



Constitution Of the Authority

June 2020

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Part 1-
Summary of the
Constitution
June 2020

SUMMARY

South Yorkshire Pensions Authority has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local citizens. Some of these processes are required by the law, while others are a matter for the Authority to determine.

The constitution itself is divided into 14 Articles, set out in Part 2, which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and procedures and protocols in the remaining parts of this constitution.

What's in the constitution?

Article 1 of the constitution sets out the primary purpose of the constitution whilst Articles 2 to 14 explain how the key parts of the Authority operates, including the rights of citizens.

These Articles are:

1. Purpose of the Constitution
2. Members of the Authority
3. Citizens and the Authority
4. The Role of the Authority,
5. Chairing the Authority
6. The Audit Committee
7. The Staffing, Appointments and Appeals Committee
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The Authority

The Authority is an administering authority under the Local Government Pension Scheme (LGPS) and is responsible for administering the South Yorkshire Pension Fund. The LGPS is established by the Superannuation Act 1972 and the Public Service Pensions Act 2013 and subsequent regulations and its purpose is to provide death and retirement benefits for all eligible employees. The Authority was formally established in 1988 on the winding up of the South Yorkshire Residuary Body under the terms of the Local Government Reorganisation (Pensions etc.) (South Yorkshire) Order 1987 made under the Local Government Act 1985. The Fund covers the four district councils of South Yorkshire and numerous other smaller employers.

The Authority has a fiduciary duty to the contributors and beneficiaries of the Fund to ensure contributions are collected, that benefits are calculated correctly and paid promptly, and that any surplus monies are properly invested. The main powers and duties of the Authority include:

- The functions, property, rights and liabilities of the South Yorkshire Pension Fund
- Management of the Pensions Fund's investments, including the appointment of professional advisers
- Payment of pensions to former local authority employees in South Yorkshire
- Administration of scheme rules for its contributors
- Establishing and resourcing the Authority's operational activities.

How the Authority Operates

The Authority is composed of 12 members, all of whom must be a Councillor elected to one of the four constituent district councils within South Yorkshire, as described in Article 2.1.

All members meet together as the Pensions Authority. Meetings of the Authority are normally open to the public.

How Decisions are made

The Authority has ultimate responsibility for decision making but has delegated many decisions to committees and officers as described in this constitution.

The Authority's Staff

The Authority has people working for it (described as "officers") to give advice, to implement decisions and to manage the day to day delivery of its services. Some officers such as the Monitoring Officer have a specific statutory duties, which are spelt out in this Constitution.

Citizens' Rights

Citizens have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights whereas other rights depend upon the Authority's own processes. Citizens' rights include the following:

- The right to attend meetings of the Authority and its committees except where, for example, personal or confidential matters are being discussed.
- To inspect agendas and reports, except those which contain, for example, personal and confidential matters.
- To obtain a copy of this constitution.
- To see reports and background papers (save for exempt confidential items) and to see records of decisions made by the Authority and its committees and by officers.
- To complain to the Authority under the Authority's own complaints processes.
- To complain to the Ombudsman if they think the Authority has not followed its procedures properly, however they should only do this after using the Authority's own complaints process.
- To inspect the Authority's accounts and to make their views known to the external auditor.

The Authority welcomes participation by its citizens in its work.



Part 2-
Articles of the
Constitution
June 2020

Article 1 – Purpose of the Constitution

1.1 Discharge of Functions

This constitution and all its appendices comprises the constitution of the South Yorkshire Pensions Authority. The Authority will exercise its functions, powers, duties and responsibilities in accordance with this constitution, within the law, fairly, equitably, openly and transparently.

1.2 Purpose of the Constitution

The purpose of this constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:

- (1) Assisting Members to discharge their role as decision makers efficiently and effectively, and
- (2) Ensuring that the decision making processes are clearly identifiable to citizens.

1.3 Monitoring

The Authority will monitor and review the operation and content of this constitution at least once a year and, consequential upon any review, make any changes deemed appropriate.

Article 2 – Members of the Authority

2.1 Composition and Eligibility

- (a) Composition – The Authority comprises 12 members, each of whom must be an elected councillor, elected to one of the four constituent district councils in the former Metropolitan County of South Yorkshire. The constituent councils appoint members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following proportions:

Sheffield 5

Doncaster 3

Rotherham 2

Barnsley 2

Members may be removed by their appointing council, subject to their Council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification etc.

Each District Council will in accord with the provisions of the Local Government Act 1985 designate one of their appointed members to answer questions concerning the work of the Authority at meetings of the Full Council. These members are referred to as Section 41 Members.

2.2 Roles and Functions of Members

All Members are expected:

- (i) to act corporately for the good governance of the Authority
- (ii) on a regular basis, to attend meetings of the Authority and any committees, subcommittees, working parties or external bodies to which the Member has been appointed and to fully participate in policy formulation and decision making in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
- statutory and other legal requirements
 - the Code of Conduct for Members applying to them
 - Standing Orders of the Authority
 - the member/officer relations protocol.
- (iii) If appointed by the Authority to an external body, to represent the interests of the Authority on that body.
- (iv) To undertake learning and development activity, including an annual needs assessment and mandatory elements in line with the requirements set out in the Members Learning and Development Strategy.

