.3 Who do Financial Regulations apply to?

1.3.1 Financial Regulations apply to all members and officers of the County Council and anyone acting on its behalf. All members and officers have a responsibility for ensuring any resources or assets under their control are kept securely and used for council business only.

1.3.2 The County Council is the administering authority for the Local Government Pensions Scheme in Warwickshire. These financial regulations apply to the administration of the Local Government Pension Scheme in Warwickshire.

1.3.3 The Financial Regulations will also apply to any joint commissioning or partnership arrangement where the County Council is the accountable body or the contracting party, unless full council expressly agrees otherwise.

1.4 Who is responsible for ensuring Financial Regulations are adhered to?

1.4.1 The Chief Executive is ultimately accountable for ensuring that Financial Regulations are adhered to. Strategic Directors and Assistant Directors, are responsible for ensuring Financial Regulations are applied and observed by staff and anyone providing services on behalf of the council at all times. In addition, all members and officers have a responsibility for reporting any breaches of these Financial Regulations to the Chief Finance Officer as soon as they come to light.

1.4.2 The Chief Finance Officer in turn is responsible for reporting any breaches of these Financial Regulations to elected members and advising members on alternative causes of action which may be taken.

1.4.3 The Chief Finance Officer is responsible for keeping the Financial Regulations under continued review ensuring any changes or additions are submitted to full council for approval.

1.4.4 The Chief Finance Officer is also responsible for issuing the finance rules on specific issues that underpin the Financial Regulations.

1.4.5 All officers of the Council must act in a way which they believe achieves value for money and is in the best interests of the Council.

1.5 What may happen if you do not comply with Financial Regulations?

1.5.1 Failure to comply with Financial Regulations and finance rules may have the following consequences:

- For officers, these regulations supplement the Employer and Employee Responsibilities code and therefore a breach may be considered a disciplinary matter and could lead to dismissal.
- For members, these regulations supplement the Members' Code of Conduct and therefore a breach may be reported to the Monitoring Officer and/or Audit and Standards Committee for them to take appropriate action.

2. GENERAL ROLES AND RESPONSIBILITIES

2.1 Introduction

2.1.1 The County Council is a single entity with certain devolved accountabilities but the overall responsibility for financial administration of the County Council remains with the Chief Finance Officer. Members and officers also have responsibilities and accountabilities for financial administration which are outlined in this section. All officers are responsible for ensuring that they abide by the Constitution including these Financial Regulations, Contract Standing Orders and the finance rules.

2.2 Members

2.2.1 Members have a number of roles and responsibilities which are discharged collectively through the Audit and Standards Committee, the Cabinet or full Council. In particular members must:

- Approve the Financial Regulations at full Council.
- Set the authority's financial strategy, including budget setting and capital expenditure
- Set the authority's budget and policy framework through full Council.
- Ensure proper control is exercised over the authority's expenditure through scrutiny of periodic financial reports comparing expenditure and income with the level of budgetary provision through Cabinet.
- Ensure a balanced budget is set by full Council at its meeting in February each year.
- Scrutinise financial probity through the Audit and Standards Committee, scrutiny committees and, if necessary, Cabinet.
- Agree financial allocations to ensure the finance function is suitably resourced to support management in securing effective financial control through full council.

2.3 The Chief Finance Officer (currently the Strategic Director for Resources)

2.3.1 The Chief Finance Officer must discharge the statutory duties defined in the following legislation and codes:

- The Local Government Act 1972, section 151;
- The Local Government Finance Act 1988, sections 112-114;
- The Local Government and Housing Act 1989;
- The Local Government Act 2003;
- The Accounts and Audit (England) Regulations 2011;

- The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
- The Prudential Code for Capital Finance in Local Authorities; and
- Any CIPFA statements defining best practice.

2.3.2 One of the most significant pieces of legislation is Section 151 of The Local Government Act 1972 which states:

‘.....every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs.’

2.3.3 The County Council has designated the Chief Finance Officer as the officer responsible for the administration of its financial affairs and that is why the Chief Finance Officer is sometimes referred to as the ‘Section 151 officer’.

