

Public Document Pack

NOTICE OF AUTHORITY MEETING

You are hereby summoned to a meeting of the South Yorkshire Pensions Authority to be held at the offices of the South Yorkshire Joint Secretariat on Thursday 12 April 2012 at 10.00 am for the purpose of transacting the business set out in the agenda.

M V Oades
Deputy Clerk and Monitoring Officer

Member Services Officer: Len Cooksey
Tel: 01226 772848 Email: lcCooksey@syjs.gov.uk

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Distribution

Councillors M Lawton (Chair), R Wraith (Vice-Chair), D Baker, D Barker, E Butler, R Ford, K Goult, T Hussain, B Johnson, B Perrin, A Sangar and P Wootton

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|---|--|
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SOUTH YORKSHIRE PENSIONS AUTHORITY

12 APRIL 2012 AT 10.00 AM AT THE OFFICES OF THE SOUTH YORKSHIRE JOINT SECRETARIAT, 18 REGENT STREET, BARNSELY

Agenda: Reports attached unless stated otherwise

| | Item | Page |
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| 1 | Apologies | |
| 2 | Announcements | |
| 3 | Urgent Items To determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting; the reason(s) for such urgency to be stated. | |
| 4 | Items to be considered in the absence of the public and press. To identify items where resolutions may be moved to exclude the public and press. (For items marked * the public and press may be excluded from the meeting). | |
| 5 | Declarations of Interest. | |
| 6 | Minutes of the Meeting of the Authority held on 16 February 2012 | 1 - 6 |
| 7 | Minutes of the Corporate Planning and Governance Board held on 2 February 2012 | 7 - 12 |
| 8 | Minutes of the Corporate Planning and Governance Board held on 7 March 2012 | 13 - 14 |
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| 10 | Section 41 Feedback from District Councils | |
| 11 | Pensions Advisory Panel Annual Review | 19 - 20 |

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| 13 | LGPS Reform Proposals Update | Verbal Report |
| 14 | Next Meetings of the Authority and Boards in 2012/13 | 57 - 58 |

SOUTH YORKSHIRE PENSIONS AUTHORITY

16 FEBRUARY 2012

PRESENT: Councillor M Lawton (Chair)
Councillors; D Barker, A Sangar, R Wraith (Vice-Chair),
D Baker, T Hussain, E Butler, B Ford, K Goultly and B Perrin

Trade Unions: G Boyington (Unison) and G Warwick (GMB)

Officers: G Chapman (Head of Pensions Administration),
L Cooksey (Member Services Manager), J Hattersley (Fund
Director) and B Wilkinson (Clerk & Treasurer)

Apologies for absence were received from Councillors
B Johnson and P Wootton

1 APOLOGIES

Apologies were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

RESOLVED – That all items be considered in the presence of the public and press.

5 DECLARATIONS OF INTEREST.

None.

6 MINUTES OF THE MEETING HELD ON 12 JANUARY 2012

RESOLVED – That the minutes of the meeting of the Authority held on 12 January 2012 be agreed and signed by the Chair as a correct record.

7 MINUTES OF THE INVESTMENT BOARD HELD ON 8 DECEMBER 2011

RESOLVED – That the minutes of the meeting of the Investment Board held on 8 December 2011 be received.

8 WORK PROGRAMME

The Authority noted its current work programme and Members requested that officers ensure that none of the proposed meeting dates clash with meetings of Barnsley Council.

RESOLVED – That the contents of the report now submitted be noted.

9 SECTION 41 MEMBER FEEDBACK FROM DISTRICT COUNCILS

None.

10 FINANCIAL REGULATIONS

A report of the Clerk and Treasurer was submitted seeking approval to amendments to the Authority's Financial Regulations.

Attached to the report was a copy of the Authority's current Financial Regulations which showed the amendments recommended by officers to Members to:

- reflect changes in the role of the Fund Director since his designation as Head of Service;
- amend titles where appropriate;
- include statements relating to the adoption of recommendations in the CIPFA Code of Practice – Public Sector Pensions Finance Knowledge and Skills; and
- make minor improvements.

RESOLVED – That the Authority approves the amended Financial Regulations appended to the report now considered.

11 MEMBERS' TRAINING AND EDUCATION: EXTERNAL CONFERENCES AND SEMINARS

A report of the Clerk and Treasurer was submitted informing the Authority of the following training opportunity: LGPS Annual Trustees Conference – Looking Ahead to 2014 and What That Might Bring. Whilst details of the conference programme had yet to be finalised, it was likely that it would focus heavily on the LGPS 2014 project.

The conference would take place on 14 and 15 June 2012 and would be held in Blackpool.

RESOLVED – That any Member interested in attending the conference should inform officers in the Joint Secretariat as soon as possible.

12 TREASURY POLICY AND STRATEGY STATEMENT 2012/13

A report of the Clerk and Treasurer was submitted seeking Members' approval of the treasury management procedures and strategy followed by the Authority. The Fund Director gave an update on the position regarding the Authority's deposits with Icelandic banks and their UK subsidiaries.

RESOLVED – That the Authority:

- i) Adopts the Annual Investment Strategy and recommendations set out in Appendix I of the report now considered.
- ii) In accordance with Section 3(1) of the Local Government Act 2003, approves an Affordable Borrowing Limit on a rolling basis for the forthcoming year and two successive years, as outlined in Appendix II of the report now considered, of £250,000 being the maximum amount the Authority can afford to borrow; and
- iii) Keeps the above under review.

13 FUNDING STRATEGY STATEMENT REVIEW

A report of the Clerk and Treasurer was submitted requesting the Authority to adopt a slightly revised version of the Funding Strategy Statement. The Authority noted that the Funding Strategy Statement had to be reviewed every 3 years; however it was appropriate for the Authority to monitor the progress of the strategy between valuations in case any significant event had taken place that might impact on or warrant a change in the funding strategy.

The Statement had been reviewed and it had been determined that no changes were required other than to incorporate the revised customised asset allocation benchmark which became effective in October 2011. A revised version of the strategy had been set out as an appendix to the report now considered. The next full review would take into account preparations for the 2013 actuarial valuations. It was likely that there would be significant changes because it would need to reflect the restructuring of the Scheme from April 2014.

RESOLVED – That the Authority agrees to adopt the revised Funding Strategy Statement from March 2012.

14 ADDITIONAL VOLUNTARY CONTRIBUTIONS: POSITION STATEMENT

A report of the Clerk and Treasurer was submitted which provided the Authority with information on the providers, funds' performance and member numbers associated with the AVC facilities provided to LGPS members by the South Yorkshire Pension Fund.

The Authority noted that at the Member Advisory Panel meeting held in November 2011, a paper was requested that set out the current position of the Authority in relation to its Additional Voluntary Contribution facility. The Authority noted that the Authority only acted as a facilitator of AVCs. The arrangements in place were a matter for the provider and the individual members. The Authority was not responsible for the selection or performance of funds.

The Authority did not recommend:

- That AVCs were beneficial, suitable or appropriate.
- That either Prudential or Scottish Widows were suitable or appropriate companies in which to invest.
- That any of the funds and investment routes available were suitable or appropriate for members.

The Authority did recommend that members use the free Independent Financial Advice Service.

RESOLVED – That the report be noted and that it be referred for further consideration to the next meeting of the Pensions Advisory Panel.

15 CONSULTATION STRATEGY: MEMBER SATISFACTION RATING

A report of the Clerk and Treasurer was submitted which informed the Authority of the current level of customer satisfaction amongst Scheme members and requested the Authority to set a performance target for 2012/13.

The Authority noted that where officers had carried out a survey and asked for an overall customer satisfaction rating that:

- 48.6% of customers were very satisfied;
- 50.4% of customers were satisfied;
- 0.6% of customers were dissatisfied;
- 0.4% were very dissatisfied

with the service they received.

RESOLVED:

- i) That, whilst acknowledging that the satisfaction figures achieved were excellent, Members would wish to see a target of 55% of customers being very satisfied being achieved in the next financial year, whilst seeing no deterioration in the overall customer satisfaction level.
- ii) That Members thank staff of the Pensions Authority for the excellent work they did which was reflected in the excellent satisfaction levels recorded in the customer satisfaction surveys.

16 LGPS REFORM PROPOSALS UPDATE

The Authority noted that although negotiations are continuing, there had been no update on their progress. Officers would be attending a national meeting in late February that might provide an insight into the progress made so far.

17 SOFTWARE SALES

A report of the Clerk and Treasurer was submitted seeking approval in principle to the sale of in-house developed pensions systems to other LGPS Administering Authorities.

RESOLVED –

- i) That the Authority agrees as a matter of principle, the sale of internally developed goods and services to other Local Authorities on a commercial basis.

- ii) That staff be congratulated on their innovation that has opened up the possibility that in-house developed pensions systems could potentially be sold to other LGPS Administering Authorities.

18 WRITE OFFS

None.

19 ADDITIONAL MEETING OF THE CORPORATE PLANNING AND GOVERNANCE BOARD

RESOLVED – That Officers be requested to arrange an additional meeting of the Corporate Planning and Governance Board.

CHAIR

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SOUTH YORKSHIRE PENSIONS AUTHORITY

CORPORATE PLANNING AND GOVERNANCE BOARD

2 FEBRUARY 2012

PRESENT: Councillor R Wraith (Chair)
Councillors: D Barker, M Lawton and P Wootton

Officers: G Chapman (Head of Pensions Administration),
J Hattersley (Fund Director), M McCarthy (Head of Policy and
Performance), M McCoolle (Senior Member Services Officer)
and M Wilkinson (Internal Audit Manager)

G Boyington (Unison) and G Warwick (GMB)

J Prentice (Audit Commission)

Apologies for absence were received from Councillors
D Baker, E Butler, B Ford and T Hussain (not on the Board); J
Coombs (UCATT) and L Wild (Audit Commission)

1 APOLOGIES

As noted above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS.

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

RESOLVED – That the report on the agenda entitled ‘Contract Standing Orders’ be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST

None.

6 MINUTES OF THE MEETING OF THE BOARD HELD ON 17 NOVEMBER 2011

RESOLVED – That the minutes of the meeting of the Board held on 17 November 2011 be signed by the Chair as a correct record.