2.2.1 Roles and Responsibilities of Designated Office Holders

Chair of the Authority

- (i) To chair meetings of the Authority and to ensure their overall effectiveness.
- (ii) To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
- (iii) To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
- (iv) To act as the Authority's principal spokesperson at local, regional and national level.
- (v) To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.

Vice-Chair of the Authority

- (i) To support the Chair of the Authority in discharging the roles associated with the office of the Chair.
- (ii) To deputise for the Chair in his/her absence.

All Committee Chairs:

- (i) To chair the Committee and ensure its overall effectiveness.
- (ii) To have a working knowledge of the Authority's relevant policies and strategies and to ensure he/she is sufficiently and effectively briefed by officers on matters coming before the Committee.
- (iii) To co-ordinate and manage the work of the Committee.
- (iv) To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

All Committee Vice-Chairs

- (i) To support the Committee Chair in discharging the roles of the Chair.
- (ii) To deputise for the Committee Chair during any absence of the Chair.

2.3 Rights and Duties of Members

2.3.1 Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.

2.3.2 A Member of the Authority may, for the purposes of his/her duty as such Member but not otherwise, on application to the Clerk inspect any document which has been considered by a Committee or a Sub-Committee or by the Authority, and shall on request be supplied for the like purposes with a copy of such a document if practicable. Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which

he/she is professionally interested in or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Government Act 2000 and/or regulations made thereunder or the Code of Conduct. This provision shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

2.3.3 All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any Member of the Authority during office hours.

2.3.4 Subject to any statutory provision in that behalf, no Member of the Authority shall without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

2.3.5 Inspection of Lands, Premises etc.

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 unless authorised by the Authority claim by virtue of his/her membership of the Authority any right or inspect or enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

2.3.6 Appointment of Relatives of Members

A candidate for any appointment under the Authority who knows that he/she is related to any Member of the Authority shall, when making application, disclose that relationship in his or her application. A candidate who fails to disclose such relationship shall be liable to be disqualified for the appointment and, if appointed shall be liable to dismissal without notice. Every Member and senior officer of the Authority shall disclose to the Clerk any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for any appointment under the Authority.

2.3.7 Failure to Attend Meetings

(a) Subject to the provisions of Section 85 Local Government Act 1972, any Member failing to attend any meeting of the Authority or its Committees for a period of six months ceases to be a Member of the Authority unless within that period the Member's absence is approved by the Authority.

(b) The Clerk will monitor absences from meetings and unless approval for any absence is given by the Authority will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.4 Conduct

Members will, at all times, observe the Members Code of Conduct approved by their District Council and the Member/Officer relations protocol set out in Part 5 of this constitution.

Article 3 – Citizens and the Authority

3.1 Citizens Rights

Citizens have the following rights:

- (a) Information – Citizens have the right to:
 - (1) Attend meetings of the Authority, its committees and sub-committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens.
 - (2) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees or sub-committees.
 - (3) Inspect the Authority’s accounts and make representations to the external auditor about the contents of those accounts.
- (b) Complaints – Citizens have the right to complain to:
 - (1) The Authority, under its complaints scheme.
 - (2) The Local Government Ombudsman.

Article 4 – The Role of the Authority

4.1 Roles and Responsibilities

South Yorkshire Pensions Authority is responsible for the functions, property, rights and liabilities of the South Yorkshire Pension Fund, including the management of the Pension Fund's investments, the payment of pensions to former local authority employees in South Yorkshire and the administration of the scheme rules for its contributors. In order to fulfil these duties the full Authority has responsibility for:-

- (1) Determining the Authority's priorities through the Corporate Planning Framework which comprises:
 - a. The Corporate Strategy
 - b. The Annual Budget and Medium Term Financial Strategy
 - c. The Treasury Management Strategy and Policy Statement
 - d. The Human Resources Strategy
 - e. The Information and Communications Technology Strategy
 - f. The Equality and Diversity Scheme
- (2) Issuing a levy on the District Councils in respect of the residual liabilities for pension payments of the former South Yorkshire County Council.
- (3) Reviewing the effectiveness of strategies and plans to deliver the priorities and targets set by the Authority; and maintaining a performance framework covering all aspects of the Authority's work, including provision for the holding of external suppliers to account for their performance.
- (4) Ensuring the Authority is adequately resourced to carry out its duties.
- (5) Appointing Committees with appropriate terms of reference and necessary delegated powers in order to ensure the efficient conduct of the Authority's business.
- (6) Reviewing the Work Programmes of the Committees to ensure they are up to date and moving the Authority towards delivering its Corporate Plan.
- (7) Ensuring Section 41 Members provide feedback in relation to District Council activity regarding their responsibilities as an employer in relation to LGPS.
- (8) To establish a Local Pension Board in line with the provisions of the LGPS Regulations in force at the time.
- (9) Approving and maintaining the Pensions Policy Framework, comprising:
 - a. The Funding Strategy Statement
 - b. The Investment Strategy Statement
 - c. The Responsible Investment Policy (including the Responsible Investment Policy and Voting Guidelines of the Border to Coast Pensions Partnership)
 - d. The Stewardship Code and Myners Principles Compliance Statements
 - e. The Governance Compliance Statement

- f. The Pensions Administration Strategy Statement
- g. The Communications Policy Statement
- h. The Policy on Exercise of Discretions under the Local Government Pension Scheme Regulations
- i. The Admissions and Terminations Policy

(10) Exercising the Authority's responsibilities under the Health and Safety at Work Acts.

