

Leicester Leicestershire

Delivering Growth Together



Leicester and Leicestershire Combined Authority

Constitution

Part A: Articles

Article A1 Interpretation

A1.1 In this Constitution the following terms have the following meanings:

Annual Meeting: means the meeting of the LLCA to be held each calendar year in June;

Article: means an article within this Part A;

Budget Meeting: means the meeting of the LLCA to approve the annual budget of the LLCA to be held each calendar year in February;

Chair: means the Chair of the LLCA appointed pursuant to Article A4 and in accordance with the Meeting Procedure Rules;

Chief Financial Officer: means the Officer appointed pursuant to Article A9.1.2 and section 151 of the Local Government Act 1972;

Chief Operating Officer: means the Officer appointed pursuant to Article A9.1.1 and section 4 of the Local Government and Housing Act 1989 to undertake the role of a head of paid service;

City Council: means Leicester City Council;

Code of Conduct: means the code of conduct applying to Members and Co-Opted Members set out at Part H of this Constitution;

Committee: means a committee of the LLCA;

Combined Area: means the area consisting of the administrative areas of the Constituent Councils;

Common Seal: means the common seal of the LLCA held in the custody of the Monitoring Officer;

Complaint(s): complaints that Members or Co-Opted Members have failed to comply with the Code of Conduct;

Complaints Arrangements: means the arrangements that the LLCA has in place to deal with Complaints;

Constituent Councils: means the City Council, the County Council and the District Councils;

Constitution: means this document (including Appendices) setting out how the LLCA operates, how decisions are made and the procedures that are to be followed to ensure that the LLCA operates efficiently, effectively and is both transparent and accountable;

Contract Procedure Rules/CPRs: means the rules set out at Part G of this Constitution;

Co-opted Member: means any individual appointed by the LLCA to any Committee or Sub-Committee who is not a Member;

County Council: means Leicestershire County Council;

District Councils: means Blaby District Council (**BDC**); Charnwood Borough Council (**CBC**); Harborough District Council (**HDC**); Hinckley & Bosworth Borough Council (**HBBC**); Melton Borough Council (**MB**); North West Leicestershire District Council (**NWLDC**); and Oadby & Wigston Borough Council (**OWBC**); and **District Council** shall be construed accordingly;

Economic Protocols: means the protocols detailed at paragraphs B2.3 to B2.5;

External Audit: means the arrangements that the LLCA has in place for the audit of the LLCA pursuant to the Local Audit and Accountability Act 2014;

Extraordinary Meeting: means a meeting of the LLCA that is not an Ordinary Meeting and is called in accordance with paragraph E1.6.4;

Financial Procedure Rules: means the rules set out at Part F of this Constitution;

Forward Plan: means the plan prepared in accordance with paragraphs E1.31 to E1.34;

Function/Functions: means the powers and duties of the LLCA including those detailed in the LLCA Order and this Constitution;

Governance Committee: means the Committee established pursuant to Article A7.1.1;

Independent Person: means the person appointed pursuant to section 28 of the Localism Act 2011;

Internal Audit: means the arrangements that the LLCA has in place for the audit of the LLCA other than External Audit;

Investigating Officer: a person (which may include an Officer)

appointed by the Monitoring Officer in accordance with paragraph C2.17.5;

Key Decision: has the meaning given at paragraph E1.31.5;

LLCA: means the Leicester and Leicestershire Combined Authority;

LLCA Order: means [] made under the Local Democracy, Economic Development and Construction Act 2009 (as amended) and attached to this Constitution as Appendix 1;

LLEP: means the Leicester and Leicestershire Enterprise Partnership;

Meeting Procedure Rules: means the rules detailed at Part E of this Constitution;

Member: means an individual appointed by a Constituent Council and/or the individual appointed from the LLEP to be a member of the LLCA pursuant to Article A3. The term Member also includes any individual appointed as a substitute to act in the absence of a member of the LLCA;

Member Allowances: means allowances for travel and subsistence which will be met by Constituent Councils pursuant to Article A3.18;

Monitoring Officer: means the Officer appointed in accordance with Article A9.1.3 and section 5 of the Local Government and Housing Act 1989;

Officers: means the individuals appointed by the LLCA pursuant to Article A9;

Ordinary Meeting: means a meeting of the LLCA that is included in the schedule of meetings agreed by the LLCA at its Annual Meeting. This includes the Budget Meeting but does not include an Extraordinary Meeting. Where a meeting is included in the schedule of meetings but is rearranged then the rearranged meeting remains an Ordinary Meeting;

Overview and Scrutiny Committee: means the Committee established pursuant to Article A7.1.4;

Planning Committee: means the Committee established pursuant to Article A7.1.2;

Proper Officer: means the Officers specified in the Schedule of Proper Officers;

Register of Members' Interests: the register required by the

Localism Act 2011 and maintained by the Monitoring Officer pursuant to paragraph C2.17.9;

Schedule of Proper Officers: means the list further defined at paragraph C2.1 and detailed in paragraph C2.20 to C2.23;

Scheme of Delegation: means the scheme of delegation for the LLCA set out at Section C2 of this Constitution;

Scrutiny Panel: means a panel appointed by the Overview and Scrutiny Committee in accordance with paragraphs E2.45 to E2.52;

Statutory Officers: means the Chief Operating Officer, the Monitoring Officer and the Chief Financial Officer;

Sub-Committee: means a sub-committee of a Committee;

Transport Committee: means the Committee established pursuant to Article A7.1.3;

Transport Councils: means the City Council and the County Council;

Transport Protocols: means those protocols detailed at paragraphs B1.3 to B1.5;

Vice Chair: means the Vice Chair of the LLCA appointed pursuant to Article A4 and in accordance with the Meeting Procedure Rules;

Article A2 Functions of the LLCA

- A2.1 The LLCA was established by the LLCA Order as the combined authority for the Combined Area with the aim of improving the exercise of statutory functions in the Combined Area.
- A2.2 The LLCA is responsible for a range of transport, economic development and regeneration Functions across the Combined Area.
- A2.3 The Functions of the LLCA conferred upon it by the LLCA Order are set out in Part B of this Constitution.
- A2.4 The LLCA will exercise its Functions in accordance with the law, the LLCA Order and this Constitution.
- A2.5 The LLCA will monitor and evaluate the operation of the Constitution as set out at Article A13 below.

Article A3 Members of the LLCA

A3.1 Each Constituent Council must appoint one of its elected members to be a Member. The elected member appointed must be the leader or directly elected mayor of the relevant Constituent Council (as appropriate).

A3.2 The LLEP must nominate and the LLCA must appoint the Chair of the LLEP to be a Member. In the event that the Chair of the LLEP is an elected member of a Constituent Council then the LLEP must nominate another member of its board who is not such an elected member to be a Member. The Member appointed from the LLEP is a non-voting Member of the LLCA unless the Members appointed by the Constituent Councils resolve otherwise in accordance with Article A3.16.

[Note: At its first meeting the LLCA will be asked to consider whether the LLEP Member should be awarded voting rights at meetings of the LLCA but that the voting provisions relating to unanimity or reserved status set out in paragraph E1.30 of the Meeting Procedure Rules will only apply to the approval of growth schemes set out in any adopted strategic growth plan.]

A3.3 Each Constituent Council must appoint a further elected member of the relevant Constituent Council (but such an elected member does not need to hold the qualifications referred to in Article A3.1) and the LLCA must appoint a further member of the LLEP board as nominated by the LLEP (not being an elected member of one of the Constituent Councils) as a substitute to act in the absence of the relevant Member appointed under Articles A3.1 or A3.2.

A3.4 Appointments by the Constituent Councils under Articles A3.1 and A3.3 and nominations by the LLEP under Articles A3.2 and A3.3 must be notified to the Monitoring Officer in writing for the appointment to be effective or for the nomination to be considered by the LLCA.

A3.5 Where a substitute appointed under Article A3.3 acts in the absence of a Member then references to the term Member in this Constitution shall be read as references to the relevant substitute unless the context otherwise dictates.

A3.6 A Constituent Council and/or the LLEP may terminate the appointment of their respective Member and/or substitute at any time by providing written notice to the Monitoring Officer within one week of the change being made. Termination of appointment will only be effective once the Monitoring Officer has received such notice.

A3.7 Where a Constituent Council and/or the LLEP terminates an appointment under Article A3.6 then it must appoint/nominate a replacement Member and/or substitute in accordance with Article A3.13

A3.8 A Member or substitute appointed by a Constituent Council may resign their appointment by notice in writing to the Monitoring Officer and the monitoring officer of their appointing Constituent Council. Such resignation is effective upon receipt of

the notice by the Monitoring Officer. Where a resignation occurs then the relevant Constituent Council must appoint a replacement Member or substitute in accordance with Article A3.13.

A3.9 A Member or substitute appointed from the LLEP may resign their appointment by notice in writing to the Monitoring Officer and the director of the LLEP. Such resignation is effective upon receipt of the notice by the Monitoring Officer. Where a resignation occurs then the LLEP must nominate a replacement Member or substitute in accordance with Article A3.13.

A3.10 Where any Member or a substitute appointed by a Constituent Council ceases to be an elected member of the Constituent Council then they shall automatically cease to be a Member or substitute. The relevant Constituent Council must appoint a replacement Member or substitute in accordance with Article A3.13.

A3.11 Where any Member or substitute nominated by the LLEP ceases to be a member of the LLEP board then they shall automatically cease to be a Member or substitute. The LLEP must nominate a replacement Member or substitute for appointment by the LLCA in accordance with Article A3.13.

A3.12 Where a Member ceases to be a Member for whatever reason but a substitute remains appointed by the relevant Constituent Council or appointed from the LLEP then that substitute shall act in the place of the Member until such time as a new Member is appointed

A3.13 Appointments or nominations under any of Articles A3.6 to A3.11 must be made as soon as reasonably practicable. Appointment of the person nominated by the LLEP must take place at the next meeting of the LLCA following nomination by the LLEP. Notice in writing of the new appointment or nomination must be sent to the Monitoring Officer for the appointment to be effective or for the nomination to be placed before the LLCA at the next meeting.

A3.14 All Members will:

A3.14.1 collectively be the ultimate policy makers of the LLCA;

A3.14.2 bring the views of the communities they represent into the LLCA's decision making process; and

A3.14.3 maintain the highest standard of conduct and ethics.

A3.15 Members and their substitutes will at all times observe the Code of Conduct set out in Section H of this Constitution.

A3.16 The Members appointed by the Constituent Councils may resolve at any time to:

A3.16.1 award such voting rights as they at their absolute discretion shall determine to the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA;

A3.16.2 amend the voting rights conferred on the Member appointed from the LLEP in accordance with Article A3.16.1 above and those Members co-opted onto Committees and Subcommittees of the LLCA; and

A3.16.3 remove some or all voting rights conferred in accordance with Article A3.16.1 from the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA.

A3.17 Any vote under Article A3.16 shall be undertaken in accordance with the Meeting Procedure Rules set out at Section E1 of this Constitution and for the avoidance of doubt to be carried such vote must be a unanimous resolution of the Members appointed by the Constituent Councils.

A3.18 No remuneration is payable to a Member or substitute by the LLCA. Claims for travel and subsistence will be met by the relevant Member's own Constituent Council.

Article A4 Chairing the LLCA

- A4.1 The LLCA must at its first meeting and at each Annual Meeting thereafter appoint one Member from a Constituent Council as the Chair and another Member from another Constituent Council to serve as the Vice Chair to serve until the next Annual Meeting. The LLEP Member will not be eligible for appointment as Chair or Vice Chair.
- A4.2 The procedure for the appointment of the Chair and Vice Chair is set out in the Meeting Procedure Rules.
- A4.3 Where the Chair or Vice Chair ceases to be a Member then they shall automatically cease to be Chair or Vice Chair (as appropriate).
- A4.4 Where a vacancy arises for whatever reason in the office of either or both of the Chair or the Vice Chair then the LLCA shall appoint a replacement Chair or Vice Chair to serve until the following Annual Meeting in accordance with the process set out in the Meeting Procedure Rules.

Article A5 Meetings and Procedure

- A5.1 The LLCA shall meet at least twice per calendar year at the Annual Meeting and the Budget Meeting but additional meetings may take place for the transaction of general business at such frequency and times as are determined at the Annual Meeting.
- A5.2 There are three types of LLCA meeting:
 - A5.2.1 the Annual Meeting;
 - A5.2.2 Ordinary Meetings (including the Budget Meeting); and
 - A5.2.3 Extraordinary Meetings.
- A5.3 All LLCA meetings will be conducted in accordance with the Meeting Procedure Rules at Section E1 of this Constitution.

Article A6 Responsibility for Functions

- A6.1 Only a meeting of the LLCA will exercise the Functions of the LLCA as set out in Section C1 of this Constitution.
- A6.2 The LLCA may make arrangements for the exercise of any of the LLCA's Functions (excluding those non-delegable Functions under Article A6.1) by Committees, Sub-Committees, Officers, joint committees or other local authorities pursuant to section 101 of the Local Government Act 1972. Where the LLCA elects to make such arrangements the detail of the LLCA's Functions to be discharged and any conditions on such discharge shall be recorded in the Scheme of Delegation at Section C2 of this Constitution or the record referred to in Article A10.1 or elsewhere in this Constitution.
- A6.3 The LLCA will review the Scheme of Delegation at least annually as part of any review of this Constitution in accordance with Article A13.

Article A7 Committees of the LLCA

A7.1 The LLCA will establish the following committees of the LLCA:

A7.1.1 The Governance Committee comprising five Members and two Independent Members appointed in accordance with Section D to assist the LLCA in its duty to promote and maintain high standards of conduct by Members of the LLCA pursuant to section 27 of the Localism Act 2011. The Governance Committee will also oversee the audit requirements of the LLCA and all those matters referred to in paragraph 4 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009. The Governance Committee will exercise the Functions and undertake the roles of the LLCA set out in Part D of this Constitution;

A7.1.2 The Planning Committee comprising all Members except the Member appointed by the LLEP to exercise the Functions and undertake the roles of the LLCA set out in paragraph C2.3 of this Constitution; and

A7.1.3 The Transport Committee comprising all Members to exercise the Functions and undertake the roles of the LLCA set out in Paragraph C2.4 of this Constitution. The Member appointed to the Transport Committee by the LLEP is a non-voting Member unless the Members of the LLCA appointed by the Constituent Councils resolve otherwise in accordance with Article A3.16.

A7.1.4 The Overview and Scrutiny Committee comprising 15 members from the Constituent Councils appointed in accordance with paragraph E2.9 to review and scrutinise the LLCA in accordance with the paragraphs 1 and 2 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, the LLCA Order and Section E2 of this Constitution.

A7.2 The LLCA may establish such other committees as it requires to exercise its Functions.

A7.3 The LLCA may appoint any individual who is not a Member appointed under Article A3 to any Committee and/or Sub-Committee. Such individuals are referred to as Co-Opted Members in this Constitution. Co-Opted Members may only have voting rights in relation to the work of the relevant Committee or Sub-Committee that they are appointed to where they are granted such voting rights in accordance with paragraph B3.3 of this Constitution. Co-Opted Members must comply with the Code of Conduct at all times.

A7.4 Further detail on the meetings and procedures of Committees and Sub-Committees can be found in the Meeting Procedure Rules at Section E1, the Scheme of Delegation at Section C2, Governance Committee at Part D and Scrutiny Arrangements at Section E2.

Article A8 Joint Arrangements

- A8.1 The LLCA may make arrangements with other local authorities to exercise their respective functions jointly pursuant to section 101(5) of the Local Government Act 1972 and where applicable section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- A8.2 Arrangements under Article A8.1 may involve the exercise of any functions by a joint committee of the LLCA and other local authorities or by an officer of the LLCA or other local authorities.

Article A9 Officers

A9.1 The LLCA shall appoint the following Officers:

A9.1.1 Chief Operating Officer;

A9.1.2 Chief Financial Officer; and

A9.1.3 Monitoring Officer.

A9.2 The responsibilities of and delegations to the Statutory Officers appointed under Article A9.1 are as set out in paragraphs C2.12 to C2.23 of this Constitution. The responsibilities of and delegations to the Statutory Officers may be added to in the record referred to in Article A10.1.

A9.3 The LLCA may appoint such other Officers as it considers necessary to carry out its Functions.

A9.4 Officers will comply at all times with the codes and rules of conduct forming part of their contract of employment. Officers who are not directly employed by the LLCA will seek to avoid placing themselves in a position of conflict of interest between their employer and the LLCA.

[Note: The LLCA does not intend to directly employ Officers and so has not adopted a code of conduct at this stage.]

Article A10 Decision Making

A10.1 The LLCA will issue and keep up to date a record of all delegations to Officers, Committees and Sub-Committees in addition to the delegations set out at Section C2 of this Constitution. The Chief Operating Officer shall maintain the record of delegations and the record is open to public inspection at County Hall, Glenfield, Leicester LE3 8RA and is updated by the Chief Operating Officer in accordance with Article A13.3. The record referred to in this Article A10.1 forms part of this Constitution.

A10.2 All decisions of the LLCA (including decisions of its Officers, Committees and Sub-Committees) shall be made having regard to the following principles:

A10.2.1 proportionality – the action is proportionate to the results to be achieved;

A10.2.2 due consultation – both with affected communities and professional advice (where appropriate);

A10.2.3 respect for human rights;

A10.2.4 presumption in favour of openness;

A10.2.5 clarity of aims and desired outcomes; and

A10.2.6 due consideration of alternative options.

A10.3 Decisions relating to those Functions listed in Section C1 of this Constitution must only be exercised by the LLCA and will not be delegated to any Officer, Committee or Sub-Committee.

A10.4 Committees, joint committees and Sub-Committees established by the LLCA will operate in accordance with those parts of the Meeting Procedure Rules set out in Part E of this Constitution as apply to them.

A10.5 Officers will exercise their delegated authority in accordance with the Scheme of Delegation, the record referred to in Article A10.1 and in accordance with all other provisions of this Constitution.

Article A11 Finance

A11.1 A budget will be agreed by the LLCA on an annual basis at the Budget Meeting.

A11.2 The Constituent Councils shall meet the costs of the LLCA that are reasonably attributable to the exercise of the LLCA's Functions in such proportions as are agreed between them.

A11.3 The Constituent Councils shall meet the administrative costs of the LLCA in such proportions as are agreed between them.

A11.4 The management of the LLCA's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part F of this Constitution.

Article A12 Contracts and Legal Matters

- A12.1 The Monitoring Officer is authorised to institute, defend and/or participate in any legal proceedings in any case where such action is necessary to give effect to a decision of the LLCA or in any case where the Monitoring Officer considers that such action is necessary to protect the LLCA's interests.
- A12.2 Any notices (including under Article 3) to be served on the LLCA are to be sent to the Monitoring Officer at County Hall, Glenfield, Leicester LE3 8RA which for the purposes of section 231 of the Local Government Act 1972 and any other enactment shall be regarded as the principal office of the LLCA.
- A12.3 Where any document is necessary for any legal procedure or proceedings on behalf of the LLCA, it will be signed by the Monitoring Officer or some other person duly authorised by the Monitoring Officer unless any enactment otherwise authorises or requires.
- A12.4 Any contract to be entered into by the LLCA shall be made in writing in a form approved by the Monitoring Officer unless the Monitoring Officer directs that a contract need not be made in writing. Where a contract is to be made in writing then it must be signed by two duly authorised Officers of the LLCA or made under the Common Seal attested by the Monitoring Officer or another Officer authorised by the Monitoring Officer. The Monitoring Officer shall determine which contracts should be entered into under the Common Seal.
- A12.5 The Common Seal will be kept in a safe place in the custody of the Monitoring Officer. A decision of the LLCA, a duly authorised Committee, Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal must be attested by the Monitoring Officer or another Officer authorised by the Monitoring Officer.

Article A13 Review and Revision of the Constitution

- A13.1 Subject to Article A13.3, the Monitoring Officer will monitor and review the operation of the Constitution at least annually and may, following consultation with the Chief Operating Officer and the Chief Financial Officer, propose amendments to the Constitution to the LLCA for consideration.
- A13.2 Amendments to the Constitution may only be made by a decision of the LLCA following consideration of a proposal made by the Monitoring Officer in accordance with Article A13.1 unless the amendment falls within Article A13.3.
- A13.3 The Chief Operating Officer is authorised, following consultation with the Monitoring Officer, to update the record referred to in Article A10.1 for the purpose of formally recording any changes in or additions to the specific delegations to Officers or any Committee or Sub-Committee that have been authorised by the LLCA, a Committee or a Sub-Committee.

Part B: Powers and Functions of the LLCA

Section B1

Transport Functions of the Transport Councils to be exercised concurrently by the LLCA and the Transport Councils pursuant to the LLCA Order.

B1.1 Pursuant to the LLCA Order the following transport functions of the Constituent Councils are exercisable by the LLCA concurrently with the relevant Constituent Councils:

B1.1.1 Sections 108, 109 and 112 of the Transport Act 2000 (duty to develop and keep under review policies relating to transport in its area and to carry out its functions to implement those policies).

B1.1.2 Section 2 of the Road Traffic Reduction Act 1997 (the duty to prepare a report on the levels of local road transport and a forecast of the growth in those levels).

