



**LONDON FIRE
AND EMERGENCY
PLANNING AUTHORITY**

STANDING ORDERS

June 2011

STANDING ORDERS – CONTENTS

PART A - STANDING ORDERS RELATING TO THE AUTHORITY	1
OFFICIAL APPOINTMENTS	1
1. Chairman and Vice-Chairman of the Authority	1
2. Voting on appointments	1
3. Party and Authority officers	1
4. Appointment of a Deputy Leader of the Authority and Deputy Chairmen	2
MEETINGS OF THE AUTHORITY	2
5. Meetings of the Authority	2
6. Venue for meetings of the Authority	2
7. Calling an Authority meeting	2
8. Notification of an Authority meeting	3
9. Admission of public	3
10. Presiding at meetings of the Authority	4
11. Record of attendance at meetings	4
12. Quorum	4
13. Voting at meetings	4
14. Rulings by the Chairman	5
15. Suspension of standing orders	5
16. Trade Union right to appear before the Authority or committees	5
BUSINESS AT AUTHORITY MEETINGS	5
17. Order of business	5
18. Members' right to place items on agendas	6
19. Minutes	7
20. Petitions	7
21. Question Time	7
22. Committee and officer reports	8
23. Length of meetings	8
24. Termination of a meeting	8
25. Termination of a budget meeting	8
26. Officer advice	8
27. Questions by the public	9
RULES OF DEBATE AT AUTHORITY MEETINGS	9
28. Proposing and seconding motions and amendments	9
29. Speaking at meetings	9
30. Points of order	10
31. Amendments	10
32. Withdrawing a motion or amendment	10
33. General debating rules	10
34. Interruptive motions	11
35. Disorderly conduct by Members at a meeting	11
36. Disorderly conduct from public galleries	11
37. Suspension of meetings	11
38. Adjournment motions	12
PART B - STANDING ORDERS RELATING TO COMMITTEES AND SUB-COMMITTEES	12
39. Appointment of committees and sub-committees	12
40. Appointment of alternate Members of committees and sub-committees	12
41. Calling meetings of committees and sub-committees	13

42.	Chairman and Vice-Chairman of committees and sub-committees	13
43.	Chairman's deputies	13
44.	Notice of and agenda for meetings	13
45.	Attendance of non-Members	14
46.	Record of attendance	15
47.	Quorum	15
48.	Rulings by the Chairman	15
49.	Order of business	15
50.	Disorderly conduct by Members	15
51.	Admission of public	15
52.	Disorderly conduct from public galleries	15
53.	Minutes	15
54.	Voting	16
55.	Motions and amendments	16
56.	Withdrawal of a motion or amendment	16
57.	General debating rules	16
58.	Interruptive motions	16
59.	Memoranda and supplementary reports from committees to the Authority	17
60.	Suspension of meetings and adjournment motions	17
PART C - DELEGATION ARRANGEMENTS		18
61.	Delegation to committees	18
62.	Limitations on delegations	18
63.	General delegations to officers	18
64.	Action on behalf of the Authority	19
65.	Specific delegations to officers	20
66.	Authority to other officers	20
67.	Maintenance of list of delegations	20
PART D - GENERAL		21
68.	Privacy of documents	21
69.	Absence from meetings	22
70.	Resignations	23
71.	Seal of the Authority	23
72.	Members not eligible for staff appointments	23
73.	Family relationships with staff	23
74.	Canvassing	23
75.	Ethical Governance	23
PART E – FINANCE		25
76.	Conduct of financial procedures	25
77.	Financial advice	25
78.	The annual budget	25
79.	Authority agreement to proposals	25
80.	Variations to approvals	26
81.	Periodical reports of expenditure and income	26
82.	Legality of payments	26
PART F - TENDERS AND CONTRACTS		27
DEFINITIONS (in <i>Standing Orders and the Code of Practice on Tenders and Contracts</i>)		27
83.	Scope of the Code of Practice on Tenders and Contracts	28
84.	General principles	28
85.	Conduct of staff	29
86.	Advice	29

87.	Specification of requirements	29
88.	Extensions of existing contracts	29
89.	Contract register	30
90.	Exceptions to competitive tendering	30
91.	Preliminary advertisement	31
92.	List of potential tenderers	31
93.	Contract conditions	32
94.	Tender documentation and instructions	34
95.	Evaluation criteria	34
96.	Communications with tenderers	34
97.	Receipt, security and opening of tenders	34
98.	Late tenders	34
99.	Examination and evaluation of tenders	35
100.	Requests by tenderers to amend prices	35
101.	Conditions which apply to acceptance of tenders	35
102.	Authority to accept tenders	36
103.	Requests for reasons for tender decisions	36
104.	Contract authorisation	36
105.	Contract management and monitoring	36
106.	Complaints against contractors	37

APPENDIX A: ORDERS OF REFERENCE TO COMMITTEES **38**

Committees **38**

Community Safety Committee	38
Finance and Personnel Committee	38
Performance Management Committee	39
Urgency Committee	39
Appointments Committee	39
Standards Committee	39
Audit Committee	40

APPENDIX B: MEMBER / OFFICER PROTOCOL **42**

Duties and responsibilities of officers and Members **42**

Roles and duties of officers	42
Role and duties of Members	43
Requests for information received from Members	43
The role of the Chairman of the Authority	44
The role of the Vice-Chairman of the Authority	44
Meetings	45

NOTE: These standing orders are correct as at 24 June 2011. Any subsequent amendments will be printed and circulated indicating the date of Authority approval.

DEFINITION: In these standing orders, 'Directors and Heads of Departments' shall be taken to mean the Commissioner, Deputy Commissioner and those posts of Director and Heads of Department which exist as a result of an Authority decision.

PART A - STANDING ORDERS RELATING TO THE AUTHORITY

OFFICIAL APPOINTMENTS

1. Chairman and Vice-Chairman of the Authority

- (a) Each year the Mayor will appoint a Chairman from among the Members of the Authority. The Chairman will be known as Chairman and Leader of the Authority.
- (b) Each year the Authority will appoint a Vice-Chairman from among the Members of the Authority, who will act as Chairman at relevant meetings of the Authority in the absence of the Chairman and represent the Authority at other events as necessary.
- (c) The Chairman and Vice-Chairman of the Authority are referred to as the Chairman and Leader and Vice-Chairman respectively, unless they prefer to be known as Chair or Vice-Chair. The same choice will be available to the Chairmen of committees and sub-committees.
- (d) Appointment of the Vice-Chairman will be the first business to be transacted at the Annual Meeting of the Authority.
- (e) If the Chairman or Vice-Chairman ceases to be a Member of the Authority he or she will also cease to be the Chairman and Leader or Vice-Chairman.
- (f) If a vacancy occurs in the office of Chairman, the Mayor will, as soon as reasonably practicable, appoint one of the Members of the Authority to fill the vacancy. Vacancies in the office of Vice-Chairman will be filled as soon as reasonably practicable by the Authority.

2. Voting on appointments

- (a) When more than two people are nominated for the offices of Vice-Chairman and/or Deputy Leader and, following a vote there is not a clear majority in favour of one person, the person having the least number of votes will be removed from the list and a fresh vote taken. This procedure will continue until there is a majority of votes in favour of one person.
- (b) If the votes for the appointment of Vice-Chairman and/or Deputy Leader are equal, the person presiding at the meeting can give a second or casting vote.

3. Party and Authority officers

- (a) Each of the political groups on the Authority will choose a Leader and Deputy Leader of their party.
- (b) Each of the political groups on the Authority can choose a Chief Whip for their party.
- (c) The respective group whips are to notify the Head of Legal and Democratic Services of the people appointed under (a) and (b) above. The Head of Legal and Democratic Services will subsequently report the matter to the Authority.

4. Appointment of a Deputy Leader of the Authority and Deputy Chairmen

- (a) Each year the Authority will appoint a Deputy Leader of the Authority from among the Members of the Authority, who will undertake the non-statutory role of the Chairman and Leader as necessary.
- (b) The Authority can appoint one or more Deputy Chairmen from among its Members. Deputy Chairmen take a special interest for specific subjects within the Authority's functions.
- (c) Deputy Chairmen are expected to take a special interest in the subject assigned to them but have no executive powers and their appointment does not affect the responsibilities of the Authority's officers. A Deputy Chairman cannot give executive instructions.
- (d) A Deputy Chairman will hold office until the next Annual Meeting of the Authority unless a successor is appointed before that meeting.

MEETINGS OF THE AUTHORITY

5. Meetings of the Authority

- (a) The Authority must hold an annual meeting in March, April, May or June every year.
- (b) The Authority can, every year, hold such other meetings as it may decide.
- (c) The Chairman can call an extraordinary meeting at any time.
- (d) Any three Members of the Authority may requisition an extraordinary meeting by submitting a written requisition to the Chairman signed by each of them.
- (e) If, having received the request, the Chairman refuses to call a meeting or does not call a meeting within a period of seven days those Members can call an extraordinary meeting of the Authority.
- (f) When an extraordinary meeting is called under (e) above, the meeting should normally take place no later than 21 days after the requisition for the meeting has been received.

6. Venue for meetings of the Authority

The venue for the Annual Meeting and other meetings of the Authority will be published in the notice and summons referred to in Standing Orders 7 and 8.

7. Calling an Authority meeting

At least five clear working days before a meeting of the Authority, notice of the time and place of the meeting must be published at the offices of the Authority and at any alternative venue being used for the meeting. When a meeting is called by Members of the Authority in accordance with Standing Order 5 (d) or Standing Order 5(e), the notice must specify the business to be transacted at the meeting.

8. Notification of an Authority meeting

- (a) At least five clear working days before a meeting of the Authority, excluding the date of despatch and the date of the meeting, a summons to attend the meeting specifying the time and place of the meeting and the business to be transacted and signed by the Head of Legal and Democratic Services will be delivered or sent by post to the usual place of residence of every Member of the Authority.
- (b) Failure to serve a summons on any Member of the Authority will not affect the validity of that meeting.
- (c) A Member of the Authority can give notice in writing to the Head of Legal and Democratic Services that he or she would like the summons to attend meetings of the Authority to be sent to an address other than his or her specified place of residence. Any summons addressed to him or her and delivered at, or sent by post to, the specified address will be considered as sufficient service.
- (d) Once notice of a meeting has been given in accordance with Standing Order 7, copies of the agenda and reports for the meeting (except for those set out in (e) below) will be open to public inspection at the offices of the Authority. Copies of late reports (except for those set out in (h) below) will be made available for inspection as soon as they become available to Members. All non-confidential reports will be placed on the external website as soon as practicable.
- (e) The Head of Legal and Democratic Services will exclude from public inspection all or part of any report that contains confidential information as defined by Section 100A(3) of the Local Government Act 1972 or exempt information as specified in Schedule 12A to that Act (including as varied by regulations under the Local Government Act 2000 in the case of reports to the Standards Committee).
- (f) Documents excluded from public inspection under (e) above will be marked with the 'Protect' classification and 'Not for Publication' and the reason/s specified by reference to a paragraph of Schedule 12A to the Local Government Act 1972.
- (g) All of the London borough councils, the Common Council of the City of London, the Greater London Authority, the Metropolitan Police Authority and London Councils will be sent a set of agendas, reports and minutes of each meeting of the Authority electronically, with the exception of documents excluded from publication under (e) above and minutes which contain confidential or exempt information.
- (h) Late reports will not be dealt with unless the Chairman is satisfied that there are special circumstances why the item should be considered as a matter of urgency. The special circumstances will be specified in the minutes. Except for documents excluded from publication under (e) above, late reports will be available for public inspection as soon as they become available to Members.