(11) To authorise participation by the Authority in membership organisations and collaborations (for example the Local Authority Pension Fund Forum and the Pensions and Lifetime Savings Association).

(12) To approve and monitor compliance with the Members' Learning and Development Strategy.

4.2 Quorum

In line with the relevant statutory provisions the quorum for meetings of the Authority is 3.

Article 5 – Chairing the Authority

5.1 Electing the Chair and Vice-Chair of the Authority

The Chair and the Vice-Chair of the Authority will be elected by the Members at the Annual Meeting.

5.2 Roles and Responsibilities of the Chair and in his absence the Vice-Chair of the Authority.

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders and procedural rules of the Authority as set out in Part 4 of this constitution. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2 of this constitution.

Article 6 – The Audit Committee

6.1 Membership

The Authority has appointed an Audit Committee comprising five members.

6.2 Terms of Reference

To fulfil the following core audit committee functions:

- a) Consider the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b) Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- c) Be satisfied that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- d) Approve (but not direct) internal audit's Charter and annual plan.
- e) Monitor performance against internal audit's Charter and annual plan.
- f) Review summary internal audit reports and the main issues arising, and seek assurance that action had been taken where necessary.
- g) Receive the annual report of the Head of Internal Audit.
- h) Consider the annual reports of external audit and inspection agencies.
- i) Ensure that there are effective relationships between internal audit and external audit, inspection agencies and other relevant bodies, and that the value of the process is actively promoted.
- j) Review financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.
- k) To oversee the production of and approve the Authority's Annual Governance Statement.
- l) To review and approve the annual Statement of Accounts and the Authority's Annual Report, focusing on:
 - the suitability of, and any changes in accounting policies;
 - major judgemental issues e.g. provisions.
- m) To receive and agree the response to the external auditor's report to those charged with governance on issues arising from the audit of the accounts, focusing on significant adjustments and material weaknesses in internal control reported by the external auditor.
- n) Monitor the Authority's risk register and annual governance action plan, reporting issues of concern to the full Authority.

6.3 Quorum

The Authority has determined that the quorum for meetings of the Audit Committee will be 3.

Article 7 – The Staffing Appointments and Appeals Committee

7.1 Membership

The Authority has appointed a Staffing Appointments and Appeals Committee comprising 5 members.

7.2 Terms of Reference

- (1) To exercise all the Authority's functions in respect of:
 - a) Appeals by staff (where a right of appeal exists).
 - b) Complaints against senior officers.
- (2) To exercise the Authority's functions in relation to the appointment of Statutory Officers and Chief Officers, subject to legislative requirements regarding the approval of statutory officer appointments by the Authority.
- (3) To approve proposals for changes to the organisation of the Authority's staffing where more than 5 posts are affected.
- (4) Determining appeals and requests under the Local Government Pension Scheme Regulations not otherwise delegated to officers.
- (5) To make appointments of Independent Investment Adviser(s) on behalf of the Authority.
- (6) To approve arrangements for the procurement of external fund managers, the Fund Actuary and Custodian
- (7) To deal with all matters concerning complaints concerning member conduct under the Standards regime.

7.3 Quorum

The Authority has determined that the quorum for meetings of the Staffing Appointments and Appeals Committee will be 3.

Article 8 – Joint Arrangements

- 8.1 The Authority has determined to participate in the Border to Coast Pensions Partnership in order to fulfil the regulatory requirement to pool its investment assets.
- 8.2 The Authority's representative on the Joint Committee convened to oversee the work of the Border to Coast Operating Company will be the Chair.
- 8.3 Exercise of the Authority's rights as a shareholder in the Border to Coast Operating Company will be undertaken through consultation between the Chair and the Director and where practical in further consultation with the s41 members.

Article 9 – Urgent Decisions

9.1 Decisions required between meetings of the Authority and its Committees

In the event that an urgent decision that cannot be taken by officers under delegated powers is required between meetings of the Authority and its committees it will be taken by the Chair in consultation with the s 41 members.