B1.2 The Transport Committee will draw up and agree detailed Transport Protocols in relation to the discharge of the Functions set out at paragraph B1.1 above.

B1.3 The Transport Committee will keep the Transport Protocols referred to in paragraph B1.2 above under regular review and may revise them from time to time.

B1.4 Protocols drawn up, agreed, or revised under paragraphs B1.2 and B1.3 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

B1.5 Any requirement in any enactment for a Constituent Council to exercise any of the Functions set out in paragraph B1.1 above may be fulfilled by the exercise of that Function by the LLCA. Exercise of the Function by a Constituent Council fulfils any requirement for the LLCA to exercise the Function in the area of the Constituent Council.

Section B2

Economic Development and Regeneration Functions to be exercised by the LLCA concurrently with the Constituent Councils pursuant to the LLCA Order

B2.1 Pursuant to the LLCA Order, the following economic development and regeneration functions of the Constituent Councils are exercisable by the LLCA concurrently with the relevant Constituent Councils:

B2.1.1 Such functions of the Constituent Councils as are exercisable for the purposes of economic development and regeneration in reliance on the general power of competence under Section 1, Localism Act 2011.

B2.1.2 The power under Section 113A of the Local Democracy, Economic Development and Construction Act 2009 to do anything the Combined Authority considers appropriate: for the purposes of carrying out any of its functions; purposes incidental to and/or indirectly incidental to carrying out its functions; connected to any of its functions; for a commercial purpose.

B2.1.3 The duty under Section 69 of the Local Democracy, Economic Development and Construction Act 2009 for a local authority to prepare an assessment of economic conditions in its area.

B2.1.4 The power under Section 142(2) of the Local Government Act 1972 for a local authority to arrange for the publication within their area of information relating to the functions of the authority, etc.

B2.1.5 The power under Section 144 of the Local Government Act 1972 for a local authority to encourage persons to visit their area, etc.

B2.1.6 The duty under Sections 15ZA, 15ZB, 15ZC, 17, 18A(1)(b), 514A and 560A of the Education Act 1996 (as inserted by Part 2 of the Apprenticeships, Skills Children and Learning Act 2009) to secure that enough suitable education and training is provided to meet the reasonable needs of 16-19 year olds, 19-25 year olds who are subject to learning difficulty assessment and persons who are subject to youth detention and the duty to co-operate with local authorities exercising these duties.

B2.2 Any requirement in any enactment for a Constituent Council to exercise any of the Functions set out in paragraph B2.1 above may be fulfilled by the exercise of that Function by the LLCA. Exercise of the Function by a Constituent Council fulfils any requirement for the LLCA to exercise the Function in the area of the Constituent Council.

- B2.3 The LLCA and the Constituent Councils will draw up and agree detailed Economic Protocols in relation to the discharge of the economic development and regeneration Functions set out at paragraph B2.1 above.
- B2.4 The LLCA and the Constituent Councils will keep the Economic Protocols referred to in paragraph B2.3 above under regular review and may revise them from time to time.
- B2.5 Protocols drawn up, agreed, or revised under paragraphs B2.3 and B2.4 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

Section B3

Incidental Provisions pursuant to the LLCA Order

B3.1 Pursuant to the LLCA Order, the following provisions have effect as if the LLCA was a local authority for the purposes of these provisions:

B3.1.1 Section 113 of the Local Government Act 1972 (the power to place staff of local authorities at the disposal of other local authorities);

B3.1.2 Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);

B3.1.3 Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).

B3.2 The LLCA shall have the power to exercise any of the Functions described under Section 88(1)(a) and (b), Local Government Act 1985 to exercise the functions relating to the research and collection of information whether or not a scheme is made under Section 88.

B3.3 Section 13 of the Local Government and Housing Act 1989 shall have effect as if in subsection (4) after paragraph (e) there were inserted – “(ea) a committee appointed by the Leicester and Leicestershire Combined Authority;” And after subsection (4) there were inserted – “(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless: (a) he is a member of one of the constituent councils as defined by article X of the [] Order 2016; or (b) is given voting rights by resolution of the Combined Authority in accordance with paragraph [] of Schedule 1 to that Order.”

Section B4

Functions conferred or imposed on a combined authority by Local Government Legislation

B4.1 The LLCA shall have such other Functions as are conferred or imposed on a combined authority by any enactment.

B4.2 Without prejudice to the generality of the above, such Functions include:

B4.2.1 the duty to appoint a head of paid service, a monitoring officer and an officer with responsibility for the administration of the LLCA's financial affairs;

B4.2.2 the power to borrow money for a purpose relevant to its transport functions only pursuant to Part I of the Local Government Act 2003;

B4.2.3 the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;

B4.2.4 the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;

[Note: This is a reserved matter in accordance with the voting provisions set out at paragraph E1.30]

B4.2.5 the power to pay subscriptions to the funds of local authority associations;

B4.2.6 the duty (without prejudice to any other obligation) to exercise its Functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;

B4.2.7 the power to charge for discretionary services and trade pursuant to sections 93 and 95 of the Local Government Act 2003;

B4.3 The LLCA is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).

B4.4 The LLCA is a best value authority for the purpose of Section 1 of the Local Government Act 1999.

B4.5 The LLCA is a public body for the purpose of the Freedom of Information Act 2000.

B4.6 The LLCA is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

Part C: Responsibility for Functions

Section C1

Non –Delegable Functions of the LLCA

C1.1 The following functions can only be exercised by the LLCA and may not be exercised by any Committee, Sub-committee or Officer:

C1.1.1 Adoption of the Constitution and the making of amendments thereafter other than those amendments falling within Article A13.3.

C1.1.2 The approval of the budget of the LLCA.

C1.1.3 The approval of the borrowing limits of the LLCA.

C1.1.4 The making of any arrangements under section 101 of the Local Government Act 1972 for the exercise of any Function (other than those non-delegable functions of the LLCA) by a Committee, joint committee, Sub-Committee and/or Officer.

C1.1.5 The acceptance of any arrangements to delegate and/or transfer the exercise of the functions of any other person (including a Minister of the Crown) to the LLCA and to accept any arrangements under section 101 of the Local Government Act 1972 or section 9EA of the Local Government Act 2000.

C1.1.6 The appointment and/or removal of the Chief Operating Officer, the Monitoring Officer and the Chief Financial Officer.

C1.1.7 Decisions in relation to the establishment and remuneration of Officer posts including terms and conditions.

C1.1.8 The adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a plan or strategy of the following descriptions:

C1.1.8.1 strategic growth plan;

C1.1.8.2 joint economic vision for the Combined Area as reflected in the strategic growth plan;

C1.1.8.3 strategic asset management plan;

C1.1.8.4 long term investment strategy;

C1.1.8.5 growth deal framework;

C1.1.8.6 treasury management strategy.

C1.1.9The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009.

Section C2

Scheme of Delegation of Functions to Committees, Sub-Committees and Officers of the LLCA and Schedule of Proper Officers

Introduction

C2.1 This Scheme of Delegation for various Functions has been prepared in accordance with section 101 of the Local Government Act 1972 which enables the LLCA to delegate any of its Functions to its Committees, Sub-Committees and Officers. The LLCA is also required by section 100G of that Act to maintain a register for public inspection (Schedule of Proper Officers) specifying those Functions of the LLCA which for the time being are exercisable from time to time by Officers and stating the title of the Officer(s) able to exercise those Functions.

Scheme of Delegation

Delegation to Committees and Sub-Committees

C2.2 Arrangements for any Committee or Sub-Committee to exercise or discharge any Function shall be without prejudice to the overriding right of the LLCA or a Committee (in the case of a Sub-Committee) itself, subject to any restriction or prohibition imposed by law, to:

C2.2.1 decide any matter (to the effect that the Committee or Sub-Committee cannot now decide that matter);

C2.2.2 exercise or discharge any such Function; and/or

C2.2.3 call for information from a Committee or Sub-Committee about a particular case or class of cases.

Delegations to the Planning Committee

C2.3 The Planning Committee is authorised to:

C2.3.1 coordinate the work of the Constituent Councils in discharging the duty to cooperate in section 33A of the Planning and Compulsory Purchase Act 2004;

C2.3.2 advise the LLCA on the development of the strategic growth plan to include ensuring that the preparation of the strategic growth plan integrates the spatial provisions contained within any National Planning Policy Framework compliant local plans adopted from time to time by the Constituent Councils

for any part of the Combined Area in every strategic and spatial interest of acknowledged importance;

C2.3.3 monitor the delivery of the investment plans aligned to the strategic growth plan;

C2.3.4 coordinate the LLCA's involvement and contribution to the review of the LLEP Strategic Economic Plan;

C2.3.5 coordinate the LLCA's engagement with Constituent Councils and adjoining local authorities on matters relating to strategic planning and infrastructure;

C2.3.6 advise the LLCA on adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of any LLCA plan or strategy.

Delegations to the Transport Committee

C2.4 The Transport Committee is authorised to:

C2.4.1 develop, agree and monitor the delivery of the single strategic transport masterplan for the Combined Area;

C2.4.2 develop, agree and monitor the delivery of the transport infrastructure investment strategy for the Combined Area;

C2.4.3 exercise the LLCA's Functions under sections 108, 109 and 112 of the Transport Act 2000 (see paragraph B1.1.1);

C2.4.4 exercise the LLCA's Functions under section 2 of the Road Traffic Reduction Act 1997 (see paragraph B1.1.2);

C2.4.5 determine the transport investment for the Combined Area that should be prioritised;

C2.4.6 review and approve individual business cases for priority transport investments;

C2.4.7 coordinate and authorise a response on behalf of the LLCA to any major, national infrastructure investments such as strategic road and rail projects;

C2.4.8 review the contribution of priority transport investments and/or infrastructure strategy to improved health;

C2.4.9 advise the LLCA on adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of any LLCA plan or strategy;

Delegation to Officers - Principles

C2.5 The following are the general principles that apply to any delegation to Officers.

- C2.6 The Functions delegated to Officers set out in this Scheme of Delegation or otherwise in the record of specific delegations maintained by the Chief Operating Officer pursuant to Article A10.1 or elsewhere in this Constitution may be exercised by other Officers authorised by the Officer to whom the Function is delegated to act on their behalf and in their name provided that administrative procedures are in place to record the authorisation and monitoring decisions taken.
- C2.7 The exercise of delegated Functions by Officers is required to be in accordance with:
- C2.7.1 statute or other legal requirements including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
 - C2.7.2 this Constitution;
 - C2.7.3 the revenue and capital budgets of the LLCA subject to any variation thereof which is permitted by the Financial Procedure Rules set out at Part F of this Constitution; and
 - C2.7.4 any policy or direction of the LLCA or any other Committee or Sub-Committee acting in exercise of Functions delegated to that committee by the LLCA.
- C2.8 Any exercise of delegated powers by Statutory Officers:-
- C2.8.1 shall not authorise expenditure except in accordance with the approved budget or capital programme and, where other further approval is required, shall not precede that approval;
 - C2.8.2 shall not involve a Key Decision save in exceptional circumstances where it may be necessary for the Chief Operating Officer to act as a matter of urgency under paragraph C2.14.5;
 - C2.8.3 shall not make a new policy or amend an existing policy of the LLCA as determined at elected member level;
 - C2.8.4 shall be in accordance with any approved scheme and any directions of the LLCA or other relevant body;
 - C2.8.5 shall be the subject of prior consultation with the appropriate professional or technical officers from the relevant Constituent Councils in any case involving professional or technical considerations not within the province of the head of department concerned.
 - C2.8.6 shall be subject to an appropriate audit trail to provide evidence of how the delegation has been exercised.
- C2.9 Officers may not exercise delegated Functions where:
- C2.9.1 the matter must be exercised by the LLCA by law or by this Constitution;
 - C2.9.2 the matter is a Function which cannot by law be discharged by an Officer;

C2.9.3 the LLCA or a Committee or Sub-Committee or a joint committee to which the LLCA is a party has determined that the matter should be discharged otherwise than by an Officer; or

C2.9.4 the Chief Operating Officer or the Monitoring Officer has directed that the Officer concerned should not exercise a delegated Function;

C2.9.5 where the exercise of such function or power results in a conflict of interest between his or her duties as an Officer of the LLCA and his or her duties arising as a result of his or her employment by a Constituent Council.

C2.10 Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

C2.11 Delegation to Officers shall be without prejudice to the overriding right of the body (LLCA, Committee and/or Sub-Committee) delegating the exercise or discharge of a Function to an Officer, subject to any restriction or prohibition imposed by law, to:

C2.11.1 decide any matter;

C2.11.2 exercise or discharge any Function delegated to an Officer; and/or

C2.11.3 call for information from a Committee or Sub-Committee about a particular case or class of cases relevant to its competency.

In particular a Statutory Officer may in any case, in lieu of exercising his or her delegated powers, refer a matter to the LLCA or other relevant body, as the case may be, for decision.

C2.12 Subject to the foregoing conditions and to any additional conditions which may have been or may in future be applied in respect of particular matters, Statutory Officers will be expected to make such decisions and to initiate such action as they deem necessary in the interests of the efficient running of the LLCA.

C2.13 Statutory Officers are authorised to:

C2.13.1 undertake the day to day routine management, supervision and control of services provided by the LLCA by Officers under their control in accordance with this Constitution.

C2.13.2 dispose of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value (excluding Value Added Tax or equivalent).

C2.13.3 invite quotations/tenders and accept quotations/tenders subject to and in accordance with the Financial Procedure Rules and the Contract Procedure Rules where the expenditure provided for is contained within the approved budget of the LLCA.

Delegations to the Chief Operating Officer

C2.14 The Chief Operating Officer is authorised to:

- C2.14.1 discharge the functions of a head of paid service in relation to the LLCA as set out in section 4 of the Local Government and Housing Act 1989;
- C2.14.2 report to the LLCA where appropriate setting out proposals with respect to the co-ordination of the LLCA's Functions, the number and grades of Officers required and the organisation, appointment and proper management of Officers;
- C2.14.3 exercise, following consultation with the Monitoring Officer and the Chief Financial Officer, the Functions of the LLCA which are:
 - C2.14.3.1 not the statutory responsibility of another Officer, Committee or Sub-Committee;
 - C2.14.3.2 not specifically delegated to another Officer, Committee or Sub-Committee; and/or
 - C2.14.3.3 not designated non-delegable functions of the LLCA under Section C1 of this Constitution.
- C2.14.4 direct any Officer not to exercise a delegated Function unless the Officer is required to exercise the Function by law.
- C2.14.5 take any action which is required as a matter of urgency in the interests of the LLCA following consultation with the Chair of the LLCA and the Vice Chair in the absence of the Chair and report that action to the next appropriate meeting of the LLCA;
- C2.14.6 take, following consultation with the Chair of the LLCA and the Vice Chair in the absence of the Chair, preliminary steps to protect the rights and interests of the LLCA in relation to any Bill or Statutory Instrument or Order in Parliament;
- C2.14.7 conduct, following consultation with the Monitoring Officer and the Chief Financial Officer, before either House of Parliament any proceedings (including the retention of parliamentary agents and counsel) connected with the passage of any private Bill which the LLCA has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the LLCA not opposing any private Bill;
- C2.14.8 oversee and ensure the provision of a comprehensive core support service to the LLCA;

C2.14.9 control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official LLCA publicity and publications;

C2.14.10 approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the LLCA where the proposed expenditure in any one case does not exceed £100.

Delegations to the Monitoring Officer

C2.15 The Local Government and Housing Act 1989 requires the LLCA to appoint a Monitoring Officer.

C2.16 The Monitoring Officer shall:

C2.16.1 where at any time it appears to the Monitoring Officer that any proposal, decision or omission by the LLCA has given rise to, or is likely to give rise to unlawfulness or maladministration, prepare a report to the LLCA with respect to that proposal, decision or omission; and

C2.16.2 contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Governance Committee.

C2.17 The Monitoring Officer is authorised in relation to dealing with matters of conduct and ethical standards in accordance with the Localism Act 2011 to:-

C2.17.1 support the Governance Committee in preparing a locally based system for the assessment, referral, investigation, hearing and resolution of complaints of member misconduct for approval by the LLCA;

C2.17.2 support the Governance Committee in operating a locally based system for the assessment, referral, investigation, hearing and resolution of complaints of member misconduct;

C2.17.3 prepare and maintain a Register of Members' Interests to comply with the Code of Conduct and ensure that it is available for inspection and published on the LLCA's website

C2.18 The Monitoring Officer is authorised to:

C2.18.1.1 grant dispensations from section 31(4) of the Localism Act 2011 if, having regard to all relevant circumstances, the Monitoring Officer considers that:

C2.18.1.2 without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

- C2.18.1.3 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - C2.18.1.4 granting the dispensation is in the interests of persons living in the Combined Area; or
 - C2.18.1.5 it is otherwise appropriate to grant a dispensation;
- C2.18.2 provide advice on the scope of the Functions and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members;
- C2.18.3 institute, conduct, prosecute and defend any legal proceedings on behalf of the LLCA, as may be necessary to protect and promote the LLCA's interests;
- C2.18.4 settle:-
 - C2.18.4.1 if appropriate and in the interests of the LLCA, any actual or threatened litigation under the value of £50,000 other than litigation which is commenced by the LLCA against or by the Constituent Council by which the Monitoring Officer is employed, in which case such decision shall be taken by the Deputy Monitoring Officer;
 - C2.18.4.2 following consultation with the Chair (or Vice Chair if the Chair is not available), if appropriate and in the interests of the LLCA, any actual or threatened litigation over the value of £50,000 but not exceeding the value of £100,000 other than litigation which is commenced by the LLCA against or by the Constituent Council by which the Monitoring Officer is employed, in which case such decision shall be taken by the Deputy Monitoring Officer;
 - C2.18.4.3 The delegations under paragraph C2.18.4 shall not apply where such litigation has arisen as a result of a Member or Members voting against a motion of which it is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval in accordance with E1.30.4.1
- C2.18.5 instruct Counsel and other professional advisers (to include solicitors), where the Monitoring Officer considers it appropriate;
- C2.18.6 give undertakings on behalf of the LLCA;

- C2.18.7 supervise the preparation of legal documents and to seal (to include attestation of the Common Seal) or sign legal documents not required to be under seal;
- C2.18.8 authorise other Officers to seal (and attest the affixing of the Common Seal) or sign legal documents not required to be under seal;
- C2.18.9 complete all property transactions and contractual arrangements where terms have been agreed by the LLCA or by Committees, Sub-Committees and Officers authorised by the LLCA (including under this Scheme of Delegation);
- C2.18.10 oversee the LLCA's compliance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998 and to determine any requests and exemptions under those Acts and Regulations;
- C2.18.11 notwithstanding paragraph C2.18.11, be the Proper Officer for ensuring the maintenance of public access to information in relation to LLCA documents, reports and background papers;
- C2.18.12 accept on behalf of the LLCA the service of notices, orders and legal proceedings;
- C2.18.13 authorise, in accordance with section 223 of the Local Government Act 1972, Officers who are not admitted as solicitors to appear in Magistrates' Courts on behalf of the LLCA.

Delegations to the Chief Financial Officer

C2.19 The Chief Financial Officer is authorised to:

- C2.19.1 effect the proper administration of the LLCA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally;
- C2.19.2 take all action required on borrowing, investment and financing subject to the submission to the LLCA of an annual report of the Chief Financial Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes;
- C2.19.3 effect and maintain all insurance cover required in connection with the business of the LLCA.
- C2.19.4 settle:-
 - C2.19.4.1 all insurance claims under the value of £50,000, following consultation with the Monitoring Officer, under such insurances arranged for the LLCA's benefit other than claims which are

made by the LLCA against or by the Constituent Council by which the Chief Financial Officer is employed, in which case such decision shall be taken by the Deputy Chief Financial Officer;

C2.19.4.2 following consultation with the Chair (or Vice Chair if the Chair is not available), if appropriate and in the interests of the LLCA, any insurance claims over the value of £50,000 but not exceeding the value of £100,000 other than claims which are commenced by the LLCA against or by the Constituent Council by which the Chief Financial Officer is employed, in which case such decision shall be taken by the Deputy Chief Financial Officer;

C2.19.4.3 The delegations under paragraph C2.19.4 shall not apply where such claim has arisen as a result of a Member or Members voting against a motion of which it is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval in accordance with E1.30.4.1.