2.3.4 To fulfil the statutory responsibilities the Chief Finance Officer must:

- Nominate a named officer as the deputy Section 151 officer to act in this role in the absence of the Chief Finance Officer;
- Provide financial advice to members to support the strategic planning and policy making processes and service development to ensure efficient and effective use of resources;
- Provide advice and financial information to members, Strategic Directors and Assistant Directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets;
- Establish the County Council's accounting records and control systems including:
 - Approving any changes to be made to existing financial systems, or new systems introduced within the County Council, ensuring that all the County Council's financial systems help cost centre managers achieve value for money by providing accurate, relevant and timely information for decision- making;
 - Ensure the maintenance of proper accounting records;
 - Formulate measures to prevent and detect inaccuracies and potential fraud and corruption and the ability to reconstitute primary records in the event of them being lost;
 - Define the procedures used by members and Strategic Directors for the write-off of assets, including obsolete items;
 - Define the procedures used by members and Strategic Directors for the write-off of debts owed to the County Council;
 - Publish an annual statement of accounts in the prescribed format.

2.4 The Monitoring Officer (currently the Assistant Director - Governance and Policy)

2.4.1 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the audit and standards committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to cabinet and/or full council and for ensuring that the procedures for recording and reporting key decisions are operated effectively.

2.4.2 The Monitoring Officer is responsible for:

- Ensuring that reports encompass the statutory obligations with regard to their legal

- and financial advice and content;
- Ensuring member decisions and the reasons for them are made public;
- Advising both members and officers about who has authority to take a particular decision;
- Advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the County Council's budget and policy framework;
- Maintaining an up to date constitution; and
- Maintaining a register of members' and officers' interests.

2.4.3 The Monitoring Officer together with the Chief Finance Officer is responsible for advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget or budget setting process and may include:

- Initiating a new policy outside the budget setting process;
- Incurring inter directorate/service budget transfers between business units above virement limits;
- Committing expenditure during the year which is above the approved revenue or capital budget; or
- Committing expenditure in future years which is above the approved revenue or capital budget.

2.5 Strategic Directors

2.5.1 Strategic Directors are accountable for ensuring that the Assistant Directors within their directorate manage their resources within the revenue and capital budget limits set by full council each year and can take any action necessary to ensure resources are managed appropriately. Assistant Directors are responsible for budget control and probity on a day to day basis and for ensuring that they act within their delegated powers and comply with all constitutional requirements when doing so.

2.5.2 Strategic Directors must act within the budget and policy framework, promote probity and sound financial control. Assistant Directors must do the same.

2.5.3 Strategic Directors must report to the Chief Finance Officer on any matter which may result in a failure of their directorate's financial control processes or any other matter which could adversely affect the financial standing of their directorate.

2.5.4 Specifically Strategic Directors must report to the Chief Finance Officer if at any time during the financial year:

- There are any unplanned or previously unreported variances to capital and revenue income and/or expenditure;
- The directorate is not going to meet any savings or efficiency targets;
- There are proposed variations to policy which will have financial implications; or
- There are organisational changes which might impact on the demand for financial support services.

2.6 Assistant Directors

2.6.1 Assistant Directors have responsibility for articulating their services plans into the annual budget cycle ensuring Strategic Directors are fully aware of any planned or future service delivery issues.

2.6.2 Assistant Directors are responsible for managing expenditure and income against revenue and capital budgets and must provide information to Strategic

Directors and the Chief Finance Officer as required and in respect of any issue where corrective action needs to be taken to keep expenditure within budget.

2.6.3 Assistant Directors are responsible for monitoring the budgetary position of their service and for keeping Strategic Directors informed of this position.

2.6.4 Assistant Directors must ensure that their Strategic Director is kept regularly informed of the financial position of each Service.

3. STRATEGIC FINANCIAL MANAGEMENT

3.1 The financial roles and responsibilities of the Chief Executive, Strategic Directors, Chief Finance Officer and Assistant Directors can be grouped under a number of critical functions.

3.2 There are four key strategic financial management processes covered by Financial Regulations:

- Financial decision making
- Planning for the use of resources
- Controlling the use of resources
- Accounting for the use of resources

3.3 Each of these is taken in turn, explaining why they are important to ensure sound strategic financial management and detailing the additional responsibilities of the most senior officers.