9.2 Decisions required in the context of a civil emergency

In the event of a civil emergency the Head of Paid Service is authorised to take such decisions as are required and incur such expenditure as is necessary to ensure the continuation of the Authority's operations and safeguard its assets, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

Article 10 – Statutory Officers

10.1 Management Structure

- (a) General – The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.
- (b) Statutory Officers – The Authority has appointed the following Statutory Officers:
 - Clerk (officer appointed under s 34 (8) of the Local Government Act 1985).
 - Treasurer (officer responsible for the proper administration of the Authority’s financial Affairs under s 73 of the Local Government Act 1985).
 - Monitoring Officer (officer appointed under s5 of the Local Government and Housing Act 1989).
 - Head of Paid Service (officer appointed under s4 (1) of the Local Government and Housing Act 1989)

10.2 Functions of the Clerk

- (a) The role of the Clerk is to oversee and ensure the effective functioning of the Authority’s democratic processes and to ensure effective liaison and collaboration between the Authority and the constituent councils.
- (b) Restriction on Appointment – The role of Clerk may be combined with that of Monitoring Officer in which case it may not be combined with those of Treasurer or Head of Paid Service. Alternatively it may be combined with either or both of the roles of Treasurer and Head of Paid Service.

10.3 Functions of the Treasurer

- (a) Ensuring lawfulness and financial prudence of financial decision making – after consulting with the Monitoring Officer, the Treasurer will report to the Authority and to the Authority’s external auditor, if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- (b) Administration of financial affairs – the Treasurer has responsibility for the administration of the financial affairs of the Authority.
- (c) Contributing to corporate management – the Treasurer is required to contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.
- (d) Providing advice – the Treasurer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its Committees and Sub-Committees, Members

and officers and will support and advise Members and officers in their respective roles.

- (e) Restriction on Appointment – The Treasurer cannot also be the Monitoring Officer, but the role may be combined with any of the other statutory officer roles.

10.4 Functions of the Monitoring Officer

- (a) Maintaining the constitution – the Monitoring Officer will maintain an up to date version of the constitution and will ensure that it is available for inspection by Members, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making – after consulting with the Clerk [Head of Paid Service] and the Treasurer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in his/her view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Providing advice –the Monitoring Officer will provide advice on the scope of the powers of the Authority, its Committees and Sub-Committees and officers to take decisions and in connection with matters involving maladministration and probity.
- (d) Restriction on appointment – the Monitoring Officer cannot also be the Treasurer, and/or the Head of Paid Service, but may combine the role with that of Clerk.

10.5 Functions of the Head of Paid Service

- a. The Head of Paid Service has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.
- b. As such the Head of Paid Service is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.
- c. Restriction on appointment – the Head of Paid Service cannot also be the Monitoring Officer but may also be the Clerk, and / or the Treasurer.

10.6 Duty to Provide Sufficient Resources to the Monitoring Officer and the Chief Finance Officer

The Authority will provide the Monitoring Officer, and the Treasurer with such offices, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

Article 11 – Decision Making

11.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its committees, and officers is in accordance with Articles 4 to 12 of this constitution and the Officer Delegation Scheme set out in Part 3 of this constitution which together comprise the record of responsibility for decision making.

11.2 Principles of Decision Making

All decisions by the Authority will be made in accordance with the following principles:

- (a) be within the lawful powers of the Authority
- (b) due consultation (including the taking of relevant professional advice from officers and other independent advisers)
- (c) respect for human rights
- (d) presumption in favour of openness
- (e) clarity of aims and desired outcomes
- (f) within the letter and spirit of the constitution

11.3 Decision Making by the Authority and its Committees

The Authority, and its Committee meetings will comply with the Authority's procedural rules and Standing Orders set out in Part 4 of this constitution when considering any matter.

11.4 Decisions Made by Authority Bodies Acting as Tribunals

The Authority and its Committees, members or officers when acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

11.5 Decision Making by Officers

Officers have full authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the officer delegation scheme set out in Part 3 of this constitution. Officers in making decisions should follow the principles set out in Article 10.2 of this Constitution and ensure that decisions are recorded in writing and that details of decisions are published in line with guidance issued from time to time by the Clerk.

Article 12 – Finance, Contracts and Legal Matters

12.1 Financial Management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this constitution.

12.2 Contracts

Contracts made by the Authority will comply with the Contract Standing Orders set out in Part 4 of this constitution.

12.3 Legal Proceedings

The Clerk is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority (or any Committee, or officer) or in any case where the Clerk considers that such action is necessary to protect the Authority's interests.

12.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk or by some person duly authorised by the Authority. The procedural rules/Standing Orders of the Authority in relation to contracts, set out in Part 4 of this constitution, make further provision in relation to formal processes involving the award of contracts.

12.5 Common Seal of the Authority

The common seal of the Authority will be kept in a safe place in the custody of the Clerk. A decision of the Authority, a Committee or any authorised officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Clerk, appropriate for sealing. The Clerk, or some other person authorised by the Authority shall witness the affixing of the common seal.

Article 13 – Review and Revision of the Constitution

13.1 Duty to Monitor and Review the Constitution

- (a) The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Authority and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In performing this duty the Monitoring Officer may, in his/her discretion:
 - (i) attend and observe meetings of different parts of the Member and officer structure
 - (ii) examine the audit trail relating to decision making
 - (iii) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders and,
 - (iv) compare practices in the Authority with those in other comparable Authorities or national examples of best practice.

13.2 Changes to the Constitution

Changes to the constitution will only be approved by the Authority after consideration of proposals submitted by the Monitoring Officer.