C2.19.5 prepare and maintain manuals of financial and accounting procedures to be following by Officers;

C2.19.6 accept grant offers, following consultation with the Monitoring Officer, on behalf of the LLCA on the terms and conditions set out by the grant awarding body or as may be agreed with the grant awarding body;

C2.19.7 submit all claims for grant to the UK Government or the European Union or any other person;

C2.19.8 make all necessary banking arrangements on behalf of the LLCA, to sign all cheques drawn on behalf of the LLCA, or make arrangements for cheques to be signed by other Officers or to arrange for such cheques to bear the facsimile signature of the Chief Financial Officer;

C2.19.9 monitor revenue and capital spending and submit a report to the LLCA at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the LLCA;

C2.19.10 collect all monies due to the LLCA and to write off bad debts under the value of £50,000 other than bad debts of the LLCA owed to the Constituent Council by which the Chief Financial Officer is employed, in which case the decision shall be taken by the Deputy Chief Financial Officer. This delegation shall not apply where the bad debt has been created as a result of a Member or Members voting against a motion of which he or she is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval;

- C2.19.11 Write off bad debts over the value of £50,000, but not exceeding the value of £100,000 following consultation with the Chair (or Vice Chair if the Chair is not available) other than bad debts of the LLCA owed to the Constituent Council by which the Chief Financial Officer is employed, in which case the decision shall be taken by the Deputy Chief Financial Officer. This delegation shall not apply where the bad debt has been created as a result of a Member or Members voting against a motion of which he or she is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval;
- C2.19.12 supervise procedures for the invitation, receipt and acceptance of quotations and tenders and ensure compliance with the Financial Procedure Rules and the Contract Procedure Rules;
- C2.19.13 administer the scheme of Members' allowances (if such a scheme is in place);
- C2.19.14 discharge the functions of the "responsible financial officer" under the Accounts and Audit Regulations 2015 and any successor legislation;
- C2.19.15 discharge the Functions of the LLCA under the Accounts and Audit Regulations 2015 (with the exception of Regulations 6(2), 6(3) and 9(2)) or any successor legislation;
- C2.19.16 sign certificates under the Local Government (Contracts) Act 1997;
- C2.19.17 be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder;
- C2.19.18 prepare and monitor a risk management framework for the LLCA following consultation with the Monitoring Officer;
- C2.19.19 prepare, following consultation with the Chief Operating Officer and the Monitoring Officer, the annual governance statement.
- C2.19.20 exercise the responsibilities assigned to the Chief Financial Officer in the Financial Procedure Rules and the Contract Procedure Rules.

Schedule of Proper Officers

- C2.20 Section 112(1) of the Local Government Act 1972, provides that the LLCA shall appoint such Officers as it thinks necessary for the appropriate discharge by the LLCA of such of its Functions as fall to be discharged by them.
- C2.21 There are a number of specific references in enactments affecting the LLCA which call for functions to be undertaken by what are termed the **Proper Officer**. The following lists such references and identifies the Statutory Officer responsible for their discharge:

Local Government Act 1972		
Section 100B(2)	Determination of those reports which should be available for public inspection prior to a meeting of the LLCA, any committee of the LLCA or any sub-committee of the LLCA and those which are likely to be heard in private and consequently which should not be released to the public	Monitoring Officer
Section 100B(7)	Provision of documents to the press, additional to committee reports	
Section 100C(2)	Preparing written summaries of proceedings	
Section 100D(1)	Making arrangements for the list of reports and background papers to reports to be made available for public inspection	
Section 100F(2)	Determination of documents disclosing exempt information which may not be inspected by Members	
Section 115(2),	Receipt of money due from Officers	Chief Financial Officer
Section 146(1)(a) and (b),	Declaration and certificates with regard to securities	Monitoring Officer
Section 225(1)	Deposit of documents	
Section 229(5)	Certifications of photographic copies of documents	

Section 234(1) and (2)	Issuing and signing of formal notices	
Section 236(9) and (10)	Serving copies of byelaws	
Section 238	Certification of byelaws	
Schedule 12, paragraph 4(1A)(b)	Signature of summonses to the LLCA	
Local Government Act 1985		
Section 73	Administration of the financial affairs of the LLCA	Chief Financial Officer

C2.22 All Officers in whose name reports are submitted to the LLCA (or any committee or sub-committee of the LLCA) through the Monitoring Officer and the Chief Financial Officer are appointed the Proper Officers in relation to the following:

Local Government Act 1972	
Section 100D(1)(a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports
Section 100D(5)	Identifying and determining what are background papers

C2.23 The Chief Operating Officer is appointed the Proper Officer for the purpose of any enactment (including the LLCA Order) other than an enactment in respect of which the LLCA or this Constitution has designated another officer as the Proper Officer.

Part D: Governance Committee

Governance Committee

D1.1 The LLCA will establish the Governance Committee with responsibility for governance, standards and audit.

Composition

D1.2 The Governance Committee will reflect the political balance of the LLCA as a whole. Membership will comprise:

D1.2.1 Three Members;

D1.2.2 Two members of the Overview and Scrutiny Committee;

D1.2.3 Two independent members.

The Co-Opted Members identified at paragraphs D1.2.2 and D1.2.3 shall have voting rights in respect of all business of the Governance Committee in accordance with paragraph B3.3 of this Constitution.

D1.3 The members of the Governance Committee must be appointed to the Governance Committee by the LLCA.

D1.4 The Chair and/or the Vice Chair may not be a member of the Governance Committee.

D1.5 The LLCA will appoint one of the independent members as the chair of the Governance Committee. In the absence of the chair of the Governance Committee, the Governance Committee will be chaired as determined by the Governance Committee, subject to the chair not being one of the Members.

D1.6 The quorum for the Governance Committee shall be three and, in relation to standards of conduct matters, at least one of whom must be an independent member, provided that both independent members are not prevented or restricted from participating by virtue of the LLCA's Code of Conduct.

D1.7 The Governance Committee will appoint one of the Members referred to at paragraph D1.2.1 for the purpose of answering questions at meetings of the LLCA on the discharge of the Governance Committee's functions.

Role and Function

D1.8 The Governance Committee shall have power to appoint Sub-Committees to deal with any appointments for which it has responsibilities.

D1.9 The extent to which the Functions within the Governance Committee's remit have been delegated to Officers, either by the LLCA or by the Governance Committee, will be found:

D1.9.1 in the Scheme of Delegation; and/or

D1.9.2 in the record of specific delegations to Committees, Sub-Committees and Officers maintained by the Chief Operating Officer for public inspection in accordance with Article A10.1.

D1.10 Subject to the delegations described in paragraph D1.9, the Functions delegated to the Committee shall be:

Corporate Governance Matters

D1.11 To the extent not covered below, all matters referred to in paragraph 4(2) of Schedule 5A to the Local Democracy, Economic Development and Constructions Act 2009.

D1.12 The promotion and maintenance of high standards within the LLCA and in particular to ensure:

D1.12.1 that an adequate risk management framework and associated control environment is in place;

D1.12.2 that the LLCA's financial and non-financial performance is properly monitored;

D1.12.3 proper oversight of the financial reporting processes;

D1.13 That the LLCA's treasury management arrangements are appropriate and regularly monitored and to satisfy itself that the LLCA's statement of accounts and annual governance statement have been prepared in accordance with best practice.

D1.14 To make recommendations to the LLCA on any amendments required to the Financial Procedure Rules and Contract Procedure Rules set out in Parts F and G of this Constitution.

D1.15 To monitor the adequacy and effectiveness of the External Audit of the LLCA and to:

D1.15.1 consider the nature and scope of the External Audit of the LLCA's services and functions;

D1.15.2 consider external audit reports and management letters;

D1.15.3 monitor the LLCA's response to the External Audit findings and the implementation of External Audit recommendations.

D1.16 To monitor the adequacy and effectiveness of the Internal Audit arrangements and to:

D1.16.1 consider the annual Internal Audit plan;

D1.16.2 monitor progress against the plan through the receipt of periodic progress reports and an annual Internal Audit report;

D1.16.3 consider major Internal Audit findings and recommendations;

D1.16.4 monitor the response to major Internal Audit findings and the implementation of its recommendations.

D1.17 To monitor the effectiveness of Officer arrangements for ensuring an adequate internal control environment and combating fraud and corruption.

D1.18 To monitor the arrangements for the identification monitoring and management of strategic and operational risk within the LLCA.

D1.19 To liaise with the LLCA on matters of corporate governance and financial accountability.

D1.20 To advise on training for Members and Co-Opted Members on matters relating to the corporate governance of the LLCA.

D1.21 To make reports to the LLCA on matters within the remit of the Governance Committee.

Standards of Conduct Matters

D1.22 The promotion and maintenance of high standards of conduct by Members and Co-Opted Members including:

D1.22.1 advising the LLCA on the adoption or revision of its Code of Conduct and Complaints Procedure;

D1.22.2 monitoring and advising the LLCA about the operation of its Code of Conduct and Complaints Procedure in the light of best practice and changes in the law.

D1.23 To ensure that all Members and Co-Opted Members have access to training in all aspects of the Code of Conduct, that this training is actively promoted, and that Members and Co-Opted Members are aware of the standards expected under the Code of Conduct.

D1.24 To make recommendations to the LLCA for the appointment of at least one Independent Person whose views must be sought about allegations of a breach of the Code of Conduct in accordance with the provisions of the Localism Act 2011.

D1.25 To exempt Members from vacation of office by failure to attend meetings.

D1.26 To advise as necessary on matters relating to the conduct of Officers and procedures relating to the handling of complaints, including “whistle blowing”.

Part E: Meeting Procedure Rules and Scrutiny Arrangements

Section E1 Meeting Procedure Rules

E1.1 Interpretation, Suspension and Chair's Ruling

E1.1.1 These Rules apply to meetings of the LLCA. A number of these rules expressly relate to Committees and Sub-Committees. In addition to this, Rules E1.6.3, E1.6.4, E1.9, E1.14, E1.16, E1.20 to E1.30 inclusive and E1.35 to E1.37 inclusive shall apply with any necessary modification to the Committees and Sub-Committees.

References in these Rules to the "Chair" mean the Member or Co-Opted Member presiding at the relevant meeting of the LLCA, its Committees and Sub-Committees. References to "Vice Chair" include any, where the Rule is applicable to a Committee or Sub-Committee, the vice chair of that body.

E1.1.2 These Rules should be read in conjunction with other Parts of the Constitution.

E1.1.3 These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.

E1.1.4 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

E1.2 Suspension and Revocation of the Meeting Procedure Rules

E1.2.1 With the exception of Rules E1.11 (Quorum), E1.14 (Urgent Items) and E1.30 (Voting), any Rule may be suspended at a meeting of the LLCA either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a simple majority of those present and voting. A motion to suspend any Rules will not be moved without notice unless at least 6 Members of the LLCA are present.

E1.2.2 Rules may be changed by the LLCA either at the Annual Meeting or by a motion on notice made at a meeting of the LLCA.

E1.3 Chair and Vice-Chair of the LLCA

E1.3.1 The LLCA shall at its first meeting and at each subsequent Annual Meeting appoint the Chair and the Vice Chair from among the LLCA Members.

E1.3.2 The appointment of the Chair and Vice-Chair shall be the first business transacted at the Annual Meeting. Incumbents will be eligible for re-election.

E1.3.3 The procedure for appointment of the Chair and Vice-Chair under paragraph E1.3.2 or E1.3.4 shall be as set out below:

E1.3.3.1 Every Member nominated to act as Chair or Vice-Chair shall be openly proposed and seconded;

E1.3.3.2 At the close of nominations the Monitoring Officer shall state the names of the candidates who have been duly proposed and seconded;

E1.3.3.3 If the number of nominations does not exceed the number of vacancies the Monitoring Officer shall forthwith put the appointment of the duly nominated candidates collectively as a substantive motion upon which no amendment may be moved;

E1.3.3.4 If the number of nominations does exceed the number of vacancies there shall be a secret ballot of the Members present at the meeting in which each Member may vote for as many candidates as there are vacancies to be filled;

E1.3.3.5 Any ballot shall be conducted by the Monitoring Officer whose return shall be final and conclusive.

E1.3.3.6 No candidate in any ballot shall be appointed unless the number of votes cast in his or her favour exceeds half the number of persons voting. If in any ballot no candidate receives the number of votes entitling him or her to be appointed, the names of those candidates who receive no votes and the name of the candidate who receives the least number of votes shall be struck off the list of nominated candidates and a fresh secret ballot shall be taken. Secret ballots shall be taken until all the vacancies are filled.

E1.3.4 On a vacancy arising in the office of Chair or Vice-Chair for whatever reason, the LLCA shall make an appointment to fill the vacancy at the next Ordinary Meeting of the LLCA held after the date on which the vacancy occurs, unless such meeting is within fourteen days of the vacancy arising, when it will be the meeting following the next Ordinary Meeting.

E1.3.5 Subject to these Meeting Procedure Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice-Chair.

E1.4 Chair and Vice Chair of Committees and Sub-Committees

E1.4.1 The arrangements for appointing the chair of the Overview and Scrutiny Committee are set out at paragraph E2.8.

E1.4.2 Except where otherwise agreed by the LLCA, each Committee or Sub-Committee shall appoint its chair and vice chair (if applicable) from amongst the members of the relevant Committee or Sub-Committee.

E1.4.3 The vice chair of the Overview and Scrutiny Committee and the chair and vice chair of any other Committee or Sub-Committee shall hold office until:

E1.4.3.1 he or she ceases to be a Member or Co-Opted Member (for whatever reason);

E1.4.3.2 he or she is suspended by the relevant political group (although he or she may resume office at the end of the period of suspension);

E1.4.3.3 he or she is removed from office by the LLCA; or

E1.4.3.4 the next Annual Meeting.

E1.5 The appointment of the vice chair of the Overview and Scrutiny Committee and the chair and vice chair of any other Committee or Sub-Committee shall be conducted in accordance with the Rules on appointments made by the LLCA set out at Rule E1.3.

E1.6 Meetings

E1.6.1 The Annual Meeting of LLCA shall be held each June on a date and at a time determined by the LLCA.

E1.6.2 The Budget Meeting of the LLCA shall be held each February on a date and at a time determined by the LLCA.

E1.6.3 A minimum of two Ordinary Meetings of the LLCA for the transaction of general business (exclusive of the Annual Meeting and Budget Meeting) shall be held on such dates and at such times as the LLCA shall determine at each Annual Meeting.

E1.6.4 An Extraordinary Meeting of the LLCA may be called at any time by:-

E1.6.4.1 The LLCA by resolution;

E1.6.4.2 The Chair of the LLCA;

E1.6.4.3 The Chief Operating Officer, Monitoring Officer or Chief Finance Officer; and

E1.6.4.4 Any four members of the LLCA, if they have signed a requisition presented to the Chair and the Chair has refused to call a meeting, or failed to call a meeting within seven days of the presentation of the requisition.

E1.7 Meetings of Committees and Sub-Committees

E1.7.1 The chair of a Committee or Sub-Committee may cause a special meeting of the Committee or Sub-Committee concerned to be called at any time. In the absence of the chair of the Committee or Sub-Committee concerned then the relevant vice chair may exercise the powers conferred on the chair by this Rule.

E1.7.2 A special meeting of a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of members of the Committee or Sub-Committee concerned by notice in writing signed by them and give to the Chief Operating Officer and specifying the business for which the meeting is to be called.

E1.7.3 In relation to meetings of the Overview and Scrutiny Committee, a political group may give notice in writing to the Chief Operating Officer delivered at least eight clear days before the next meeting that they wish the item of business specified in the notice to be included in the agenda for consideration at that meeting. Such notice shall include an explanation of the reasons underlying the request and the purpose to be achieved.

E1.8 Admission of Public

E1.8.1 All meetings of the LLCA, its Committees and Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:

E1.8.2 In accordance with Section 100A(2) of the Local Government Act 1972; or

E1.8.3 By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

E1.9 Notice of Meetings

E1.9.1 At least five clear days before a meeting of the LLCA:

E1.9.1.1 notice of the time and place of the intended meeting shall be published by the Monitoring Officer and posted at County Hall, Glenfield, Leicester LE3 8RA; such details shall also be published on the LLCA's website.

E1.9.1.2 a summons to attend the meeting, specifying an agenda for the meeting, shall be left at or sent by post to all Members of the LLCA and electronic mail to the usual place of residence of each Member, or any other address notified to the Monitoring Officer by a Member.

E1.9.2 Lack of notice and/or service on a Member of the LLCA of the summons shall not affect the validity of a meeting of the LLCA.

E1.10 Chair of Meeting

E1.10.1 At each meeting of the LLCA, its Committees and Sub-Committees the Chair, if present, shall preside.

E1.10.2 If the Chair is absent from a meeting of the LLCA, its Committees or Sub-Committees the Vice-Chair, if present, shall preside.

E1.10.3 If both the Chair and Vice-Chair of the LLCA, a Committee or Sub-Committee, are absent from a meeting, the members of the relevant body present shall elect a member of the body to preside for the duration of the meeting or until such time as the Chair (or Vice-Chair) joins the meeting subject to Rule E1.10.4 below.

E1.10.4 If the Chair (or the Vice Chair if the Chair is not present) arrives at a meeting of the body concerned arrives at a meeting of the body after the time for which the meeting has been summonsed he or she shall preside over the meeting after any question under discussion on his or her arrival has been disposed of but not before then.

E1.10.5 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised or discharged by the person presiding at the meeting.

E1.11 Quorum

E1.11.1 The quorum of any LLCA meeting will only be calculated by reference to Members with voting rights.

E1.11.2 Subject to Rule E1.11.3, the quorum for the meeting of the LLCA will be six Members.

E1.11.3 The following additional rules for quorum will apply:

E1.11.3.1 Where any decision is to be taken with reserved status as determined in accordance with E1.30.3.7 then the meeting will only be quorate for the purposes of that decision where the relevant Members appointed by directly affected Constituent Councils are present; and

E1.11.3.2 Where any decision is to be taken that requires unanimous approval as determined in accordance with E1.30.4.2 then the meeting will only be quorate for the purposes of that decision where all Members appointed by all of the Constituent Councils are present.

E1.11.4 The quorum of any Committee or Sub-Committee of the LLCA will be determined by the LLCA (to include where expressly stated in this Constitution).

E1.11.5 Where, during any meeting of the LLCA the Chair after counting the number of members present declares that there is not a quorum present to enable a decision to be taken with reserved status in accordance with E1.30.3.7 or that requires unanimous approval in accordance with E1.30.4.2, consideration of those items shall be postponed to a time fixed by the Chair at the time the item is postponed, or, if he or she does not fix a time, to the next ordinary meeting of the LLCA.

E1.11.6 Where, during any meeting of the LLCA the Chair after counting the number of members present declares that there is not a quorum present for the transaction of ordinary business (i.e. business that is outside the requirements for reserved status or unanimous approval) the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the LLCA.

E1.12 Order of Business

E1.12.1 At every meeting of the LLCA the order of business shall be:

E1.12.1.1 To choose a person to preside if the Chair or Vice-Chair is absent;

E1.12.1.2 To deal with any business required by law to be done before any other business;

E1.12.1.3 To confirm the minutes of the last meeting;

E1.12.1.4 To seek any declarations of interests from Members in accordance with the Code of Conduct

E1.12.1.5 To deal with any business expressly required by law to be done;

E1.12.1.6 To answer questions asked under Rules E1.17 and E1.18;

E1.12.1.7 To dispose of business (if any) remaining from the last meeting;

E1.12.1.8 To consider reports from Officers;

E1.12.1.9 To consider reports requested by Members in accordance with Rule E1.12.2;

E1.12.1.10 To appoint individuals to the Committees and Sub-Committees in accordance with Article A7.2 and A7.3;

E1.12.1.11 To appoint any other individual or persons to any office;

E1.12.1.12 Other business, if any, specified in the summons.

E1.12.2 The Monitoring Officer shall set out in the agenda for each meeting of the LLCA the items of business requested by Members (if any) in the order in which they have been received, unless the Member concerned has given written notice to the Monitoring Officer prior to the issue of the agenda for the meeting, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the LLCA decides otherwise, be treated as withdrawn.

E1.13 Variation of Order of Business

E1.13.1 Business falling within Rules E1.12.1.1, E1.12.1.2, E1.12.1.3 and E1.12.1.5 shall not be displaced, but otherwise the order of business may be varied:

E1.13.1.1 by the Chair at his or her discretion;

E1.13.1.2 by a resolution passed at the meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion;

E1.13.1.3 by the Chair bringing before the LLCA at his or her discretion any matter that he or she considers appropriate to bring before the LLCA as a matter of urgency.

E1.14 Urgent Items

E1.14.1 Subject to E1.14.2, any item proposed to be included on the agenda or any meeting of the LLCA in accordance with Rule E1.12 above, which is not submitted before five clear days of the meeting shall not be included on the agenda for that meeting unless the Chair is of the opinion that the items should be considered at the meeting as a matter of urgency. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

E1.14.2 Where an urgent item is also a Key Decision the rules set out at Rules E1.32 to E1.34 will also apply.

E1.14.3 Except in the case of business required by these Rules to be transacted at a meeting of the LLCA, and other business brought before the meeting as a matter of urgency (and of which the Monitoring Officer shall have prior notice and which the Chair considers should be discussed at the meeting) no business shall be transacted at a meeting other than that specified in the agenda for the meeting.

E1.15 Appointments made at the Annual Meeting

E1.15.1 At the Annual Meeting the procedure for appointment of individuals to Committees and Sub-Committees shall be as set out below and Rules E1.3 and E1.4 shall not apply for the purposes of such appointments.

E1.15.2 The Chair shall invite proposals each of which shall be in the form of a list of candidates nominated for all the vacancies to be filled; it shall not be in order to propose a list of nominations which does not deal with all of the appointments which are to be made at the meeting.

E1.15.3 The Chair shall then put to the LLCA for decision the lists of nominations proposed and seconded. Each Member shall have one vote only to be cast in favour of one list of nominations.

E1.15.4 If there is more than one list of nominations there shall be a series of votes. After each vote, the list which has attracted the least number of votes shall be struck out and a further vote taken, and so on until one list receives a majority of the Members present and voting.

E1.15.5 The Chair shall declare appointed those individuals named in the list of nominations which attracts the majority of votes.