7 WORK PROGRAMME

The Board's Work Programme up to June 2012 was submitted.

M Wilkinson commented that the Internal Audit Strategy and Annual Plan would be reviewed at a special meeting in March 2012.

J Prentice commented that the Audit Commission's Annual Plans for 2011/2012 and 2012/2013 would be discussed at today's meeting, and therefore should be removed from the Work Programme for the 17 May 2012 meeting.

RESOLVED – That the Audit Commission's Annual Plans for 2011/2012 and 2012/2013 be removed from the Work Programme for the 17 May 2012 meeting.

8 BUDGET MONITORING

A report of the Clerk and Treasurer was submitted, which informed Members of the position of the Authority relative to budgets, and gave details of areas where there may be significant over or underspends.

J Hattersley commented that the report format had been revamped to highlight variances, and an explanation provided in the appendices. Councillor Barker commented that he found the new format helpful and easy to understand.

Members noted that one of the largest areas of expenditure was Investment Management Expenses. The report would always be one quarter behind, as invoices were not received until after the end of the quarter. There were no outstanding issues at this stage.

RESOLVED – That the report be received.

9 QUARTERLY PERFORMANCE FRAMEWORK REPORT 2011/12

A report of the Clerk and Treasurer was submitted which presented the framework performance results for the period ended September 2011.

M McCarthy commented that a member of staff was currently putting together a training and development strategy with the Fire and Rescue Authority. The Clerk and Treasurer had requested that this be undertaken with all four authorities. M McCarthy commented that he needed to work with the Chair and Vice Chair of the Authority in order to ascertain a more supportive process.

J Hattersley commented that a shorter and more streamlined report would be brought to the Board in future.

RESOLVED – That the report be noted.

10 RISK REGISTER

A report of the Clerk and Treasurer was submitted, in order to review the Authority's Risk Register.

J Hattersley commented that since the Risk Register was last viewed in November 2011 the following changes had been made:-

Risk 1 – Commentary updated with regard to CIPFA Code.

Risk 3 – Revision to control measures in light of experience and working of practitioner group.

Risk 5 – Reviewed in light of agreed budget.

RESOLVED – That the report be approved.

11 INTERNAL AUDIT PROGRESS REPORT AND OUTSTANDING INTERNAL AUDIT RECOMMENDATIONS

A report of the Head of Internal Audit was submitted to consider the work completed by the Internal Audit Team during the period November 2011 to mid January 2012; and the outstanding recommendations as at 31 December 2011 from the reports issued prior to July 2011.

Members noted that the planned work for the period January 2012 to March 2012 included the completion of current work in progress, Risk Management and IT Data Security.

RESOLVED – That the report be received.

12 AUDIT COMMISSION: DRAFT AUDIT PLAN

The audit plan was submitted, which set out the work for the 2011/12 audit. The plan was based on the Audit Commission's risk based approach to audit planning.

J Prentice commented that for 2011/12 his work in relation to value for money was limited to reviewing the Annual Governance Statement, and follow up of the South Yorkshire Metropolitan Councils' performance against the Service Level Agreement, to determine whether any improvements in performance of data flows were sufficient to prevent an unqualified value for money conclusion being issued.

RESOLVED – That the report be received.

13 DRAFT LGPS (MISCELLANEOUS) REGULATIONS 2012

A report of the Head of Pensions Administration was submitted to alert Members to the publication of the draft LGPS (Miscellaneous) Regulations 2012, and to seek an indication of whether Members wished to make a response.

The draft regulations issued on 5 December 2011 contained a wide range of mainly unrelated proposals for amending the scheme. The majority of the changes were due to come into operation in 2012; and a small number of changes had retrospective effect.

G Chapman explained the intention of the new provisions and pointed out where there were obvious errors or deficiencies. One change discussed in detail was the

new requirement to produce an annual benefit statement by 30 September each year. This would be difficult to achieve as the Authority was not usually in a position to issue statements until the end of December due to reconciling employer data. The discussion led onto the experience of issuing online statements for the first time this year. Whilst successful overall there had been teething troubles due to the volume of users trying to view their statements at the same time. G Chapman took onboard the suggestion that members not receiving a statement due to incorrect data should have a message added to their online account alerting them to the fact.

RESOLVED – That the report be noted.

14 THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS) (INJURY ALLOWANCES) REGULATIONS 2011

A report of the Head of Pensions Administration was submitted to alert Members to the publication of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011; which revoked several out-dated provisions contained within the Local Government (Discretionary Payments) Regulations 1996; and brought forward some new injury allowance provisions.

RESOLVED – That the report be noted.

15 EMPLOYERS SLA PERFORMANCE AND OUTSTANDING WORKLOAD

A report of the Head of Pensions Administration was submitted to update Members on employers' performance and any known levels of outstanding workload.

G Chapman commented that Rotherham MBC had won the contract to run the payroll facilities at Doncaster MBC. Staff would be transferring from April 2012 to work on clearing backlogs in areas within Doncaster MBC. Given Rotherham's good performance regarding pension payroll administration this was positive news for Doncaster members. A progress report would be brought to the Board after a period of 12 months.

RESOLVED – That:-

- i. A progress report on the integration of payroll services at Doncaster and Rotherham would be brought to the Board after a period of 12 months.
- ii. The report be noted.

16 CONSULTATION PROGRAMME - EMPLOYERS FORUM SURVEY

A report was submitted to inform Members of the results of the survey carried out amongst the Scheme employers who attended the Annual Employers' Forum, with a view to testing customer satisfaction on the experience and/or support they received.

G Chapman commented that overall the results had been positive. 53.3% had been dissatisfied with the room sizes, so alternative venues were being considered.

RESOLVED – That the report be noted.

17 EXCLUSION OF THE PUBLIC AND PRESS.

RESOLVED – That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

18 CONTRACT STANDING ORDERS (EXEMPTION PARAGRAPH 3)

A report of the Clerk and Treasurer was submitted in relation to contact standing orders.

RESOLVED – That the report be noted.

CHAIR

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SOUTH YORKSHIRE PENSIONS AUTHORITY

CORPORATE PLANNING AND GOVERNANCE BOARD

7 MARCH 2012

PRESENT: Councillor R Wraith (Chair)
Councillors: D Barker and B Ford

Officers: L Cooksey (Member Services Manager), M Oades (Solicitor & Monitoring Officer), M Wilkinson (Internal Audit Manager) and R Winter (Head of Internal Audit)

G Warwick (GMB)

Councillor M Lawton (Observer)

Apologies for absence were received from Councillor E Butler

1 APOLOGIES

Apologies were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS.

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

None.

5 DECLARATIONS OF INTEREST

None.

6 MINUTES OF THE MEETING HELD ON 2 FEBRUARY 2012

RESOLVED – That the minutes of the meeting of the Board held on 2 February 2012 be agreed and signed by the Chair as a correct record.

7 INTERNAL AUDIT STRATEGY AND PLAN 2012/13

A report of the Head of Internal Audit was submitted which presented the updated Internal Audit Strategy and Annual Plan for 2012/13 for Members' consideration.

Members noted that the Audit Manager had updated the Internal Audit Strategy and had prepared the Plan for 2012/13, which were presented in the two-part document attached at Appendix A. Both had been approved by the Clerk and Treasurer in accordance with his delegated authority.

The Strategy acknowledged/took cognisance of the following:

- The CIPFA final statement on the role of the Head of Internal Audit. The role of the Head of Internal Audit was being undertaken by the Assistant Executive Director of Finance (Audit & Risk Management) BMBC who was working closely with the Audit Manager.
- Projects being drawn from a nomination list from the Service and the Authority based on priorities identified by the risk assessment and the productive audit days available.
- A shift in emphasis of the nature of the work undertaken by some of the Team. This shift included a greater involvement by the Audit Manager and Principal Auditor in Officer Planning Groups, Governance and other Boards to provide advice and guidance at a strategic level.

Members noted that following approval the Strategy and Plan would be published on the Authority's website.

RESOLVED:

- i) The Board agrees the Internal Audit Strategy and Annual Plan for 2012/13.
- ii) The Board acknowledges the need for the Head of Internal Audit to apply his professional judgement regarding the flexibility necessary to ensure the efficient use of resources.

CHAIR

South Yorkshire Pensions Authority – cycle of future meetings

South Yorkshire Pensions Authority
Work Programme

South Yorkshire Pensions Authority – cycle of future meetings

| Responsibilities | 16 February 2012 | 12 April 2012 | 14 June 2012 | October 2012 | November 2012 |
|-----------------------------------|--|---------------------------------------|--|------------------------------|-------------------------------|
| | Strategic Overview of Business | Meeting Overview & Context | Meeting Overview & Context | Meeting Overview & Context | Meeting Overview & Context |
| | S41 feedback | S41 feedback | S41 feedback | S41 feedback | S41 feedback |
| Training & Development | Financial Regulations | | | | |
| Board Scrutiny | Call-Ins | Call-Ins | Call – Ins | Call – Ins | Call – Ins |
| | | | Annual Review of Risk Policy | | Risk Register Review |
| Review of Strategies | Treasury Management Strategy Annual Report | Pensions Advisory Panel Annual Review | CPGB Audit Committee Functions Annual Report | | Budgets and Revised Estimates |
| | Review of Funding Strategy Statement | Procedural Documents Update | | | |
| | Annual Review AVC's | | | | |
| | Consultation Strategy | | | | |
| Business | LGPS Reform Proposals Update | LGPS Reform Proposals Update | Appointment of Chair and Vice Chair | LGPS Reform Proposals Update | LGPS Reform Proposals Update |
| | Software Sales | Meeting Cycle Dates | Membership of the Authority | Health & Safety Report SLI | |
| | Write Offs | | Appointment of Boards and Committees | FoIA Annual Report | |

South Yorkshire Pensions Authority – cycle of future meetings

| | 16 February 2012 | 12 April 2012 | 14 June 2012 AGM | October 2012 | November 2012 |
|--|----------------------------|----------------------|---|-------------------------|----------------------|
| | Additional meeting of CPGB | | Questions in meetings of District Councils | FoIA Publication Scheme | |
| | | | LGPS Reform Proposals Update | | |
| | | | Annual Report on Member Training and Development Strategy | | |
| | | | Web Casting Report | | |

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SOUTH YORKSHIRE PENSIONS AUTHORITY

12th April 2012

Report of the Clerk and Treasurer

Pensions Advisory Panel – Annual Review

1. Purpose of the Report

A review of the Pensions Advisory Panel meetings that took place during 2011/12

2. Recommendations

Members are recommended to note the contents of the report

3. Information

3.1 The Pensions Advisory Panel met on four occasions during 2011/12. Membership of the panel comprises of six regional Trades Union representatives and six pensioner/deferred member representatives. An induction meeting was held in May for the majority of group members with catch-up events taking place later for those that could not attend. All meetings are attended by the Chair and Vice Chair of the Authority.