Article 14 – Publication of the Constitution

14.1 Publication

- (a) The Clerk will arrange to provide access to a copy of this constitution to each Member of the Authority as soon as practicable after that Member has signed the Code of Conduct declaration, following appointment to the Authority.
- (b) The Clerk will arrange for copies to be made available for inspection at the Authority's offices and by publication on the Authority's website.



Part 3-
Scheme of
Delegation to
Officers
June 2020

Scheme of Delegation to Officers

Section A - General

1 ADOPTION

- 1.1 This Scheme of Delegation (“the Scheme”) was approved by the Authority on the 11 June 2020. It is a key element of the Authority’s internal control arrangements. The Scheme is reviewed annually.

2 DEFINITIONS AND INTERPRETATION

- 2.1 The following definitions apply in relation to the officer roles described in this scheme:

Officer appointed under s34 (8) of the Local Government Act 1985 – The Clerk

Officer appointed under s 73 of the Local Government Act 1985 – The Treasurer

Officer appointed under s 5 of the Local Government and Housing Act 1989 – The Monitoring Officer

Officer appointed as Head of Paid Service under s 4 (1) of the Local Government and Housing Act 1989 – The Director

Non Statutory Chief Officers under s 2 (7) of the Local Government and Housing Act 1989 - The Head of Finance and Corporate Services

The Head of Investment Strategy

The Head of Pension Administration

- 2.2 A reference to any enactment shall be deemed to include a reference to any amendment or re-enactment of the same.
- 2.3 Any officer can decline to exercise the powers delegated under this Scheme in particular circumstances and refer any such matter to the Authority (or Committee as appropriate) for decision or approval.
- 2.4 In the event of any question arising concerning the interpretation and application of this Scheme, the Clerk, in consultation with the Monitoring Officer, shall determine the issue.
- 2.5 For the avoidance of doubt, where a power or duty or authority is exercisable by an officer within these Delegations, that officer is hereby given authority to further delegate such power, duty or authority to any other officer he may nominate, in the interests of the Authority or for the better performance of any such power, duty or authority.

3 COMPLIANCE

- 3.1 The exercise of any delegated power under this Scheme is subject to:-
- (i) Expenditure being within the approved revenue estimates or having received the prior approval of the Authority; and
 - (ii) Compliance with any relevant statutory enactment; Code of Practice; the Authority’s Standing Orders, Financial Regulations and Financial Instructions; and any relevant Authority Plans and Policies.

4 RECORDS

- 4.1 An officer who has made a decision in accordance with powers delegated under this Scheme shall record the decision in writing and make the record available for inspection as required.

5 PUBLIC INSPECTION

- 5.1 Copies of this Scheme, the Authority's Standing Orders and Financial Regulations can be viewed on the Authority's website at www.sypensions.org.uk Copies of these documents can also be inspected during the office hours of 11.00 am to 4.00 pm, Monday to Friday at the Joint Authorities Governance Unit, Town Hall, Barnsley S70 2TA..

Section B - The Clerk

The Clerk is appointed under s 34(8) of the Local Government Act 1985 which requires a Joint Authority to appoint an individual as Clerk and in doing so have regard to the desirability of that person being a Chief Officer of one of the constituent councils.

The Clerk is the Proper Officer of the Authority for all purposes in relation to:

- a. The following provisions of the Local Government Act 1972 –
 - i. Schedule 12 (Meetings and proceedings of local authorities)
 - Signature of summons to meetings of the Authority;
 - Receipt of notices regarding the address to which a summons to a meeting is to be sent.
 - ii. Section 100 (B) (2) and 100 (B) (6) (circulation of reports and agendas)
 - iii. Section 100 (B) (7) (supply of papers to the press)
 - iv. Section 100 (C) (summaries of minutes)
 - v. Section 100 (D) (1) (a) and 100 (D) (5) (compilation of lists and identification of background papers)
 - vi. Section 100 (F) (2) (papers not open to members)
 - vii. Section 223 (1) (authorisation of officers in proceedings)
 - viii. Section 225 (deposit of documents with the proper officer of the Authority etc.)
 - ix. Section 229 (photographic copies of documents)
 - Certification of photographic copies of documents
 - x. Section 234 (authentication of documents)

- b. The Clerk is the Authority's Proper Officer for the purposes of Section 2(4) of the Local Government and Housing Act 1989 (deposit of list of politically restricted posts).

The Clerk is responsible for exercising the staffing provisions of this scheme of delegation in so far as they relate to the Director with the exception of matters reserved to the Authority (appointment, grievance appeals, termination of employment, and terms of any compromise agreement).

The Clerk is authorised by the Authority to give a direction in special circumstances that any officer shall not exercise a delegated function in any particular case.

Deputies

In the event of the Clerk's office being vacant, or if she/he is absent or otherwise unable to act the following officers are authorised to act as the Proper Officer for the purposes set out in a. and b. above.