E1.16 Minutes

E1.16.1 The names of Members and Substitute Members present at any meeting of the LLCA, its Committees or Subcommittees to be recorded in the minutes of that meeting.

E1.16.2 At a meeting of the LLCA at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.

E1.16.3 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.

E1.16.4 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

E1.16.5 Where in relation to any meeting of the LLCA the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the LLCA (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting of the purposes of paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

E1.17 Questions from Members, Co-Opted Members and elected members of Constituent Councils

E1.17.1 At a meeting of the LLCA a Member or a Co-Opted Member or an elected member of a Constituent Council may ask the Chair or Vice Chair any question relating to the business of the LLCA or which relates to a matter affecting the whole area of the LLCA. With the permission of the Chair or Vice Chair, Officers may be permitted to answer any questions put under this paragraph E1.17.

E1.17.2 At Ordinary Meetings of any Committee or Sub Committee any Member, Co-Opted Member or elected member of a Constituent Council who is present may ask the chair of the body concerned any question on any matter in relation to which the body concerned has delegated or advisory functions. The time for dealing with such questions shall immediately follow the item on the agenda for answering questions from electors.

E1.17.3 The text of any question shall be submitted in writing to the Monitoring Officer not less than five clear days before the meeting at which the Member, Co-Opted Member or elected member proposes to ask the question subject to paragraph E1.17.4 below (urgent business).

- E1.17.4 The Chair of the meeting may allow the asking of a question which has not been submitted as required by paragraph E1.17.3 above if he or she considers it relates to urgent business. The text of any such question shall, if be possible, be delivered to the Monitoring Officer not later than 10.00am on the day before the meeting at which the question is to be asked.
- E1.17.5 After a question has been replied to, the Member, Co-Opted Member or elected member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member, Co-Opted Member or elected member asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question.
- E1.17.6 Every question shall be put and answered without discussion.
- E1.17.7 No resolution shall be moved with reference to any question or reply to a question.
- E1.17.8 If the Chair of the meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the LLCA it is undesirable, he or she shall so inform the person asking the question and shall not allow the question to be put.
- E1.17.9 The period allowed for the putting and answering of questions shall be 30 minutes in total.
- E1.17.10 Questions asked in pursuance of paragraph E1.17 shall be recorded in the minutes of the meeting, and the Monitoring Officer shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

E1.18 Questions from Electors

- E1.18.1 At any ordinary meeting of the Committees or Subcommittees of the LLCA, including the Overview and Scrutiny Committee, to which the press and public are admitted, any elector registered within the area of the LLCA may, subject to paragraphs E1.18.2 to E1.18.8 below, ask the Chair of the meeting concerned any question on any matter in relation to which the body concerned has powers and duties.
- E1.18.2 Any question shall be submitted in writing to the Monitoring Officer not less than five clear days before the meeting at which the elector proposes to ask the question.
- E1.18.3 The Monitoring Officer may decline to accept a proposed question if in his or her opinion it is:
- E1.18.3.1 not relevant to the functions of the body concerned;
 - E1.18.3.2 is otherwise offensive, frivolous or defamatory;

E1.18.3.3 is substantially similar to a question which has been put at a meeting in the past six months; or
E1.18.3.4 requires the disclosure of confidential or exempt information.

E1.18.4 The period allowed for the putting and answering of questions shall be thirty minutes in total

E1.18.5 Questions shall be put and answered in the order in which they were received and accepted by the Monitoring Officer

E1.18.6 After a question has been replied to, the elector who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. An elector asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question. If the Chair of the meeting is of the opinion that the supplementary question is out of order, or of a personal character, or in the interests of the LLCA it is undesirable, he or she shall so inform the elector and shall not allow the question to be put.

E1.18.7 A question shall fall and shall not receive an answer if the elector who submitted the question is not present at the meeting to put the question at the due time.

E1.18.8 There shall be no discussion on the question or the answer but a member of the body concerned may propose that the subject matter of the question be placed on the agenda of the next ordinary meeting of the body concerned. Such a motion shall be moved and seconded formally and be put without discussion.

E1.19 Proceedings at Committees and Sub-Committees

E1.19.1 No act of a Committee or Sub-Committee shall have effect until approved by the LLCA except to the extent that the Committee or Sub-Committee has itself the power to act without the approval of the LLCA and the power so to act has been conferred upon the Committee or Sub-Committee (whether by act of the LLCA or by law).

Rules of Debate

E1.20 Motions and amendments which may be moved without notice

E1.20.1 Motions and amendments relating to the following matters may be moved without notice:-

E1.20.1.1 appointment of a chair of the meeting at which the motion is made;

E1.20.1.2 the approval of accuracy of the minutes;

E1.20.1.3 that an item of business specified in the summons have precedence;

E1.20.1.4 appointment of a body or the members thereof, occasioned by an item mentioned in the summons to the meeting;

E1.20.1.5 adoption of reports and recommendations of the Committees and Sub-Committees of the LLCA and any consequent resolution;

E1.20.1.6 authorising the sealing of documents;

E1.20.1.7 giving consent of the LLCA where the consent of the LLCA is required by the Constitution;

E1.20.1.8 any of the motions listed in paragraph E1.21 below whether or not moved whilst another motion is under debate.

E1.21 Motions which may be moved during debate

E1.21.1 When a motion is under debate no other motion shall be moved except the following:-

E1.21.1.1 to amend the motion;

E1.21.1.2 to adjourn the meeting;

E1.21.1.3 to adjourn the debate;

E1.21.1.4 to proceed to the next business;

E1.21.1.5 that the proposition under discussion be put;

E1.21.1.6 that a member be not further heard;

E1.21.1.7 by the Chair under paragraph E1.35 "That the member named do leave the meeting";

E1.21.1.8 to exclude the public;

E1.21.1.9 that the subject of debate be referred to a Committee or Sub-Committee of the LLCA;

E1.21.1.10 that Meeting Procedure Rules be suspended under Rule E1.2;

E1.21.1.11 that leave be given to alter or withdraw a motion, amendment or report.

E1.22 Recissions

E1.22.1 No motion:

E1.22.1.1 to rescind any resolution passed; and/or

E1.22.1.2 to the same effect as any motion which has been rejected;

in the preceding six months shall be proposed at a meeting unless at a meeting prior to that at which the motion is to be proposed a Member moves for consent to propose the motion at the next Ordinary Meeting and obtains a majority of those Members present and voting at the meeting. If consent is obtained then notice of the motion shall be inserted in the summons for the next Ordinary Meeting.

E1.23 Amendments to motions

E1.23.1 An amendment shall be relevant to the motion and shall be either:-

E1.23.1.1 to refer a subject of debate to a Committee or Sub-Committee of the LLCA for consideration or re-consideration;

E1.23.1.2 to leave out words;

E1.23.1.3 to leave out words and insert or add others;

E1.23.1.4 to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating a motion before the LLCA.

E1.23.2 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of;

E1.23.3 Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the LLCA's business.

E1.23.4 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

E1.24 Alterations or withdrawal of motion or amendment

E1.24.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the LLCA, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chair be reduced into writing and handed to him or her before the consent of the LLCA to the alteration is sought.

E1.24.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the LLCA, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

E1.24.3 The giving or refusal of the consent of the LLCA to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

E1.25 Motions and amendments generally

E1.25.1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

E1.25.2 A member may not propose or second a motion or amendment on which he or she is disqualified from voting.

E1.26 Motions affecting Officers of the LLCA

E1.26.1 If any question arises at a meeting of the LLCA, its Committees or Sub-Committees as to the conduct of any Officer, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised.

E1.27 Next business etc

E1.27.1 A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chair considers that the matter has been insufficiently discussed, move "that the LLCA proceed to the next business" or, if there is no other business to be transacted, "that the LLCA adjourn".

E1.27.2 There shall be no debate on a motion as described in paragraph E1.26.1 above.

E1.27.3 If that motion is carried, the original motion shall be considered as withdrawn.

E1.28 Adjournment of debate

E1.28.1 A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.

E1.28.2 If the Member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next Ordinary Meeting of the LLCA.

E1.28.3 There shall be no debate on a motion as described in paragraph E1.28.1 above.

E1.28.4 On the resumption after adjournment of an interrupted debate, the LLCA shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Meeting Procedure Rules.

E1.29 Closure

E1.29.1 A Member may at the conclusion of the speech of another Member move "that the proposition under discussion be now put" (which is in these Meeting Procedure Rules referred to as "the closure").

E1.29.2 There shall be no debate after the closure. The closure shall be put forthwith to the vote unless it appears to the Chair that the proposition to which it is sought to apply the closure has not been sufficiently discussed.

E1.29.3 If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion.

E1.30 Voting

E1.30.1 In the full spirit of partnership working the Members will endeavour to reach decisions by consensus.

E1.30.2 The following will apply to any vote of the LLCA:-

E1.30.2.1 The Members (who have voting rights) shall have one vote each.

E1.30.2.2 Subject to Rules E1.30.3 and E1.30.4 below and the provisions of any enactment, all questions coming or arising before the LLCA shall be decided by a simple majority of the members of the LLCA present and voting.

E1.30.2.3 In the case of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair (which includes any other Member presiding at a meeting) shall not have a second or casting vote.

E1.30.2.4 On the requisition of any one Member, made before the vote is taken, the voting on any matter shall be recorded so as to show how each Member voted and there shall also be recorded any Member abstaining from voting.

E1.30.2.5 A decision with reserved status can only be taken where all Members representing directly affected Constituent Councils are present and vote positively in favour of the proposition.

E1.30.2.6 A decision requiring unanimous support can only be taken if all Members are present and vote positively in favour of the proposition.

E1.30.2.7 Abstentions shall be recorded in the minutes of the relevant meeting.

E1.30.3 Reserved Status – Special Majority

E1.30.3.1 In recognition of the significant impact that some decisions made by the LLCA could have on the Constituent Councils, and to ensure that the existing democratic mandate of each Constituent Council is respected and preserved, decisions concerning a number of matters will qualify for 'reserved status'. Decisions made by the LLCA regarding matters with 'reserved status' will require a 'special majority' in order to carry. The special majority will operate on the principle that the Members appointed by Constituent Councils who are directly affected by a decision must be present at the meeting and be a part of the deciding vote's majority for that decision to carry. In practice, this will require that:

E1.30.3.2 for a vote on a transport related matter, both the Members appointed by the City Council and the County Council – as the two existing transport authorities – must form a part of the deciding vote's majority for that decision to carry. Where a transport related matter affects only the City of Leicester or only the County of Leicestershire then the Member appointed by the relevant transport authority must form part of the deciding vote's majority.

E1.30.3.3 for a vote on a planning matter (including planning for future housing and employment land provision and the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land), then the Member appointed by the planning authority for the area or areas directly affected must form part of the deciding vote's majority for that decision to carry.

E1.30.3.4 In the case of a planning matter affecting the City of Leicester then the Member appointed by the City Council must form part of the majority.

E1.30.3.5 In the case of a planning matter affecting an area of the County of Leicestershire then:

E1.30.3.5.1 the Member appointed by the relevant District Council must form part of the majority if the matter would be dealt with by the District Council as a planning authority;

E1.30.3.5.2 the Member appointed by the County Council must form part of the majority if the matter would be dealt with by the County Council as a planning authority; or

E1.30.3.5.3 where the matter could be dealt with by either the relevant District Council or the County Council as a planning authority then both Members must form part of the majority.

E1.30.3.6 Where the LLCA establishes a Committee or Sub-Committee then that body can make decisions that have reserved status provided that the membership of the Committee or Sub-Committee includes those Members appointed by the Constituent Councils directly affected by the decision and those Members vote in favour.

E1.30.3.7 The decision that a Constituent Council is directly affected by a decision will be taken by the Monitoring Officer, following consultation with the relevant councils but for the avoidance of doubt the approval of a Business Case will be a Reserved Status Decision.

[Note: The LLCA at its first meeting will be asked to consider the proposal that this provision E1.30.3 will not apply to the LLCA Member nominated by the LLEP.]

E1.30.4 Unanimity

E1.30.4.1 Where a matter for decision (other than a transport matter) affects the entirety of the Combined Area then it will require unanimous support from the Members appointed by the Constituent Councils. Matters requiring unanimous support include (without limitation) the following:

E1.30.4.1.1 Decisions relating to the creation, adoption and review of the documents listed in paragraph C1.1.8 of this Constitution;

E1.30.4.1.2 Approval of the Combined Authority's annual budget including decisions on any levies (except transport levies), precepts or other demands for financial contribution from the Constituent Councils;

E1.30.4.1.3 Approval of borrowing limits, treasury management strategy including reserves, Investment Strategy and Capital Budget of the LLCA;

E1.30.4.1.4 Approval of the LLCA's Constitution and any changes thereto;

E1.30.4.1.5 Adoption of any freedoms or flexibilities offered by central Government;

E1.30.4.1.6 Future expansion of the LLCA's functions (including by delegation);

E1.30.4.1.7 Approval of growth schemes set out in any adopted strategic growth plan;

E1.30.4.1.8 Decisions to grant, amend or remove voting rights to the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA;

E1.30.4.1.9 Decisions to designate a matter as having reserved status or remove that status.

E1.30.4.2 The decision that a matter affects the entirety of the Combined Area will be taken by the Monitoring Officer, following consultation with the Constituent Councils.

E1.30.4.3 The proceedings of the LLCA are not invalidated by any vacancy among its Members or by any defect in the appointment or qualifications of any Member.

[Note: with regard to unanimity, the LLCA at its first meeting will be asked to consider the proposal that this provision E1.30.4 will not apply to the LLCA Member nominated by the LLEP]

E1.31 The Forward Plan

E1.31.1 Period of Forward Plan. At least 28 days before decisions of the nature set out in Rule E1.31.2 are to be taken by the LLCA the Monitoring Officer will produce a Forward Plan setting out the details. The Forward Plan will be published on the LLCA's website and made available for inspection by members of the public.

E1.31.2 The Forward Plan will contain matters which are considered to involve:- (a) a Key Decision, and/or (b) a matter where it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential or exempt information would be disclosed and therefore it is proposed that the public be excluded from the meeting (i.e. the matter will be considered in private).

E1.31.3 Where a decision maker intends to make a Key Decision the Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:-

E1.31.3.1 That a Key Decision is to be made on behalf of the LLCA;

E1.31.3.2 The matter in respect of which the decision is to be made;

E1.31.3.3 Where the decisions maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

E1.31.3.4 The date on which, or the period within which, the decision is to be made;

E1.31.3.5 A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;

E1.31.3.6 The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

E1.31.3.7 That other documents relevant to those matters may be submitted to the decision maker; and

E1.31.3.8 The procedure for requesting details of those documents (if any) as they become available.

E1.31.4 Where a matter is to be considered in private the Forward Plan will give notice of the LLCA's intentions and will give a statement of the reasons for doing so.

E1.31.5 For the purposes of the Forward Plan a "Key Decision" includes a decision of the LLCA, a Committee of the LLCA or an Officer of the LLCA which:- (i) relates to any of the matters listed at paragraphs E1.30.3 and E1.30.4 (reserved matters and those requiring unanimity) above; or (ii) is likely to result in the LLCA incurring significant expenditure, or the making of significant savings; or (iii) to be significant in terms of its effects on communities living or working in the area of the LLCA.

E1.31.6 For the purposes of paragraph E1.31.5 above significant expenditure or savings are expenditure or savings (including the receipt or loss of income or capital receipts) in excess of £100,000.

E1.32 General Exceptions

E1.32.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rules E1.33 (confidential and exempt items) and E1.34 (special urgency), the decision may still be taken if:

E1.32.1.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan;

E1.32.1.2 the Monitoring Officer has informed the chair of the Overview and Scrutiny Committee (or if there is no such person, each member of the Overview and Scrutiny Committee) by notice in writing of the matter on which the decision is to be made and the reasons why inclusion on the Forward Plan is impracticable;

E1.32.1.3 the Monitoring Officer has made copies of that notice available to the public at Leicestershire County Council's offices and the notice has been published on the LLCA's website; and

E1.32.1.4 at least five clear days have elapsed since the Monitoring Officer complied with paragraphs E1.32.1.2 and E1.32.1.3.

E1.33 Confidential and Exempt Items

E1.33.1 Where confidential or exempt items have not been included on the Forward Plan in accordance with Rule E1.31 the matter may still be considered where agreement that the matter is urgent and cannot reasonably be deferred has been obtained from the chair of the Overview and Scrutiny Committee or, if there is no such person, the chair of the Governance Committee.

E1.34 Special Urgency

E1.34.1 If by virtue of the date by which a decision must be taken Rule E1.33 cannot be followed, then the decision can only be taken if the agreement of the chair of the Overview and Scrutiny Committee that the taking of the decision cannot reasonably be deferred has been obtained.

E1.34.2 If there is no chair of the Overview and Scrutiny Committee or the chair is unable to act then the chair of the Governance Committee must agree that the decision cannot reasonably be deferred.

E1.34.3 A notice must be made available to the public at the offices of Leicestershire County Council and on the LLCA's website setting out the reasons why the decision is urgent and cannot reasonably be deferred.

E1.35 Conduct of Members

E1.35.1 If the Chair is of the opinion that at a meeting any Member of the LLCA has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the LLCA, the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:

E1.35.1.1 The Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting;

E1.35.1.2 The Chair may direct the Member to withdraw from all or part of the remainder of the meeting;

E1.35.1.3 The Chair may order the Member to be removed from the meeting; and

E1.35.1.4 The Chair may adjourn the meeting for such period as they consider necessary

E1.35.2 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without question put, adjourn the meeting for such period as he or considers necessary.

E1.36 Attendance of Members at meetings (other than the LLCA meeting)

E1.36.1 Any Member may attend as an observer at meetings of the Committees or Sub-Committees (except those meetings which the LLCA (to include any Committee or Sub-Committee authorised by the LLCA) from time to time determine for the purposes of this Rule) to which he or she has not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the chair of the relevant meeting, a Member attending as an observer may speak (but not vote) on any matter.

E1.37 Disturbance by Members of the Public

E1.37.1 If a member of the public interrupts the proceedings at any meeting of the LLCA the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

E1.38 Notification and Declaration of Interests

E1.38.1 Members are required to notify the Monitoring Officer of any interests and to declare them at meetings in accordance with the Code of Conduct set out in Part H of this Constitution.

E1.38.2 If any Member has a disclosable pecuniary interest in any matter under consideration at a meeting of the LLCA, its Committees or Subcommittees, that Member shall declare that interest and withdraw from the meeting while the matter is under consideration by the meeting unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Monitoring Officer or the Governance Committee on appeal from the Monitoring Officer.

E1.39 Publication of Reports

E1.39.1 Reports or other documents for the consideration of the LLCA or a Committee or Sub-Committee shall be marked "Private & Confidential Not for Publication" only if the Monitoring Officer, as Proper Officer under Section 100B (2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act/Regulations.

E1.39.2 A Member (or Co-Opted Member in the case of a Committee or Sub-Committee) or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the Monitoring Officer or by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules E1.40 below.

E1.39.3 Copies of the agenda of meetings of the LLCA and its Committees and Sub-Committees, including prints of reports or other documents to be submitted to the LLCA, its Committees and Sub-Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall

also be made available for public inspection, at least five clear days before any meeting of the LLCA, its Committees and Sub-Committees at the offices of Leicestershire County Council and shall be published on the LLCA's website.

E1.39.4 Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to Members (or Co-Opted Members in the case of Committees and Sub-Committees).

E1.40 Access to Information Procedure Rules

E1.40.1 Except as otherwise indicated, these rules apply to all meetings of the LLCA, its Committees and Sub-Committees.

E1.40.2 Rule E1.39 does not affect any more specific rights to information contained elsewhere in these Rules or the law.

E1.40.3 The LLCA, its Committees and Subcommittees will supply copies of:

E1.40.3.1 any agenda and reports that are open to public inspection;

E1.40.3.2 any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and

E1.40.3.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to members in connection with an item

to any person on payment of a charge for postage and any other costs.

E1.40.4 The LLCA, its Committees and Subcommittees will make available copies of the following for six years after a meeting:

E1.40.4.1 the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (these will be kept in perpetuity);

E1.40.4.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record (this will be kept in perpetuity);

E1.40.4.3 the agenda for the meeting;

E1.40.4.4 reports relating to items when the meeting was open to the public.

E1.40.5 The relevant Statutory Officer or other Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

E1.40.5.1 disclose any facts or matters on which the report or an important part of the report is based; and

E1.40.5.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

E1.41 Exclusion of access by the public to meetings

Confidential information – requirement to exclude public

E1.41.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

E1.41.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

Meaning of confidential information

E1.41.3 Confidential information means information given to the LLCA, its Committees and Sub-Committees by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

Meaning of exempt information

E1.41.4 Exempt information means information falling within one or more of the following categories (subject to any qualifications):

E1.41.4.1 information relating to any individual;

E1.41.4.2 information which is likely to reveal the identity of any individual;

E1.41.4.3 information relating to the financial or business affairs of any particular person (including the authority holding that information);

E1.41.4.4 information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the LLCA, its Committees and Sub-Committees or a Minister of the Crown and employees of, or office holders under, the LLCA, its Committees and Sub-Committees;

E1.41.4.5 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

E1.41.4.6 information which reveals that the LLCA, its Committees and Sub-Committees proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment;

E1.41.4.7 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Exclusion of access by the public to reports

E1.41.5 If the Monitoring Officer thinks fit, the LLCA, its Committees and Sub-Committees may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

E1.42 Public Rights of Appeal

E1.42.1 This Rule applies where a member of the public has made a request to the Monitoring Officer that a report to be considered at a meeting of the LLCA or any public meeting of a Committee or Subcommittee operating under this constitution which contains exempt information should be discussed in the public part of the agenda or that s/he should have access to inspect the report or any background document.