9. Admission of public

- (a) Apart from (b) and (c) below the public has a right to attend all meetings of the Authority.
- (b) The public will be excluded from the meeting whenever it is likely that confidential information will be discussed within the meaning of Section 100A (3) of the Local Government Act 1972.

- (c) A motion can be moved at any time that the public be excluded from all or any part of the proceedings of the Authority if the business being transacted contains exempt information as defined by Schedule 12A to the Local Government Act 1972 (as amended). The motion will identify which items the exclusion relates to and the relevant sections of Schedule 12A.

10. Presiding at meetings of the Authority

- (a) The Chairman and Leader of the Authority (see Appendix B for detail of Chairman's role) will preside at meetings of the Authority.
- (b) If the Chairman and Leader of the Authority is absent from a meeting of the Authority, the Vice-Chairman of the Authority, if present, will preside.
- (c) If the Chairman and Leader and Vice-Chairman are both absent from the meeting another Member of the Authority, chosen by the Members of the Authority present at the meeting, will preside.
- (d) In the absence of the Chairman and Leader, any power or duty of the Chairman and Leader relating to the conduct and proceedings of a meeting can be exercised by the person presiding at the meeting.

11. Record of attendance at meetings

The names of the Members present at a meeting of the Authority will be recorded in the minutes.

12. Quorum

- (a) The quorum for Authority meetings is five Members of the Authority. At least one Member must be an Assembly representative and at least one a borough representative. No business will be transacted if there are insufficient Members to form a quorum.
- (b) If there are not enough Members to form a quorum at the start of a meeting, the meeting will be adjourned for 20 minutes. If during a meeting the Chairman finds that there is not a quorum of Members, the meeting will be adjourned for three minutes and enough Members for a quorum will be sought. If at the end of the 20 minute period or the three minute period there is still no quorum, any business not transacted will be adjourned to a date, time and place fixed by the Chairman at the time the meeting is adjourned. If no such arrangements are made at the time, the business will be transacted at the next meeting of the Authority or at an extraordinary meeting or by a committee which has the power to deal with the matter.

13. Voting at meetings

- (a) When a motion or amendment appears to be opposed by any Members, the Chairman will take a 'show of hands' vote and announce the result. Any two Members of the Authority can require a roll call. The Chairman can, at his/her discretion, call for a roll call to be taken instead of, or after, a 'show of hands' vote.
- (b) When a roll call is taken, the question will be put again by the Chairman and the roll call of Members present will be taken by the Head of Legal and Democratic Services. The total of votes for and against will then be announced by the Chairman. The names of Members voting for or against the motion or amendment will be recorded in the minutes.

The name of any Member present but not voting will also be recorded. If the roll call differs from the show of hands, the roll call vote will prevail.

- (c) If no roll call has been taken, a Member or political group can request that their assent, dissent or abstention be recorded in the minutes.
- (d) If the votes are equal, the person presiding at the meeting will have a second or casting vote.

14. Rulings by the Chairman

After consulting the Head of Legal and Democratic Services or his/her representative, the Chairman will decide all questions of order. The Chairman's ruling on questions of order and interpretations of the standing orders and any matters arising during the debate are not open to challenge.

15. Suspension of standing orders

With the permission of the Chairman and unless contrary to law, a Member can move that any of the Authority's standing orders be suspended. The motion will be moved and the mover allowed a five minute speech that must be seconded without comment. Another Member chosen by the Chairman shall be allowed a five minute speech to reply. The motion will then be put to the vote.

16. Trade Union right to appear before the Authority or committees and written representations from Trade Unions

When any recognised trade union exercises its right under P3 of the Staff Code to be heard on a matter which has been subject to prior consultation with it, a request to address either a meeting of a committee or a meeting of the Authority, setting out the topic(s) on which the trade union wishes to speak, must be given to the Head of Legal and Democratic Services no later than the day before the meeting concerned. Subject to the Chairman's consent to the request(s), the trade union's presentation will precede any debate on the item in question. No trade union making such a presentation can speak more than once on the same item of business and no presentation can exceed 5 minutes. Only one such presentation shall be permitted on an item whether or not that item is to be considered by more than one committee and/or the Authority. If the Chairman believes a request by a trade union to speak at a meeting to be unreasonable and/or contrary to the good conduct of the business of the meeting, he may move before any speech on that item that the request be refused and such motion shall be put to a vote without further debate.

BUSINESS AT AUTHORITY MEETINGS

17. Order of business

- (a) The agenda will be prepared by the Head of Legal and Democratic Services in consultation with the Chairman and Leader of the Authority and no reports may be removed from the agenda or further business added, subject to the provisions of Standing Order 18(a), without the consent of the Chairman and Leader.
- (b) At the Annual Meeting of the Authority the order of business will be:
 - (i) Appointment of Vice-Chairman;
 - (ii) Minutes of the Authority's previous meeting;

- (iii) Special announcements by the Chairman and reports by the Chairman or the Head of Legal and Democratic Services of any communications;
 - (iv) Disclosures of interests and dispensations;
 - (v) A report dealing with reconstitution matters, including the dates of meetings, appointments to Committees and the dates of those meetings;
 - (vi) Public questions;
 - (vii) A report dealing with Standing Orders and the Scheme of Delegation;
 - (viii) Other items of business in the order and as listed in (c) below can be included on the agenda for the Annual Meeting as necessary.
- (c) The order of business at every ordinary meeting of the Authority except the meeting at which the Authority is to approve the Budget will be:
- (i) Minutes of the Authority's previous meeting;
 - (ii) Special announcements by the Chairman and reports by the Chairman or the Head of Legal and Democratic Services of any communications;
 - (iii) Disclosures of interests and dispensations;
 - (iv) Items of business adjourned from the last meeting in accordance with Standing Order 12(b) or 38(c);
 - (v) Public questions, if any have been agreed for inclusion;
 - (vi) Other reports by officers;
 - (vi) Items referred to the Authority by a committee;
 - (vii) Reports by the Head of Legal and Democratic Services concerning ceremonial and formal matters.
- (d) At a meeting at which the budget is to be approved, the order of business will be that set out in (c) above, except that reports relating specifically to the budget will appear after (iii).
- (e) At a meeting at which questions are to be considered in accordance with Standing Order 21, the item will appear after (vii).
- (f) With the exception of the appointment of the Vice-Chairman of the Authority at the Annual Meeting of the Authority, the Chairman may vary the order of business or a Member can move a motion that the order of business or the order for dealing with particular items under each heading of business be varied. The motion, once seconded, will be put without discussion.
- (g) No business will be transacted at a meeting of the Authority other than that specified in the summons, except for business required to be transacted at the Annual Meeting of the Authority or except in the case of a matter of urgency brought before the Annual Meeting in accordance with any standing order made by the Authority.

18. Members' right to place items on agendas

- (a) A Member may place an item for discussion, about a matter for which the Authority is responsible, on the agenda for the Authority or for a committee or sub-committee of which he or she is a Member, provided that the request is supported in writing by two other Members of the Authority. Such requests must be received in writing by the Head of Legal and Democratic Services by 2.30pm, ten working days before the meeting. At the discretion of the Head of Legal and Democratic Services, in consultation with the relevant Chairman, this time requirement may be waived on the grounds of urgency.

- (b) This provision does not give individual Members the right to commission reports from officers on the subject they wish to place on the agenda. No definitive action can be taken as a consequence of the addition of such items, except that the Authority, committee or sub-committee may require a report by officers to the subsequent meeting of the relevant body on the matter concerned.

19. Minutes

- (a) Minutes of the proceedings of a meeting of the Authority will be drawn up by the Head of Legal and Democratic Services and will be signed at the next meeting of the Authority by the person presiding at the meeting.
- (b) The minutes will be taken as read if they have been sent to Members not less than 24 hours before the meeting. The minutes can only be challenged on their accuracy and any challenge must be by a motion before the minutes are signed. No other motion or discussion can take place on the minutes.

20. Petitions

Any Member of the Authority can present a petition to the Authority and briefly summarise its substance. Petitions will be referred without debate to the appropriate officer for report.

21. Question Time

- (a) At a meeting of the Authority, any Member can put a maximum of one question per meeting to the Chairman and Leader of the Authority about matters for which the Authority is responsible.
- Notice of any question must be given in writing to the Head of Legal and Democratic Services by 2.30pm, six clear working days before the meeting of the Authority.
 - Questions must be accompanied by a copy of any document to which they refer.
 - The Head of Legal and Democratic Services will disallow questions which he/she considers to be unrelated to the functions of the Authority, frivolous or derogatory to the dignity of the Authority.
 - All questions received from Members and not disallowed by the Head of Legal and Democratic Services shall be published in the order in which they have been received with the agenda of the meeting of the Authority.
 - The Chairman and Leader shall supply answers to all questions published with the agenda to the Head of Legal and Democratic Services not less than one hour before the commencement of the meeting and that officer shall as soon as possible distribute them to Members and the public before the meeting.
 - Not more than one supplementary question arising directly out of the reply will be allowed by the Chairman, to be asked by the original questioner.
 - Question time is restricted to 15 minutes.

- (b) In the event of any Member of the Authority having declared a personal and prejudicial interest in any business they will be entitled to ask questions only on the same basis as members of the public in relation to that matter in accordance with Standing Order 27 below.

22. Committee and officer reports

- (a) For a report which summarises the business considered by a committee, the Chairman will call on the Chairman of the committee (or another Member chosen by the Chairman) to move the adoption of the recommendation or for the report to be received.
- (b) For an officer report, the Chairman (or another Member chosen by the Chairman) will move a motion, which need not be the officer recommendation, on which the report will be considered.
- (c) Where a motion has been amended, the minutes of that meeting will show both the original recommendation and that an amendment was made and carried.

23. Length of meetings

- (a) The maximum length of a meeting of the Authority is four hours from the start time set out in the summons, excluding the time of suspensions and adjournments under Standing Orders 37 and 38 respectively.
- (b) Any outstanding business at the conclusion of the meeting will be dealt with in accordance with the provisions of Standing Order 24 and where appropriate, Standing Order 25.

24. Termination of a meeting

Subject to Standing Order 25, if all the business specified in the summons has not been completed at the end of the maximum period for meetings set out in Standing Order 23(a) the Chairman will call on the mover of the motion under debate to close the debate. The motion will then be voted upon without further discussion. If at that time an amendment is under discussion, the amendment will be voted upon without further discussion. The Chairman will then put to the meeting:

- (i) each remaining item of business appearing in the summons; and
- (ii) any other motion or amendment relating to it which has been tabled at least one hour before the end of the maximum period for the meeting;

and whatever is opposed will be voted on without further debate.

25. Termination of a budget meeting

A meeting cannot end under Standing Order 23 until the Authority has considered and decided on matters relating to the budget for the ensuing year.