- i. The Monitoring Officer
- ii. The Treasurer
- iii. The Deputy Clerk

Legal Proceedings

- i. To authorise the initiation of legal proceedings on behalf of the Authority, in the case of proceedings concerned with the investment of monies on behalf of the Fund in consultation with the Director, except as otherwise specifically delegated to individual officers.
- ii. To instruct Counsel and external solicitors as appropriate.
- iii. To sign documents in connection with legal proceedings/procedures on behalf of the Authority.

Liaison with Constituent Authorities

- i. The Clerk is responsible for ensuring effective liaison between the Authority and the constituent authorities.

Press and Publicity

The Clerk is responsible for making arrangements concerning:

- i. Press and publicity and public relations on matters concerning the Authority.

Local Government and Social Care Ombudsman

The Clerk is responsible for making arrangements concerning:

- i. The handling of issues relating to the Local Government and Social Care Ombudsman

Freedom of Information Act – Internal Review Procedures

- i. The Clerk is authorised to determine appeals under the Freedom of Information Act 2000 in accordance with the Authority's agreed internal review procedure.

Member Development and Knowledge and Skills

- i. To be responsible for the implementation of the requirements of the CIPFA Code of Practice relating to pensions finance, knowledge and skills as far as they apply to members.
- ii. To be responsible for the preparation and delivery of a Member learning and development strategy which address the requirements of the Code and for the production of an annual report on the delivery of these strategies.

Conferences

The Clerk is authorised to approve member's attendance at conferences in consultation with the Chair of the Authority and the Director, in accordance with the criteria set out below.

- The conference is relevant to the functions of the Authority, and will usually appear on a list of approved events produced by the Director and the Clerk prior to the commencement of each Municipal Year;
- The number of members to attend would normally be no more than 3 depending upon the importance and cost of the conference;
- Members would be selected from those who express an interest, normally on a first come first served basis, unless the conference is of special interest to particular members because of identified development needs, or specific responsibilities.

Section C - The Treasurer

The Treasurer is appointed under Section 73 of the Local Government Act 1985 which requires Joint Authorities to make arrangements for an officer to be responsible for effective financial administration. The Treasurer has defined statutory responsibilities in respect of the proper administration of the financial affairs of the authority, specifically:

(i) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Treasurer will report to the Authority and the Authority's external auditor if they consider that any proposal or decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully.

(ii) Administration of Financial Affairs

The Treasurer will have responsibility for the administration of the financial affairs of the Authority.

(iii) Providing Advice

The Treasurer will provide professional financial advice as appropriate. They will also provide advice on scope of powers and authority to take decisions, issues relating to maladministration, financial impropriety, probity, and the budget and policy framework, to all Elected Members, and will support and advise Authority members and officers in their respective roles.

(iv) Give Financial Information

The Treasurer will provide financial information as appropriate to the media and members of the public. (NB: The release of certain information may be restricted by law).

(v) Local Government Act 1972 Section 115 (accountability of officers)

Responsibility for the receipt of money due from officers.

(vi) Settlement of Claims

To settle claims not exceeding £20,000 and in urgent circumstances claims exceeding £20,000. Details of claims exceeding £20,000 are to be reported retrospectively to the Authority at the first opportunity.

In the event of the Treasurer being absent, or otherwise unable to act the Deputy s.73 Officer is authorised to act as the proper officer for all purposes for which the Treasurer is authorised to act.

Section D - The Monitoring Officer

The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has defined statutory responsibilities in respect of matters of legality, conduct, and probity. The Monitoring Officer may not also be the Head of Paid Service. However, the Monitoring Officer will liaise as appropriate with the Head of Paid Service in the discharge of their functions.

(i) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure this is widely available for consultation by Elected Members, employees, and members of the public.

(ii) Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Head of Paid Service and Treasurer, the Monitoring Officer will report to the Authority if they consider that any proposal, decision, or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(iii) Access to Information

The Monitoring Officer will ensure that decisions of the Authority together with the reasons for those decisions, as well as relevant officer reports and background papers, are made publicly available as soon as possible to persons requesting them. (NB: The release of certain information may be restricted by law).

(iv) Advising whether Decisions are within the Corporate Planning Framework or the Pensions Policy Framework

The Monitoring Officer will advise whether decisions of the Authority are in accordance with either the corporate planning framework, or the pensions policy framework approved by the Authority. (Decisions outside that framework will require approval of the full Authority).

(v) Providing Advice

The Monitoring Officer will provide advice on the scope of statutory powers and authority of the Authority to take decisions, issues relating to maladministration, conduct and probity the corporate planning and pensions policy frameworks to all Elected Members.

(vi) Register of Members Interests

The Monitoring Officer will establish and maintain a Register of Interests of Members and Co-opted Members of the Authority.

(vii) Statutory Reports

In accordance with the provisions of s5 of the Local Government and Housing Act 1989 the Monitoring Officer is required to prepare a report to the Authority if at any time it appears to him/her that any proposal, decision or omission by the Authority, by any Committee of the Authority, or by any person holding office or employment under the Authority has given rise to or is likely to or would give rise to:-

- (a) a contravention by the Authority; by any Board; by an person holding any office or employment under the Authority of any enactment or rule of law; or
- (b) any such maladministration as is mentioned in Part III of the Local Government Act 1974.