3.4 FINANCIAL DECISION MAKING

Why is this important?

3.4.1 In making financial decisions, members take account of the information and advice given to them by officers and, in particular, the Chief Finance Officer. The Chief Finance Officer also has delegated financial responsibilities which require him to take financial decisions, usually in consultation with the Monitoring Officer. These decisions can have major financial and legal implications, and it is therefore important that they are soundly based on accurate and appropriate information.

The Chief Finance Officer must:

3.4.2 Provide advice and financial information to members, Strategic Directors and Assistant Directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets. In particular, this should:

- take account of all relevant corporate and directorate considerations;
- take account of both long and short term costs and benefits;
- take account of professional advice, for example legal or financial advice;
- be compiled in accordance with best professional practices by suitable staff;
- be appropriate and provide a sound basis for financial decision making; and
- be presented at the most appropriate time to allow effective decisions to be made.

3.4.3 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by both members and officers.

The Monitoring Officer must:

3.4.4 Ensure that all legal advice given to members or used by officers to make decisions with financial implications:

- takes account of all relevant directorate and corporate considerations;
- is compiled in accordance with best professional practice by suitable staff;
- is appropriate and provides a sound basis for decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.5 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Strategic Directors must:

3.4.6 Ensure that all financial information given to members or officers in order for them to make decisions with financial implications:

- takes account of all relevant directorate and corporate considerations;
- takes account of both long and short term costs and benefits;
- takes account of financial advice and any financial implications (the Chief Finance Officer should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the Monitoring Officer should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.7 Strategic Directors are reminded that these requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Assistant Directors must:

3.4.8 Ensure that all financial information given to Strategic Directors and cost centre managers or other officers within their directorates:

- takes account of all relevant directorate and corporate considerations;
- takes account of both long and short term costs and benefits;
- takes account of financial advice and any financial implication (the Chief Finance Officer should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the Monitoring Officer should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.5 PLANNING FOR THE USE OF RESOURCES

Why is this important?

3.5.1 The County Council is a large complex organisation providing a multitude of different services, and like any organisation of this scale it needs to plan effectively and develop systems to ensure that scarce resources are allocated in accordance with carefully weighed priorities. All decisions on the revenue budget are taken by full council except those that relate to the current year's approved budget and the use of any earmarked reserves which have been delegated to the cabinet.

3.5.2 All items of income and expenditure of the County Council are classified as either revenue or capital.

3.5.3 The revenue budget is the expression in financial terms of annual plan for each Service area. It is concerned with the day to day spending required to provide a service, for example, employee pay, supplies and services, energy costs, etc.

3.5.4 The capital programme is the expression in financial terms of the Council's plans to purchase, construct or improve assets with a lasting value, for example, land, buildings and large items of equipment.

3.5.5 The process for preparing and setting the budget ensures that it reflects each service's aims and objectives in financial terms for the period ahead. Budgets must be based on projections about pay and inflation and all cost savings should be identified, assessed for achievability and planned in advance. Known developments should be anticipated and full cost implications should be determined. Revenue and capital budgets should be integrated and presented as such to members.

3.5.6 It is important to ensure that the full revenue consequence of capital expenditure is reflected in the revenue budget and the options of either a revenue or capital approach to service delivery is considered.

The Chief Finance Officer must:

3.5.7 In consultation with corporate board prepare and submit reports to the cabinet outlining likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the County Council.

3.5.8 Also in consultation with corporate board prepare and submit reports to the cabinet summarising the budget proposals and, where appropriate, identify the implications for the level of precept to be levied by the County Council and the impact on local taxpayers.

3.5.9 Establish formal procedures and timetables for planning the budget by:

- providing Assistant Directors with a framework and timetable for reporting anticipated savings and spending pressures; and
- providing Assistant Directors with preliminary budget targets for the following year in time for them to prepare business/service plans, and a final budget by 31 March.

3.5.10 Produce an annual treasury management policy statement and strategy setting

out the arrangements for the operation, management and performance assessment of the treasury management function and gain full member approval for the policy statement and strategy.

Strategic Directors must:

3.5.11 Ensure that each business unit within their directorate prepares a written statement of the service's aims and objectives which is used as the basis for constructing budget plans.