26. Officer advice

At any time after a motion has been moved or seconded Members can ask questions to obtain advice or further information. Such questions can be answered by the Chairman or an appropriate officer.

27. Questions by the public

- (a) At a meeting of the Authority, any member of the public can put a maximum of one question per meeting to the Chairman and Leader of the Authority about matters for which the Authority is responsible.
- (b) Notice of any question must be given in writing to the Head of Legal and Democratic Services by 2.30pm, six clear working days before the meeting of the Authority. Questions must be accompanied by a copy of any document to which they refer.
- (c) The Head of Legal and Democratic Services will disallow questions which he/she considers to be unrelated to the functions of the Authority; frivolous; derogatory to the dignity of the Authority; relates to the employment of an individual or ongoing litigation or which is substantially the same as a question, motion or deputation which has been put at a meeting of the Authority in the past six months. If a question is rejected, the questioner will receive a written response advising of this, including the reasons for the rejection. All questions received from the public and not disallowed by the Head of Legal and Democratic Services shall be published in the order in which they have been received with the agenda of the meeting of the Authority. The Chairman shall supply answers to all questions published with the agenda to the Head of Legal and Democratic Services not less than one hour before the commencement of the meeting and that officer shall as soon as possible distribute them to Members and the public before the meeting.
- (d) A maximum of one supplementary question arising directly out of the reply will be allowed by the Chairman, to be asked by the original questioner.
- (e) Question time is restricted to 15 minutes.
- (f) Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member can move that the matter be referred to the appropriate committee. Once seconded, the motion will be voted on without discussion.

RULES OF DEBATE AT AUTHORITY MEETINGS

28. Proposing and seconding motions and amendments

- (a) A motion or amendment will not be discussed unless it has been proposed and seconded.
- (b) Subject to Standing Order 31, an amendment can be moved at any time after the motion has been moved and seconded.
- (c) When seconding a motion or amendment, a Member may indicate his or her intention to reserve his/her speech until a later period of the debate.

29. Speaking at meetings

- (a) When speaking, a Member must address the Chairman and direct his/her comments to the matter in question. If two or more Members want to speak, the Chairman will call on one to speak. While a Member is speaking no Member may interrupt, except:

- (i) on a point of personal explanation if, in the opinion of the Chairman, the current debate warrants it; or
 - (ii) to raise a point of order which will be dealt with immediately and in which case the provisions of Standing Order 30 will apply.
- (b) No other interruption of a speech will be permitted unless the speaker is prepared to give way.
 - (c) Except with the permission of the Chairman, no Member can speak for more than five minutes.
 - (d) The Chairman will warn a Member for irrelevance, tedious repetition, or failure to address the Chairman.
 - (e) The Chairman will warn a Member for sexist or racist language, for unbecoming language or reflections of a personal character on another Member or an officer of the Authority. The Chairman will immediately require that Member to withdraw the remarks made and apologise for them. If the Member fails or refuses to withdraw the remarks made and apologise, the provisions of Standing Order 35 will apply. When the Chairman is the Member who makes the offending remarks, any two Members can require him or her to withdraw the remarks made and apologise for them. If the Chairman fails or refuses to withdraw the remarks made and apologise, any Member may propose that the meeting be suspended for fifteen minutes. If such a motion is seconded, it shall be voted upon forthwith.

30. Points of order

A Member raising a point of order must identify the standing order in question.

31. Amendments

- (a) An amendment to a motion moved under Standing Order 22 can be put forward at any time when the motion is under debate. Amendments should preferably be in writing, in which case they may be summarised when moved.
- (b) An amendment will be to:
 - (i) leave out words; or
 - (ii) leave out words and insert or add others; or
 - (iii) insert or add other words; or
 - (iv) refer a matter to a Committee, in which case it will contain instructions.

Any amendment must not have the effect of introducing a new proposal or of merely negating the motion.

32. Withdrawing a motion or amendment

The mover of a motion or amendment can withdraw or amend it with the consent of the Authority. Consent is given without debate and by a show of hands only.

33. General debating rules

- (a) Except with the permission of the Chairman or as set out in (b) below, no Member can speak more than once on the same motion or amendment and no mover or seconder of a motion can speak on more than one amendment on the same item.

- (b) The mover of a motion which remains unamended after all amendments have been considered, or the mover of the last successful amendment can speak again to close the debate but can not introduce new matters.
- (c) Each amendment moved to a motion will be discussed and voted on separately. If an amendment is not carried, other amendments can then be moved to the original motion. If an amendment is carried, the amended motion will take the place of the original motion and becomes the motion on which further amendments can be moved.
- (d) A further amendment cannot be moved until the Authority has decided on the previous amendment
- (e) The Chairman can allow the debate on an item to range across the motion and one or more of the tabled amendments. In such cases the Chairman will inform the Authority accordingly.

34. Interruptive motions

- (a) Regardless of Standing Order 33(a) and (b), a Member can move at the end of another Member's speech:
 - (i) that the question be now put;
 - (ii) that the debate be now adjourned; or
 - (iii) that the Authority do proceed to the next item of business.
- (b) If the interruptive motion is seconded (without speech) and the Chairman is satisfied that the motion/amendment or item of business has been adequately debated, he or she will:
 - (i) put the interruptive motion to the vote and, if carried, shall put the question to the vote, except that a person who is entitled to close the debate under Standing Order 33(b) shall be allowed his/her right of reply before the question is put.
 - (ii) put the interruptive motion to the vote and, if carried, the Authority will proceed to the next item of business.

35. Disorderly conduct by Members at a meeting

If a Member disregards the Chairman's ruling, the Chairman can order the Member to end his/her speech, or can move a motion that "The Member be not further heard". The motion will then be put and determined without discussion. If the Member then continues in a disorderly manner the Chairman can adjourn the meeting until he/she feels it is appropriate to continue. Alternatively, the Chairman can move that the Member be removed from the meeting for a period of time. The motion will be voted on without discussion, and, if carried, the Chairman will suspend the meeting and instruct officers to make arrangements to have the Member removed.

36. Disorderly conduct from public galleries

After warning the person(s) concerned, the Chairman can order that any member of the public causing a disturbance is removed from the public gallery. If the Chairman considers it appropriate, he/she will suspend the meeting and instruct officers to make arrangements to have the person/s removed.

37. Suspension of meetings

If the Chairman thinks it desirable in the interests of order or the conduct of business he or she can suspend the meeting for a specified length of time.

38. Adjournment motions

- (a) At the end of another Member's speech any Member can move 'That the Authority do adjourn (to a specified date and time or indefinitely)'. If the motion is seconded, the Chairman will call on the mover and on one speaker from each remaining party to speak for no longer than five minutes. The motion to adjourn can be amended but only on the length of adjournment.
- (b) If an adjournment motion for more than one hour is carried the Chairman will (unless otherwise required by law) put the remaining matters on the agenda to the meeting. Whatever is unopposed will be agreed before the Authority adjourns.
- (c) If no date and time is specified in the resolution to adjourn, any opposed business that remains will be carried forward to the next available meeting of the Authority (either at an extraordinary meeting or the next scheduled meeting, whichever is more appropriate). Any meeting so adjourned cannot be reconvened under any circumstances.

PART B - STANDING ORDERS RELATING TO COMMITTEES AND SUB-COMMITTEES

39. Appointment of committees and sub-committees

- (a) The Authority's standing committees and their orders of reference are set out in Appendix A to these standing orders.
- (b) At the Annual Meeting, the Authority will appoint Members to serve on committees. Those committees can establish sub-committees with the approval of the Authority (which is not needed for sub-committees of the Standards Committee). Members of sub-committees will be appointed by their appointing bodies (the parent committees). Any vacancy arising during the year will be filled by the Authority or the appropriate appointing body.
- (c) Members of committees and sub-committees will continue to hold office until the next Annual Meeting unless the Authority or appointing body decides otherwise or they cease to be a Member of the Authority.

40. Appointment of alternate Members of committees and sub-committees

- (a) The Authority can appoint up to seven alternate Members to attend, speak and vote in the absence of each Member of a committee.

- (b) If the first named alternate Member is absent, the second Member will be the alternate and so on, up to the seventh alternate.
- (c) If a Member is entitled to act at the same time as an alternate for more than one Member of a committee, he or she will be the alternate for the Member whose surname has alphabetical priority and shall be regarded as 'absent' in deciding which other alternate Members are entitled to act in the absence of any other Member of the committee;
- (d) An alternate for a Member who is a Chairman or Vice-Chairman of a committee is not entitled to act in that capacity.
- (e) Parts (a) to (d) above apply in relation to the appointment of a sub-committee by a committee in the same way as the appointment of a committee by the Authority.

41. Calling meetings of committees and sub-committees

- (a) In addition to those appearing in a previously approved programme, meetings of committees and sub-committees:
 - (i) can be called by the Head of Legal and Democratic Services at his/her discretion in consultation with the Chairman of the committee or sub-committee concerned;
 - (ii) will be called by the Head of Legal and Democratic Services if required by three Members of the committee or sub-committee.
- (b) If consideration of a matter cannot be delayed, the Head of Legal and Democratic Services will call a meeting of the appropriate committee and parts (a) and (b) of Standing Order 44 will not apply.

42. Chairman and Vice-Chairman of committees and sub-committees

- (a) The Chairman and Vice-Chairman of committees will be appointed by the Authority.
- (b) The Chairman and Vice-Chairman of any sub-committee will be appointed by its appointing body (the parent committee) unless those appointments are delegated to the sub-committee.
- (c) The Chairman of the Standards Committee for each year will be appointed at the annual meeting of the Authority. The Chairman must be an independent Member of the Standards Committee.

43. Chairman's deputies

If the Chairman of a committee or sub-committee is absent, his/her powers will fall to the Vice-Chairman. If the latter is not present, the committee or sub-committee will authorise by resolution another Member to exercise the functions of the Chairman. The provision set out in Standing Order 10(d) will apply.

44. Notice of and agenda for meetings

- (a) At least five clear days before a meeting of a committee or sub-committee, notice of the time and place of the intended meeting will be published at the offices of the Authority and at any alternative venue being used for the meeting.

- (b) Except for a meeting called by the Head of Legal and Democratic Services under Standing Order 41(b) above, at least five clear working days before a meeting of any committee or sub-committee, excluding the date of dispatch and the date of the meeting, a notice of the time and place of the meeting and an agenda will be sent by the Head of Legal and Democratic Services to every Member of that body. Failure to receive any such notice will not affect the validity of the meeting.
- (c) In appropriate circumstances and in accordance with Part VA of the Local Government Act 1972 a report, supplementary report or concurrent report can be sent after the main despatch of papers where the report is necessary to discharge the Authority's functions.
- (d) All reports for committees and sub-committees will be prepared in accordance with the Member/officer protocol in Appendix B to these standing orders.
- (e) On notice of a meeting being given, copies of the agenda together with copies of reports for the meeting which are at that time available for members will (except as set out in (f) and (g) below) be open to public inspection at the offices of the Authority. Copies of late reports will be made available for inspection as soon as they become available to Members, save as provided for in (f), (g) and (i) below. All non-confidential reports will be placed on the website as soon as practicable.
- (f) The Head of Legal and Democratic Services will exclude from public inspection all or part of any report that relates only to items which in his/her opinion are unlikely to be considered in public.
- (g) The Head of Legal and Democratic Services will exclude from public inspection all or part of any report, which contains confidential information as defined by Section 100A (3) of the Local Government Act 1972.
- (h) Documents excluded from public inspection under (f) and (g) above will be marked with the 'Protect' classification and 'Not for Publication' and, in the case of exempt reports, the reason specified by reference to Schedule 12A to the Local Government Act 1972 and regulations made under the Local Government Act 2000.
- (i) Items of business not included in the agenda for the meeting will not be dealt with unless the Chairman is satisfied that there are special circumstances why the item should be considered as a matter of urgency. The special circumstances will be specified in the minutes.
- (j) All Members of the Authority will be sent agendas for all committees and sub-committees, except for those committees or sub-committees dealing with staff appointment matters and sub-committees of the Standards Committee.