3.2 Attendance has been as follows,

| Meeting Date | Trades Union Rep | Scheme Member Rep | Total |
|--------------------------|------------------|-------------------|-------|
| 19 th April | 3 | 5 | 8 |
| 14 th June | 4 | 5 | 9 |
| 11 th October | 6 | 3 | 9 |
| 6 th December | 2 | 2 | 4 |

3.3 During the year Roger Mossman (Unison) retired after many years of involvement on pensions and our only deferred member resigned. Diane Stevenson filled the deferred member vacancy from 1st November 2011.

3.4 In addition to reviewing authority reports and minutes the panel has received presentations from officers on a number of topics including AVC's, The Fund Valuation, Role of the Actuary, Asset and Liability Study 2010 together with topical investment and pensions administration updates.

4. Implications

- **Financial** - None
- **Legal** - None
- **Diversity** - None
- **Risk** - None

Officer responsible:

Gary Chapman Head of Pensions Administration

Phone 01226 772954

E-mail: gchapman@sypa.org.uk

Background papers used in the preparation of this report are available for inspection in the Pensions Administration Unit.

SOUTH YORKSHIRE PENSIONS AUTHORITY

12 April 2012

Report of the Clerk and Treasurer

AMENDMENTS TO PROCEDURAL AND CONTRACT STANDING ORDERS

1. Purpose of the Report

To seek approval to proposed amendments to the Authority's Procedural and Contract Standing Orders.

2. Recommendations

Members are recommended to consider and approve the amendments outlined in the report and set out in detail in the Appendices annexed hereto.

3. Background Information

- 3.1 In 2011, new management arrangements were approved by the Authority, which resulted in the Fund Manager becoming the Head of Service and the Principal Pensions Manager, the Head of Pensions Administration. These arrangements followed Barnsley Council's approval to the Clerk and Treasurer's flexible retirement from April 2011 and the retirement of this Authority's Assistant Treasurer. Alongside these changes the Joint Secretariat Management Board has approved interim management arrangements to provide additional support to the Clerk and Treasurer at Deputy level.
- 3.2 Post titles within the Authority's Procedural and Contract Standing Orders need updating to reflect the new and interim management arrangements referred to. The Corporate Planning and Governance Board were alerted to the need to make these changes last November. Amendments to the Authority's Financial Regulations were approved at the Authority's last meeting.
- 3.3 The opportunity has also been taken to make other changes to Contract Standing Orders to improve the tender handling process and to take account of legislative changes.
- 3.4 The amendments proposed are highlighted in the documents attached as Appendices A and B. The Head of Service has indicated he would like to carry out a comprehensive review of the Authority's Contract

Standing Orders. This will be undertaken as part of the Annual Governance Review together with a review of the Scheme of Delegation to Officers.

4. Proposed revisions

| Document | Revisions |
|----------------------------|--|
| Procedural Standing Orders | <ul style="list-style-type: none"> • Post Code corrected (PSO 1.7) • Reference to Authority meetings being webcast inserted (PSO 15.2) • The titles of officers authorised to deputise for the Clerk and Treasurer are amended to reflect the interim management changes at the Joint Secretariat (PSO 29.1,31.5 and 32.2) |
| Contract Standing Orders | <ul style="list-style-type: none"> • The titles of officers are amended to reflect the new and interim management arrangements (CSOs 2.1, 3.1&3.2, 11.1 and 14.5) • EU thresholds updated -new thresholds specified in January 2012 (5.1.1) • An amendment is proposed to the internal procedures for dealing with tenders received with identification marks on (new 6.4) • Amendment to refer to Bribery Act 2010 (14.10) |

5. Implications and risks

5.1 There are no financial, legal or diversity risks arising from this report.

W J Wilkinson
Clerk and Treasurer

Officer responsible: Maureen Oades, Deputy Clerk and Solicitor

01226 772856mvoades@svjs.gov.uk

Background papers used in the preparation of this report are available for inspection at the offices of the Authority in Barnsley.

Other sources and references: None.

PART 4a - PROCEDURAL STANDING ORDERS

Date Approved:

Date Revised: ~~June 2008~~ April 2012

Date of Next Review: April 2013~~4~~

Responsible Officer: M V Oades

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1. Meetings of the Authority

- 1.1 The Authority shall hold an annual meeting between 1 March and 30 June each year¹.
- 1.2 In addition to the annual meeting of the Authority, meetings for the transaction of general business shall be held on such days and at such times as may be determined by the Authority at its annual meeting provided that any such date may be varied or any such meeting cancelled at a subsequent meeting.²
- 1.3 The Chairman of the Authority, or if the office of Chairman is vacant, or the Chairman of the Authority is not available, the Vice-Chairman of the Authority may call an extraordinary meeting of the Authority at any time.³
- 1.4 Any 3 members of the Authority may call an extraordinary meeting of the Authority where the Chairman:
 - (i) refuses to call a meeting after a requisition for that purpose specifying the nature of the business, having been signed by 3 members, has been presented to him/her; or
 - (ii) fails to call a meeting within 7 days of such requisition being presented to him/her⁴.
- 1.5 Any requisition under SO 1.4 may be presented to the Chairman by being left for him/her with the Clerk and Treasurer.
- 1.6 Where any person or persons decides to call an extraordinary meeting of the Authority, he/she shall signify to the Clerk and Treasurer that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The Clerk and Treasurer shall thereupon ensure that the notices and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.
- 1.7 Meetings of the Authority shall normally be held at 18 Regent Street, Barnsley, S70 2HG⁵.

1. LGA 1972 Schedule 12, paragraphs 1 and 6A - Applied by The Local Government Reorganisation (Pensions etc.) (South Yorkshire) Order 1987.

2. A joint authority may in every year hold, in addition to the annual meeting, such other meetings as they may determine; such meetings shall be held at such hour and in such days as the council may determine - LGA 1972, Schedule 12, paragraphs 1 and 2

3. LGA 1972, Schedule 12, paragraph 3 (power to call a meeting); and LGA 1985 Section 34 (3) - Subject to Standing Orders made by the Authority anything authorised or required to be done by or in relation to the Chairman may be done by or in relation to the Vice Chairman.

4. LGA 1972, Schedule 12, paragraphs 3 (2) and 6B (a)

5. LGA 1972, Schedule 12, paragraph 4 (1) - meetings shall be held at such place either within or without the Authority's area, as it may direct.

- 1.8 Subject to the statutory provisions allowing for urgent meetings at least 5 clear **working days** before the day of the meeting of the Authority⁶;
- (i) notice of the time and place of the intended meeting shall be published at the Authority's offices at 18 Regent Street, Barnsley and, where the meeting is called by Members, the notice shall be signed by those members and shall specify the business proposed to be transacted⁷; and
- (ii) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the Clerk and Treasurer shall be left at or sent by post to the usual place of residence of every member;

Provided that

- want of service of a summons on any member shall not affect the validity of a meeting; and
- no business shall be transacted at a meeting called by Members other than that specified in the notice published under SO 1.8.1 above;
- if a Member gives notice in writing to the Clerk and Treasurer that they desire summonses to attend meetings of the Authority to be sent to them at some address other than their usual place of residence, any summons addressed to them and left at or sent by post to that address shall be deemed to be sufficient service of the summons.⁸

1.9 An item of business may not be considered at a meeting of the Authority unless either:

- (i) a copy of the agenda including the item (or a copy of the item) has been open to inspection by members of the public in pursuance of SO 1.8 for at least 5 clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
- (ii) by reason of special circumstances, which shall be specified in the minutes, the person chairing the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency⁹.

1.10 The Chairman of the Authority may cancel or rearrange the date of a meeting at any time before the agenda has been published if he/she feels there is insufficient business to justify the meeting or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.

2. Appointment and Powers of Chairman and Vice-Chairman

2.1 The Authority shall as the first item of business at its annual meeting elect one of its Members to be the Chairman who shall unless he/she resigns that office or is otherwise disqualified, continue in office until the election of the Chairman at the next annual meeting. In the case of an equality of votes in respect of the appointment of a Chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have¹⁰.

6. LGA 1972, Schedule 12, paragraph 4 and LGA 1972, Section 100A(6)

7. LGA 1972, Schedule 12, paragraph 4

8. LGA 1972, Schedule 12, paragraph 4

9. LGA 1972, Section 100 B

10. LGA 1985 (Local Government Act 1985)

- 2.2 The Authority shall at its annual meeting following the appointment of the Chairman, appoint one of its Members to be Vice Chairman who shall, unless he/she resigns that office or is otherwise disqualified continue in office until immediately after the appointment of the Chairman at the next annual meeting¹¹.
- 2.3 On a casual vacancy occurring in the office of Chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs or if that meeting is held within fourteen days after that date then not later than the next following meeting; and any such meeting may be convened by the Clerk and Treasurer of the Authority¹².
- 2.4 On a casual vacancy occurring in the office of Vice Chairman, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting.
- 2.5 The Chairman, if present, shall preside at a meeting of the Authority¹³.
- 2.6 If the Chairman is absent from a meeting the Vice Chairman, if present, shall preside¹⁴.
- 2.7 If both the Chairman and the Vice-Chairman of the Authority are absent, Members present at the meeting shall choose who shall preside¹⁵.
- 2.8 All matters considered at a meeting shall be decided by a majority of the Members present and voting thereon and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote¹⁶.
- 2.9 Subject to the provisions of paragraph 6 of Schedule 12 to the Local Government Act 1972, no business shall be transacted at a meeting of the Authority unless at least one quarter of the whole number of members is present¹⁷.
- 2.10 If, during a meeting of the Authority, the Chairman declares that there is not a quorum present, the meeting shall stand adjourned to a time later in the day or to a date fixed by the Chairman at the time the meeting is adjourned. If the Chairman does not fix a date, the business remaining to be conducted shall be considered at the next meeting of the Authority. The names of the Members present when the meeting is adjourned shall be recorded upon the minutes of the meeting.
- 2.11 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or any procedural question, at a meeting of the Authority, shall be final and shall not be open to discussion.