3.5.12 Prepare and submit, with the Chief Finance Officer, joint reports to the cabinet outlining likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the County Council.

3.5.13 Comply with guidance concerning capital expenditure, issued by the Chief Finance Officer.

3.5.14 Ensure that their directorate maintains an asset register, as defined by the Chief Finance Officer, for the purpose of calculating notional capital charges.

Assistant Directors must:

3.5.15 Comply with the formal procedures and timetable for planning their budget by:

- identifying, costing and reporting spending pressures and any anticipated savings, in accordance with the published budget framework and timetable; and
- preparing detailed revenue estimates of planned spending and income for the year ahead within the budget targets set by their strategic director.
- providing all information to the Strategic Directors as requested and in a timely fashion to enable the Strategic Directors to achieve their obligations under these Financial regulations

3.5.16 Notify their strategic director of the continuing potential financial impact in future years of decisions they are taking in the current financial year. These need to be done so as to be taken into account when producing next year's budget.

3.5.17 Fully comply with capital expenditure rules issued by the Chief Finance Officer.

3.6 CONTROLLING THE USE OF RESOURCES

Why is this important?

3.6.1 Budgetary control is the process by which services monitor, review and adjust financial targets during the financial year. The identification and explanation of variances against budgetary targets provides a mechanism by which the County Council can identify changes in trends and resource requirements at the earliest opportunity.

3.6.2 There is also an additional pressure to monitor capital schemes carefully, to ensure that the County Council's capital financing capacity, governed by the Prudential Code for Capital Finance, including other internal funds and external grants and receipts, is fully utilised, but not exceeded.

The Chief Finance Officer must:

3.6.3 Administer and keep under review the County Council's scheme of virement as set out in the finance rules.

3.6.4 Ensure Assistant Directors and cost centre managers have access to regular and frequent reports on spending, including sums committed, but not yet paid, against the approved budget.

3.6.5 Prepare and submit, with Strategic Directors, joint reports to the cabinet in respect of any revenue expenditure for which the strategic director concerned is unable to identify appropriate resourcing from within the existing approved budget.

3.6.6 Prepare and submit reports to the cabinet in respect of any planned or actual expenditure which the Chief Finance Officer (in consultation with the Monitoring Officer) believes to be unlawful; and during the time between the possibility of unlawful expenditure coming to light and its consideration by cabinet, prevent any payments other than those which are contractual commitments (this applies equally to revenue and capital expenditure).

3.6.7 Prepare and submit regular reports to the cabinet on progress against the approved capital programme, highlighting any slippage and detailing any requests for amendments to approved programmes.

3.6.8 Administer the authorisation of capital schemes approved by full council as detailed in the finance rules.

3.6.9 Provide Strategic Directors, Assistant Directors and cost centre managers with appropriate guidance and finance rules.

3.6.10 Administer the County Council's arrangements for under and overspendings to be carried forward to the following financial year as outlined in the financial procedure rules.

3.6.11 Prepare and submit a report to the relevant overview and scrutiny committee by 30 September each year comparing actual treasury management performance against the approved strategy, for the previous financial year.

Strategic Directors must:

3.6.12 Ensure that their Assistant Directors comply with the County Council's scheme of virement and notify the Chief Finance Officer of any additional authorisation limits/reporting arrangements they may wish to set.

3.6.13 Recommend to members the level of their directorate's carry forward underspends from one financial year to the next.

3.6.14 Inform the Chief Finance Officer immediately of any planned or actual expenditure that the strategic director believes to be illegal. During the time between informing the Chief Finance Officer and receiving his response, ensure that no payments are incurred other than those required to meet contractual commitments (this applies equally to revenue and capital expenditure).

Assistant Directors must:

Revenue Expenditure:

3.6.15 Prepare and submit, with the input of the Chief Finance Officer and their Strategic Director, joint reports to the cabinet in respect of any revenue expenditure for which the Assistant Director concerned is unable to identify appropriate resourcing from within the existing approved budget.

3.6.16 Ensure that expenditure for each financial year does not exceed the available budget.

3.6.17 Make sure that all income and expenditure, including forecasts of future income and expenditure, are entered on the general ledger.