45. Attendance of non-Members

- (a) Except for meetings at which appointment matters are to be considered or sub-committees of the Standards Committee, any Member of the Authority can attend a meeting of any committee or sub-committee, including any part of the meeting when the public have been excluded. The Member can speak at the meeting with the consent of the Chairman, but cannot vote. With the consent of a committee or sub-committee Chairman, the Chairman of the Authority and the Leaders of the three political groups may attend and speak at any meetings of any committee or sub-committee but cannot vote.

- (b) A Member who needs to attend a meeting at which appointment matters are to be considered to enable him/her to perform his/her duties as a Member must notify the Head of Legal and Democratic Services of his/her request in writing, stating why they need to attend. The request will be submitted to the relevant body to which the Member is seeking access, who will decide whether or not the Member can attend the meeting. Applications will be considered immediately after the start of the meeting. A Member given permission to attend cannot speak except with the consent of the Chairman and cannot vote.

46. Record of attendance

The names of the Members present at meetings will be recorded in the minutes.

47. Quorum

- (a) Except for the Standards Committee and the Audit Committee, the quorum of each committee and sub-committee will be half the number of Members of the committee or sub-committee and not less than 2 (if half the number of Members equates to a 0.5 figure it should be rounded up).
- (b) In the case of the Standards Committee and any sub-committees it may establish, the quorum will be three Members of the Committee including one independent Member.
- (c) In the case of the Audit Committee the quorum will be two Members of the Committee.

48. Rulings by the Chairman

After consulting the Head of Legal and Democratic Services or his/her representative, the Chairman will decide all questions of order. The Chairman's ruling on questions of order and interpretations of the Standing Orders and any matters arising during the debate are not open to challenge.

49. Order of business

- (a) The agenda will be prepared by the Head of Legal and Democratic Services in consultation with the Chairman of the committee and no reports may be removed from the agenda or further business added without the consent of the Chairman.
- (b) The order of business will be as set out in the agenda except that the Chairman can vary the order at his/her discretion.

50. Disorderly conduct by Members

The provisions set out in Standing Orders 35 and 29(d) and (e) will apply.

51. Admission of public

The provisions set out in Standing Order 9 will apply.

52. Disorderly conduct from public galleries

The provisions set out in Standing Order 36 will apply.

53. Minutes

- (a) The minutes of a committee or sub-committee (other than the Urgency Committee) shall be drawn up by the Head of Legal and Democratic Services and shall be signed at the same or next meeting of that body by the person presiding thereat.
- (b) Where there is no scheduled further meeting of a committee or sub-committee, the minutes will be submitted to the Authority or the parent committee for signing and go to the next scheduled or unscheduled meeting of the committee or sub-committee.
- (c) The minutes of the Urgency Committee shall be drawn up by the Head of Legal and Democratic Services and shall be signed at the next meeting of the Authority by the Chairman or the person presiding thereat.
- (d) A copy of the minutes of each committee and sub-committee shall be sent to every Member of that body before the meeting at which they are to be signed.

54. Voting

The provisions set out in Standing Order 13 will also apply to meetings of committees and sub-committees.

55. Motions and amendments

No motion or amendment can be discussed until it has been seconded. Any motion or amendment will, if required by the Chairman, be put in writing and handed to the Chairman before it is discussed further.

56. Withdrawal of a motion or amendment

The provisions set out in Standing Order 32 will apply.

57. General debating rules

- (a) The Chairman (or another Member chosen by the Chairman) will move the motion on which the report will be considered.
- (b) At any time after a motion has been moved and seconded Members can raise questions to obtain advice or further information and such questions can be answered by the Chairman or an appropriate officer.
- (c) Amendments can be moved at any time after the original motion has been moved and seconded. Each amendment moved to a motion will be discussed and voted on separately. If an amendment is not carried, other amendments can then be moved to the original motion. If an amendment is carried, the amended motion will take the place of the original motion and becomes the motion on which further amendments can be moved.
- (d) The mover of the original motion or, if it has been amended, the mover of the successful amendment standing as the substantive motion will have the right of reply at the close of the debate.

58. Interruptive motions

The provisions set out in Standing Order 34 will apply.

59. Memoranda and supplementary reports from committees to the Authority

- (a) If a report is to be submitted to more than one Member-level body (e.g. a committee and the Authority) and the body which first considers the report takes a decision which differs from the officers' recommendation, that first body should 'memo' the second body to inform them of the decision taken. The memo should be attached to the report for despatch purposes, or circulated separately if despatch has already taken place for the second body.
- (b) If a report is to be submitted to more than one Member-level body (e.g. a committee and the Authority) and the body which first considers the report asks for further information to be provided to the second body, this should be done by way of a supplementary report. The main report should not be altered. It should retain its document number and the supplementary report should be numbered the same but given an 'A' suffix. Both main and supplementary reports should be despatched to the second body.

60. Suspension of meetings and adjournment motions

The provisions set out in Standing Orders 37 and 38 will apply.

PART C - DELEGATION ARRANGEMENTS

61. Delegation to committees

Except for a committee whose orders of reference provide for them to have an advisory role only and subject to Standing Order 62 each committee and sub-committee, in relation to matters within their orders of reference, will have full power to discharge the functions exercisable by the Authority and (in the case of a committee) to arrange for those functions to be discharged by a sub-committee.

62. Limitations on delegations

- (a) All delegations to committees, sub-committees and officers are subject to the Authority's standing orders, to any express contrary provision in law, and to any express contrary decision of the Authority or delegating committee or sub-committee.
- (b) The following limitations apply to all delegations to committees (except the Urgency Committee), sub-committees and (except for the purpose of Standing Order 65) officers:
 - (i) all committees, sub-committees and officers must comply with any resolution of the Authority or a committee or, where appropriate, sub-committee on a matter of principle;
 - (ii) no sub-committee or officer can be authorised to accept any tender except the lowest tender received or the most economically advantageous tender which best meets the evaluation criteria determined under Standing Order 95 (Article 29 of the Code of Practice on Tenders and Contracts) if payment is to be made by the Authority, or the highest if the payment is to be received by the Authority;
 - (iii) all officers must comply with the Staff Code.
- (c) No delegation to a committee, sub-committee or officer will prevent the Authority or delegating committee from exercising the function delegated or from calling for an informative report on any decision taken.
- (d) Any two Members present at a meeting of a Committee may, at the time a decision is made (but not otherwise), require that any decision of the Committee on any delegated matter be submitted to the Authority for information. This does not delay definitive action on the proposal in question.
- (e) No action will be taken to implement any decision of any Committee, except the Appointments Committee, on any delegated matter if two Members at the meeting at the time the decision is made or two Members (by written notice to the Head of Legal and Democratic Services received by him/her not later than 12 noon on the next working day after the meeting concerned) require that the decision be referred to the Authority as a recommendation.

63. General delegations to officers

- (a) Each head of department is responsible within the context of his or her duties for carrying out the work of the Authority and is authorised to take such action as he or she considers appropriate for that purpose and is in accordance with approved policies and budgets. This includes:

- (i) appointing, managing and dismissing staff except for the appointment or dismissal of designated senior officers reserved for Member-level decision;
 - (ii) managing and being responsible for any assets under his/her control including authority, in consultation with the Director of Finance and Contractual Services and the Head of Legal and Democratic Services, to agree terms for leases, licences, contracts or other agreements in respect of Authority owned property;
 - (iii) implementing work programmes designed to achieve the Authority's objectives and plans;
 - (iv) authorising expenditure on stores required for stock and current use;
 - (v) authorising regularly recurring items of expenditure flowing from approved service levels;
 - (vi) authorising expenditure which is recoverable under the Authority's insurance;
 - (vii) authorising any proposal involving expenditure of up to £20,000 in any one year;
 - (viii) in the case of the Commissioner for Fire and Emergency Planning, the Deputy Commissioner for Fire and Emergency Planning, the Directors and the Head of Legal and Democratic Services, authorising any proposal involving expenditure of up to £250,000 on capital account, or £125,000 on revenue account, in any one year, subject to:
 - (1) the concurrence of the Director of Finance and Contractual Services who shall also consider the financial effect on future years' budgets;
 - (2) consultation with the Head of Legal and Democratic Services and other appropriate officers (e.g. Head of Human Resources and Development on staffing matters); and
 - (3) an appropriate record being maintained of the decision and the reason(s) for it.
 - (ix) The levels in 63 (vii) and (viii), and where they are used elsewhere in Standing Orders, will be adjusted by the Director of Finance and Contractual Services at the beginning of each financial year in the light of inflation.
 - (x) The exercising of delegated powers by an officer taken under part (viii) shall be specifically disclosed to the Chairman of the Finance and Personnel Committee.
- (b) In exercising these delegations, officers must have regard to the issues of conduct applied to them by Appendix B of these standing orders.
- (c) When a head of department generates income, including grant, which (in nature or amount) is not reflected in any budget for expenditure the Director of Finance and Contractual Services is authorised, following a specific request from the head of department, to supplement the appropriate department's budget accordingly. The Director of Finance and Contractual Services shall report all such action to the Finance and Personnel Committee as part of the quarterly monitoring reports submitted under Standing Order 81.

64. Action on behalf of the Authority

- (a) A head of department can take action on behalf of the Authority on any matter within his/her duties which:
 - (i) is minor; or
 - (ii) cannot await the next meeting of the Authorityand which apart from this standing order is not within an authority delegated to an officer. The concurrence of the Director of Finance and Contractual Services is required for action involving expenditure exceeding £20,000 in any one year.
- (b) All action under paragraph (a) above will be the subject of prior consultation with the Chairman of the Authority and the Leaders of the other political groups (or their nominees).
- (c) Definitive action arising from a decision by an officer under paragraph (a) above will be delayed if, within three working days of notice of the proposed action being given to the Chairman of the Authority and the Leaders of the Labour and Liberal Democrat political groups three Members of the Authority require that the directions of the Urgency Committee be taken.

65. Specific delegations to officers

Subject to Standing Order 62, the Authority, a committee or a sub-committee can arrange for their functions to be discharged by an officer.

66. Authority to other officers

An officer to whom authority to act is granted by a standing order, the Authority, a committee or a sub-committee can arrange, in writing, for the authority to be exercised on his/her behalf by a member of his/her staff, unless the Authority, committee or sub-committee specifically instructs otherwise.