11. LGA 1985 Section 34

12. LGA 1985, Section 34

13. LGA 1972, Schedule 12, paragraph 5

14. LGA 1972, Schedule 12, paragraph 5

15. LGA 1972, Schedule 12, paragraph 5

16. LGA 1972, Schedule 12, paragraph 39

17. LGA 1972, Schedule 12, paragraph 6

- 2.12 The Chairman shall have control of the meeting and may take such steps as the Chairman considers appropriate to maintain order and the orderly conduct of business.¹⁸
- 2.13 Without prejudice to SO 2.12 above:-
- (i) if at a meeting any member of the Authority in the opinion of the Chairman misconducts him/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, the Chairman may move “that the member named be not further heard” and the motion if seconded shall be put and determined without further discussion;
 - (ii) if the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chairman shall either move, “that the Member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Authority for such period as he/she shall consider expedient.
- 2.14 The Chairman may adjourn the Authority in the interest of maintaining order at any time and without prejudice to the right of any Member to propose an adjournment under SO 7.1 may adjourn the Authority for refreshment breaks for a period not exceeding one hour and for a single period of not more than 30 minutes for any other reason.
- 2.15 The Chairman’s powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

3. Agenda Setting and Order of Business

- 3.1 The items to be included in the Authority’s agenda subject to compliance with these Standing Orders, and any statutory provisions shall be fixed by the Clerk and Treasurer in consultation with the Chairman as appropriate.
- 3.2 Unless otherwise provided in accordance with this Standing Order, the Order of Business at every meeting of the Authority shall be :
- (a) to choose a member of the Authority to preside if the Chairman and Vice Chairman are absent;
 - (b) at the annual meeting, and at any other meeting (not being an extraordinary meeting) which is the first after the office of Chairman shall have become vacant, to appoint a Chairman;
 - (c) to deal with any business expressly required by statute to be dealt with before any other business;
 - (d) to receive apologies;
 - (e) to receive announcements from the Chairman and the Clerk and Treasurer;

18. At common law upon taking the Chair at a meeting the Chairman (or whoever may be presiding) becomes vested with authority to regulate and control proceedings for the purposes of the meeting Taylor v Nerfield (1855)

- (f) to identify whether there are any additional items of business which by reason of special circumstances the Chairman is of the opinion should be considered as a matter of urgency at the meeting the reasons for the urgency shall be specified in the minutes;
- (g) to resolve which items of business shall be dealt with in public and which shall be dealt with after the public have been excluded;
- (h) to approve as a correct record the minutes of the last meeting of the Authority and of any earlier meeting of which the minutes have not been approved, and for the Chairman to sign them;
- (i) to receive declarations of interests;
- (j) to dispose of business, (if any) remaining from the last meeting;
- (k) to receive Deputations (if any) pursuant to SO 13;
- (l) to receive Petitions (if any) pursuant to SO 12;
- (m) to consider motions in the order in which the Clerk and Treasurer has received notice thereof;
- (n) to receive and consider reports, minutes and recommendations of Committees, Sub Committees and Working Parties of the Authority in the order set out in the Agenda;
- (o) to consider any other business specified in the Agenda;
- (p) to consider urgent items of business approved by the Chairman.

3.3 The Order of business specified in paragraph 3.1 may be varied :

- (i) by the Chairman at his/her discretion;
- (ii) by a resolution passed on a motion duly moved and seconded.

4 Minutes of the Authority

- 4.1 At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
- 4.2 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question concerning their accuracy shall be raised by amendment.
- 4.3 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.
- 4.4 Where, in relation to any meeting of the Authority the next such meeting is an extraordinary meeting, the next following meeting (not being an extraordinary meeting) shall be treated as a suitable meeting for the signing of minutes.

5. Quorum and Voting

- 5.1 The quorum of the Authority shall be 3, unless more than one third of the members become disqualified when the quorum shall be determined in accordance with paragraph 45, Schedule 12 of the Local Government Act 1972¹⁹.
- 5.2 The quorum of a committee or Sub Committee of the Authority shall be 3²⁰.

6. Notice of Motion

- 6.1 Notice of every motion, other than a motion which under SO 7 may be moved without notice, shall be given in writing and be signed by the member or members of the Authority giving the notice. The notice shall state for which meeting of the Authority the notice is given.
- 6.2 Unless the Chairman is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the Clerk and Treasurer at least seven clear days before the day of the meeting for which the notice is given.
- 6.3 The Clerk and Treasurer shall record the time and date at which every such notice is delivered to him/her and the record shall be open to the inspection of every member of the Authority.
- 6.4 The Clerk and Treasurer shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.
- 6.5 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties.
- 6.6 If a motion set out in the summons be not moved either by a member who gave notice thereof or by some other member on his/her behalf, it shall, unless postponed by the Authority, be treated as withdrawn and shall not be moved without further notice.
- 6.7 No motion to rescind a resolution passed within the preceding 6 months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of paragraph 6.1 of this Standing Order bears the names of at least 5 members of the Authority. When any such motion or amendment has been disposed of by the Authority it shall not be open to any member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

19. Local Government Act 1972 Schedule 12 paragraph b - note of reference to whole number of members includes vacancies.

20. No quorum is prescribed by statute in the case of committee meetings but an authority has power to prescribe one by standing orders - Local Government Act 1972 Section 106.

7. Motions which may be Moved Without Notice

7.1 The following motions may be moved without notice;

to elect a Chairman of the Authority or to appoint a member to preside at a meeting at which the Chairman and Vice Chairman are absent ;

that leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Authority.

motions relating to the accuracy of the minutes ;

motions under SO 3.3 (change in order of business) ;

remission to a committee ;

appointment of a committee or members thereof, occasioned by an item mentioned in the agenda for the meeting ;

adoption of reports and recommendations of committees and any consequent resolutions ;

approval or amendment of recommendations of the Clerk and Treasurer and any consequential resolutions;

that leave be given to withdraw a motion ;

that the Authority proceed to next business ;

that the question be now put ;

that the debate be now adjourned ;

that the Authority do now adjourn ;

authorising the sealing of documents ;

motions under SO 8.6 to suspend a Standing Order ;

motions in accordance with section 100A (2) or (4) of the Local Government Act 1972 to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;

that a member named under SO 2.13 (ii) be not further heard or do leave the meeting;

inviting a member to remain under SO 17 (interests in contracts and other matters) ;

motions to refer a petition which has been presented to the Authority to the next ordinary meeting of the Authority or appropriate committee for consideration ;

motions to refer a matter raised by a deputation received under SO 13 to the next ordinary meeting of the Authority or appropriate committee.

motions arising from the consideration of such communications as the Chairman and the Clerk and Treasurer shall present to the Authority.

giving consent of the Authority where the consent of the Authority is required under these Standing Orders.

7.2 An amendment to a motion may be moved without notice, but shall be relevant to the motion. No amendment shall be moved to an amendment.

8. Rules of Debate

8.1 A motion or amendment shall not be discussed unless it has been moved and seconded.

8.2 An amendment shall be relevant to the motion and shall be either -

to refer a subject of debate to the next meeting of the Authority or the appropriate committee for consideration or reconsideration; or

to leave out words ; or

to leave out words and insert or add others; or

to insert or add words :

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

8.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if the circumstances suggest that this course would facilitate the proper conduct of the Authority's business. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

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

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

to amend or withdraw the motion;

to adjourn the meeting ;

to proceed to next business ;

that the question be now put ;

that a member be not further heard.

8.6 Suspension of Standing Orders

Any Standing Order (not being one which repeats a statutory requirement) may be suspended so far as regards any specified business at the meeting where its suspension is moved. The motion to suspend must identify the specific Standing Order concerned.

8.7 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

9. Questions within the Relevant Councils

The Authority shall nominate a member of each constituent Council on the Authority to answer questions within the Council on the discharge of the Authority's functions²¹.

10. Appointments by the Authority

10.1 If any member of the Authority is appointed by or on behalf of the Authority as a member of any other body or is nominated by or on behalf of the Authority for appointment to such body and is duly appointed, then unless the constitution of that other body provides for earlier termination or the Authority otherwise resolves, the appointment shall remain in force until the next annual meeting of the Authority or such earlier time as the person ceases to be a member of the Authority.

11. Voting

11.1 Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands.

11.2 In taking the votes on any proposition, those members only shall be entitled to vote who are present in the room when the proposition is put from the Chair.

11.3 After a proposition is put from the Chair but before the vote is taken, any three members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his/her vote for or against that proposition or abstained from voting.

11.4 Except where a recorded vote has been taken, any member who is present when the vote was taken may require his/her vote for or against the question or abstention shall be recorded in the minutes by notifying forthwith the Clerk and Treasurer (or if not present his/her representative attending the meeting).

11.5 Where there are more than two persons nominated for any position to be filled by the Authority and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

12. Petitions

12.1 Petitions may be presented by any member of the Authority. Any member shall be at liberty to move a motion that the petition be referred to the next ordinary meeting of the Authority or the appropriate committee for consideration and report and such motion on being seconded, shall be at once put to the vote.

21. Local Government Act 1985 Section 41 requires such arrangements to be made

13. Deputations

- 13.1 At the discretion of the Authority, deputations may be received at any meeting of the Authority, except the Annual Meeting, provided that seven clear days notice in writing has been given to the Clerk and Treasurer of the proposed deputation and the object thereof. The Chairman shall put a motion that the deputation be received which motion shall be put and moved without discussion. On the motion being approved, the deputation shall be admitted.
- 13.2. The deputation shall not exceed five persons in number, only one of whom shall speak and the speech, inclusive of the reading of a memorial or petition, if one is to be presented, shall not exceed five minutes.
- 13.3 No discussion shall take place on any matter raised by a deputation but any member shall be at liberty to move a motion, without notice, that the subject matter be referred to the next ordinary meeting of the Authority or the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

14. General Disturbances

- 14.1 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- 14.2 If, in the opinion of the Chairman, the misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

15. Recordings at Meeting

- 15.1 No one may make recordings of any kind other than written notes unless the person presiding at the meeting has given permission. If anyone does so without permission the person presiding at the meeting may either require the person to leave at once and/or adjourn the meeting for as long as he/she thinks fit.