E1.42.2 If the Monitoring Officer (after consulting the Officer responsible for the report) agrees to the request, the report (and any requested background document) will be made available to the member of the public and on the LLCA's website.

E1.42.3 If the Monitoring Officer (after consulting the Officer responsible for the report) refuses the request, s/he must give the member of the public reasons for the decision, together with details of the appeals procedure.

E1.42.4 The process for appealing against the Monitoring Officer's decision is as follows:

E1.42.4.1 The appellant must write to the Monitoring Officer at least 24 hours before the meeting in question and any request after this time will be invalid.

E1.42.4.2 The appeal will be dealt with in private as the first item on the agenda.

E1.42.4.3 The Monitoring Officer or the relevant Statutory Officer will give the reasons for their decisions (without the appellant being present) and will answer questions from members.

E1.42.4.4 The appellant will then be called into the meeting and the Chair will summarise the reasons given for the refusal.

- E1.42.4.5 The appellant will be given an opportunity to address the meeting give and to justify their request and members will be able to ask questions of the appellant (but having regard to the confidentiality of the item).
- E1.42.4.6 The appellant will then withdraw and the meeting will consider and determine the appeal.

Section E2

Scrutiny Arrangements

Terms of Reference

E2.1 The LLCA will establish a joint Overview and Scrutiny Committee to exercise scrutiny functions over the LLCA.

General Role

E2.2 The Overview and Scrutiny Committee will:-

E2.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the LLCA's functions;

E2.2.2 make reports and/or recommendations to the LLCA in connection with the discharge of any LLCA functions;

E2.2.3 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the LLCA or any Committee or Sub-Committee, including Key Decisions.

E2.2.4 make reports or recommendations to the LLCA on matters that affect the Combined Area and/or the inhabitants of the Combined Area. Where the Overview and Scrutiny Committee makes a report it may also publish it and require a response from the LLCA. The notice published must give the LLCA two months to consider the report.

Specific Functions

E2.3 **Policy development and review.** The Overview and Scrutiny Committees may:

E2.3.1 assist the LLCA in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

E2.3.2 conduct research, community and other consultation in the analysis of policy issues and possible options;

E2.3.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

E2.3.4 question members and officers of the LLCA about their views on issues and proposals affecting the area and remit of the LLCA

E2.3.5 liaise with other external organisations operating in the area of the LLCA, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

E2.4 Scrutiny. The Overview and Scrutiny Committee may:

E2.4.1 review and scrutinise the decisions made by and performance of the Members and Officers both in relation to individual decisions and over time;

E2.4.2 review and scrutinise the performance of the LLCA in relation to its policy objectives, performance targets and/or particular service areas;

E2.4.3 question Members and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

E2.4.4 make recommendations to the LLCA arising from the outcome of the scrutiny process;

E2.4.5 question and gather evidence from any person (with their consent).

E2.5 Finance. The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

E2.6 Annual report. The Overview and Scrutiny Committee will report annually to the LLCA on its workings and make recommendations for future work programmes and amended working methods if appropriate.

E2.7 Officers. The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the Officers employed to support its work.

Chair

E2.8 The chair of the Overview and Scrutiny Committee will be the leader of the largest opposition group across the area of the LLCA. Where there are two opposition groups with an equal number of seats, chairmanship of the Overview and Scrutiny Committee shall rotate between those groups on an annual basis, normally effective from the Annual Meeting. Unless agreement is reached otherwise, the order in which the chairmanship is allocated between the opposition groups will be determined by the toss of a coin.

Membership of the Overview and Scrutiny Committee

E2.9 There will be a total of fifteen members appointed to the Overview and Scrutiny Committee. Each Constituent Council will nominate for appointment by the LLCA such elected members to the Overview and Scrutiny Committee as are required to achieve political balance across the area of the LLCA. Overview and Scrutiny membership must not include a Member or a member of the Executive or policy committee or resources committee (or equivalent) of a Constituent Council.

Proceedings of the Overview and Scrutiny Committee

E2.10 At least one annual meeting of the Overview and Scrutiny Committee will take place and additional meetings may be convened in accordance with these arrangements.

E2.11 At the annual meeting the Overview and Scrutiny Committee will:

E2.11.1 elect a vice chair. The chair and vice chair must come from different political groups.

E2.11.2 determine the areas of review and scrutiny that it wishes to pursue during the ensuing 12 months and a schedule of meetings.

E2.11.3 consider the need to establish Scrutiny Panels from amongst its number in order to carry out agreed areas of review and scrutiny.

E2.12 The quorum for this annual meeting and any other meetings of the Overview and Scrutiny Committee will be one quarter of the members, and must include representatives of at least four of the Constituent Councils.

E2.13 The principle of decision making at any such meeting shall be that, wherever possible decisions will be made by agreement, without the need for a vote. If a vote is necessary it will be a simple majority of those present and the chair will not have a casting vote.

E2.14 The venue for each annual meeting and any other meetings of the Overview and Scrutiny Committee will be decided by the chair and notified to Constituent Councils for inclusion on their Council website, as well as being publicised on the LLCA's website.

E2.15 Notice of the annual meeting and any other additional meetings will be sent to each Scrutiny Panel member in accordance with the requirements of the Local Government Act 1972.

E2.16 The chair will approve the agenda for each annual meeting and any other meetings; however, any member of the Overview and Scrutiny Committee will be entitled to require an item to be placed on the agenda for the meeting.

E2.17 Subject to paragraphs E2.10 to E2.16, meetings will proceed in accordance with the Meeting Procedure Rules set out in Section E1 of this Constitution.

Petitions

E2.18 Petitions may be presented at meetings of the Overview and Scrutiny Committee. The Overview and Scrutiny Committee shall receive only such petitions as have been lodged with the Monitoring Officer eight clear days before the meeting and are presented by a person who resides, studies or works in the area of the LLCA and/or is a recipient of LLCA services and is associated with the petition.

- E2.19 Every petition shall be couched in proper language and be relevant to some question over which the Overview and Scrutiny Committee has authority or which otherwise affects the whole area of the LLCA and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. The Monitoring Officer shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious or discriminatory.
- E2.20 A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member of any of the Constituent Councils. If the petitioner is present and wishes to do so, he or she may speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. A member of the Overview and Scrutiny Committee to which the petition has been presented may then formally propose either that it be considered at that meeting or that it be referred for consideration to a future meeting or be the subject of a written response by the relevant officer to the person who presented the petition.
- E2.21 If the Overview and Scrutiny Committee determines that the petition be considered at the meeting at which it is presented, the question raised by the petition shall be debated at that meeting.
- E2.22 If the Overview and Scrutiny Committee determines that the petition be considered at a future meeting, a report on the question raised by the petition shall be considered as soon as practicable and in any case not later than six months following the date of the meeting at which the petition is presented.
- E2.23 Nothing in paragraphs E2.18 to E2.22 will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.
- E2.24 Where a petition attracts significant support from the local community, defined as being signed by at least 10,000 persons living, working or studying in the LLCA area, it will be considered at a meeting of the LLCA.
- E2.25 Where the Overview and Scrutiny Committee believes that a wider debate can be justified, it may report to a meeting of the LLCA, regardless of the number of signatories to that petition.
- E2.26 Where a petition attracts enough support from the local community, defined as being signed by at least 2,000 persons living, working or studying in the LLCA area, and where the petition requests that an Officer of the LLCA (whether identified by name or description) be called to account at a public meeting of the LLCA, that Officer will be required to do so at the Overview and Scrutiny Committee.
- E2.27 Where petitioners exercise their right to request for a review of the adequacy of the steps taken or which are proposed to be taken in the LLCA's response to a petition, this will be undertaken by the Overview and Scrutiny Committee which may use any of its powers to deal with the matter, including instigating an investigation, and making recommendations to the LLCA, as appropriate.

Call in of decisions

- E2.28 Members of the Overview and Scrutiny Committee will have the power to call in a decision taken by the LLCA, a Committee or Sub-Committee which has been made but not yet implemented, as set out in the LLCA's Forward Plan.
- E2.29 When a decision taken by the LLCA in accordance with the delegations set out in Section C2 of this Constitution; the decision shall be published, including where possible by electronic means, and shall be available from the normally within 2 days of being made.
- E2.30 The notice referred to at paragraph E2.29 above will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, as from 4.00 pm on the fifth day after the day on which the decision was published, unless five members of the Overview and Scrutiny Committee object to it and call it in.
- E2.31 During the "Call-in" period specified at paragraph E2.30 above the Monitoring Officer shall call-in a decision of the LLCA for scrutiny by the Overview and Scrutiny Committee if so requested by any five members from the Overview and Scrutiny Committee, and shall then notify members of the LLCA of the Call-in. The Monitoring Officer shall call a meeting of the Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with the chair of the Overview and Scrutiny Committee and in any case within 2 weeks of the decision to call-in;
- E2.32 If, having considered a decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the LLCA for reconsideration, setting out in writing the nature of its concerns. If a decision is so referred, the LLCA will reconsider the decision before adopting a final decision.
- E2.33 If, following an objection to a decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution, the Overview and Scrutiny Committee does not refer it back to the LLCA or the LLCA for reconsideration, the decision shall take effect on the date of the meeting of the Overview and Scrutiny Committee.
- E2.34 The call-in procedure set out above shall not apply where the decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution is urgent.
- E2.35 For the purposes of paragraph E2.34 above a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of the LLCA, the Constituent Councils, or the residents and/or businesses of the Combined Area. The record of the decision and the notice by which it is made public shall state whether in the opinion of the decision making body, (having considered the advice of the Chief Operating Officer and/or the Monitoring Officer and/or the Chief Financial Officer) the decision is an urgent one, and therefore not subject to

call-in. The LLCA must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

Key principles for the operation of the scrutiny arrangements

- E2.36 The process of scrutiny will be an open and transparent process designed to engage the Constituent Councils, their residents and other stakeholders.
- E2.37 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the Local Government Act 1972 or Local Government Act 2000.
- E2.38 The LLCA and the Constituent Councils will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.
- E2.39 Members of the Overview and Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Councils or elsewhere and will not duplicate the work of existing bodies or agencies.
- E2.40 Subject to prior consultation, the Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.
- E2.41 While it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements consideration will be given to meeting specific requests.
- E2.42 Dates and times for Officer and Member attendance at any meetings set up under these arrangements should be by agreement between the Scrutiny Chair and the relevant Member and/or Officer.
- E2.43 Members appointed under these arrangements may request the attendance of officers employed by the Constituent Councils to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Chief Executive of the relevant Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.
- E2.44 When considering any matter in respect of which an Overview and Scrutiny Committee member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

Scrutiny Panels

- E2.45 The annual meeting of members of the Overview and Scrutiny Committee can consider the establishment of Scrutiny Panels to undertake agreed scrutiny reviews. Membership of the Scrutiny Panels will be determined at the annual meeting and the

principle of political balance from across Overview and Scrutiny Committee members must be applied when membership is agreed.

- E2.46 The terms of reference, timescale and outline of any review will be agreed by the Overview and Scrutiny Committee at its annual meeting.
- E2.47 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion. Scrutiny Panels will make specific efforts to engage with hard to reach groups.
- E2.48 Scrutiny Panels shall include representatives (who need not be Co-Opted Members but must not be Members) from at least four of the Constituent Councils. Each Scrutiny Panel shall appoint a chair and vice chair from amongst its members. Unless unanimously agreed by all members appointed to any Scrutiny Panel, the chair and vice chair of each Scrutiny Panel must come from different political groups.
- E2.49 Scrutiny Panels established under Section E2.45 must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Overview and Scrutiny Committee. Any Scrutiny Panel continuing for more than two years must be subject to confirmation by the LLCA.
- E2.50 The LLCA may also, if it chooses, request that a Scrutiny Panel be appointed to examine a specific issue in more detail and report back its findings to the LLCA.
- E2.51 The primary objective of any Scrutiny Panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.
- E2.52 Voting will be by a show of hands and a simple majority will be required to approve any recommendation.

Part F: Financial Procedure Rules and Standard Financial Instructions

Contents

Application of Rules	
Responsibility of the Chief Financial Officer	1
Responsibility of Budget Officers	2
Business Cases	3
Changes in expenditure levels	4
Capital programmes	5
Implementation and amendment of approved capital programme	6
Capital expenditure - accountability and performance	7
Annual budgets and financial plans	8
Implementation and amendment of approved budgets and plans	9
Accountability and performance	10
Reviews	11
Internal audit	12
Internal control and check	13
Financial irregularities	14
Appointment of employees	15
Redeployment or redundancy	16
Personnel rules	17
Property records and deeds	18
Property acquisition, disposal and review	19
Property management	20
Information and communication technology	21
Purchasing and income collection	22
Inventories of assets	23
Stocks and stores	24
Treasury management	25
Risks and liabilities	26
Insurance	27
	28
Standard Financial Instructions	
	SFI 1-17

Section F1

Financial Procedure Rules

F1.1 Application of Rules

F1.1.1 These Rules set out the main financial management requirements of the Leicester, Leicestershire Combined Authority (LLCA). They state what these are and who is responsible for preparing, authorising and acting on them. The Rules apply to the Committees and to officers of the LLCA. They also apply to any person acting on behalf of the LLCA. Amendments to the Rules will be made by the LLCA.

F1.1.2 The Chief Financial Officer (CFO) shall make arrangements for the proper administration of the financial affairs delegated to him or her. The Standard Financial Instructions will be proposed by the Chief Financial Officer and will not form part of these Rules. The Standard Financial Instructions will cover the more detailed procedures required for the control of the capital programme and revenue budgets, contracts, ordering, payments, imprest accounts, stocks and assets, income collection, banking and insurance. The LLCA or Governance Committee on its behalf, may make, amend or revoke the Standard Financial Instructions.

F1.2 Responsibility of the Chief Financial Officer

F1.2.1 The Chief Financial Officer is responsible for the proper administration of the LLCA's financial affairs under the requirements of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

F1.2.2 Having informed the Governance Committee, the Chief Financial Officer will report to the LLCA if in his or her opinion any significant failure in the proper administration of the Authority's affairs is occurring.

F1.2.3 To fulfil his or her statutory duty the Chief Financial Officer may issue Accounting Instructions to complement these Rules and the Standard Financial Instructions.

F1.2.4 The Chief Financial Officer will be responsible for the provision of corporate budgeting and accounting systems, including the establishment of reserves and provisions.

F1.2.5 In monitoring the application of these Rules and the Standard Financial Instructions, the Chief Financial Officer will identify (and propose) any amendments to them which would enable the LLCA to take advantage of developments in electronic methods, provided that any such amendments would retain a degree of security which is similar to that provided by traditional paper-based systems.

F1.3 Responsibility of budget holders

F1.3.1 Budget holders are those officers of Constituent Council(s) (including statutory officers of the LLCA) who are responsible for deploying financial resources of the LLCA. They can be:

- (a) officers providing core support, which is chargeable to LLCA;
- (b) scheme managers, appointed to the role when the LLCA approves a business case as described in the operating agreement.

F1.3.2 Budget holders must act in accordance with these Rules and Standard Financial Instructions. They should also follow any financial requirements laid down in the Contract Procedure Rules. Where responsibilities for management of resources are delegated, the budget holder should ensure that the authorised person is familiar with these Rules, the Contract Procedure Rules and the Standard Financial Instructions.

F1.3.3 The budget holder when deciding to delegate authority to a representative should consider the duties of that representative in relation to the level of delegated authority. He or she may choose to place financial limits on the authorisation levels allowed.

F1.3.4 Budget holders shall consult and take into account financial advice given by the Chief Financial Officer including guidance on delegation of budgets. They will also be responsible for providing financial information when requested by the Chief Financial Officer.

F1.4 Business Cases

F1.4.1 Business cases are the formal means of planning an increase in the approved revenue budget or capital programme of the LLCA, and are subject to the approval of the LLCA. Officers preparing business cases for any project must include:

- (a) The nature of the work to be undertaken;
- (b) The scheme manager, who will act as budget holder;
- (c) The timescales for delivery of the work;
- (d) The estimated capital and revenue expenditure, before and after external contributions;
- (e) The proposed apportionment of net cost between Constituent Councils, and the procedure for funding any overspends.

F1.4.2 In the case of capital expenditure, business cases should specify the amount of any borrowing proposed to be incurred by the LLCA, the consequent debt costs, and the apportionment of any debt costs. Constituent Councils may always elect to make a capital contribution in lieu of sharing debt costs.

F1.5 Changes in expenditure levels

F1.5.1 No changes may be made in the amount required of Constituent Councils to fund the revenue budget or capital programme, except by means of:

- (a) Business cases approved unanimously at a meeting of the LLCA;
- (b) Approved changes to the operating agreement, in line with the procedure described in that document;
- (c) Increases in the budget, approved unanimously at a meeting of the LLCA.

F1.6 Capital programmes

F1.6.1 Capital projects may be approved as a consequence of business cases, and will consequently be included in the capital programme of the LLCA.

F1.6.2 When the LLCA has given its approval, capital expenditure included in the first year of the programme may commence without further approval.

F1.6.3 Commencement before the planned programme year can be approved by the Chief Financial Officer provided he/she is satisfied that resources are available.

F1.7 Implementation and amendment of approved capital programme

F1.7.1 When the capital programme has been approved, the designated budget holder will be responsible for controlling expenditure on each project agreed.

F1.8 Capital expenditure - accountability and performance

F1.8.1 The LLCA will make arrangements through the Chief Financial Officer to control and monitor total capital spending. The LLCA and the Scrutiny Committee will receive regular financial statements. The Chief Financial Officer will also report the final position to the LLCA and the Scrutiny Committee.

F1.9 Annual budgets and financial plans

F1.9.1 The Chief Financial Officer will be responsible for preparing an annual revenue budget of expenditure and income. The budget will consist of:

- (a) Budgets for core support;
- (b) Budgets for projects approved by means of business cases;
- (c) A contingency;
- (d) Charges to be made to Constituent Councils, to meet the proposed net expenditure of the LLCA.

F1.10 Implementation and amendment of approved budgets and plans

F1.10.1 When the annual budget has been approved the appropriate budget holders will be responsible for ensuring expected income is received and budgeted expenditure is not exceeded.

F1.10.2 The Chief Financial Officer will be responsible for maintaining a control over the total of the LLCA's expenditure and income.

F1.10.3 The Chief Financial Officer may amend the budget by reallocating the contingency, as deemed appropriate and subject to reporting the change in the next monitoring report.

F1.11 Accountability and performance

F1.11.1 Procedures for the collection of income and making of payments against budgeted expenditure will be laid down in the Standard Financial Instructions.

F1.11.2 Budget holders will be responsible for ensuring that appropriate arrangements are made, on a regular basis, to monitor performance against budgets and financial forecasts. Any potential difficulties shall be reported in writing immediately to the Chief Financial Officer.

F1.11.3 The LLCA will receive regular budget monitoring reports from the Chief Financial Officer and will monitor overall performance.

F1.11.4 The Chief Financial Officer will co-ordinate the production of final accounts and ensure they are produced in a consistent manner. The Chief Financial Officer will prepare a summary of the final accounts for approval by the LLCA and consideration by the Scrutiny Committee. The Statement of Accounts will be considered by the Governance Committee and approved by the LLCA.

F1.12 Reviews

F1.12.1 The LLCA may require Budget holders to report on the performance of any aspect of the services within their area of responsibility. In addition it may require them to provide explanations on performance indicators and other related information published by the Government or Government Agencies.

F1.12.2 The Scrutiny Committee may require budget holders to report on the performance of any aspect of the services within their area of responsibility. This would include the results of comparative performance and value for money studies. The extent of the review will be bound by the terms of reference and the rules relating to the committee.

F1.13 Internal audit

F1.13.1 Responsibility for arranging a continuous internal audit of the LLCA's financial management arrangements will be delegated by members of the LLCA to the Chief Financial Officer.

F1.13.2 The Chief Financial Officer or an authorised representative has authority to:-

- a) enter any LLCA building or land at all reasonable times;
- b) have access to all records, documents and correspondence relating to any transactions of the LLCA or carried out on behalf of the LLCA;
- c) receive such explanations as he or she considers necessary on any matter under examination; and
- d) require any employee of the LLCA to produce cash, stores or any other LLCA property under his or her control.

F1.13.3 Budget holders (or where appropriate the LLCA) will be responsible for considering and taking appropriate action on matters drawn to their attention by audit reports.

F1.13.4 Constituent Councils carrying out work on behalf of the LLCA has a responsibility to cooperate and provide information in a timely and professional manner.

F1.14 Internal control and check

F1.14.1 The duties of staff, employed by the LLCA, concerned with financial transactions should, as far as is practicable, be distributed with regard to the principles of internal control and check. Budget holders should consult the Chief Financial Officer (or his or her authorised representative) when this is not considered practicable or when changes to financial arrangements are being proposed so that the Chief Financial Officer or his or her authorised representative can ensure proper financial systems will still be in place.