3.6.18 Seek cabinet approval (to be sought only with the approval of their Strategic Director) in advance for all virements within their Service which exceed the lower of £500,000 or 5% of the Service's net revenue budget (this applies both to an individual transaction and where the cumulative total of virements in their service exceeds this limit in any financial year).

3.6.19 Seek cabinet approval (to be sought only with the approval of their Strategic Director) in advance for all virements between Services irrespective of the amount of the virement.

3.6.20 Ensure that, when budgets are delegated, responsibility for financial control is clearly defined and ensure that they have sufficient controls in place to meet their obligations under Finance regulations.

3.6.21 Ensure that cost centre managers are notified of any virements affecting their cost centre and that the reason for the virement is explained.

Capital Expenditure:

3.6.22 Ensure a project manager is allocated to all capital projects.

3.6.23 Ensure that all project managers comply with all the rules relating to capital expenditure and financing.

3.6.24 Ensure all appropriate approvals have been granted before committing to any capital expenditure.

3.6.25 Ensure adequate funding is in place for all capital expenditure over the lifetime of a project and that accurate phasing of capital expenditure over financial years is undertaken at the same time.

3.6.26 Record capital income and capital expenditure separately.

3.6.27 Ensure capital expenditure does not exceed the approved budget limit.

3.6.28 Ensure that capital expenditure is not moved between schemes without member approval.

3.6.29 Ensure that adequate information is kept to ensure accurate capital accounting rules are maintained.

3.6.30 Ensure members, their strategic director and the Chief Finance Officer are kept informed of progress and latest cost estimates for all capital projects.

3.6.31 Provide financial and performance information on capital projects when requested by members, their strategic director or the Chief Finance Officer.

3.7 ACCOUNTING FOR THE USE OF RESOURCES

Why is this area important?

3.7.1 The County Council has a statutory responsibility to prepare its annual accounts to fairly represent its operations during the year. Full council is responsible for approving the annual accounts. These are subject to external audit scrutiny before publication. External audit scrutiny provides assurance that all expenditure is legal, the accounts are properly prepared and appropriate accounting practices have been followed.

The Chief Finance Officer must:

3.7.2 Provide Assistant Directors and Strategic Directors with guidance and a timetable for closing their accounts, to ensure compliance with the statutory timetables.

3.7.3 Prepare and submit reports to the cabinet outlining, firstly, probable and, subsequently, the actual income and expenditure of the County Council, for each financial year.

3.7.4 Prepare and publish the audited accounts of the County Council for each financial year in accordance with the accounts and audit regulations, in particular:

- make appropriate arrangements for the external audit of the County Council's accounts;
- publish the statement of accounts, with the auditor's certificate or report, within 4 months of the financial year end.

3.7.5 Provide Assistant Directors and Strategic Directors with a detailed closedown timetable in order to meet the deadlines specified by the Chief Finance Officer.

Assistant Directors must:

3.7.6 Ensure that all expenditure and income is coded to appropriate areas of their budget to accurately reflect service activity in the financial year.

3.7.7 Make sure that they comply with the procedures and timetable for closing the accounts at the end of the financial year.

3.7.8 Maintain suitable accounting records and make these records available for inspection by external auditors when requested.

4. FINANCIAL ADMINISTRATION

Why is this area important?

4.1.1 The County Council, being a public body, has a responsibility to the local community to ensure that its financial affairs are properly managed and its assets

safeguarded. The public is entitled to expect the highest standards of financial conduct and integrity. It is the Chief Finance Officer's responsibility to ensure that appropriate systems and controls are in place to satisfy these expectations.

4.1.2 The County Council has a statutory responsibility to make arrangements for the proper administration of its financial affairs. This includes determining the accounting systems and procedures, the form of accounts and supporting financial records.

The Chief Finance Officer must:

4.1.3 Produce detailed finance rules outlining the roles and responsibilities of officers for the financial administration of services under their control.

4.1.4 Ensure that both members and officers comply fully with the finance rules as they have equal importance along with the financial regulations and non-compliance will be dealt with in the same way as non-compliance with the financial regulations.

4.1.5 In consultation with the Monitoring Officer, review the adequacy of the financial regulations annually and, where necessary, recommend amendments to either the financial regulations or the finance rules.