15.2 The Authority may webcast meetings of the Authority and its sub-committees.

16. Record of Attendances

- 16.1 Every member attending a meeting of the Authority, or of any of its committees, sub-committees or other meeting arranged by the Authority of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose, and every member attending any other meeting, conference, seminar or inspection visit which is an approved duty shall sign his/her name in the register kept for that purpose.

17. Interests of Members in Contracts and Other Matters

- 17.1 A member in conducting the business of the Authority is subject to the Member Code of Conduct adopted by his/her Council.
- 17.2 Where any member has a personal or prejudicial interest in any business of the Authority and he/she attends a meeting at which the business is considered, he/she must disclose to that meeting the existence and the nature of the interest before the matter is discussed, or when the interest becomes apparent.

17.3 Where any member has a prejudicial interest in any business of the Authority and he/she attends a meeting at which the business is considered he/she must withdraw from the room when the matter is considered.

17.4 Members of the Authority shall disclose annually to the Clerk and Treasurer any shareholdings which they hold in any quoted company where the market value exceeds £5,000. The Clerk and Treasurer shall record in a register to be kept for the purpose particulars of any disclosure made under this Standing Order 17.4, and the register shall be open to the inspection of any member of the Authority.

18. Canvassing of and Recommendations by Members

18.1 Canvassing of members of the Authority, directly or indirectly for any appointment with the Authority, shall disqualify the candidate concerned for that appointment. The purport of this Standing Order shall be included in any form of application.

18.2 A member of the Authority shall not solicit for any person any appointment with the Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

19. Staff Appointments

19.1 In accordance with Section 7 of the Local Government and Housing Act 1987 all staff must be appointed on merit.

19.2 A candidate for any appointment with the Authority who knows that he/she is related to any member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. The purport of this SO 19 shall be included in any form of application.

19.3 Every member and senior officer of the Authority shall disclose to the Clerk and Treasurer any relationship known to him/her to exist between the member or officer and any person who they know to be a candidate for an appointment with the Authority.

20. Gifts and Hospitality

20.1 A member who receives a gift or hospitality with an estimated value of at least £25 shall inform the Monitoring Officer. The Monitoring Officer will record the declaration made in the Members Gifts/Hospitality register maintained by the Monitoring Officer. This register shall be open to inspection by members of the Authority.

20.2 The offer to or receipt of gifts or hospitality by an officer of the Authority shall be reported as required by the Code of Conduct applying to officers to the Clerk and Treasurer who shall make a record in a register maintained for this purpose. The register maintained by the Clerk and Treasurer shall be open to inspection by members of the Authority.

22. Note deleted.

21. Inspection of Land, Premises etc.

21.1 A member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of their membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

22. Committees and Sub-Committees

22.1 The Authority, at the Annual Meeting:-

- (i) shall resolve which committees, including any required by or under any statute, shall be appointed and what shall be the terms of reference of each of these committees and of how many voting members each committee shall consist
- (ii) may resolve that non-voting members, shall also be appointed to any such committee, and if any such appointments are made the numbers shall be specified together with the functions to be exercised by the members appointed
- (iii) may resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub- committee of any of their functions.

22.2 The Authority may at any other time resolve to appoint a committee, and if so shall decide on the terms of reference, and the number of voting members and may decide on the appointment and functions of non-voting members and on the limitation of the powers of any such committee to appoint sub-committees in accordance with SO 22.1 above.

22.3 The Authority may, subject to any statutory provision, at any time resolve to dissolve a committee or may amend resolutions made under SO 22.1 and 22.2.

22.4 Every committee and sub-committee shall continue to discharge the functions committed to them until the Authority resolve otherwise.

22.5 Subject to S. 102(5) of the 1972 Act (member ceasing to be a member of the Authority shall cease to be a member of a committee) and SO 22.8 below every person appointed as a voting member of a committee or sub-committee (and every person appointed to exercise other functions in relation to a committee) shall continue as such until the appointment is terminated by the Authority.

22.6 A member of the Authority who is not otherwise entitled to attend and speak at a committee or sub-committee shall be entitled to do so, but not to vote:-

- (i) during the consideration of any motion of which notice has been given under SO 6.1 which he/she has moved or seconded at a meeting of the Authority and which has been referred to that committee or sub committee, or
- (ii) with the agreement of the Chairman.

The foregoing provisions of this Standing Order shall not apply to an Appeals Committee.

Where a resolution is passed excluding the public from a meeting that exclusion shall not be deemed to apply to any member of the Authority but all members will be expected to observe the confidentiality conventions.

22.7 Whenever:

- (i) the Authority is required to review the allocation of seats on committees between political groups, or
- (ii) the Authority resolves to carry out such a review, or
- (iii) a committee is required to review the allocation of seats on a sub-committee between political groups, or
- (iv) a committee resolves to carry out such a review

the Clerk and Treasurer shall submit a report to the Authority or committee as the case may be showing what allocation of seats would in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.

22.8 In the light of such a report as is mentioned in SO 22.7 the Authority or committee, as the case may be, shall determine the allocation of seats to political groups.

22.9 Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes then the Authority or the committee, as the case may be, at a meeting at which the wishes of the political group are expressed, or at the next meeting after those wishes are expressed, or where there is a failure to express such wishes shall make or terminate the appointment accordingly.

22.10 Subject to the approval of the Authority and to any resolutions by the Authority under this SO 22 every committee may appoint sub-committees for such purposes as they think fit, and may make arrangements for a sub-committee to discharge any of the functions of the authority which the committee may discharge²³.

23. Meetings of Committees and Sub-Committees

23.1 The Authority at the Annual Meeting shall fix the date, time and place of Ordinary Meetings of committees and may fix the date, time and place of Ordinary Meetings of sub-committees.

23.2 If the Authority do not fix the date, time or place of an Ordinary Meeting of a sub-committee then the relevant committee may do so.

23.3 The Chairman of a committee or sub-committee or may call an Extraordinary Meeting of a committee or sub-committee at any time.

23.4 The Chairman of a committee or sub-committee, may if he/she considers it necessary (and after consultation so far as practicable with such persons as appear to him/her to be representative of the political groups to which seats on the committee or sub-committee have been allocated) cancel a meeting of the committee or sub-committee or may change any of the details of place, date or time already fixed for the meeting.

23. Provisions based on LGHA 1989 Sections 15 and 16, and the Local Government (Committees and Political Groups) Regulations 1990 (as amended).

- 23.5 If:
- (i) a requisition for an Extraordinary Meeting of a committee or sub-committee signed by at least 2 or one quarter of the total number of the voting members of the committee or sub-committee, whichever is greater, has been presented to the Chairman, and
 - (ii) either the Chairman has refused to call a meeting or without the Chairman so refusing, within 7 days of presentation of the requisition no Extraordinary Meeting has been called, then any 2 or one quarter of the total number of the voting members of the committee or sub-committee whichever is greater, may forthwith call an Extraordinary Meeting of the committee or sub-committee.
- 23.6 Where it is decided to call an Extraordinary Meeting of a committee or sub-committee under SO 23.5 above, the members calling the meeting shall tell the Proper Officer they have done so, the business to be transacted and the date, time and place for which the meeting is called. The Proper Officer shall then ensure that the necessary notices and summonses are sent out.
- 23.7 Any requisition under 23.5 may be presented by being left with the Clerk and Treasurer.
- 23.8 All meetings of committees and sub-committees shall be held, unless the relevant committee or sub-committee otherwise directs, at 18 Regent Street, Barnsley.

24. Notice of Committee and Sub-Committee Meetings

- 24.1 At least 5 clear days before a committee or sub-committee meeting the Clerk and Treasurer shall publish a notice of the date, time and place of the meeting at 18 Regent Street, Barnsley. The notice shall be signed by the Clerk and Treasurer or the Chairman or, in the case of an Extraordinary Meeting called under 23.5 by the members of the committee or sub-committee calling the meeting.
- 24.2 At least 5 clear days before a committee or sub-committee meeting or summons giving the date, time and place, signed by the Clerk and Treasurer and specifying the business to be transacted at the meeting shall be left at or sent by post to the usual place of residence (or such other address as has been notified to the Clerk and Treasurer) of each member of the Authority²⁴.

25. Committee Agendas

- 25.1 The agenda for every committee and sub-committee meeting shall include:-
- (a) all items of business which are referred to the committee or sub-committee by the Authority or by another committee or sub-committee;
 - (b) all reports submitted to the committee or sub-committee by the Clerk and Treasurer, and the Monitoring Officer;
 - (c) any item of business directed to be included by the Chairman.

24. See notes 9, 10 and 11 above.

26. Quorum for Committees and Sub-Committees

- 26.1 The quorum of a committee shall be 3 voting members.
- 26.2 The quorum of a sub-committee shall be 3 voting members, except where the membership of the sub-committee is 3 or fewer, in which case the quorum shall be 2 members.
- 26.3 At any meeting of a committee or sub-committee the chair shall be taken at the time specified in the summons convening the meeting and business shall commence as soon as a quorum is present.
- 26.4 If at the expiration of 15 minutes after the specified time of meeting a quorum is not present, no meeting shall take place and the business shall be postponed to the next Ordinary Meeting of the committee or sub-committee unless an Extraordinary Meeting is convened in the meantime for the purpose of dealing with such business.
- 26.5 If during any meeting of a committee or sub-committee, the Chairman, declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes.
- 26.6 If, after 15 minutes, there is still no quorum present, the Chairman shall declare the meeting at an end and the business shall be postponed to the next Ordinary Meeting of the committee or sub-committee unless an Extraordinary Meeting is convened in the meantime for the purpose of dealing with such business.