F1.15 Financial irregularities

F1.15.1 The Chief Financial Officer shall be notified immediately by budget holders of any financial irregularities, or of any circumstances which may suggest the possibility of an irregularity, affecting any asset of the LLCA.

F1.16 Appointment of employees

F1.16.1 Where the LLCA employs staff, proposals made by budget holders to appoint employees or alter grades need to take into account both current and future years funding and potential termination costs, where the proposals relate to a fixed time scale.

F1.17 Redeployment or redundancy

F1.17.1 When preparing an Action Plan, budget holders shall consult the Chief Financial Officer over the funding arrangements for the Action Plan proposals.

F1.17.2 Prior to making a decision which has redundancy implications the LLCA should be informed of the potential number of staff involved and the funding arrangements to pay the redundancy and associated costs.

F1.18 Personnel rules

F1.18.1 Budget holders must abide by any rules approved by the LLCA.

F1.19 Property records and deeds

F1.19.1 A register of all land, buildings and interests owned by the LLCA will be maintained by the Chief Financial Officer.

F1.19.2 The Monitoring Officer will be responsible for the custody of all title deeds.

F1.20 Property acquisition, disposal and review

F1.20.1 The LLCA will be responsible for acquisition, disposal and allocation of land and buildings as requested by the Chief Financial Officer.

F1.20.2 The Chief Financial Officer will be responsible for a continuing review both of the purpose for and the efficient utilisation of all land and buildings owned or used by the LLCA. He or she will provide regular reports on these subjects to the LLCA.

F1.20.3 The Chief Financial Officer will regulate the administration of the purchase, lease, disposal, management and repair and maintenance of land and buildings.

F1.21 Property management

F1.21.1 Budget holders will undertake the responsibilities of a tenant for the LLCA properties they use, unless specifically agreed otherwise with the Chief Financial Officer.

F1.21.2 They shall take advice from the Chief Financial Officer on leasing, letting and changes in use of LLCA property. They should also take advice from him or her on maintenance and property management. It is important that special attention is given to compliance with Fire Certificates and Health and Safety Regulations.

F1.21.3 The Chief Financial Officer will act as the landlord for LLCA properties. In addition where buildings have joint use he or she may also undertake some of the responsibilities of the tenant.

F1.22 Information and communication technology

F1.22.1 Corporate Strategy: The Chief Financial Officer shall make arrangements to provide an appropriate financial accounting system for use by the LLCA. He or she will provide specialist advice, will stipulate the technical standards and specifications which will apply and will ensure there will be satisfactory links with other systems where appropriate.

F1.23 Purchasing and income collection

F1.23.1 Purchasing and collection officers must follow the requirements laid down in these Rules, the Contract Procedure Rules, and the Standard Financial Instructions.

F1.24 Inventories of assets

F1.24.1 Budget holders will be responsible for the safe keeping and condition of LLCA assets under their control. They will also maintain an up to date inventory. The Chief Financial Officer will issue instructions on which assets should be included in these.

F1.24.2 The Governance Committee will have power to make Standard Financial Instructions on the checking, usage and disposal of assets.

F1.25 Stocks and stores

F1.25.1 Budget holders will be responsible for the custody and physical condition of any LLCA stocks and stores under their control. The levels of stocks shall not exceed reasonable requirements.

F1.25.2 The Governance Committee will have power to make Standard Financial Instructions on the control, checking, valuation and disposal of stocks.

F1.26 Treasury management

F1.26.1 The LLCA in making decisions on borrowing and lending will have due regard to the requirements of the CIPFA Code of Practice on Treasury Management in Local Authorities.

F1.26.2 A Treasury Management Statement setting out strategy and procedures shall be adopted by the LLCA.

F1.26.3 The Chief Financial Officer when exercising powers delegated to him or her will have due regard to the requirements of the CIPFA Code of Practice and CIPFA's Guide for Chief Financial Officers.

F1.26.4 The Chief Financial Officer will provide the LLCA with an annual report on the Treasury Management operation, which will enable the LLCA to monitor the implementation of the approved policy.

F1.26.5 The Chief Financial Officer will be responsible for the borrowing and repayment of money on behalf of the LLCA.

F1.26.6 The Chief Financial Officer shall be consulted prior to entering into any lease. A full understanding of the commitment that is being made on behalf of the LLCA is essential.

F1.26.7 The Chief Financial Officer will be responsible for the investment of any surplus funds.

F1.27 Risks and liabilities

F1.27.1 Budget holders should have due regard to operational and financial risks and liabilities when considering alternative policies. They also need to consider potential physical risks to persons and assets. In doing so they need to follow the LLCA risk management strategy or the relevant risk management strategy of their Constituent Council.

F1.28 Insurance

F1.28.1 The Chief Financial Officer will be responsible for arranging or amending insurance cover as required by the LLCA.

Section F2

Standard Financial Instructions

[Note: the following Standard Financial Instructions were formally approved by the LLCA when adopting this Constitution for the first time. Future amendments to these Instructions will be made either by the LLCA or Governance Committee under the authority given by Rule 1(b) of the Financial Procedure Rules. Although, unlike the Constitution itself, these Instructions do not require formal approval of the LLCA, they are nevertheless included here for the sake of completeness and will be updated as necessary, to reflect any amendments made.]

Contents

Capital - expenditure in excess of approved amount	1
Grants and external funding	2
Revenue – over or underspendings	3
Contracts	4
Orders for work, goods and services	5
Payments of invoices and claims	6
Imprest accounts and Procurement Cards	7
Stocktaking and consequential action	8
Inventories and consequential action	9
Income records and grant claims	10
Write-offs	11
Review of charges	12
Banking arrangements	13
Salaries, wages and pensions	14
Insurance of risks	15
Litigation and Disputes Resolution	16
Security of assets	17

F2.1 Capital - expenditure in excess of approved amount

F2.1.1 Where a specific approval given in the capital programme is likely to be exceeded additional approval must be sought by the appropriate budget holder from the Chief Financial Officer.

F2.1.2 The Chief Financial Officer may approve increases in expenditure where compensating savings are being made and there is no change in policy. In any particular instance, the Chief Financial Officer may decline to give approval and instead refer the proposal to the LLCA.

F2.2 Grants and External Funding

F2.2.1 Unless already included in the approved budget, bids for external funding must be approved as part of business cases

F2.2.2 Approval must be obtained from the LLCA (as part of business cases) to any contingent liabilities for repayment should any conditions not be met, with any associated agreement being made with the approval of the Monitoring Officer.

F2.3 Revenue over or underspends

F2.3.1 The LLCA may authorise adjustments in the annual budget for over or underspends incurred in the previous financial year or repay or charge the net outturn to the Constituent Councils.

F2.4 Contracts

F2.4.1 All contracts should be dealt with in accordance with the Contract Procedure Rules set out in Part G of the LLCA's Constitution or where work on is undertaken on behalf of the LLCA by a Constituent Council, to be dealt with in accordance with the contract procedure rules of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's Contract Procedure Rules to be used.

Capital Contracts

F2.4.2 The appropriate budget holder will be responsible for the maintenance of all financial as well as technical records for contracts of a capital nature.

F2.4.3 Where building, construction or other capital contracts provide for payment to be made by instalments on the certificate issued by an authorised officer, the records must show the state of account on each contract between the LLCA and the contractor together with other payments and related professional fees.

F2.4.4 Payments to contractors in respect of all contracts must be authorised only by a certificate signed by the person made responsible by the contract for issuing such certificates (i.e. "the Certifying Officer" or authorised deputy). In the case of Private Architects, Quantity Surveyors, Engineers or Consultants, certificates must be countersigned as to validity by the appropriate budget holder who appointed them. The form of the certificate must be agreed by the Chief Financial Officer. The

Certifying Officer will be responsible for the correct certification of all aspects of contract payments and for ensuring the correct completion of all associated contract documentation.

F2.4.5 The Certifying Officer will ensure that all contract documentation is properly completed before the contractor's final account is paid.

F2.4.6 Prior to issue of final certificates the Chief Financial Officer will, to the extent he or she considers necessary, audit accounts for contracts. He or she will be entitled to make all such enquiries and receive such information and explanations as he or she may require in order to satisfy himself or herself as to the accuracy of the accounts.

F2.4.7 Budget holders should actively try to promote an agreement with contractors on outstanding issues, where work was completed over two years ago.

F2.4.8 Claims from contractors in respect of matters not clearly within the terms of any existing contract must be referred to the Monitoring Officer consideration of the LLCA's legal liability before a settlement is reached. The Chief Financial Officer must also be informed of the amount of such claims before final settlement to enable him or her to consider the financial implications.

F2.4.9 Where completion of a contract is delayed beyond the due date for completion by more than one-sixth of the contract period, it will be the duty of the responsible officer under the contract, after consultation with the Monitoring Officer to take appropriate action in respect of any claim for liquidated damages. The responsible officer may decide that liquidated damages should not be applied. This should be reported to the Chief Financial Officer subject to any guidelines set down by the LLCA.

Professional Fees

F2.4.10 Where staff are not charged to projects on a fee basis, the appropriate budget holders will supply the Chief Financial Officer with details of the cost of staff and private consultants employed on capital work.

F2.4.11 In all cases an agreement with a private firm or individual shall require them to comply with the Contract Procedure Rules and to give the same facilities to the Chief Financial Officer as required of budget holders of the LLCA by its instructions and procedures.

F2.4.12 Where private consultants are to supervise work, the contracting budget holder is responsible for ensuring that he or she receives regular written reports covering the physical and financial progress of that work and for taking any appropriate action on the basis of progress reports.

F2.5 Orders for work, goods and services

F2.5.1 Orders for work, goods and services must not be placed unless the expenditure to be incurred is in accordance with the LLCA Financial Procedure Rules and these Instructions.

F2.5.2 Orders on official forms must be issued for all work, goods and services to be supplied to the LLCA, except for supplies of public utility services such as gas, electricity and water, for periodical payments such as rent and rates, for petty cash purchases for Procurement Card and e-procurement transactions allowed under the scheme approved by the Chief Financial Officer, or for such other exceptions as the Chief Financial Officer may approve.

F2.5.3 Where urgent orders are given orally they must be confirmed by a written official order not later than the next working day following the day in which the oral order is given. Confirmation orders should be clearly marked as confirmation only.

F2.5.4 Some agreements or contracts for goods or services provide for payment by instalments. To show the state of the accounts of each such agreement or contract, the appropriate budget holder will ensure such records are maintained in a manner agreed with the Chief Financial Officer.

F2.5.5 Official order forms will be supplied by the Chief Financial Officer unless he or she has agreed in particular cases to the use of other forms for specific classes of transaction. Orders must be authorised only by officers designated by the Chief Financial Officer. Before placing an order the certifying officer must satisfy himself or herself that this would be proper expenditure and would be within the appropriate approved estimate. To provide segregation of duties at as early a stage as possible, it is recommended that a second officer should be responsible for making out the order.

F2.5.6 The budget holder will be responsible for ensuring the validity of all orders issued, the control and safe custody of all official order books issued to him or her, and obtaining alternative quotations or tenders as required before orders are placed. He or she will also be responsible for ensuring that the expenditure being incurred can be met from the approved estimates.

F2.5.7 Budget holders must obtain goods, works or services in a manner and from sources which demonstrate best value for money. In the case of goods this will usually mean obtaining supplies through ESPO unless cheaper alternatives of comparable quality are available and ESPO are unable to match these terms.

F2.5.8 Where expenditure is on behalf of the LLCA by a Constituent Council the orders for works, goods and services should follow the standard financial instructions of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's financial procedure rules to be used.

F2.6 Payments of invoices and claims

- F2.6.1 Invoices should be on suppliers' printed forms except where alternative arrangements have been agreed by the Chief Financial Officer. The Chief Financial Officer is authorised to make all payments as they become due out of the LLCA Fund or its subsidiary accounts. Expenditure should be certified by an officer authorised by the Chief Financial Officer.
- F2.6.2 The verification and certification of accounts must be in accordance with instructions issued by the Chief Financial Officer.
- F2.6.3 Before certifying an invoice or claim the certifying officer must satisfy himself or herself that it is allocated to the correct expenditure head.
- F2.6.4 The Chief Financial Officer will examine, so far as he or she considers necessary, invoices and claims passed for payment and he or she will be entitled to receive such information and explanations as he or she may require. For this purpose all books and documents relating to the payment must be placed at his or her disposal.
- F2.6.5 For purchases made through iProcurement the duties of ordering and receiving goods and services, and certifying invoices and claims for payments, may be performed by one and the same officer under the scheme approved by the Chief Financial Officer.
- F2.6.6 All claims for the payment of vehicle and subsistence allowances, travelling and incidental expenses must be certified and submitted to the Chief Financial Officer. These will be on a form approved by him or her, unless alternative arrangements have been agreed by him or her. Claims must be submitted promptly each month for the preceding month. Travel and subsistence claims which are for a period over 3 months old will not be paid unless there are extenuating circumstances.
- F2.6.7 Where the Chief Financial Officer considers it appropriate he or she will call the attention of the budget holder and, if necessary, the LLCA to any item which has been passed for payment. He or she will also report to the LLCA on any such item which he or she considers for any good reason should not be paid.
- F2.6.8 Where expenditure is on behalf of the LLCA by a Constituent Council then the payment of invoices and claims should follow the standard financial instructions of the of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's financial procedure rules to be used.

F2.7 Imprest accounts and Procurement Cards

- F2.7.1 The Chief Financial Officer may provide imprest accounts where necessary for defraying petty cash and other minor expenses. Persons responsible must maintain a record of their receipts and payments in the form and manner prescribed by the Chief Financial Officer.

- F2.7.2 The Chief Financial Officer may provide Procurement Cards (pCards) where the type of spend or the practicalities preclude the purchaser from using the LLCA's usual ordering and invoicing processes in an efficient way. Persons responsible must ensure the pCards are only used in accordance with the LLCA's scheme, for the approved purposes of the department and that appropriate records are maintained.
- F2.7.3 The Chief Financial Officer may issue instructions as to the type and level of expenditure which should be met out of the imprest account or with pCards. Such expenditure must be supported by receipted vouchers to the extent that the Chief Financial Officer may require.
- F2.7.4 The holder of the pCard will be responsible for all transactions performed with their assigned card and must support the scheme administrators in the resolution of queried transactions. The card holder is additionally responsible for providing supplementary information required under the scheme to support VAT claims and updates to the LLCA's financial systems. The Chief Financial Officer will ensure monitoring is in place to verify that pCards are used in accordance with the LLCA's scheme.
- F2.7.5 An official subsidiary bank account will be opened by the Chief Financial Officer in cases where he or she considers this to be necessary. Where such a bank account is opened in no circumstances will an overdraft be allowed.
- F2.7.6 The Chief Financial Officer or his or her authorised representative must be notified as early as possible whenever a person holding an imprest account ceases to be responsible for the account. The name of the new holder will be similarly notified when this is known. Equally the Chief Financial Officer must be notified when a pCard holder leaves the LLCA or transfers between cost centres to allow withdrawal or amendment of the pCard as appropriate.
- F2.7.7 No income received on behalf of the LLCA, other than the reimbursement received from the Chief Financial Officer, may be paid into an imprest account without prior consent of the Chief Financial Officer. Income must be banked separately or paid to the LLCA's main bank account as described elsewhere in these procedures.
- F2.7.8 pCards and imprest accounts are provided to allow officers to carry out their LLCA duties in a more efficient manner and are not provided for personal use. Specifically postal orders or personal or other cheques must not be cashed from monies held in an imprest account. Personal loans must not be made from such accounts, nor should loans be made to unofficial funds. Any accidental use must be reported to the Budget Holder and Chief Financial Officer as soon as it is discovered and the LLCA reimbursed.
- F2.7.9 Reimbursement of monies spent should be made by the Chief Financial Officer, except where he or she agrees to provide payments on account. In all cases imprest accounts will be made up to 31 March each year, subject to any exceptions agreed by the Chief Financial Officer. The Chief Financial Officer will determine the method of payment to settle the outstanding balances on pCards.

F2.7.10 Where expenditure is on behalf of the LLCA by a Constituent Council then the use of imprest and / or procurement cards should follow the standard financial instructions of the Constituent Council, subject to the right of the Chief Financial Officer to require the LLCA's standard financial instructions to be used.

F2.8 Stocktaking and consequential action

F2.8.1 Where the LLCA owns stocks and stores, records must be kept in such cases and in a form as may be agreed by the Chief Financial Officer. There must be a complete independent stocktaking at least once in every financial year.

F2.8.2 The value of stocks held at 31 March each year must be certified by the appropriate budget holder and supplied to the Chief Financial Officer.

F2.8.3 Surpluses or deficiencies revealed during any one stocktaking can be adjusted on the authority of the Chief Financial Officer. The Chief Financial Officer will have the right to report any write-off or adjustment to the LLCA if he or she considers this appropriate.

F2.8.4 Surplus or obsolete items of stocks and stores may be disposed of by approval of the Chief Financial Officer. Where the book value is over £1,000 but the resale value is considered to be below this, the budget holder should arrange for a suitably qualified second person to give a written confirmation of the valuation prior to disposal. Where the estimated resale value is above £1,000, the agreement of the Chief Financial Officer is necessary and, wherever appropriate, disposal will be by competitive quotation or tender. A record should be kept of all details relating to disposals.

F2.9 Inventories and consequential action

F2.9.1 Items costing over £250, owned by the LLCA, should be included on an inventory. Additionally, lower value attractive and portable items should be included, subject to a minimum value of £50. All inventories will be kept in a form approved by the Chief Financial Officer. Where a computerised inventory is being proposed, its method of operation should conform to standards set down by the Chief Financial Officer.

F2.9.2 An annual check of all items on the inventory should be carried out. Matters relating to any surpluses or deficiencies must be referred to the Chief Financial Officer for actions, and noting the inventory accordingly. Deficiencies due to irregularity should be reported to the LLCA, if the Chief Financial Officer considers this appropriate.

F2.9.3 The Chief Financial Officer or his or her representative may at all reasonable times have access to all property of the LLCA and may make such checks and tests as he or she deems reasonable.

F2.9.4 The LLCA's property must not be removed from LLCA or Constituent Council's premises except in the ordinary course of the LLCA's business, or used otherwise than for the LLCA's purposes. A record of such removals will be maintained at the establishment concerned.

F2.9.5 Surplus or obsolete items may be disposed of with the approval of the Chief Financial Officer. Where the book value of any one commodity is over £1,000 but the resale value is considered to be below this, the budget holder should arrange for a suitably qualified second person to give a written confirmation of the valuation prior to disposal. Where the estimated resale value is above £1,000, disposal will be by competitive quotation or tender. A record should be kept of all details relating to disposals.

F2.10 Income records and grant claims

F2.10.1 The collection of all monies due to the LLCA should be under the control of the Chief Financial Officer. He or she will require that all monies due are promptly recorded, are collected in accordance with an approved collection strategy and all monies are promptly banked.

F2.10.2 The records kept relating to income will be in such form as may be approved by the Chief Financial Officer.

F2.10.3 All official receipt forms, receipt books, tickets and other documents of a similar nature will be ordered, controlled by, and issued by the Chief Financial Officer unless he or she has agreed alternative arrangements. Every issue of any such document should be authorised by the Chief Financial Officer or his or her nominated officer and acknowledged by the signature of the employee receiving the document.

F2.10.4 No employee or agent shall give a receipt for money received on behalf of the LLCA on any form other than an official receipt form.

F2.10.5 Each officer paying money into a bank account of the LLCA must show on the paying slip the amount of each cheque paid in and sufficient information to identify the individual transaction, e.g. receipt number, name of debtor.

F2.10.6 Monies received by an accounting officer will be banked intact and must not be used to meet expenditure or to cash postal orders or personal or other cheques.

F2.10.7 All grants and external funding income should be promptly claimed and proper records and working papers retained to justify claims.

F2.11 Write-offs

F2.11.1 An amount due to the LLCA must only be discharged by payment or by write-off in accordance with the following system.

F2.11.2 Amounts up to £50,000 in any one case may be written-off by the Chief Financial Officer, in accordance with the delegations set out in part C2.19. In special categories of write-offs, the Chief Financial Officer may authorise budget holders or nominated officers to write-off debts on his or her behalf.

F2.11.3 Amounts over £50,000 but not exceeding £100,000 in any one case may be written off by the Chief Financial Officer after consultation with the Chair of the LLCA or Vice Chair if the Chair is not available, in accordance with the delegations set out in part C2.19, except that, in the case of debts of organisations in liquidation, receivership or bankruptcy where the Monitoring Officer advises there is no reasonable prospect of recovering any monies or debts partially recovered by means of an out of court settlement where the Monitoring Officer advises there is no reasonable prospect of recovering any further monies, these may be written off directly by the Chief Financial Officer.

F2.11.4 The Chief Financial Officer will have the right to report any write-off to the LLCA if he considers this appropriate.

F2.12 Review of charges

F2.12.1 Charges for LLCA services will be reviewed at least annually at the time of the preparation of the budget. Rents should be reviewed at least triennially unless they are subject to any longer review period under the terms of the rental agreement.