In performing the duty conferred by s5 the Monitoring Officer will take account of reports made as a particular matter by any other officer and whether a matter is being resolved by other means including other reporting procedures.

The Monitoring Officer, in performing the duties as arising under s5, is authorised to incur expenditure where this is necessary in seeking advice from out with the Authority. Where the expenditure is likely to exceed £20,000, Authority approval must be obtained.

In the event of the Monitoring Officer being absent, or otherwise unable to act the Deputy Monitoring Officer is authorised to act as the proper officer for all purposes for which the Monitoring Officer is authorised to act.

Section E - The Director

The Director is the Authority's Head of Paid Service for the purposes of s4 (1) (a) of the Local Government and Housing Act 1989.

The Head of Paid Service has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.

As such the Director is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.

The specific authority delegated to the Fund Director is as follows:

Staffing Matters

For all categories of staff to determine all matters relating to:

- i. The recruitment selection and appointment of staff;
- ii. Implementation of national and local agreements in relation to pay and terms and conditions;
- iii. All payments to employees;
- iv. The granting of appropriate increments in career grade and examination success schemes;
- v. The filling of all vacant posts;
- vi. The operation of arrangements relating to hours of work, annual and other leave and time off for employees;
- vii. The training and development of employees;
- viii. The health, safety and welfare of employees;
- ix. The operation of procedures relating to consultation with staff and trades unions;
- x. Payments in respect of damage to, or loss of employees personal property;
- xi. The determination of grievances in accordance with agreed procedures;
- xii. In relation to disciplinary processes
 - a. Suspension and/or disciplinary action, including dismissal of employees in line with agreed procedures;
 - b. Suspension and/or disciplinary action, shall only be taken following consultation with the Clerk (or her/his nominated representative).
- xiii. Determine appeals from employees against the imposition of disciplinary sanctions short of dismissal.
- xiv. To approve the grading of posts following a formal job evaluation process.

In consultation with the Chair of the Authority:

- i. To approve applications for early retirement under the Authority's Selective Early Retirement Scheme

Miscellaneous

- i. To approve the provision of reasonable and appropriate hospitality for official visitors.

Requirements of the Local Government Pension Scheme Regulations

- i. To produce an Annual Report on the activities of the Authority and the Pension Fund in line with the requirements of the relevant codes of practice.
- ii. To maintain the Authority's policy framework, including but not limited to the Funding Strategy Statement, the Investment Strategy Statement and the Pensions Administration Strategy Statement.

Financial

- i. To approve the issue of purchasing cards to individual employees in accordance with the procedures approved by the Treasurer.
- ii. To approve the virement of sums up to £10,000 between budget heads subject to quarterly reporting to the Treasurer.
- iii. To maintain the Authority's contract register.
- iv. To approve the write off of debts as follows, subject to submission of a quarterly report to the Authority:
 - a. In relation to rents within the directly managed property portfolio any amount that does not exceed £10,000.
 - b. In relation to pensions administration any amount above £1,000 but not exceeding £5,000.
 - c. In relation to other miscellaneous debts any amount up to £5,000.
 - d. In relation to inventories any amount that does not exceed £10,000.
- v. The maintenance of a register of key holders for safes and similar receptacles.
- vi. To approve the undertaking of private work by individual officers who are contractually allowed to undertake such work.

Investment

- i. To Chair Meetings of the Authority's Investment Advisory Panel.
- ii. To award contracts for investment related services in accordance with the Authority's Contract Standing Orders.
- iii. To authorise officers of the Authority to act as the Authority's representative on companies and committees including acceptance of directorships as appropriate.

Legal Proceedings in Relation to the Authority's Investments

- i. To initiate or defend legal proceedings and instruct counsel or external solicitors in relation to matters:
 - a. Appertaining to securities class actions or class action claims relating to investments held by the Fund; and
 - b. Appertaining to litigation relating to investments held by the Fund;
 - c. Appertaining to litigation concerning taxation matters including Value Added Tax, tax suffered upon dividends and Income Tax suffered by or appertaining to the Fund and its investment holdings.

Partnerships

In consultation with the Chair

- i. To exercise the Authority's vote as a shareholder in the Border to Coast Pensions Partnership, where practical having consulted with those members appointed by each of the District Councils under s41 of the Local Government Act 1985.

Pension Administration

- i. To charge interest under the relevant pension regulations on late payment of sums due to the Fund from employers or other administering Authorities.
- ii. To determine appeals made under stage 2 of the Internal Dispute Resolution Procedure and make any compensation payments required as a result of the outcome of such appeals.
- iii. To exercise any discretion reserved to the Authority within the Funding Strategy Statement and the Local Government Pension Scheme Regulations where not specifically delegated to another officer.
- iv. The handling of findings by the Pensions Ombudsman including the making of any required compensation payments.