67. Maintenance of list of delegations

In accordance with the Local Government (Access to Information) Act 1985 the Head of Legal and Democratic Services will maintain a list of all delegations to officers which are effective for more than six months and will make the list available for public inspection.

PART D - GENERAL

68. Privacy of documents

- (a) To prevent the disclosure of 'confidential' information as defined in section 100A (3) of the Local Government Act 1972, the Head of Legal and Democratic Services will:
- (i) decide which documents or parts of documents for presentation to meetings of the Authority or any committee or sub-committee relate only to items during consideration of which the meeting is not to be open to the public
 - (ii) mark such documents with the 'Protect' classification (see paragraph (k) below) and 'Not for Publication' by virtue of section 100A (3) of the Local Government Act 1972 (as amended) or the Local Government Act 2000'.

For a definition of 'confidential' information see paragraph (i) below.

- (b) To prevent disclosure of 'exempt' information as defined in section 100I of the Local Government Act 1972, the Head of Legal and Democratic Services will:
- (i) decide which documents or parts of documents for presentation to meetings of the Authority or any committee or sub-committee relate only to items during which the meeting is likely not to be open to the public. In making those decisions, he/she will have regard to the Authority's desire for open government and, as a general rule, where only part of a proposed report contains 'exempt' information, should consider whether the 'exempt' information should be presented as a separate report; and
 - (ii) mark such documents '*Not for Publication by virtue of section 100I of the Local Government Act 1972 (as amended)*' and state the description, in terms of Schedule 12A to the Act, of the 'exempt' information giving rise to the exclusion of the public. For a definition of 'exempt' information see paragraph (j) below.
- (c) Except so far as required or permitted by law Members can not disclose any material in any document which has been marked '*Not for Publication*' unless, where exempt information only is contained therein, the Authority or a committee otherwise decides by a motion.
- (d) The Head of Legal and Democratic Services will remove the markings, when they are no longer required, from all or part of the document.
- (e) Subject to (g) and (h) below, a Member may (for the purposes of his/her duty as a Member but not otherwise) apply in writing to the Head of Legal and Democratic Services to inspect any document which is in the possession or under the control of the Authority which has not already been provided to all Members of the Authority.
- (f) Subject to (g) and (h) below, a Member may, on application to the Head of Legal and Democratic Services, inspect any document which contains material relating to any business to be transacted at a meeting of the Authority or a committee or a sub-committee. If such document appears to the Head of Legal and Democratic Services to be exempted from inspection by Section 100F(2) of the Local Government Act 1972 written notice shall be given specifying why statutory exemption is considered to apply.

- (g) A Member shall not knowingly inspect and shall not call for a copy of any 'confidential' or 'exempt' document relating to a matter in which he/she has a prejudicial interest under paragraph 10 of the Authority's Code of Conduct.
- (h) If the Head of Legal and Democratic Services declines to allow a Member's request to inspect any document under (e) or (f) above the Member may appeal to the Urgency Committee, which will hear the views of each party and rule on the matter.
- (i) '*Confidential*' information means information given to the Authority by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order or legislative requirement.
- (j) '*Exempt*' information – Description of Exempt information:
 1. Information relating to any individual
 2. Information which is likely to reveal the identity of an individual
 3. Information relating to the financial or business affairs of any particular person (including the authority handling the information). (Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.)
 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 6. Information which reveals that the authority proposes:-
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment
 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

In relation to the Standards Committee or any sub-committee of the Standards Committee the following additional categories apply:

 8. Information which is subject to any obligation of confidentiality
 9. Information which relates in any way to matters concerning national security
 10. The deliberations of a Standards Committee or sub-committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.
- (k) Authors of confidential and exempt reports should have regard to the 'Protect' classifications outlined in the LFB Protective Marking Scheme (Policy number 619).

69. Absence from meetings

If a Member of the Authority fails to attend a meeting of the Authority for a period of six consecutive months, he/she shall cease to be a Member of the Authority unless the failure was due to a reason approved by the Authority before the expiry of that period. Attendance as a Member at a meeting of a committee, or sub-committee or as a representative of the Authority at a meeting of any body of persons will be considered as attendance at a meeting of the Authority.

70. Resignations

- (a) A Member of the Authority may at any time resign his/her office by written notice delivered to the Head of Legal and Democratic Services and his/her resignation will take effect immediately upon receipt by that officer.
- (b) A Member may resign from the office of Vice-Chairman of the Authority or office of Chairman or Vice-Chairman of a committee or sub-committee or from the membership of a committee or sub-committee to which he/she has been appointed by written notice delivered to the Head of Legal and Democratic Services and his/her resignation will take effect immediately upon receipt by that officer.

71. Seal of the Authority

- (a) The Seal of the Authority will be kept under lock and the key kept by the Head of Legal and Democratic Services.
- (b) The Head of Legal and Democratic Services (or his/her authorised representative) will affix the seal to any document which requires to be sealed for transacting the business of the Authority. The document will be signed by the Head of Legal and Democratic Services (or his/her authorised representative). This signature will be a full and sufficient certificate that the document has been duly and validly sealed in compliance with all standing orders of the Authority in that behalf.
- (c) The Head of Legal and Democratic Services will maintain a record of sealings which may be inspected by Members on application to him/her.

72. Members not eligible for staff appointments

A person will be disqualified from being appointed by the Authority to any paid office, other than to the office of Vice-Chair for twelve months after he/she ceases to be a member of the Authority.

73. Family relationships with staff

Members of the Authority must disclose to the Head of Legal and Democratic Services any family relationships in connection with the appointment, promotion, settlement of individual conditions of service or termination of employment of a relation. People shall be considered to be related if any family relationship (as defined in the Authority's Code of Conduct) is known to exist between them. Applicants for employment are required to declare any such relationship.

74. Canvassing

Members of staff and applicants for employment may not canvass Members.

75. Ethical Governance

- (a) Members must observe the Authority's Code of Conduct as adopted and from time to time revised under section 51 of the Local Government Act 2000.
- (b) The Authority has established a Standards Committee with the role and functions set out in Appendix A to these Standing Orders.
- (c) The membership of the Standards Committee shall comprise four Members of the Authority and two independent Members appointed in accordance with regulations made under section 53 of the Local Government Act 2000.

- (d) A person may not be appointed as an independent Member of the Standards Committee unless:
 - (i) The appointment has been advertised in one or more newspapers circulating in Greater London;
 - (ii) The appointed person has submitted an application to the Authority;
 - (iii) The appointment has been made by the Authority following such interview and appointment process as the Head of Legal and Democratic Services shall consider appropriate;
- (e) A person cannot be appointed as an independent Member of the Standards Committee if:
 - (i) They have been a Member or officer of the Authority in the five years preceding the appointment; and
 - (ii) They have a close relative (as defined in the Standards Committee (England) Regulations 2008) or a close friend who is a Member or officer of the Authority.
- (f) Any person appointed as an independent Member of the Standards Committee who becomes a Member or officer of the Authority shall notify the Head of Legal and Democratic Services that they have done so and shall cease to be a Member of the committee.
- (g) Notwithstanding the provisions in (d) above the Standards Committee may in accordance with the Standards Committee (England) Regulations 2008 appoint as an independent Member of a sub-committee a person who is an independent Member of the Standards Committee of another authority; such appointment may be for a defined period or in respect of a particular matter or matters.
- (h) The Chairman of the Standards Committee will be appointed at the annual meeting of the Authority from the independent Members of the Authority.
- (i) The Chairman of the Standards Committee will be entitled to attend and speak at meetings of the Authority and committees on matters which are directly related to the functions of the Standards Committee.

PART E – FINANCE

76. Conduct of financial procedures

All financial and accounting procedures of the Authority will be conducted in accordance with:

- (i) these standing orders; and
- (ii) the Financial Regulations approved from time to time by the Authority.

77. Financial advice

The advice of the Director of Finance and Contractual Services on the financial aspects of a proposal will be submitted to any body considering the proposal and such advice will include, as appropriate, estimates of any consequential expenditure and income and, if the proposal is part of a scheme, an estimate of the costs of the whole of the scheme and the incidence of expenditure and income over successive financial years.

78. The annual budget

- (a) The Director of Finance and Contractual Services will prepare each year, for consideration by the Authority, the estimates of expenditure and income on capital and revenue account for the ensuing financial year. They will include provisions for expenditure and income for:
 - (i) approved staffing levels;
 - (ii) approved policies and levels of service;
 - (iii) reserves on revenue account for new developments foreseen but not fully considered; and
 - (iv) reserves on revenue account for pay and price increases and for contingencies and working balances.
- (b) In considering the budget, the Authority shall also determine:
 - (i) the overall borrowing limit;
 - (ii) the short-term borrowing limit;
 - (iii) the proportion of the interest payable on the total debt portfolio accounted for by variable rate borrowing.

79. Authority agreement to proposals

The Authority's approval or the approval of a committee to whom the function has been delegated is required for –

- (i) the allocation of capital resources to a particular project where the resourcing of the project would result in the capital programme being exceeded in the current financial

year or the effect on future years' contractual commitments would be to exceed the amount specified in the approved capital programme;

- (ii) any proposal for expenditure on revenue account involving a drawing on the reserve for new developments foreseen or (unless within an officer's specific delegated authority) a drawing on the reserve for pay and price increases and contingencies;
- (iii) any other proposal involving financial or personnel issues where the Head of Legal and Democratic Services rules, on the advice of the Director of Finance and Contractual Services or the Head of Human Resources and Development that reference to the Authority is required.

80. Variations to approvals

If a project previously approved by the Authority (including by a committee) appears likely to cost more than the approved estimate or authorised expenditure or, for reasons not apparent during the course of the work, has cost more than the authorised expenditure, approval to a revision will be required. No approval under this standing order is required for increases in the cost of labour and materials payable under a contract or arising from in-house staff costs charged to capital account.

81. Periodical reports of expenditure and income

As soon as possible at the end of three months, six months, nine months and after the close of the financial year, the Finance and Personnel Committee will consider expenditure and income and progress in the achievement of the Authority's services and objectives compared with estimates, efficiencies and other targets and will report their observations to the Authority.

82. Legality of payments

- (a) Heads of departments will be responsible for ensuring that all sums which they or any of their staff certify for payment by the Authority are legally and properly payable.
- (b) Any proposed payment of doubtful legality will be referred by head(s) of department(s) to the Director of Finance and Contractual Services and the Head of Legal and Democratic Services and their advice will be reported concurrently to the Authority.
- (c) The prior approval of the Authority is required to any payment if the Director of Finance and Contractual Services or the Head of Legal and Democratic Services has any reservations or advises that prior sanction be sought from the Secretary of State.
- (d) All applications to the Secretary of State for such sanction will be made by the Director of Finance and Contractual Services.