F2.12.2 Pricing for outside work, must seek to cover all costs including overheads.

F2.13 Banking arrangements

F2.13.1 Arrangements with regard to the LLCA's bank accounts will be made by the Chief Financial Officer.

F2.13.2 Cheques, except those used by imprest accounts, will be ordered and controlled by the Chief Financial Officer who will make proper arrangements for the safe custody of blank cheques and the preparation, signing and despatch of cheques.

F2.13.3 All LLCA bank accounts, including imprest accounts, must include "Combined Authority" in their titles and in no circumstances must an account be opened in the name of an individual.

F2.13.4 Cheques drawn will bear the pre-printed signature of the Chief Financial Officer, or be signed by the Chief Financial Officer.

F2.14 Salaries, wages and pensions

F2.14.1 The payment of all salaries, wages, pensions, compensation and other emoluments, to LLCA employees, will be made by the Chief Financial Officer or under arrangements approved and controlled by him or her.

F2.14.2 Budget holders will arrange for the Chief Financial Officer to be notified as early as possible, and in the form prescribed by him or her, of all matters affecting the payment of items referred to paragraph F2.17.1 above and in particular:

- a) appointments, resignations, dismissals, suspensions, secondments and transfers;

- b) absences from duty for sickness or other reason, apart from approved leave;
- c) changes in remuneration, other than normal increments and pay awards and agreements generally applied; and
- d) information necessary to maintain records of service for superannuation, income tax and national insurance.

F2.14.3 Tax, pension, national insurance and all other deductions from pay and related matters must be recorded and controlled in such a manner as determined by the Chief Financial Officer.

F2.14.4 All time records or other documents relating to salaries and wages will be in a form prescribed or approved by the Chief Financial Officer and shall be checked and authorised. The Chief Financial Officer will provide periodic reporting of employees' pay details to budget holders to provide a means of verifying the accuracy of the pay records.

F2.14.5 Advice should be sought from the Chief Financial Officer on proposed payments to non-staff members which may require the LLCA to deduct tax.

F2.15 Insurance of risks

F2.15.1 Budget holders will arrange that the Chief Financial Officer is notified promptly of all new risks, properties, plant or vehicles which require to be insured. He or she should indicate the amount of cover required and of any alterations required to existing insurances.

F2.15.2 Budget holders will arrange that the Chief Financial Officer is notified immediately in writing of any fire, loss, liability or damage, or any event likely to lead to a claim.

F2.15.3 Budget holders must obtain the prior approval of the Chief Financial Officer and the Monitoring Officer to the terms of any indemnity which the LLCA is requested to give.

F2.16 Litigation and Disputes Resolution

F2.16.1 Budget holders will ensure, following consultation with the Chief Financial Officer and Monitoring Officer, that the LLCA is advised at key stages in the process of any litigation or disputes resolution where the LLCA is at risk of paying damages or costs exceeding £50,000.

F2.17 Security of assets

F2.17.1 Each budget holder is responsible for ensuring that arrangements are made for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. owned by the LLCA. He or she will consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

F2.17.2 Maximum limits for cash holdings will be agreed with the Chief Financial Officer and must not be exceeded without his or her express permission.

F2.17.3 Safes must be kept locked and the key removed. The budget holder concerned must ensure that arrangements are made for the safe custody of keys to safes and similar receptacles. The loss of any such keys must be reported to the Chief Financial Officer immediately.

Part G: Contract Procedure Rules

General

G1 Compliance

G1.1 Officers must comply with these CPRs.

G2 Delegation

G2.1 Officers may delegate their responsibilities under these Rules in accordance with paragraph C2.7.

G3 Interpretation

G3.1 Words and expressions used in these CPRs are to be interpreted in accordance with Article 1.1 and paragraph G35.

G4 Application

G4.1 Subject to G4.2 these CPRs apply to every contract procured by or on behalf of the LLCA except contracts:

G4.1.1 for only the acquisition or disposal of any interest in land;

G4.2.1 for the lending or borrowing of money;

G4.3.1 of employment (making an individual a direct employee of the LLCA).

G4.2 Where work on is undertaken on behalf of the LLCA by a Constituent Council, that work is to be dealt with in accordance with the Contract Procedure Rules of the Constituent Council acting as lead authority, subject to the right of the Chief Financial Officer to require the LLCA's Contract Procedure Rules to be used.

Procurement Principles

G5 General Requirements

G5.1 Every Contract or official order for works, supplies or services made by the LLCA shall be for the purpose of implementing the LLCA's policies and must be made in accordance with the LLCA's duty of Best Value and such procurement strategies as the LLCA may have in place from time to time.

G5.2 When proposing to procure or making arrangements for procuring a service contract where the Estimated Value is equal to or greater than the EU Threshold then consideration must be given as to how the Contract might improve the economic, social and environmental wellbeing of the Combined Area, as required by the Public Services (Social Value) Act 2012.

- G5.3 Where the services are Light-Touch Services the threshold for contracts for public supply or services contracts applies for the purposes of the Public Services (Social Value) Act 2012, being the sum specified in regulation 5 (1) (d) of the Public Contracts Regulations 2015.
- G5.4 The Procuring Officer must ensure that whenever Corporate Contracts for supplies, services or works have been approved by the Chief Financial Officer that supplies, services and works are ordered via these, unless it is agreed by the Chief Financial Officer that better value for money can be clearly demonstrated outside of these approved Corporate Contracts.
- G5.5 Procedures set out in the relevant EU Directives, EU Treaties, Acts of Parliament and UK legislation (including for the avoidance of doubt the Public Contracts Regulations 2015 and where applicable the Public Contracts Regulations 2006) must be complied with at all times.
- G5.6 Based on criteria laid down by the LLCA, the Chief Financial Officer will be responsible for evaluating the financial status of Tenderers and suppliers.
- G5.7 The Procuring Officer must ensure that sufficient budget provision has been agreed with the budget holder prior to any Procurement Exercise being undertaken.
- G5.8 Procurement Exercises should usually be undertaken by electronic means provided that:-
- G5.8.1 the requirements of these CPRs are followed with only such modifications as may be necessary to allow for procurement by such means; and
 - G5.8.2 any electronic tendering system has been approved by the Monitoring Officer and the Chief Financial Officer.
- G5.9 Subject to the provisions of paragraph G28.2 Contracts shall not be longer than 5 years (including extensions) in duration or of indeterminate length without the prior written approval of the Chief Financial Officer, such approval to be obtained prior to the commencement of the Procurement Exercise.

G6 Exceptions

- G6.1 Subject to the requirements of EU Directives, EU Treaties, Acts of Parliament and the Public Contracts Regulations 2015 the following contracts may be placed by direct negotiation with one or more suppliers, contracts:-
- G6.1.1 for supplies, materials, services or works which are available only as proprietary and/or patented articles, services or works from one contractor or supplier and/or for which the Chief Financial Officer, following consultation with the Monitoring Officer, decides that there is no reasonably satisfactory alternative available in the European Union and for repairs to, or the supply of, parts of existing proprietary or patented articles or works, including machinery or plant;
 - G6.1.2 for works of art, museum specimens or historical documents;

G6.1.3 which constitute a variation or extension of an existing contract, as permitted by the contract and/or as permitted pursuant to paragraphs G30 (Contract Modifications and Extensions) and G31 (Novation of Existing Contracts);

G6.1.4 for those unforeseen emergencies, where immediate action is required in order to fulfil the LLCA's statutory obligations.

G6.1.5 Other exceptions to these Rules may only be made within the relevant law and with the prior approval of the Chief Financial Officer and the Monitoring Officer.

G6.1.6 In all cases under this paragraph G6 a full record of the reasons for the exception shall be maintained.

G7 Financial Thresholds and Delegation

G7.1 Financial limits and thresholds within these CPRs may be varied from time to time by the Chief Financial Officer provided that spend remains within the approved budget of the LLCA.

G7.2 Arrangements for delegation of functions to Officers within these Rules may be varied from time to time by the Chief Operating Officer in consultation with the Monitoring Officer and the Chief Financial Officer.

G8 Annual Reporting

G8.1 The Chief Financial Officer and the Monitoring Officer shall at least once in each financial year submit a joint report to the Governance Committee in relation to the operation of these CPRs, including, among other things, details of the approved exceptions to these CPRs and approved extensions to contract where not provided for in the contract;

G8.2 Revisions to these CPRs will be proposed by the Monitoring Officer in accordance with Article 13.

G9 Prevention of Corruption / Conflict of Interest

G9.1 The following clause, or a clause that is substantially similar, will be included as a standard term and condition in every written contract:

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

(i) offer, give or agree to give to anyone any personal inducement or reward in respect of this or any other LLCA contract (even if the contractor does not know what has been done); or

(ii) *commit an offence under the Bribery Act 2010 or give any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972; or*

(iii) *commit any fraud in connection with this or any other LLCA contract whether alone or in conjunction with LLCA members, contractors or employees.*

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

Procurement Exercise

G10 Pre-Estimate

G10.1 Before any Procurement Exercise is begun the Procuring Officer must calculate its Estimated Value in accordance with this Rule. The Estimated Value shall be calculated in accordance with the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016 (as appropriate).

G11 Procurement Exercise Process

G11.1 Based on the Estimated Value, as identified in paragraph G10, Table 1 below makes provision for the minimum requirements for the subsequent Procurement Exercise.

Table 1: Minimum requirements for a Procurement Exercise (for exceptions see paragraph G6):

Estimated Contract Value		Procurement Process	Minimum Contract Opportunity Publication	Documentation
From	Up To			
£0	£5,000	Obtain a minimum of one oral/written Quotation	None	Record details
Above £5,000	£25,000	Obtain three written Quotations (where practical)	When inviting quotations Officers should consider the benefits of including a local supplier in the invitation to quote where appropriate or applicable to the contract.*	Record details. (If three Quotations cannot be obtained a record of the reasons for this must be maintained and forwarded to the Chief Financial Officer.

Estimated Contract Value		Procurement Process	Minimum Contract Opportunity Publication	Documentation
From	Up To			
Above £25,000	Up to but not including the relevant EU Threshold	<p>Seek a minimum of three written Quotations</p> <p>(to be based on a Request for Quotation document where practical)</p> <p>For exceptions see Rule G6</p> <p>If the Procurement Exercise is in respect of Light-Touch Services but is under the EU Threshold for Light-Touch Services the Chief Financial Officer following consultation with the Monitoring Officer may require a a Formal Tender Process including OJEU/Contracts Finder advertisement.</p>	Website approved by the Chief Financial Officer for the purpose of notifying the supply market and Contracts Finder.	Request for Quotation issued by the Procuring Officer and Quotations received. No PQQ is permitted.
Equal to the EU Threshold	Above the EU Threshold	Formal Tender Process	OJEU where required, Contracts Finder and on a Website approved by the Chief Financial Officer for the purpose of notifying the supply market.	Formal Tender and sealed bids (may be submitted via an electronic tendering system, see paragraph G5.8.

* The LLCA cannot give preference to local suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value.

G11.2 Details of oral Quotations must be recorded in writing.

G11.3 Where any Corporate Contracts or Standing Lists have been set up for supplies, services or works then these Rules are deemed to have been satisfied when the arrangement was set up and do not have to be further applied, provided the rules of use and award contained therein are followed. When the Corporate Contract is a Framework Agreement then the Procuring Officer must comply with paragraph G28.3. When using a Standing List the Procuring Officer must comply with paragraph G27.

G12 Suitability Assessment

G12.1 The LLCA shall not include a pre-qualification questionnaire stage where the value of the procurement is below the EU Threshold set out in Reg. 5 (1) (c) of the Public Contracts Regulations 2015. Below the EU Threshold only Suitability Assessment Questions may be asked. A standardised form of Suitability Assessment Questions must be used.

G12.2 In a Procurement Exercise with an Estimated Value equal to or greater than the EU Threshold both selection and award criteria must be included. A standardised Pre-Qualification Questionnaire must be used for the selection criteria;

G12.3 Selection criteria must be included in the evaluation process where applying the Open Tendering procedure (paragraph G15) or must be the only criteria used for the shortlisting methodology where applying the Restricted Tendering procedure (paragraph G16).

G13 Award and Evaluation Criteria

G13.1 The award criteria shall be based on the most economically advantageous Tender from the LLCA's point of view. That Tender shall be identified on the basis of price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing and may include the best price-quality ratio which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects or any other criteria linked to the subject-matter of the Contract in question.

G13.2 Before a contract can be awarded following an Open Tender procedure the supplier must meet the minimum standard for the selection criteria included in the evaluation process.

G13.3 In the case of a Procurement Exercise with an Estimated Value of £25,000 or more the process for identifying the most economically advantageous Tender, including selection and award criteria, must be agreed in consultation with the appropriate Commercial Specialist and included in the RFQ/Invitation to Tender and a copy retained on file.

G13.4 The Procuring Officer must notify all Tenderers of the award methodology and evaluation criteria being used in the case of the contract in question. If weightings are to be applied to the criteria then the Procuring Officer must ensure that these are also incorporated into the Invitation to Tender.

G14 Contract Opportunity Publication

- G14.1 Unless otherwise agreed by the Chief Financial Officer, the Procuring Officer must ensure, for all Procurement Exercises with an Estimated Value of £25,000 or more but less than the relevant EU Threshold, that Contract Opportunity Publication is advertised on a website approved by the Chief Financial Officer for the purpose of notifying the supply market.
- G14.2 All Procurement Exercises with an Estimated Value of £25,000 or more must be advertised on Contracts Finder within 24 hours of the time when the Procurement Exercise is advertised in any other way. Procurement exercises over the relevant EU Threshold must be advertised in the OJEU and on Contracts Finder.
- G14.3 For all proposed contracts which are advertised where the Total Value is below the EU Threshold, a period of at least ten working days should be allowed between the date when an Invitation to Tender becomes available to all bidders and the deadline for receipt of Tenders.
- G14.4 The Contract Opportunity Publication must express the nature and purpose of the Procurement Exercise, stating where further details may be obtained, how and to whom an interested supplier is to respond and any other requirements such as suitability requirements or explanatory information.
- G14.5 Only in exceptional circumstances should a Contract Opportunity Publication appear in ANY form before publication in the OJEU and neither should any advertisement contain any more information than that published in the OJEU.
- G14.6 The advertising requirements set out in this paragraph G14 are minimum requirements and do not preclude further Contract Opportunity Publication where appropriate (e.g. in the local newspaper, trade or professional journal, the Council website).

Procurement Process

G15 Open Tendering

- G15.1 Under Open Tendering, Procuring Officers must send Invitations to Tender to all those Persons who respond to the Contract Opportunity Publication and who meet the requirements stated therein.

G16 Restricted Tendering

- G16.1 Under Restricted Tendering, Procuring Officers need only send Invitations to Tender to:

- G16.1.1 not less than five of the Persons who respond to the Contract Opportunity Publication and who best meet the shortlisting methodology agreed in Rule 12(c); or

G16.1.2 where fewer than five Persons have applied or are considered suitable, to all those Persons who equal or exceed the minimum requirements for the shortlisting methodology agreed in paragraph G12.3.

G16.2 The shortlisting criteria and process must be prepared in advance of the issue of the Standardised Pre-Qualification Questionnaire and a copy retained on file.

G16.3 All Persons that do not qualify for inclusion on the shortlist to receive an Invitation to Tender must receive notice that they have been excluded from the Procurement Exercise. Any Person requesting in writing the reasons why they were unsuccessful shall be informed by the Procuring Officer of the reasons for the Council's decision.

G17 Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure and Innovation Partnership Procedure

G17.1 The Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure or Innovation Partnership Procedure must only be used with the prior approval of the Monitoring Officer and the Chief Financial Officer.

G18 Invitations to Tender

G18.1 Every Invitation to Tender must specify the latest day and hour and the place appointed for the receipt of Tenders and must state the effect of paragraph G19.

G18.2 Procuring Officers must give all Tenderers the same information about the Procurement Exercise and in particular information relating to the Tender process, specification, award methodology and evaluation criteria.

G18.3 Procuring Officers must also give all Tenderers the same information relating to questions, answers and clarifications raised during the Procurement Exercise unless they relate solely to another Person's Tender.

G18.4 All Procurement Exercises equal to or greater than £25,000 shall be handled via an Electronic Tendering System. Only in exceptional cases may a Procurement Exercise be undertaken not using an Electronic Tendering System. Paper Tenders must be submitted to, addressed to and opened by the Chief Operating Officer. Where the Estimated value is below £25,000 the Tenders may be returned directly to the Procuring Officer.

G18.5 Where Tenders are to be received by the Chief Operating Officer, the Procuring Officer must send to the Chief Operating Officer a note of the subject and the closing date and time and (where appropriate) a list of the Persons invited to Tender together with the Estimated Value before the closing date for receipt of Tenders.

G19 Irregular Tenders

G19.1 An Irregular Tender must not be accepted by either the Chief Operating Officer or the Procuring Officer, other than in accordance with this paragraph G19.

G19.2 A Tender is not valid unless it has been either submitted via an Electronic Tendering System or in the case of paper tenders delivered to the place appointed in accordance with paragraph G18 and not later than the appointed day and hour.

G19.3 Tenders other than E-Tenders where the Estimated Value is equal to or greater than £164,176 are not valid unless they are received in a plain sealed envelope or parcel addressed to the Chief Operating Officer. The envelope or package must bear the word "Tender" followed by the subject to which it relates.

G19.4 E-Tenders must be submitted in accordance with the requirements of the Electronic Tendering System used.

G19.5 Where a Tender has been received which is an Irregular Tender in that it does not fully comply with the instructions given in the Invitation to Tender and/or because it is received after the appointed time for receipt or does not comply with paragraphs G19.2 or G19.3, the provisions of paragraphs G19.6 and G19.7 apply.

G19.6 A Tender other than an E-Tender which is received after the closing date and time may be opened and evaluated in accordance with paragraph G20 if there is clear evidence of it having:-

G19.6.1 been posted by first class post at least a day before the closing date; OR

G19.6.2 been posted by second class post at least three days before the closing date; OR

G19.6.3 been placed in the custody of a courier who has provided written assurance of delivery prior to the closing date and time.

G19.7 If in other cases of Irregular Tenders the Chief Operating Officer, following consultation with the Monitoring Officer, considers that there are exceptional circumstances and that the Tenderer who submitted the Irregular Tender has gained no advantage from its irregularity he may determine to accept the Irregular Tender and authorise that it be opened and evaluated together with any other Tenders in accordance with Rule 20. The Chief Operating Officer shall record in writing the reasons why each Irregular Tender has been accepted or rejected.

G19.8 Irregular Tenders that the Chief Operating Officer has rejected under this Rule must be returned to the Tenderer by the Chief Operating Officer with a covering letter stating the reason for their rejection.

G20 Receipt and Opening of Tenders

G20.1 Paragraphs G20.2 to G20.6 apply only to Tenders where the Estimated Value is equal to or greater than the relevant EU Threshold and the Tender is not an E-Tender. Paragraph G20.7 applies to E-Tenders only.

G20.2 On receipt, envelopes containing Tenders must be date and time stamped by the Chief Operating Officer and shall remain in his custody until they are opened.

G20.3 The Chief Operating Officer must keep a record of all Tenders received.

G20.4 Tenders must be opened at one time in the presence of not less than two Officers one of whom is not involved in the Procurement Exercise and who are designated by the Chief Operating Officer. Each Officer must initial each Tender once opened which must also be date stamped.

G20.5 Particulars of all Tenders opened must be entered by the Chief Operating Officer upon the record which must be signed by the Officers present at the opening, together with a note of all Irregular Tenders.

G20.6 The Chief Operating Officer must forthwith send a copy of the record to the appropriate Procuring Officer (with the Tenders) and must retain a copy himself.

G20.7 E-Tenders must be opened in accordance with the requirements of the Electronic Tendering System used.

G21 Errors or Discrepancies in Tenders

G21.1 Tenderers are not allowed to alter their Tenders after opening save in accordance with this paragraph G21 or paragraph G22.

G21.2 Where it is suspected that there has been an error in a Tender and following the closing date for receipt of Tenders but before acceptance of any Tender discussions may take place with Tenderers in order to:

G21.2.1 ensure that the Tender is constructed correctly; or

G21.2.2 ensure that the Tenderer has fully understood the specification; or

G21.2.3 seek clarification from Tenderers of cost, quality and performance indicators.

G21.3 A written note of the discussions must be made to record the suspected error, date, time, detail of the discussion and any agreement reached.

G22 Discussions and Post Tender Negotiations

G22.1 In a case where the Estimated Value was below the relevant EU Threshold, the Procuring Officer may with the prior consent of the Chief Financial Officer and following consultation with the Monitoring Officer carry out Post Tender Negotiations with the Tenderer submitting the most competitive Tender in an attempt to secure improvements in the price or economic advantage in one or more of the following circumstances:

G22.2.1 where the most competitive Tender (according to the pre-determined award methodology and evaluation criteria) submitted exceeds the Estimated Value;

G22.2.2 where it is considered that the price of the most competitive Tender submitted does not represent the best value for money that can reasonably be obtained;

G22.2.3 where Tenders have been invited only on the basis of unit prices or a schedule of rates and the lowest in aggregate is not the lowest on all items;

G22.2.4 where the most competitive Tender contains conditions, trading terms, guarantees, or provisions relating to performance or service delivery less favourable than in other Tenders, or than stipulated for and this defect appears capable of being remedied by Post Tender Negotiations.