27. Appointment of Chairman and Vice-Chairman of Committees and Sub-Committees

- 27.1 Appointments of the Chairman and Vice-Chairman of a committee shall be made by the Authority.
- 27.2 The Chairman and Vice-Chairman of a sub-committee shall be appointed at the first meeting of the sub-committee after the Annual Meeting of the Authority, by the sub-committee.
- 27.3 The Chairman, if present, shall preside at every meeting. In the absence of the Chairman the Vice-Chairman, if present, shall preside. If both the Chairman and Vice-Chairman are absent members present at the meeting shall choose who shall preside.

28. Urgent Action

- 28.1 The Clerk and Treasurer shall be empowered to act on behalf of and within the powers and duties of the Authority in cases of urgency after consultation where practicable with the Chairman or Vice Chairman of the Authority.
- 28.2 In all cases a written record shall be made of the action taken, the reason for the urgency, and the member consulted.

The Clerk and Treasurer shall report action taken under this SO 28 to the first available meeting of the Authority.

29. Arrangements for the Discharge of Functions by Officers

29.1 Whenever the office of Clerk and Treasurer is vacant or he/she is for any reason unable to act the powers and duties delegated to the Clerk and Treasurer under these Standing Orders may be exercised by:

- (i) the Deputy Clerk and Monitoring Officer;
- (ii) the Deputy Treasurer; ~~or~~
- ~~(iii)~~ (iii) the Deputy Clerk/Policy
- ~~(iii)(iv)~~ (iv) the Deputy Monitoring Officer

subject to any enactment providing otherwise.

30. Legal Proceedings

30.1 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Clerk and Treasurer unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.

30.2 The Clerk and Treasurer, is authorised to institute, defend or participate in any legal proceedings in any case where either the institution or defence of such proceedings is necessary to give effect to decisions of the Authority or of any committee, sub-committee or officer acting under delegated powers or in any case where the Clerk and Treasurer considers that the institution or defence of, or participation in proceedings is necessary to protect the Authority's interests.

30.3 The Clerk and Treasurer is authorised to settle claims not exceeding £10,000, and in urgent circumstances claims exceeding £10,000. Details of settlements exceeding £10,000 approved by the Clerk and Treasurer shall be reported to the Authority as soon as possible.

31. Common Seal of the Authority

31.1 The Common Seal of the Authority shall be kept in a safe place in the custody of the Clerk and Treasurer.

31.2 A decision of the Authority or of a committee, sub-committee or officer acting under delegated powers shall be a sufficient authority for sealing any document necessary to give effect to the decision.

31.3 The Common Seal shall be affixed to those documents which, in the opinion of the Clerk and Treasurer, should be sealed.

31.4 The affixing of the Common Seal shall be attested by the Clerk and Treasurer or a duly authorised officer:

31.5 The officers authorised for the purposes of SO 31.4 are:

- (i) the Deputy Clerk and Monitoring Officer;
- (ii) the Deputy Treasurer;
- (iii) the Deputy Clerk/Policy
- (iv) the Deputy Monitoring Officer

31.6 The Clerk and Treasurer shall maintain a register of documents to which the Common Seal shall have been affixed. The person attesting the sealing of a document shall sign the register.

32. Signing of Agreements and Contracts

- 32.1 The Authority shall be the contracting party for the purposes of entering into contracts.
- 32.2 The Clerk and Treasurer, the Deputy Clerk and Monitoring Officer, the Deputy Treasurer, the Deputy Clerk/ Policy and the Deputy Monitoring Officer shall each of them be the Agent of the Authority to sign all contracts agreed to be entered into by the Authority, or by any Committee, Sub-Committee or officer acting under delegated powers. Arrangements made by the Authority for the discharge of its functions may provide for additional officers to be the Agent of the Authority for the purposes of signing contracts.

33. Variation and Revocation of Standing Orders

- 33.1 Except where it is in pursuance of a recommendation of a committee any motion at a meeting to add to, vary or revoke any Standing Order shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority. Provided that this Standing Order shall not apply to any review of Standing Orders at the Annual Meeting.

34. Interpretation and Application

- 34.1 The decision of the Chairman of the meeting on the question of the construction of these Standing Orders and on any question of order not provided for in Standing Orders shall not be challenged at any meeting of the Authority.
- 34.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Standing Orders.
- 34.3 In these Standing Orders, unless the context otherwise requires the singular includes the plural.
- 34.4 Standing Orders:- 8 (Rules of Debate); 10 (Appointments); 11 (Voting); 12 (Petitions); 13 (Deputations); 14 (General Disturbances); 15 (Recordings at Meetings); 17 (Interests) shall apply to meetings of committees and sub-committees.
- 34.5 Reference to any statute enactment, order regulation or other similar instrument shall be construed as a reference to the statute, enactment, order, regulation or instrument as amended by any subsequent statute, enactment, order regulation or instructions as contained in any subsequent re-enactment thereof.

35. Standing Orders to be Given to Members

- 35.1 A printed copy of the Authority's Standing Orders and Financial Regulations shall be given by the Clerk and Treasurer to every member of the Authority on his/her first being appointed to the Authority.

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**PART 4d - CONTRACT STANDING
ORDERS**

| | |
|----------------------|--|
| Date Approved: | July 2000 |
| Date Revised: | October 2006; December 2006; June 2008; June 2009; June 2010; <u>-April 2012</u> |
| Date of Next Review: | April 2011 |
| Owner : | M V Oades |

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- 1.1 These Standing Orders shall apply to the seeking of offers and the award of contracts for works, supplies or services.
- 1.2 Every contract made by the Authority for works, supplies or services and the procedures relating to them shall comply with:
- (a) these Standing Orders
 - (b) Financial Regulations made by the Authority
 - (c) any legal requirements applying to such contracts.
- 1.3 Wherever legal requirements conflict with or provide additional requirements to these Standing Orders those requirements shall prevail.
- 1.4 These Standing Orders may only be varied with the approval of the Authority.
- 1.5 The Authority has power to waive requirements in these Standing Orders. The Clerk and Treasurer is authorised to exercise this power on behalf of the Authority. No exemption can be used if EU Procurement Procedures apply. All exemptions, and the reasons for them, must be recorded in an appropriate log.

2. Definitions

- 2.1 In these Contract Standing Orders, except where the context otherwise requires, the following expressions shall have the meanings hereby described to them:

| | |
|-----------------------|---|
| “Appropriate Manager” | shall mean the Clerk and Treasurer, the Fund Director Manager or the Head of Pensions Administration Assistant Treasurer (or an authorised officer to act in their absence) and shall be interpreted according to their respective management responsibilities |
| “A Contract” | means any contract in writing or otherwise for works, supplies or services but shall exclude contracts of employment or for the acquisition of land, including buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land or for financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments (this exclusion includes securities broking services). |
| “Monitoring Officer” | shall mean the Deputy Clerk and Solicitor <u>Monitoring Officer</u> performing the functions of the “Monitoring Officer” as described under section 5 of the Local Government and Housing Act 1989 |
| “Quotation” | means a written estimate to execute works, or supplies or services. |
| “Services” | is to be construed in accordance with the Public Contracts Regulations 2006. |

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“Supplies” is to be construed in accordance with the Public ~~Supplies~~ Contracts Regulations ~~2006, 1995~~.

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“A tender” means a written offer to execute works or provide supplies or services.

“Works” is to be construed in accordance with the Public Contracts Regulations 2006.

2.2 A reference to any enactment shall be deemed to include a reference to any amendment or re-enactment of the same.

3. Discharge of Functions by Officers

3.1 The Clerk and Treasurer, the Fund ~~Director Manager~~ and the ~~Head of Pensions Administration Assistant Treasurer~~ shall be empowered to seek offers for and award contracts for works, supplies or services on behalf of the Authority in accordance with these Standing Orders.

3.2 Whenever the office of Clerk and Treasurer, Fund ~~Director Manager~~ or ~~the Head of Pensions Administration Assistant Treasurer~~ is vacant, or he/she is for any reason unable to act, the person(s) specified below shall be authorised to act on his/her behalf for the purposes of these Standing Orders.

| | | |
|----------------------------|----------------------------------|--|
| <u>Clerk and Treasurer</u> | Fund Director Manager | Head of Pensions Administration Assistant Treasurer |
|----------------------------|----------------------------------|--|

| | | |
|--|--|----------------------------|
| Deputy Clerk and Monitoring Officer | Assistant Fund Manager <u>Head of Investment</u> | Principal Pensions Manager |
| Deputy Treasurer | | |
| Deputy Clerk /Policy | | |
| Deputy Monitoring Officer | | |

3.3 Officers undertaking contract functions on behalf of the Authority shall always:

- (a) Seek value for money;
- (b) show no undue favour to any contractor, nor discriminate against contractors from other EU States;
- (c) conduct tendering and price-testing in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);
- (d) do nothing that contravenes the Authority’s Standing Orders, Financial Regulations, EU or domestic law; and
- (e) ensure that adequate Contract Files are kept for all contracts upon which they are engaged.

4. **Declaration of Interests**

- 4.1 Any officer undertaking any contract function(s) (e.g. supplier selection, tender award or day to day order placing) shall declare in writing to the Clerk and Treasurer any relationship of a business or private nature with an external contractor or potential contractor. The Clerk and Treasurer shall decide whether or not the officer concerned should continue to discharge the particular contract function(s).
- 4.2 In accordance with the provisions of Section 117 of the Local Government Act 1972 where it comes to the knowledge of an officer that a contract in which the officer has a pecuniary interest whether direct or indirect (not being a contract to which the officer is a party) is before the Authority, the officer must give notice in writing of his/her interest to the Clerk and Treasurer.
- 4.3 The Clerk and Treasurer shall keep completed declarations given under this SO 4 on the individual's personal file and a register of officers' declarations indicating the names of the officers concerned and the nature of their declaration.

5. **Procedures for Letting Contracts**

- 5.1.1 Where the estimated value of a proposed contract for works, supplies or services is equivalent to or above the thresholds specified in the table below offers shall be invited by the appropriate Manager in accordance with the Public Contracts Regulations 2006 SI 2006/5.

| Contract | Threshold |
|-----------------|----------------------------------|
| Works | £3,611,319 £4,348,350 |
| Supplies | £144,374 £173,934 |
| Services | £144,374 £173,934 |

(Thresholds are based upon EU Procurement thresholds as specified from January 2012~~06~~. Thresholds will change thereafter in line with appropriate statutory procurement thresholds operative at the time).