PART F - TENDERS AND CONTRACTS

NOTE: *The Standing Orders shown below, together with separate mandatory instructions, comprise the Authority's Code of Practice on Tenders and Contracts. The Standing Orders cannot be changed without the agreement of the Authority (but the Urgency Committee may waive or suspend them). The complete Code of Practice is available on hotwire.*

DEFINITIONS (in *Standing Orders and the Code of Practice on Tenders and Contracts*)

Authority - is the London Fire and Emergency Planning Authority

Budget provision - is the amount identified in an approved budget for a particular purpose

Blue Light: E-Tendering Portal - utilised for all Tenders and Contracts

Code – is the Authority's Standing Orders relating to tenders and contracts as set out in Part F below together with the Instructions approved by the Authority on 12 December 2002 as those Instructions are amended from time to time by the Head of Procurement

Committee – is a subsidiary body to whom the Authority has delegated the function

Consultant – is an external specialist who is engaged to provide additional professional or technical assistance or expertise to the Authority but who is not engaged under a contract of employment directly with the Authority

Contract - is any agreement made by or on behalf of the Authority as defined in Standing Order 83 (*Article 1 of the Code*)

Contract value – except in the case of Standing Order 88(b)(vi) and 106 (b) (*Articles 13.1(f), 15.2 and 46.2 of the Code*), the contract value is the value estimated by the head of department concerned immediately before tenders are invited

EU Procurement Regime – means European Union case law, directives and regulations, including the Public Contracts Regulations 2006, all as amended or replaced from time to time

Evaluation criteria - are the criteria which are used to determine the most economically advantageous tender

Firm - is a person or persons and any body, whether or not it is incorporated

Head of department – is (a) any officer within the definition as set out in the contents to these Standing Orders; and (b) any officer who is authorised in writing by an officer within (a) to act on his/her behalf

Head of department concerned - is the head of department for whose purposes the contract is to be entered into

Specification - is the description of the works, goods or services to meet the Authority's requirements

Tender - is an offer to provide the Authority with works, goods or services at a price set out in, or determined under, the tender documentation

Works contract - is a contract for the execution of works for the Authority

83. Scope of the Code of Practice on Tenders and Contracts

- (a) Unless there is a specific Authority decision to the contrary, and subject to Standing Order 85 below, the Code of Practice on Tenders and Contracts (referred to hereafter as 'the Code') applies to all contracts for the supply of works, goods or services to the Authority whose value exceeds £10,000. This includes contracts for –
 - (i) supplying any goods or services;
 - (ii) carrying out any demolition, construction, engineering or maintenance works;
 - (iii) consultants' services; and
 - (iv) contracts with employment agencies (where the agencies, not the Authority, are the employers of the temporary staff).
- (b) Apart from this Standing Order and Standing Orders 84(a)(i) to (vii) and 85, the Code does not apply to a contract whose value does not exceed £10,000. But the arrangements for procuring such a contract must comply with Standing Order 84(a)(i) to (vii) and must be consistent with the basic principles of good procurement practice, which are to obtain value for money for the Authority, to demonstrate fairness and probity in dealings with suppliers and to ensure compliance with the Authority's policies and strategies.
- (c) The Code does not apply to –
 - (i) contracts of employment with permanent or temporary staff (where such temporary staff are not provided through employment agencies but are recruited directly by the Authority);
 - (ii) any contractual arrangement for sponsorship of Authority activities;
 - (iii) the acquisition of any interest in land; and
 - (iv) the disposal of any interest in land or other Authority assets.

84. General principles

- (a) In dealing with any matter concerning a contract or proposed contract, officers will –
 - (i) comply with all legal requirements, including the EU Procurement Regime, Standing Orders (including Financial Regulations) and, subject to Standing Order 84(b), the Code;
 - (ii) ensure that strict impartiality is maintained and shown to be maintained;
 - (iii) not intentionally under or over estimate values or divide potential contracts into separate parts in order to avoid applying the Code;
 - (iv) ensure that no tender is accepted unless it is the lowest or most economically advantageous tender and that the Authority receives the appropriate quality of service and value for money;
 - (v) ensure that the Authority's interests are always protected;

- (vi) comply with any advice or guidance given by the Head of Procurement, the Director of Finance and Contractual Services, the Head of Legal and Democratic Services or the professional advice of any other appropriate head of department; and
 - (vii) ensure that, except as provided for in the Code, all contracts are in writing.
- (b) Subject to consultation with the appropriate Head of Service, the Head of Procurement may waive, suspend or change any provision of the Code which is not part of Standing Orders.

85. Conduct of staff

In dealing with any matter concerning a contract or proposed contract, officers will have regard to the provisions of the Staff Code, particularly those related to undertaking private work, pecuniary interest in contracts, canvassing and the acceptance of improper reward.

86. Advice

Consultation must take place with the Head of Procurement, Director of Finance and Contractual Services, Head of Human Resources and Development, Head of Legal and Democratic Services or any other head of a professional department (whichever one or more of them is appropriate) if an officer is uncertain what to do about any contract or proposed contract.

87. Specification of requirements

For every contract there must be a specification which must:

- (i) be appropriate to the type of contract to be entered into;
- (ii) set out the required quality and/or performance standards or outputs; and
- (iii) be suitable to be used to assist in evaluating tenders received and in monitoring the contract.

88. Extensions of existing contracts

- (a) Any extension of a contract which does not fulfil the criteria in Standing Order 88(b) or (c) requires specific approval from the Authority.
- (b) Subject to the EU Procurement Regime, where the terms of a contract do not provide for an extension of that contract, a head of department concerned can, with the concurrence of the Director of Finance and Contractual Services and in consultation with the Head of Legal and Democratic Services and Head of Procurement, extend the period of an existing contract once, if all the following criteria are met:-
 - (i) a more economically advantageous arrangement is unlikely to be obtained from retendering;
 - (ii) the existing contract was let following competitive tendering in accordance with the Code (or its predecessor);
 - (iii) the contractor's performance under the existing contract has been satisfactory;

- (iv) the extension does not exceed one year or the original contract period whichever is less;
 - (v) all the terms of the existing contract, except its period, remain unchanged; and
 - (vi) the value of the extension of the contract does not exceed £150,000 or the original contract value when it was first entered into, whichever is the less, except that where the original contract provided for an inflation (or price fluctuation) clause to take into account an approved index, the figure of £150,000 will be increased to cover the inflation arising from the application of the approved index.
- (c) Any contract for which appropriate authority has been given in accordance with these standing orders which contains an extension clause may be extended in accordance with its terms.

89. Contract register

The Head of Procurement must ensure that a register is maintained of all contracts.

90. Exceptions to competitive tendering

- (a) Subject to compliance with the EU Procurement Regime, all tenders must be invited on a competitive basis unless –
- (i) the estimated contract value is not more than £20,000 and the head of department concerned, in consultation with the Head of Procurement, is satisfied that the invitation of more than one tender would not be economically justifiable (with the exception of works contracts where the Director of Finance and Contractual Services may take the decision, notifying the Head of Procurement); or
 - (ii) one or more of the four special circumstances in Standing Order 90(b) applies, and the Head of Procurement has been consulted.
- (b) The four special circumstances are –

Criterion A - the works, goods or services are only available from one supplier;

Criterion B - the works, goods or services are required urgently (e.g. to protect life or property against immediate threat or to maintain the functioning of the Authority's services) and the urgency does not permit the invitation of a written tender and

- (i) the head of department obtains an oral tender (or, if that too is impracticable, an oral indication of the likely price) and is satisfied that the Authority will obtain value for money; and
- (ii) the terms of the contract are confirmed in writing to the contractor within 24 hours of any order being placed.

Criterion C - the works, goods or services are to be provided via a consortium or company acting on behalf of, or including, public sector bodies and

- (i) the supply arrangements have already been subject to competitive tendering; and
- (ii) the head of department concerned, in consultation with the Head of Procurement, considers that a more economically advantageous arrangement is unlikely to be obtained by the Authority undertaking its own competitive tendering arrangements;

Criterion D – the Authority has decided, having considered the reasons, that special circumstances other than those in criteria A - C make it appropriate and desirable that the contract is negotiated with a single firm or that the normal competitive tendering arrangements should be suspended.

91. Preliminary advertisement

- (a) Where UK law, the EU Procurement Regime or an Authority decision require public advertisement inviting firms to express interest in tendering for a contract, the head of department shall, in consultation with the Head of Procurement and the Head of Legal and Democratic Services, place advertisements in the Official Journal of the European Union where required to do so by the EU Public Procurement Regime or, if not required to do so, in such other publications as the head of department (after consulting as above) considers appropriate. In both cases the Blue Light E-Tendering Portal should also be used.
- (b) For all contracts not within Standing Order 92(a) but for which competitive tenders are to be invited, the head of department must, in consultation with the Head of Procurement, place such preliminary advertising, if any, as the head of department considers necessary to ensure that the Authority achieves a competitive response to a tender invitation.

92. List of potential tenderers

- (a) Where expressions of interest have been sought by public advertisement under Standing Order 91, tenders must be invited from –
 - (i) suitable firms who have responded; and
 - (ii) such other firms (if any) as the head of department concerned considers necessary to achieve a competitive response provided it is in accordance with the EU Public Procurement Regime; and

except in circumstances set out in the EU Public Procurement Regime, where a public advertisement will be placed through Blue Light in compliance with that Regime tenders may only be invited from firms who have responded to the public advertisement.
- (b) For works contracts for which expressions of interest have not been sought under Standing Order 91, tenders must be invited from –
 - (i) suitable firms on Construction Line; and
 - (ii) such other firms (if any) as the Head of Technical and Service Support considers necessary to achieve a competitive response.
- (c) For any contract not within Standing Orders 93(a) or (b), tenders must be invited from suitable firms identified by the head of department.

- (d) If the contract value exceeds £50,000, and either the contract period is likely to be for more than six months or the contract provides for interim payments, the head of department must take advice on the proposed tenderers' financial standing from the Director of Finance and Contractual Services who can place a limit on the value of the contract which a firm can undertake.

93. Contract conditions

- (a) Every contract must contain conditions which provide for
- (i) the contractor –
 - (1) to comply with the law;
 - (2) to comply with the contract conditions and meet their obligations under the contract;
 - (3) not to employ Authority employees;
 - (4) not, without the prior written agreement of the Authority, to assign all or part of the contract or sub-let all of the contract and to remain liable for ensuring that a sub-contractor complies with the terms of the contract;
 - (5) unless exceptionally the Director of Finance and Contractual Services agrees otherwise, in the case of contracts relating to a project which has an estimated value exceeding £500,000 or which is complex or unusual –
 - (a) to have insurance (including professional indemnity insurance at the appropriate level) no less than the value of the project which must be agreed in advance by the Director of Finance and Contractual Services;
 - (b) to have the appropriate financial guarantees (to be determined by the Director of Finance and Contractual Services) in place;
 - (6) to comply with the Authority's protocol on press/public relations;
 - (7) where appropriate, to recognise the Authority's intellectual property rights; and
 - (8) to comply with the Freedom of Information Act 2000 and to co-operate with the Authority to enable the Authority to comply with the Freedom of Information Act 2000;
 - (ii) the terms of payment under the contract and any arrangements, if appropriate to the particular circumstances of the contract, for variations of cost and retention of monies; and
 - (iii) the right of the Authority to terminate the contract if there is a breach by the contractor.
- (b) Every contract must contain the following conditions in respect of Equalities, Race Relations, and Labour:-

Equalities

During the term of the contract:

- (i) The contractor shall not itself, or through a servant or agent, discriminate against any person on grounds of sex, race, disability, sexual orientation, religion or belief or age, contrary to the provisions of the Equality Act 2010.