G22.2 When conducting Post Tender Negotiations, the following additional provisions apply:

G22.2.1 At no time during the negotiations must a Tenderer be informed of the detail of any other Tender submitted or as to whether or not the Tender he submitted was the lowest.

G22.2.2 During negotiations in person there must always be present at least two officers of the LLCA present.

G22.2.3 A note of the negotiations must be made by one of the Officers present recording those present, the time and location of the negotiations, detail of the discussion and any agreement reached.

G22.2.4 Post Tender Negotiations shall not enable any material departure from the published specification. The Monitoring Officer shall determine whether any proposed change to the specification constitutes a material departure.

G22.3 Post Tender Negotiations are not allowed in the case of contracts with an Estimated Value exceeding the relevant EU Threshold. However, clarifications of errors or discrepancies in Tenders may take place in accordance with paragraph G21.

Award of Contract

G23 Acceptance of Tenders

G23.1 A Tender can only be accepted in accordance with the initial award methodology and evaluation criteria as set out in paragraph G13. Any evaluation sheets must be maintained on file in accordance with paragraph G34.

G23.2 Any Statutory Officer has the authority to accept any Tender but in any particular circumstance may decline to give approval and refer the decision to the LLCA (or to such Committee or Sub-Committee as the LLCA has designated) to determine.

G23.3 If the Tender to be accepted exceeds the budget which was agreed in accordance with paragraph G5.6 the Procuring Officer must ensure that sufficient funds are available and approved by the Chief Financial Officer prior to accepting the Tender. The Chief Financial Officer may, following consultation with the Chief Operating

Officer and the Monitoring Officer, refer any such approval required from him under this paragraph G23.3 to the LLCA (or any Committee or Sub-Committee that the LLCA has designated) for approval.

G23.4 Where an abnormally low Tender is submitted the Tenderer must be invited to explain in writing the price or costs proposed and the Tender may only be rejected where the explanation is unsatisfactory. Where it is established that the Tender is low due to breaches of environmental, social or labour law, the Tender must be rejected.

G23.5 The decision to reject a Tender for whatever reason may only be made by the Chief Financial Officer following consultation with the Monitoring Officer.

G24 Notification of Contract Award

G24.1 The Procuring Officer must notify the successful Tenderer of the acceptance of their Tender and for all Procurement Exercises with an Estimated Value of £5,000 or more this notification must be in writing.

G24.2 In the case where the Estimated Value is £25,000 or more, but less than the EU Threshold, the Procuring Officer must notify in writing all Tenderers who submitted a Tender of the decision as soon as possible after the decision has been made.

G24.3 In the case where the Estimated Value is equal to or greater than the relevant EU Threshold, the Procuring Officer must notify the successful tender of the intention to accept their Tender and award the Contract subject to the expiry of the Standstill Period.

G24.4 Where a Contract with an Estimated Value of £25,000 or more is awarded the LLCA must publish such information as is required by the Public Contracts Regulations 2015 on Contracts Finder within a reasonable time.

G24.5 In a case where the Estimated Value is equal to or greater than the relevant EU Threshold the following additional Rules shall apply:

G24.4.1 The notice in paragraph G24.2 shall include the award criteria, the reasons for the decision, including the successful Tenderer's score, the score (if any) of the Tenderer receiving the notice, and the characteristics and (if appropriate) relative advantages of the successful Tenderer's Tender, any reasons why the recipient of the notice did not meet the technical specification, the name of the Tenderer awarded the contract, as well as the date when the Standstill Period required in accordance with paragraph 24.4.2 will come to an end.

G24.4.2 A minimum period of 10 calendar days, if the notice is sent electronically or, where the notice is sent by other means then either 15 calendar days from the day of sending the notice or 10 calendar days from the day of receipt of the notice by the last Tenderer to receive the notice, must elapse between the day of sending the notice in paragraph G24.2 and the date on which the

LLCA enters into a contract. This Standstill Period must end on a working day.

G24.4.3 The Procuring Officer shall ensure that an OJEU contract award notice is placed within 30 days of the contract award where required. In the case where contracts are awarded under the regime covering Light Touch Services or Dynamic Purchasing System, award notices may be grouped together in accordance with Regulation 74 for Light-Touch Services and Regulation 50(5) for Dynamic Purchasing Systems of the Public Contracts Regulations 2015.

G25 Form of Contract

G25.1 A contract shall be formed:

G25.1.1 by exchange of letter or electronic communication accepting the successful Tender and incorporating the Invitation to Tender or Request for Quotation and the outcome of any subsequent negotiations and discussions; or

G25.1.2 by completion of a formal contract incorporating the Invitation to Tender or Request for Quotation, the Tender and the outcome of any subsequent negotiations and/or discussions; or

G25.1.3 by placing an order in accordance with paragraph G26.

G25.2 Subject to Article A12.4, in determining and negotiating the terms and conditions of contract the procuring officer must consult the Monitoring Officer.

G25.3 Every contract must be entered into by the LLCA in compliance with Article 12.4.

G25.4 Except with the prior approval of the Monitoring Officer, works or services must not be authorised to commence or goods to be supplied until the Monitoring Officer has advised that the contract has been signed by the supplier.

G26 Orders for work, goods and services

G26.1 Orders for work, goods and services must only be placed in accordance with Instruction 8 of the Standard Financial Instructions.

Standing Lists

G27 Standing Lists

G27.1 Standing Lists must not be created, renewed or added to without the prior written approval of the Chief Financial Officer.

G27.2 Procuring Officers must not use a Standing List where the total value of contracts to be awarded using the Standing List is estimated to exceed the relevant EU Threshold.

G27.3 Any Standing List created must contain the names of all Persons who are approved and indicate the categories of contract and the values or amounts in respect of those categories for which those Persons are approved.

G27.4 At least four weeks before a list is first compiled, the Procuring Officer must publish on a website approved by the Chief Financial Officer for the purpose of notifying the supply market a notice inviting applications by a specified date for inclusion in it.

G27.5 Procuring Officers must renew all Standing Lists at intervals not exceeding four years. At least four weeks before each renewal, each Person whose name appears in the list must be notified by the Procuring Officer of the intention to review the list. If they wish to remain on the list they must re-apply for inclusion. Procuring Officers must ensure that notices inviting applications for inclusion in the list are published in the manner provided by paragraph G27.4.

G27.6 In a case where the use of a Standing List has been authorised the Procuring Officer must send Invitations to Tender to not less than four of the Persons from among those approved for a contract of the relevant category and amount or value. Where fewer than four Persons are approved for a contract of the relevant category and amount or value Invitations to Tender shall be sent to no fewer than three Persons. Where there are fewer than three Persons the procedure for Standing Lists must not be used unless the Chief Financial Officer authorises the use.

G27.7 The Procuring Officer, following consultation with the Chief Financial Officer and the Monitoring Officer, shall determine the criteria for selecting Persons from the list.

Framework Agreements

G28 Framework Agreements

G28.1 Procuring Officers must establish all Framework Agreements in accordance with these CPRs.

G28.2 Framework Agreements must not be awarded for more than 4 years, including any extensions without the prior written consent of the Chief Financial Officer and the Monitoring Officer.

G28.3 All suppliers on the Framework Agreement capable of performing the contract must be invited to participate in a Further Competition unless it is clear from the terms of the Framework Agreement which supplier best meets the award methodology set out in the Framework Agreement in which case that supplier may be selected.

G28.4 Additional suppliers may only be added to a Framework Agreement throughout its duration in circumstances where the Estimated Value is below the relevant EU Threshold and prior approval is obtained from the Chief Financial Officer and the Monitoring Officer.

G29 Dynamic Purchasing Systems

G29.1 Procuring Officers must only establish Dynamic Purchasing Systems with the prior written approval of the Chief Financial Officer, following consultation with the Monitoring Officer and in accordance with the requirements of the Public Contracts Regulations 2015 and these CPRs where appropriate.

Contract Amendments

G30 Contract Modifications and Extensions

G30.1 A Contract may not be modified during its term without the prior authorisation of the Chief Financial Officer and the Monitoring Officer.

G30.2 If an extension is provided for in a Contract, then the Procuring Officer may extend the Contract following consultation with the Chief Financial Officer and the Monitoring Officer.

G30.3 If an extension is not provided for in a Contract, then the Procuring Officer may only extend the Contract with the prior authorisation of the Chief Financial Officer and the Monitoring Officer.

G30.4 In the case of authorisation being required under either or both of paragraphs G30.1 and G30.3, then the Chief Financial Officer and/or the Monitoring Officer may, following consultation with the Chief Operating Officer, decline to give authorisation and refer the matter to the LLCA for authorisation.

G30.5 Prior to any extension being agreed which would result in an increase in the Total Value of the Contract the Procuring Officer must ensure that sufficient additional budget provision has been approved by the budget holder.

G31 Novation of Existing Contracts

G31.1 The novation of a Contract to a new Person requires the prior written approval of the Chief Financial Officer and the Monitoring Officer.

G32 Early Termination of Contracts

G32.1 Unless a provision for early termination is clearly stated in the contract, Procuring Officers shall seek prior approval from the Monitoring Officer and the Chief Financial Officer where it is intended to terminate a contract early.

Miscellaneous Provisions

G33 Document Retention

G33.1 All contract records that might be required in court proceedings must be retained for at least six years and any under the Common Seal for at least twelve years from expiry of the contract.

G33.2 Where the contract is externally funded any contingent liabilities and/or grant conditions must be taken account of by the length of the retention period.

G34 Nominated Sub-Contractors and Suppliers

G34.1 Where a sub-contractor or supplier is to be nominated by the LLCA to a main contractor, the provisions of these CPRs shall have effect.

G34.2 The terms of an Invitation to Tender under paragraph G18 must require an undertaking by the Tenderer that, if selected, they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in relation to the work, supplies or services included in the sub-contract.

G35 Interpretation

G35.1 "Best Value" means the duty of the LLCA to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

G35.2 "Concessions" are contracts of the same type as public service contracts, except for the fact that the consideration for the provision of services or works consists either solely in the right to exploit the service or work, or in this right together with payment.

G35.3 "Contract" means a binding agreement between two or more parties for performing, or refraining from performing, some specified act(s) in exchange for lawful consideration.

G35.4 "Contract Extension" means an extension to the duration of the contract, but not including any alteration to the scope of the contract.

G35.5 "Contracts Finder" means the web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015.

G35.6 "Contract Opportunity Publication" is the means by which a Procurement Exercise is advertised, and includes (where appropriate) the 'Contract Notice' and Contracts Finder as defined in the Public Contract Regulations 2015.

G35.7 "Contract Modification" means an alteration to the scope of the Contract.

G35.8 "Corporate Contract" means any Contract or Framework Agreement or other arrangement put in place by the LLCA or any other Public Sector Organisation (including other Local Authorities) or Consortium in which the LLCA is entitled to participate and which, where necessary, has been awarded in compliance with EU legislation.

G35.9 "Dynamic Purchasing System" means a completely electronic process, which has a limited duration, for making commonly used purchases, as more particularly defined and described in the Public Contract Regulations 2015.

- G35.10 "Electronic Tendering System" means an electronic tendering system approved in accordance with Rule G5 (g) (ii).
- G35.11 "Estimated Value" means the value as estimated under Rule G10, used pre-procurement to determine which procurement procedure to follow.
- G35.12 "E-Tender" means a Tender that has been submitted using an Electronic Tendering System.
- G35.13 "EU Threshold" means the respective threshold for Services, Supplies, Works or Light-Touch Services contracts referred to in the Public Contract Regulations 2015.
- G35.14 "Formal Tender Process" is a process following the requirements of Open Tendering, Restricted Tendering, Standing List, Negotiated Procedure, Competitive procedure with Negotiation, Competitive Dialogue or Innovation Partnership Procedure. And Formal Tender shall be construed accordingly.
- G35.15 "Framework Agreement" is a general term for agreements with suppliers which set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. The Framework Agreement may, itself, be a contract to which the EU procurement directives and Public Contracts Regulations 2006 and 2015 apply.
- G35.16 "Further Competition" is undertaken where not all the terms of a proposed contract are laid down in a Framework Agreement. It involves re-opening competition between the economic operators which are parties to the Framework Agreement and which are capable of performing the proposed contract, on the basis of the same or, if necessary, more precisely formulated terms, and where appropriate other terms referred to in the contract documents based on the Framework Agreement.
- G35.17 "Invitation to Tender" means the document(s) containing the specification, proposed terms and conditions and other appropriate information as issued to the Tenderers to solicit Formal Tenders.
- G35.18 "Irregular Tender" means a Tender that does not fully comply with the instructions given in the Invitation to Tender.
- G35.19 "Life-Cycle Costing" means all or part of the following costs over the life-cycle of a product, service or works, to the extent that they are relevant:
- G37.19.1 Costs of acquisition;
 - G37.19.2 Costs of use, such as consumption of energy and other resources;
 - G37.19.3 Maintenance costs;
 - G37.19.4 End of life costs, such as collection and recycling costs;

G37.19.5 Costs imputed to the environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the costs of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.

G35.20 “Light-Touch Services” means those services referred to in regulation 74 and Schedule 3 of the Public Contracts Regulations 2015.

G35.21 “OJEU” means Official Journal of the European Union.

G35.22 “Person” includes a partnership, body corporate or unincorporated association.

G35.23 “Post Tender Negotiations” means the ability to negotiate with a Tenderer after a Tender has been opened and evaluated in accordance with the published evaluation criteria for the purposes of securing an improvement in the delivery of the contract including but not limited to improvements in price.

G35.24 “Procurement Exercise” means any process by which goods, services and/or works are to be procured including but not limited to Request for Quotations and Formal Tender Processes. For the purpose of these Rules a contract for a Concession shall be treated as a Procurement Exercise.

G35.25 “Procuring Officer” means any Officer, acting under the delegated powers of the Appropriate Statutory Officer, who is responsible for the procurement of goods and services.

G35.26 “Quotation” means an offer to sell works, goods and/or services at a stated price under specified conditions. A Quotation may or may not be written.

G35.27 “Request for Quotation” (“RFQ”) means a document or documents containing the specification, and proposed terms and conditions issued to potential suppliers to solicit written Quotations.

G35.28 “Standardised Pre-Qualification questionnaire” means a questionnaire that complies with the Crown Commercial Service statutory guidance relating to Pre-Qualification Questionnaires.

G35.29 “Standing List” means a list of Persons which has been established in accordance with Rule G27.

G35.30 “Suitability Assessment Question” means a question which relates to the subject matter of the procurement and is proportionate and which the Council requires for assessing the Tenderers suitability.

G35.31 “Tender” means the formal offer from a Tenderer, which is capable of acceptance by the Council, which is a response to an Invitation to Tender. It shall include all documents comprising the submission including pricing, technical specification and method statements as well as information about the Tenderer. A written Quotation

is also a Tender. The term "Tender" also includes an E-Tender except where the context implies otherwise.

G35.32 "Tenderer" or "Tenderers" means the Person or Persons invited to participate in a Procurement Exercise.

G35.33 "Total Value" means the value of a contract which has been calculated in accordance with Rule G10 and is used when the contract is operational to determine the application of the contract modification rules set out in paragraph G30.

G35.34 "In writing" or "written" for the purpose of interpreting these Rules includes transmission by any electronic means which have been approved by the Monitoring Officer and the Chief Financial Officer.

G35.35 Words imparting the masculine include the feminine gender.

G35.36 "Rule(s)" means these Contract Procedure Rules as may be amended from time to time.

Part H: Code of Conduct

The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-Opted Members.

H1 General Provisions

H1.1 Introduction

H1.1.1 This Code applies to you as a Member or Co-Opted Member.

H1.1.2 You should read this Code in conjunction with the Meeting Procedure Rules as detailed in the Constitution at Section E1.

H1.1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

H1.2 Interpretation

H1.2.1 In this Code “meeting” means any meeting of the LLCA, its Committees and Sub-Committees.

H1.3 Scope

H1.3.1 You must comply with this Code whenever you:

H1.3.1.1 act in your capacity as a Member or Co-Opted Member;

H1.3.1.2 conduct the business of the LLCA (which, in this Code, includes the business of the office to which you are elected or appointed).

H1.3.2 Where you act as a representative of the LLCA:

H1.3.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

H1.3.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

H2 The Principles

H2.1.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

Principle 1 - Selflessness

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

Principle 2 - Integrity

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

Principle 3 - Objectivity

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

Principle 4 - Accountability

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

Principle 5 - Openness

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

Principle 6 - Honesty

Holders of public office should be truthful.

Principle 7 - Leadership

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

- H2.1.2 The above principles articulate the fundamental values of public service that underpin the conduct of Members and Co-Opted Members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the LLCA when they are acting in that capacity.

H2.2 General Obligations

Respect

H2.3 You must treat others with respect.

H2.4 You must not:

- H2.4.1 do anything which may cause the LLCA to breach any of the equality enactments;
- H2.4.2 bully any person;
- H2.4.3 intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings; in relation to an allegation that a Member/Co-Opted Member (including yourself) has failed to comply with his or her authority's code of conduct;
- H2.4.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the LLCA.

Confidentiality

- H2.5 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - H2.5.1 you have the consent of a person authorised to give it;
 - H2.5.2 you are required by law to do so;
 - H2.5.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - H2.5.4 the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the LLCA.
- H2.6 You must not prevent another person from gaining access to information to which that person is entitled by law.

Reputation of the LLCA

- H2.7 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the LLCA into disrepute.

Use of your position and the LLCA resources

- H2.8 You must not use or attempt to use your position as a Member or Co-Opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- H2.9 You must, when using or authorising the use by others of the resources of the LLCA:

- H2.9.1 act in accordance with the LLCA's reasonable requirements;
- H2.9.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

Publicity

H2.10 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Decision making

- H2.11 When reaching decisions on any matter you must have regard to any relevant advice provided to you by Officers acting pursuant to their statutory responsibilities (including a proper officer designated by the LLCA), or advisors to the LLCA.
- H2.12 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

H2.13 You must follow the adopted corporate operational policies of the LLCA.

H3 Interests

Disclosable Pecuniary Interests

Definition

- H3.1 You have a Disclosable Pecuniary Interest in any business of the LLCA if it is of a description specified in regulations made by the Secretary of State and the interest is:
 - H3.1.1 yours;
 - H3.1.2 your spouse's or civil partner's;
 - H3.1.3 somebody with whom you are living as husband and wife or as if you are civil partners;and you are aware, in the case of paragraphs H4.1.2 and H4.1.3 that that other person has the interest.

Declaring at and participation in meetings

- H3.2 If you are present at any meeting of the LLCA, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:
 - H3.2.1 you must disclose the interest to the meeting whether or not it has been registered;
 - H3.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - H3.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

- H3.3 Where you have a Disclosable Pecuniary Interest in any business of the LLCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- H3.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the LLCA's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

[Note: In addition, you are required under paragraph E1.38.2 of the LLCA Constitution to leave the room where the meeting is held while any discussion or voting takes place.]

Personal Interests

Definition

H3.5 You have a personal interest in any business of the LLCA where either:

H3.5.1 it relates to or is likely to affect:

H3.5.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the LLCA;

H3.5.1.2 any body:

- (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management.

H3.5.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

Or

H3.5.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

H3.6 For the purposes of paragraph H4.6, a 'relevant person' is:

H3.6.1 a member of your family or any person with whom you have a close association; or

H3.6.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

H3.6.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or

H3.6.4 any body of a type described in sub-paragraph H4.5.1.1 or H4.5.1.2.

Declaring at and participation in meetings

H3.7 Subject to paragraph H4.10 below, where you have a Personal Interest in any business of the LLCA and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the LLCA where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.

H3.8 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.

H3.9 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the LLCA's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

Personal Interests which might lead to bias

Definition

H3.10 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in this Code, you have a Personal Interest which might lead to bias in any business of the LLCA where:

H3.10.1 you have a 'Personal Interest' as defined in paragraph H4.5 and H4.6 above; and

H3.10.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

H3.11 The provisions of paragraph H4.10 shall be applied in such a manner as to recognise that this Code should not obstruct a Member or Co-Opted Member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from

taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

Declaring at and participation in meetings

H3.12 If you are present at any meeting of the LLCA, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs H4.13 below, at the meeting:

H3.12.1 you must disclose the interest to the meeting (whether or not it is registered)

H3.12.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

H3.12.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

H3.13 Where you have a Personal Interest which might lead to bias in any business of the LLCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Registration of interests

H3.14 Subject to paragraph H4.16 (Sensitive Interests), you must within 28 days of:

H3.14.1 the adoption of this Code; or

H3.14.2 your election or appointment to office as a Member or Co-Opted Member (where that is later);

notify the Monitoring Officer in writing of :

H3.14.3 any Disclosable Pecuniary Interest, as defined in paragraph H4.1 above; and

H3.14.4 details of your Personal Interests where they fall within the category mentioned in paragraph H4.5.1 above.

H3.15 Subject to paragraph H4.16 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as

referred to in paragraph H4.5.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

Sensitive Interests

H3.16 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Dispensations

H3.17 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the LLCA may grant you a dispensation in accordance with rules and procedures established by the LLCA.

Appendices

Appendix 1: LLCA Order