- 5.1.2 Where public notice of a proposed contract is required in the Official Journal of the European Communities public notice shall also be given in one or more journals or newspapers circulating in the United Kingdom.
- 5.2.1 Where the estimated value of a proposed contract is below the appropriate threshold specified in SO 5.1 then unless an exception applies the appropriate Manager shall comply with the following:

Contracts up to £20,000

The appropriate Manager shall ensure that the best value in terms of economy, efficiency and effectiveness is obtained:

Contracts above £20,000 to £50,000

The appropriate Manager shall obtain three or more written quotations in accordance with SO 5.4.

Contracts above £50,000

Full tender procedure required.

5.2.2 A contract shall not be artificially divided into two or more separate contracts with the intention of avoiding the requirements to invite quotations or tenders. Contracts shall be packaged to best ensure service delivery, competition and value for money.

5.3 Exceptions from quotation or tender

5.3.1 Only one tender or quotation need be obtained in the following circumstances:

- (a) where only one contractor is able to carry out the work or service or to supply the goods for technical reasons or because of exclusive rights;
- (b) where additional works supplies or services are required which, through unforeseen circumstances, were not included in the original contract and which are either strictly necessary for the completion of the contract or, for technical or economic reasons cannot be carried out separately without great inconvenience;
- (c) for works, supplies or services obtained from or under contracts which have been negotiated by a central or local government purchasing organisation or by or on behalf of any consortium, association or similar body of which the Authority is a member;
- (d) for the purchase and sale of securities and financial instruments traded upon a public stock exchange;
- (e) for works, supplies or services obtained under a framework arrangement approved by the Authority;
- (f) for the engagement of legal, architectural, quantity surveying and auditing services;
- (g) for items up to value of £20,000 where, in the opinion of the appropriate Manager competitive quotations are not necessary or reasonably practicable.

5.3.2 Where an exception specified in SO 5.3.1 applies the appropriate Manager may proceed with the contract provided that the expenditure is within the framework of the Authority's policy and included in the approved budget.

5.3.3 The Clerk and Treasurer shall submit a half yearly report to the Corporate Governance and Planning Board listing all contracts above £20,000 which are let without competitive quotations or tenders being invited under SO 5.3.1.

5.4 Written Quotations - Contracts above £20,000 to £50,000

5.4.1 Where the total estimated value of the proposed contract is above £20,000 but does not exceed £50,000 the appropriate Manager shall request a written quotation from not fewer than 3 persons believed to be suitably experienced in the supply of the required works, supplies or services.

5.4.2 A quotation shall be required to be addressed to the appropriate Manager in a plain envelope marked only to identify the subject of the quotation.

5.4.3 Any quotation received shall only be considered if given in response to a request in writing given by the appropriate Manager, stating the nature and purpose of the contract, and the last date for receipt of the quotation. The timescales used shall be such that persons invited have an equal opportunity to respond.

- 5.4.4 A record shall be maintained of the contractors approached and their responses.
- 5.4.5 The appropriate Manager may accept a quotation other than the lowest provided he/she is satisfied that it is in the best interests of the Authority to do so, in which case a record shall be made setting out the reasons for rejecting the lower quotations.
- 5.5 Tenders - Contracts above £50,000**
- 5.5.1 Where the total estimated value of a proposed contract is above £50,000, tenders shall be invited in accordance with the provisions of SO's 5.6, 5.7 or 5.8 as appropriate.
- 5.6 Approved Lists**
- 5.6.1 This SO 5.6 shall have effect where the Authority has determined that a list shall be kept of persons to be invited to tender for contracts for works, supplies or services of specified categories, values or amounts.
- 5.6.2 The Authority shall ensure that an up to date list is compiled and maintained. The list will contain:
- (a) the names of persons who wish to be included in it and are approved by the Authority, who shall have power to exclude persons from the list either temporarily or permanently;
 - (b) an indication of whether a person whose name is included in it is approved for contracts for all or only some of the specified values, or amounts or categories.
- 5.6.3 At least 4 weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published in one or more newspapers or journals circulating among persons as undertake such contracts of the specified categories, amounts or values within the United Kingdom.
- 5.6.4 The list shall be amended as required from time to time and shall be reviewed at intervals not exceeding 3 years. At least 4 weeks before each review each person whose name appears on the list shall be asked whether he/she wishes his/her name to remain and notices inviting applications for inclusion on the list shall be published as set out in CSO 5.6.3.
- 5.6.5 Where the invitation to tender for a contract is to be limited to persons whose name appears on the list maintained under this CSO 5.6, an invitation to tender for that contract shall be sent to at least 4 of those persons who are approved for a contract of that category, value or amount, or if there are fewer than 4 such persons, to all of them.
- 5.6.6 If under SO 5.6.5 above there are more than 4 approved persons on the list, the persons to whom invitations are sent shall be selected by the appropriate Manager.
- 5.7 Restricted Tender Procedure**
- 5.7.1 This SO 5.7 shall have effect where invitation to tender for a contract is to be limited to persons who reply to a public notice.
- 5.7.2 Public notice shall be given in one or more newspapers or journals circulating in the United Kingdom among persons as undertake such contracts.
- 5.7.3 The public notice shall set out particulars of the proposed contract and invite persons interested to apply for inclusion on the select list.

5.7.4 After the expiration of the period specified in the public notice (which shall be not less than 10 days) invitations to tender shall be sent to those persons who applied to tender and who have been selected.

5.7.5 A record shall be kept of the selection criteria used for the shortlisting exercise and which suppliers failed (if any) and why.

5.8 Open Tender Procedure

5.8.1 This SO 5.8 shall have effect where a proposed contract is to be let by open tender.

5.8.2 Public notice shall be given in one or more newspapers or journals circulating in the United Kingdom among persons as undertake such contracts or on the Authority's website.

5.8.3 The public notice shall set out the nature and purpose of the proposed contract, invite tenders and state the last date and time when tenders will be received. The period specified for the return of tender shall be not less than 10 days.

5.9 Selection of Procedure

5.9.1 Unless either the law requires a particular procedure to be used, or the Authority requires a particular procedure to be used the following shall apply:-

- (a) where there is an approved list an invitation to tender for the contract shall be sent to at least 4 of those persons who are approved for a contract of that category, value or amount, or if there are fewer than 4 such persons, to all of them. Where there are more than 4 persons approved on the list, the persons to whom invitations are sent shall be selected by the appropriate Manager.
- (b) where there is no approved list and it is considered that reasonable competition will be provided by selective tender, the procedure under SO 5.7 shall be used;
- (c) where there is no approved list and it is considered inappropriate to use the selective tender procedure, the procedure under SO 5.8 shall apply.

5.10 Specifications

Before undertaking a procurement activity the Appropriate Manager shall ensure that a written specification which will form the basis of the contract/arrangement has been prepared. The Specification shall include, where appropriate, defined performance criteria and the associated reporting mechanisms.

6. Submission and Receipt of Tenders

6.1 No tender will be considered unless:

- i) it is received within the time stated and;
- ii) it is received in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but no name or mark indicating the identity of the sender;

6.2 Every notice of invitation to tender shall inform prospective tenders of the provisions of SO 6.1.

6.3 The instructions to tender issued to tenderers shall state that tenders are to be delivered to the Clerk and Treasurer.

6.4 If the tender envelope states the name, mark, slogan or logo of the firm, it must immediately on receipt be placed in a plain envelope recording the tender it concerns.

6.54 Tenders shall remain in the custody of the Clerk and Treasurer until the time appointed for their opening. The Clerk and Treasurer shall make arrangements to ensure that the date and time of receipt is marked on each tender envelope. Details of the tender instructions issued shall be provided to the officer responsible for arranging the tender opening ceremony.

6.65 Each person submitting a tender shall be required to certify that he/she has not, before submission;

(a) communicated to any person other than his/her legal or other professional advisors the amount of any proposed tender;

(b) adjusted the amount of any proposed tender for the work in accordance with any agreement or arrangement with any other person.

7. Opening and Registration of Tenders

7.1 Tenders delivered to the Clerk and Treasurer in accordance with the provisions of SO 7.3 shall be opened and recorded at one time and in the presence of 2 officers designated for that purpose by the Clerk and Treasurer.

7.2 Where there is only one tender for consideration the Clerk and Treasurer will decide whether or not to open the tender or undertake a re-tendering exercise and his/her decision will be recorded in the tender register.

7.3 The Clerk and Treasurer shall maintain a register of tenders.

7.4 At each tender opening ceremony the following details shall be recorded in the tender register:

- (a) the last date and time for receipt of tenders;
- (b) the tender reference number;
- (c) the estimated value of the contract;
- (d) a brief description of the works, supplies or services;
- (e) the date and time each tender was received as recorded on the tender envelope;
- (f) the name of each tenderer;
- (g) the amount of each tender specified on the Form of Tender (where tenderers are requested to submit Schedules of Prices it shall be sufficient to indicate this fact in the tender register);

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

7.5 A register shall also be maintained of the name and address of any tenderer whose tender was not considered due to non-compliance with the requirements of SO 6.1. The reasons for the disqualification shall be notified in writing to the tenderer. The tender envelope may be opened to ascertain the name and address of the tenderer, but no details of the tender shall be disclosed.

7.6 Arrangements shall be made for all tender envelopes to be kept for two years.

8. Evaluation of Tenders

- 8.1 The appropriate Manager shall ensure a full evaluation of tenders is undertaken. Differences between tenders should be documented including reference to any technical, operational and financial consequences that may arise.
- 8.2 A report must be written and must recommend the acceptance of one or none of the tenderers and give appropriate reasons.

9. Negotiations

- 9.1 Negotiations may take place with the tenderer whose tender is under consideration for a reduction to the price where:
- (a) modifications are to be made to the specification, quantity or conditions, or
 - (b) the tender under consideration exceeds the estimated amount or value by 10% or more.
- 9.2 All such negotiations must be undertaken by 2 or more officers authorised for these purposes by the appropriate Manager.
- 9.3 A full written record of the negotiations and any agreement made, shall be maintained and made available on request to the Clerk and Treasurer.
- 9.4 Only where any such negotiations are unsuccessful shall negotiations proceed with the next lowest or most economically advantageous tenderer.