- (ii) The contractor shall comply with the terms of the Authority's Equalities Protocol, as set out in the schedule to the contract. Such compliance is a condition of the contract. In the event that the contractor fails to comply in any material respect with any of the terms in (1) to (7) of the Equalities Protocol, the Authority shall have the right to terminate the contract.

Promoting equality

- (i) The contractor shall, in performing the agreement comply with the race equality duty, the disability equality duty and the gender equality duty set out in the Equality Act 2010 as if the contractor were a public authority within the meaning of the legislation and shall also comply with the provisions of section 404 of the Greater London Authority Act 1999 ('the 1999 Act') (promoting equality of opportunity for all persons, irrespective of their race, sex, age, disability, sexual orientation or religion) as if the Contractor were a functional body within the meaning of the 1999 Act.
- (ii) Compliance with clause (i) above is a condition of the contract. In the event that the contractor breaches any provision of the clause in a material respect, the Authority shall have the right to terminate the contract.

Labour

- (i) During the term of the contract:-
 - (1) the contractor shall comply fully with the terms of any collective agreement entered into between one or more trade unions and any association of employers of which the contractor is a member;
 - (2) the contractor will not itself, or through a servant or agent, perform any act intended to discourage employees or prospective employees from becoming or continuing as members of a trade union;
 - (3) the contractor will not itself, or through a servant or agent, penalise employees or prospective employees in any way by reason of their membership of a trade union.
 - (ii) Compliance with clause (i) above is a condition of the contract. In the event that the contractor breaches any provision of the clause in a material respect the Authority shall have the right to terminate the contract.
- (c) Where a head of department considers that a contract is likely to involve employment of home workers by a contractor, the following clause must be included in the contract-
- "If any work under this contract is carried out by home workers, the contractor will –
- (i) not discourage any home worker employed from becoming or remaining a member of a trades union and will not penalise any such person by reason of their membership of a trades union; and
 - (ii) provide every home worker employed with –
 - (a) all appropriate health and safety guidance together with a personal explanation
 - (b) notice of fluctuation with regard to work
 - (c) a copy of this clause."

- (d) Appropriate clauses shall be included in the contractual documentation where the head of department concerned, in association with the Head of Legal and Democratic Services and the Head of Procurement, considers that the Mayor's Responsible Procurement Policy as adopted by the Authority is relevant to the procurement.
- (e) All contract conditions must be in terms approved by the Head of Legal and Democratic Services.
- (f) For contracts relating to a project which has an estimated value exceeding £500,000 or which is complex or unusual, legal advice must be obtained from the Head of Legal and Democratic Services when drafting contract documentation.
- (g) The Head of Procurement will have discretion, in consultation with the Head of Legal and Democratic Services, to modify Standing Order 93(b) if the Head of Procurement is satisfied that it is in the Authority's interests to do so.

94. Tender documentation and instructions

All tender documentation and instructions to tenderers must be issued by the Head of Procurement.

95. Evaluation criteria

- (a) As part of the preparation for inviting tenders, the evaluation criteria and sub-criteria and any weightings which are to be attached to individual criteria and sub criteria and, so far as reasonably practicable identifying their ranking, must be identified by the head of department in writing.
- (a) The evaluation criteria and sub criteria and the weightings given to them must be supplied to prospective tenderers as part of the documentation.
- (b) Where the application of whole life costs can be assessed they shall form part of the evaluation criteria.

96. Communications with tenderers

Once the tender documentation has been issued to tenderers, the Head of Procurement is responsible, during the tender period, for all further communications with individual tenderers, including determining the granting of extensions of time or the provision of further information.

97. Receipt, security and opening of tenders

All tenders must be opened at the same time and at the same place as soon as practicable after the closing date and time for return stated in the tender documents. When not being opened or examined they must be kept in a secure place. Where Blue Light is utilised this involves the use of an electronic 'lock-box' and an online verification process undertaken by the Head of Procurement on behalf of departments.

98. Late tenders

- (a) A tender received after the date and time specified in the invitation to tender must not be opened before the decision is made whether or not to consider it. A late tender must not be considered unless the Head of Procurement is satisfied that it was despatched in

reasonable time for delivery by the specified time and to the specified place. Where Blue Light is utilised late tenders will not be considered unless notified in advance of legitimate technological problems (Blue light can provide audit trails to confirm/refute assertions in this area).

- (b) This provision does not apply where a single tender is invited.

99. Examination and evaluation of tenders

- (a) All tenders must be examined and evaluated against the criteria determined under Standing Order 95.
- (b) All tenders must be evaluated on the basis of the tendered price, except that obvious errors in a tender price, whether found by the tenderer or by the head of department, must be corrected with the agreement of both parties and a written record made of the change(s) together with their reasons.
- (c) Where the price on the form of tender differs from the total of the detailed tender breakdown, the latter figure must be used for evaluation purposes and the tenderer must be advised that the total of the detailed breakdown will be used as the contract price and his/her confirmation obtained before awarding the contract.
- (d) No tender will be automatically rejected merely on the basis of an extremely low price.
- (e) Subject to compliance with the EU Procurement Regime, following evaluation under the criteria in Standing Order 95 and in order to ensure that the Authority achieves best value for money, in consultation with the Head of Legal and Democratic Services and the Head of Procurement, the head of department may explore with the preferred tenderer any options for achieving price savings which will maximise the potential benefits to the Authority. In all such cases, the justification for, and the results of, the exploration must be fully documented so that a clear 'audit trail' is available.

100. Requests by tenderers to amend prices

Where a tenderer seeks to -

- (i) reduce a price after receipt of the tender this cannot be considered as part of the tender evaluation process under Standing Order 99. If the tenderer is successful on the basis of the tendered price, the contract must then be entered into on the basis of the reduced price; or
- (ii) increase a price during the tender period specified under Article 27(e) of the Code, the tenderer must be required to stand by the tendered price and, if the tenderer fails to do so, the tender must be deemed to have been withdrawn.

101. Conditions which apply to acceptance of tenders

No tender can be accepted unless -

- (i) the head of department has considered the cost having regard to the estimate included within the contract plan and is satisfied that the price is fair and reasonable and budget provision is available;
- (iii) the head of department has considered all tenders and any relevant correspondence and records of contact with the tenderers;

- (iii) any requirements specified by the Director of Finance and Contractual Services, Head of Legal and Democratic Services and Head of Procurement have been satisfied before the contract is let;
- (iv) all necessary consents and consultations have been obtained and concluded respectively and any prior conditions attached to consents have been met;
- (iv) it is the lowest tender or the most economically advantageous tender;
- (vi) it is within 10% or £50,000, whichever is the less, of the lowest satisfactory tender received; and
- (vii) appropriate contract conditions have been agreed.

102. Authority to accept tenders

Subject to compliance with Standing Order 101 –

- (1) The head of department concerned can accept a tender which does not exceed £20,000.
- (2) In all other cases, acceptance of a tender must be by the Authority's Finance and Personnel Committee, unless –
 - (i) the Authority or a committee to whom the function has been delegated has specifically decided otherwise for an individual project or service; or
 - (ii) there is a specific or general delegated authority permitting the acceptance of a tender by a head of department

103. Requests for reasons for tender decisions

- (a) Except when the procurement was carried out in accordance with the EU Procurement Regime, if within 15 days of receipt of the notification that their tender has been unsuccessful, an unsuccessful tenderer requests in writing the reasons why his/her tender was not accepted, the head of department concerned, following consultation with the Head of Procurement and the Head of Legal and Democratic Services, must provide the tenderer with a written statement of the reasons within 15 days of the Authority receiving the request.
- (b) Where the procurement has been carried out in accordance with the EU Procurement Regime the procedure for notification of the award shall comply with that regime.

104. Contract authorisation

- (a) All contracts for projects which are to be executed as deeds will be signed by the Head of Legal and Democratic Services, or in his absence, by his nominated representative.
- (b) In all other cases, the head of department concerned will sign the contract on behalf of the Authority.

105. Contract management and monitoring

The head of department responsible for the contract must -

- (a) ensure that effective management arrangements are in place to secure delivery of the contract;
- (b) in consultation with the Head of Procurement, Director of Finance and Contractual Services and Head of Legal and Democratic Services as appropriate, deal with all matters arising from the management of the contract including delays or claims by contractors; and
- (c) provide the Head of Procurement with an evaluation of the contractor's performance at intervals specified by him/her.

106. Complaints against contractors

All complaints against contractors by members of the public will be dealt with in accordance with the Authority's complaints procedure.

APPENDIX A: ORDERS OF REFERENCE TO COMMITTEES

Committees

Community Safety Committee

1. To be responsible for the development of all Authority policies relating to its fire response, prevention and protection responsibilities, including the London Safety Plan and all related policies and procedures.
2. To be responsible for the development of the Authority's policies relating to community engagement and working with partner organisations.

Finance and Personnel Committee

In accordance with approved policies –

1. To make decisions on capital and revenue building, property and energy schemes that are (a) outside of officers' delegated authority limits and (b) within the provisions of Standing Order 103(b).
2. To make decisions on proposals to draw from earmarked or general reserves as deemed necessary.
3. To make any other decision in relation to expenditure on capital or revenue account, including approval to virements and the letting of contracts, provided that the expenditure does not cause the Authority's approved budget to be exceeded.
4. To submit views to Government or other bodies, on behalf of the Authority, on matters relating to finance, procurement and property, providing those views are in accordance with existing Authority policies.
5. To consider and, as appropriate, advise the Authority on matters relating to its capital and revenue budgets and budget development.
6. Regularly to monitor the Authority's budget and expenditure and treasury management activities.
7. To develop, agree and review general personnel, equalities and health and safety policies including:
 - (1) the Authority's policies in relation to the employment of staff (for final approval by the Authority in accordance with Standing Orders);
 - (2) the Authority's Human Resources Strategy and its implementation;
 - (3) the arrangements for recruitment, health and safety at work and staff welfare and well-being; and

- (4) to monitor progress made against the Fire and Rescue Service Equality Framework and the National Fire and Rescue Service Equality and Diversity Strategy.
8. As appropriate, to monitor regularly the Authority's contracts and procurement policies.

Performance Management Committee

1. To develop, agree and review general performance management policies and indicators for the Authority across the range of its functions (including on staff related matters, including training, sickness absence and health and safety).
2. To receive regular reports concerning the delivery of the Authority's functions and services, to include progress on implementation of projects and corporate and other plans, reviewing performance against agreed service delivery targets and indicators and to make recommendations to the Authority and/or to other committees as necessary.
3. To liaise with Government and/or other bodies, on behalf of the Authority, on matters relating to performance management of service delivery in fire authorities, in accordance with existing Authority policies.
4. To determine policies in relation to the publication of the Authority's performance management information.

Urgency Committee

Notwithstanding any standing order made by the Authority, to deal with any matters (except those reserved to the Authority by law) which will not admit of delay.

Appointments Committee

All matters relating to the filling of the posts of the Commissioner for Fire and Emergency Planning, Deputy Commissioner for Fire and Emergency Planning, the Director of Finance and Contractual Services, the Director of Operational Resilience and Training, all Assistant Commissioners, the Head of Legal and Democratic Services, the Head of Human Resources and Development, the Head of Communications, the Head of Strategy and Performance, the Head of Health & Safety and the Strategic Advisor to the Commissioner.

To be responsible for annual appraisals of the Commissioner and Directors.

(Authority: 22.06.06, 26.06.08, 23.07.09 and 22.10.09¹)

Standards Committee

- (1) The promotion and maintenance of high standards of conduct by Members of the Authority and its committees;
- (2) The provision of assistance to Members to observe the Authority's Code of Conduct;

¹ i. The Authority at its 23 July 2009 Meeting agreed to delete the post of the Deputy Commissioner for Fire and Emergency Planning Authority for the year 2009-10 from its terms of reference. The Authority at its 22 October 2009 Extraordinary Meeting agreed to reinstate the post to its terms of reference.

- (3) The provision of advice to the Authority on the adoption or revision of a code of conduct;
- (4) The monitoring of the operation of the Authority's code of conduct and of the maintenance of the Monitoring Officer's register of Members' interests;
- (5) The provision or advice or arrangements to train Members on matters relating to the Authority's code of conduct;
- (6) In accordance with the approved procedures, to receive, assess and investigate complaints which allege breaches of the Authority's Code of Conduct and impose sanctions as appropriate against Members of the Authority.
- (7) To consider and to grant dispensations to members in the following circumstances —
 - (a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because—
 - (i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
 - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
 - (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
 - (c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.
- (8) To advise the Authority on corporate governance issues and performance indicators relevant to the Code of Conduct.
- (9) To determine (under section 3A of the Local Government and Housing Act 1989) applications by Authority employees for exemption from political restriction;
- (10) Any matters relating to the operation of the Authority's Members' allowances or dependent care allowances scheme which fall to be considered by the Standards Committee; and
- (11) Any other functions which by law fall to be discharged by the Standards Committee.

(Authority: 26.06.08)

Audit Committee

- (1) On behalf of the Authority to agree the planned internal audit activities for the year and to undertake an annual review of internal audit activity.

- (2) To review summary internal and external audit reports and the main issues arising and seek assurance that action has been taken where necessary.
- (3) To review and monitor the effectiveness of the Authority's policies on fraud, irregularity and corruption.
- (4) To consider the external auditors audit and inspection plan and their Annual Governance report.
- (5) To monitor the Authority's risk management system, framework and its control environment to ensure that it is fit for purpose, noting that management and implementation of specific risk controls remain with the relevant committee and/or the Authority.
- (6) To monitor the framework for business continuity and disaster recovery arrangements to ensure they are fit for purpose.
(Authority: 21.06.07)
- (7) To receive at every meeting reports on gifts and hospitality received by Members notified to the Head of Legal and Democratic Services and itemised expenses incurred by Members and paid for by the Authority, and reports on equivalent notifications, and expenses incurred, by the Commissioner, Directors and Heads of Service.
- (8) To approve arrangements for the publication on the Authority's website of all such notifications and expenses referred to in (7), including supporting invoices provided by or paid on behalf of Members and the officers specified in (7), as soon as practicable after their receipt.
(Authority 25.06.09)

APPENDIX B: MEMBER / OFFICER PROTOCOL

Duties and responsibilities of officers and Members

Roles and duties of officers

1. All officers have a duty to ensure, within the context of their jobs, that the Authority's work is carried out within the law, which is the central element of the Authority's corporate governance framework.
2. Officers serve the Authority as a whole and they must serve all Members of the Authority. They must make sure that the rights of each individual Member of the Authority are respected and all Members are treated equitably and with impartiality.
3. Officers have a duty to advise all political groups, although there may be greater contact with one political group than another, depending on the political composition of the Authority.
4. No officer should use any delegated authority for a matter of political controversy.
5. Officers must abide by every decision of the Authority, comply with the Authority's policies, rules and procedures and must not allow their own personal and political opinions to interfere with their work.
6. Officers are advisers to the Authority and are responsible for ensuring that the Authority and its committees are informed of the facts, the law and all other relevant considerations before making decisions.
7. Reports will normally be brought forward to a meeting of the Authority or one of its committees or sub-committees because:
 - a. There is a statutory requirement to consider a matter, e.g. setting the budget, reconstitution, borrowing and lending, etc;
 - b. There is a matter published or proposed by others to which the Authority must or may respond, including Mayoral strategies;
 - c. The Authority, or a committee, or sub-committee have requested the report, or it is a progress report; or
 - d. They are concerned about the delivery of the Authority's service objectives and/or the matter in question is beyond officers' delegated authority or is of a controversial or sensitive nature.
8. The Commissioner will determine the officer arrangements for ensuring that all reports to meetings of Members are prepared in a way that ensures that all relevant considerations are included and all irrelevant considerations excluded. On many occasions, but not all, reports intended for meetings of Members will first be considered by the Corporate Management Board.
9. In the normal course of business, officers will meet with individual Members, or with groups of Members, to discuss the business of the Authority, including intended reports. It is lawful and appropriate for any Member to express a view on a matter and for an officer to be persuaded by those views and to take them into account.

10. It is the responsibility of the Head of Legal and Democratic Services (in consultation with the relevant Chairman) to establish the agendas for meetings and to determine finally which reports go to meetings of the Authority (including committees and sub-committees). Officers can be instructed by the Authority, a committee or sub-committee to bring forward a report, but cannot be instructed by any individual Member.
11. Responsibility for the content of reports shall lie with the Director or Head of Service identified as the responsible officer. The Chairman of the Authority and the Chairman of any relevant committee or sub-committee (in respect of the committee or sub-committee for which he or she is responsible) may request to see copies of reports to meetings and may make suggestions to the responsible officer. Officers cannot be instructed to change or not submit a report by an individual Member.
12. It is the responsibility of report authors and the responsible Director or Head of Service to ensure that reports address all material considerations and disregard all irrelevant ones.

Role and duties of Members

13. A Member must observe the Authority's Code of Conduct whenever she or he:
 - i. conducts the business of the Authority;
 - ii. conducts the business of the office to which he or she has been appointed; or
 - iii. acts as a representative of the Authority
14. In relation to meetings of the Authority (and committees and sub-committees), Members must declare any personal or prejudicial interest, as set out in the Code of Conduct. There will be a standing item at the beginning of each agenda to give Members the opportunity to declare any interests. If a member of the public who knows all the relevant facts would view a Member's personal interest in the issue to be so great that it would be likely to prejudice his or her judgement of the public interest then the Member must leave the room and cannot seek to influence any decisions made. (There are some limited exceptions to the requirement to withdraw from the meeting. Members should refer to the detailed provisions of the Code of Conduct or speak to the Head of Legal and Democratic Services).

Requests for information received from Members

15. Apart from some exempt and confidential documents, Members have a statutory right to inspect documents which contain material relating to business to be transacted at an Authority or committee meeting.
16. Members also have a common law right to documents and/or information which they reasonably require to enable them to carry out their duties as Members. This right is dependent on a Member demonstrating 'a need to know' in order to perform their duties. It does not give Members the right to a roving commission. The Head of Legal and Democratic Services is available to provide advice about what constitutes a 'need to know'. All such requests will also be considered in the context of the Freedom of Information Act 2000 and the Data Protection Act 1998.
17. Although officers serve the Authority as a whole, individual Members or groups may also ask officers to provide factual information or briefing or advice on policy options. The advice given will be factual, independent, honest and reflecting any constraints (e.g. financial or legal), whilst understanding the political views of the political group concerned. Particular care should be taken when information is requested which relates to a policy matter shortly to be considered by the Authority or one of its committees; but there is no principle that a request

should be declined for that reason and the topicality may increase the desirability of responding positively.

18. Confidentiality must be maintained in all dealings with Members and political groups. There is no presumption that a request by one Member or party group (or the reply) should be disclosed to any other (or to any other officer). Clearly, any request for confidentiality (expressed or implied) must generally be respected. Otherwise copying to others is a matter of judgement for the head of department concerned, in consultation with their Director; but, if there is any doubt, the relevant Member/group must be consulted before the information is shared more widely. As examples, it is unlikely to be necessary to share with other Members responses on 'constituency' matters or responses to 'office holders' (Chairman or Vice Chairman) on matters for which they have a special interest. Where a response is copied to others, it should be marked accordingly.

The role of the Chairman of the Authority

19. Each year, the Mayor will appoint a Chairman from among the Members of the Authority. He does this by issuing a letter of appointment to the Chairman of the Authority. This may include comments as regards the duties which the Mayor expects the Chairman to perform but has no legal status beyond effecting the appointment. Any requirements of the Mayor can only be imposed on the Authority through the formal exercise of his statutory power of direction.
20. As the Authority is a local authority for many purposes, the Chairman exercises the functions of the Chairman of a Council in respect of the procedural provisions of local government legislation, particularly the Local Government Act 1972. These include the responsibilities under Schedule 12 to the Act, notably the requirement to chair any meeting of the Authority at which she or he is present (together with the consequent right to have a second vote in the event of an equality of votes and the responsibility for signing the approved minutes of meetings).
21. The 1972 Act also enables the Authority to make Standing Orders to regulate its proceedings. The Authority has included Standing Orders (at 8, 10, 13-17, 29 and 33-37) which provide that the Chairman is responsible for the conduct of the meetings and for rulings on late reports.
22. As the Mayor's appointee, the Chairman has an implicit role as the link between the Authority and the Mayor. In performing this role, the Chairman may only act within the legal constraints of the office, but it will normally include expressing the Mayor's views or likely preferences on the work and approach of the Authority.
23. The Chairman will represent the Authority at major external and internal corporate events, including receiving awards on behalf of the Authority. Examples of major internal events include the annual special achievement awards, the top managers' conference and corporate cultural events. Examples of external events include launch events for major corporate campaigns such as the older people strategy and the 'Be Safe and Sound' campaign.
24. The Chairman will attend Functional Body question time, on behalf of the Authority, to answer questions on the work of the Authority. The Chairman will also represent the Authority at meetings with Ministers, give evidence on behalf of the Authority, etc.
25. The Chairman will be the qualified person under the Freedom of Information Act who decides if information is exempt because it is likely to prejudice the effective conduct of public affairs. The Chairman will seek and have regard to any advice from the Monitoring Officer.

The role of the Vice-Chairman of the Authority

26. The Vice-Chairman of the Authority deputises for the Chairman on occasions when the Chairman is not able to be present.

Meetings

27. Officers reporting to the Authority shall comply with the timetables for the submission of draft and final reports as set out in the forward planning system.
28. For every meeting the Head of Legal and Democratic Services shall endeavour, subject to the interests of the public in attendance being served, to order the items so as to reduce as far as possible the need for officers to remain any longer than necessary or required.
29. All officer reports submitted to an Authority meeting shall:
 - (a) be in writing save that, in extenuating circumstances as approved by the Chairman, an oral report may be submitted provided that such an oral report only supplements a written report already circulated to the meeting; and
 - (b) as far as possible, the text of the report should contain not more than four sides of A4 with supporting information contained in Appendices which shall be limited to essential documentation. The Head of Legal and Democratic Services shall consult authors of reports before removing any superfluous paper and, if the author judges that the information is material to the Authority's consideration of the item, the information shall remain.
30. The Head of Legal and Democratic Services shall keep effectiveness of and compliance with this Code under constant review and draw any necessary matters to the attention of the chief whips.