10. Errors and Discrepancies

- 10.1 Without prejudice to the right of the Authority to refuse any tender, where the examination of a tender reveals any arithmetical omission, error or discrepancy in the figures the appropriate Manager may give to the tenderer whose tender is under consideration the opportunity to confirm his/her offer or to amend it to correct genuine errors.
- 10.2 Where the tenderer elects to amend his/her offer and the revised offer is no longer the lowest or most economically advantageous, the next tender should be considered.

11. Acceptance of Tenders

- 11.1 Where the Clerk and Treasurer, Fund ~~Director Manager~~ or ~~Head of Pensions Administration Assistant Treasurer~~ ("Appropriate Manager") has invited tenders he/she is authorised to accept the Most Economically Advantageous Tender received.
- 11.2 The Clerk and Treasurer shall submit an annual report to the Corporate Governance and Planning Board on contracts awarded which is to include details of the tender procedure adopted.
- 11.3 Where payment is to be received by the Authority the Appropriate Manager shall have power to accept the Most Economically Advantageous Tender received.
- 11.4 The Authority reserves the right not to accept any tender.

12. Nominated Sub-Contractors and Nominated Suppliers

- 12.1 Where within a contract already approved a sub-contractor or supplier is to be nominated to a main contractor the following provisions shall apply.
- 12.2 Where the estimated cost of a nomination does not exceed £20,000 quotations shall be obtained in accordance with SO 5.4.
- 12.3 Where the estimated cost of a nomination exceeds £20,000 then unless the Authority determines that it is not reasonably practicable for competitive tenders to be obtained tenders for the work shall be invited in accordance with SO 5.6, 5.7 or 5.8 as appropriate.
- 12.4 The terms of the invitation shall require an undertaking by the tenderer that if he/she is selected he/she will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the works, supplies or services included in the sub-contract.
- 12.5 SO's 6, 7, 8, 9, 10 and 11 inclusive shall apply to the submission, receipt, custody, opening, acceptance of tenders invited under this contract standing order as if the tender was a contract with the Authority.

13. Supervision of Contract

- 13.1 It shall be a condition of the engagement of the services of any person (not being an officer of the Authority) to supervise a contract or matters relating to a contract, that in relation to that contract he/she shall:
- (a) comply with these Contract Standing Orders as though he/she were an officer of the Authority;
 - (b) at any time during the carrying out of the Contract provide, on request to the Clerk and Treasurer, all the records maintained by him/her in relation to the Contract; and
 - (c) on completion of the Contract transmit all such records as the Clerk and Treasurer requires.

14. Form of Contract

- 14.1 All contracts shall be evidenced in writing and every Contract which exceeds £20,000 in value shall be in writing, in a form approved by the Clerk and Treasurer, except:
- (a) where the Clerk and Treasurer is satisfied that works must be executed, or supplies or services obtained as a matter of urgency a written Contract must, (if otherwise required) be executed as soon as practicable thereafter; or
 - (b) in the case of the purchase or sale of goods by auction.
- (Note:- Certified contracts must be approved by the Clerk and Treasurer and the Monitoring Officer - SO 16).
- 14.2 Every Contract which exceeds £50,000 in value, and in any other case where the Clerk and Treasurer so decides, shall be under seal, unless the Clerk and Treasurer approves other arrangements.

- 14.3 Every Contract in writing or under seal shall specify:
- (a) the work, supplies or services to be done or supplied;
 - (b) the parties to the contract, including any guarantor;
 - (c) the price to be paid with a statement of discounts or other deductions;
 - (d) the time or times within which the Contract is to be performed and, where appropriate, the amount of liquidated damages which may otherwise become due;
 - (e) any other terms and conditions as specified by the Deputy Clerk to meet the requirements of these Contract Standing Orders and to protect the Authority's interests.
- 14.4 Every Contract in writing not made under seal shall be signed by the Clerk and Treasurer or a duly authorised officer.
- 14.5 For the purposes of SO 14.4 the following officers are authorised to sign contracts:
- (a) All Contracts
 - the Deputy Clerk and Monitoring Officer;
 - the Deputy Treasurer;
 - the Deputy Clerk/Policy
 - the Deputy Monitoring Officer
 - (b) Contracts not Exceeding £20,000
 - the Fund Director Manager
 - the Head of Pensions Administration Assistant Treasurer
- 14.6 The authorisation provisions applying to the signature of contracts specified in 14.4 and 14.5 shall apply to the signature of official orders for works, supplies or services.
- 14.7 Every contract made under seal shall be dealt with as set out in Procedural Standing Order Number 31.
- 14.8 Every Contract which is estimated to exceed £50,000 and is for the execution of works, the provision of services, or supplies by a particular date or series of dates, shall provide for liquidated damages, unless the Clerk and Treasurer, decides that such provision is not required. Where provision is made for liquidated damages, the amount shall be determined by the Clerk and Treasurer.
- 14.9 Every written Contract shall include a clause to prevent the Contractor from transferring or assigning directly or indirectly, the contract without the written consent of the Authority and to prevent the sub-letting of the Contract except to the extent permitted in writing by the Supervising Officer or, if none, the Clerk and Treasurer.
- 14.10 Every written Contract shall include a clause to secure that the Authority shall be entitled to cancel the Contract and to recover from the Contractor the amount of any loss resulting from such cancellation if, in connection with the Contract, the contractor commits an offence under Bribery Act 2010 ~~the Prevention of Corruption Acts 1889 to 1916~~ or gives any fee or reward the receipt of which is an offence under s.117(2) of the Local Government Act 1972, or has directly or indirectly canvassed any member or officer, or has

obtained or attempted to obtain information concerning any other tender or otherwise acts in a similar unlawful manner.

14.11 The Clerk and Treasurer shall have general powers to set standard and particular contract conditions.

14.12 The Clerk and Treasurer is empowered to approve the assignment and novation of contracts entered into by the Authority for supplies, works or services where the estimated value of the contract does not exceed £50,000. The Clerk and Treasurer may also give consent on behalf of the Authority to the sub-letting of such a contract.

15. Contract Specification

15.1 Technical specifications shall be defined by reference to relevant European Specifications, or where they do not exist, in the following order: To British technical specifications, British standards implementing international standards, other British standards and technical approvals or any other standards. Where an appropriate standard is current at the date of tender, all works, services and supplies shall be at least of equal quality.

15.2 Specifications shall not refer to supplies of a particular make or source unless:

- (a) it is justified by the contract requirement, or
- (b) the contract requirement cannot otherwise be described precisely and intelligibly, provided references are accompanied by the words "or equivalent".

16. Certified Contracts

16.1 Whenever in relation to a contract it is proposed to issue a certificate as to the Authority's power to enter into the contract under Section 3 of the Local Government (Contracts) Act 1997, then the following shall apply:-

- (a) the terms of the contract, any agreed discharge terms and the contents of the Section 3 certificate shall be approved both by the Clerk and Treasurer and the Monitoring Officer;
- (b) the Clerk and Treasurer shall ensure that the written consent to the issue of the Section 3 Certificate is obtained from each of the persons with whom the Authority has entered into or is to enter into contract;
- (c) the Section 3 Certificate shall be signed by the Clerk and Treasurer or the Deputy Treasurer in his/her absence (this responsibility cannot be further delegated);
- (d) the Clerk and Treasurer shall ensure that copies of the Section 3 Certificate are provided to all parties to the contract, the Monitoring Officer and, upon request, to the Authority's Auditor;
- (e) the Clerk and Treasurer shall ensure that throughout the period which the contract operates:
 - (i) a copy of the Section 3 Certificate is open to inspection by members of the public at all reasonable times without payment; and
 - (ii) that members of the public are afforded facilities for obtaining copies of the Section 3 Certificate on payment of an appropriate fee.

17. **Contract Records**

17.1 The appropriate Manager shall ensure that a contract record is maintained for each contract which is let with an estimated value of above £50,000. The contract record shall record:

- (a) the estimated value of the contract (to be ascertained before offers are invited);
- (b) the contract award procedure adopted, (e.g. open, restricted, or negotiated) together with supporting reasons for the method chosen;
- (c) the basis upon which the contract was awarded e.g. lowest tender or most economically advantageous (where the latter applies the criteria used shall be specified);
- (d) where the contract is let without inviting tenders any exceptions relied upon must be specified (which shall include details of any consortium, or framework arrangements);
- (e) the names of persons invited to tender;
- (f) the name of the successful contractor;
- (g) details of adverts placed, and the dates thereof together with the date of any contract award notice published in the Official Journal of the European Communities

17.2 The appropriate Manager shall provide the Monitoring Officer with a list of all the contracts let in each calendar year which are equal to or above the EU Contract thresholds for works, supplies and services. (This information is required for the purposes of E U Statistical Returns).

SOUTH YORKSHIRE PENSIONS AUTHORITY

12 April 2012

Report of Clerk and Treasurer

NEXT MEETINGS OF THE AUTHORITY AND BOARDS IN 2012/13

1. Purpose of the Report

To consider the date for the next Authority and Board Meetings during 2012/13

2. Recommendations

Members are recommended to approve the NEXT meetings of the Authority and Boards in 2012/13.

3. Information

3.1 Meetings of the Authority and Boards are currently fixed up to the Annual Meeting on 14 June next.

3.2 As the meeting structure of the Authority and Boards is currently under review, it is not possible to produce a full meeting cycle for 2012/13 at the present time. It is therefore proposed to set the next meeting of the Authority and Boards for 2012/13 until the review has been completed.

It is proposed that the next meetings are held as follows:

| | |
|---|-------------------|
| Corporate Planning and Governance Board | 21 June 2012 |
| Investment Board | 20 September 2012 |
| Pensions Advisory Panel | 2 October 2012 |
| Pensions Authority | 11 October 2012 |

3.3 **It should be noted that this Authority and its Boards meets on Thursdays, the same as Barnsley MBC. Whilst the meetings above have been produced against the Barnsley MBC existing cycle it could change after the local elections in May.**

4. Implications and risks

- Financial - None
- Legal - None
- Diversity - None

W J Wilkinson
Clerk and Treasurer

Officer responsible: Gill Garrety, Member Services Officer
South Yorkshire Joint Secretariat
01226 772806 ggarrety@syjs.gov.uk

Background papers: None

Other sources and references: None

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