Decisions required in the context of a civil emergency

- i. In the event of a civil emergency the Director is authorised to take such decisions as are required and incur such expenditure as is necessary to ensure the continuation of the Authority's operations and safeguard its assets, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

In the event of the Director being absent or otherwise unable to act then the following officers will be able to exercise the relevant delegated powers:

Any Chief Officer –

Staffing Matters, in consultation with the Clerk

Miscellaneous Matters

Decisions required in the context of a civil emergency

Head of Finance and Corporate Services –

Financial Matters, in consultation with the Treasurer

Requirements of the Local Government Pension Scheme Regulations where necessary in consultation with the other Chief Officers

Head of Investment Strategy –

Investment Matters

Legal Proceedings in Relation to the Authority's Investments

Partnership Matters

Head of Pension Administration –

Pension Administration Matters, subject to the delegation of their functions in relation to Stage 1 Appeals to another identified officer.

Section F - The Head of Finance and Corporate Services

- i. To act as the Deputy to the Treasurer in respect of s73 of the Local Government Act 1985.
- ii. Subject to the provisions set out in the Treasury Management Strategy, the Authority's financial regulations and the relevant operational procedures and professional codes to manage the day to day cash balances of the Authority.
- iii. To appoint brokers in relation to the renewal of the Authority's insurance programme.
- iv. The powers and duties shall be exercised in accordance with internal control arrangements specified by the Clerk and Treasurer.

Section G - The Head of Investment Strategy

- i. To invest funds available to the Authority in line with the strategic asset allocation set out in the Authority's Investment Strategy Statement.
- ii. Subject to such consultations as they see fit to carry out rebalancing exercises to align the Authority's actual investment asset allocation with the strategic asset allocation.
- iii. To appoint brokers.
- iv. To execute votes in accordance with the Authority's agreed policy.
- v. To attend as the Authority's representative at the meeting of any company or limited partnership in which the Authority has a beneficial interest in order to represent the Authority's interests and policies.
- vi. Property Investment

The Head of Investment Strategy is responsible for the management of the Pension Fund's Property Portfolio in accordance with the strategy agreed by the Authority and subject to the Contract Standing Orders and Financial Regulations of the Authority and to obtaining legal advice from the Authority's solicitors(s). Specific delegated powers are:-

- a. The negotiation and acceptance of terms for the acquisition and disposal of land and buildings.
 - b. The negotiation and acceptance of terms for the granting, renewing varying or assignment of leases, underleases, tenancies, licenses and any other interest in the Fund's property.
 - c. The preparation and implementation of schemes for works of modernisation, improvements, maintenance and repair of the Fund's property together with the invitation and acceptance of tenders and the authorisation of expenditure on such works.
 - d. The appointment and supervision of managing agents and professional advisers (including solicitors) necessary for the effective management of the Pension Fund Property Portfolio.
 - e. The collection of all rents, service charges, insurance premia, and any other monies arising out of the Pension Fund Property Portfolio.
 - f. The signature of agreements and making of arrangements for the execution of documents under seal (documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31).
 - g. Dealing with health and safety matters in association with investment properties.
- vii. The authorisation and execution of documents relating to the exercise of the powers and duties delegated to her/him.

Section H - The Head of Pension Administration

To deal with the following benefits and contributions matters in relation to the funds managed by the Authority in line with the relevant regulations in force at the time.

- i. The making, or terminating, of admission agreements with bodies falling within the scope of the relevant regulations.
- ii. The exercise of discretion regarding the payment of death grants in respect of deceased scheme members.
- iii. The exercise of discretion regarding the payment of AVC funds in respect of deceased scheme members.
- iv. The exercise of discretion in determining eligibility of a dependent child who commences full time education or training after the date of the member's death.
- v. The exercise of discretion in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.
- vi. The commutation of certain small pension benefits to single lump sum payments so as to discharge future liability for payments.
- vii. The commutation of pensions in exceptional circumstance of ill-health as provided in the relevant regulations.
- viii. Obtaining revisions to a rates and adjustments certificates where exceptional circumstances as defined in the regulations exist.
- ix. The determination of intervals for the payment (inclusive of accompanying information) of employee and employer contributions to the Fund, and costs arising from certain retirements types.
- x. The determination of the amount of any benefit that may be payable to a person out of the pension fund, in addition to various matters in relation to new contributors concerning previous service and additional pension.
- xi. The approval of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.
- xii. The transfer to an employing authority from the Fund, of sums to compensate for loss caused by a former member's misconduct.
- xiii. The payment of transfer values.
- xiv. The acceptance of transfer values.
- xv. To determine how to discharge Pension Credit liability.
- xvi. To decide, in the absence of an election from a scheme member, which benefit is to be paid where that member would be entitled to a benefit under more than one regulation in respect of the same period of membership.
- xvii. The approval of applications for the reinstatement of spouse's pensions under the following circumstances:-
 - a. If a spouse has remarried and that marriage has ended; or
 - b. If a spouse has been cohabiting outside marriage and that cohabitation has ended.
- xviii. The exercise of discretion on the extension of statutory time limits in respect of various applications made by employees and beneficiaries as provided in the Regulations.
- xix. To specify the information to be supplied by employers to enable the Authority to discharge its functions.
- xx. The exercise, on behalf of a deceased member, of an election to use pensionable pay determined from an earlier period for calculating scheme benefits.
- xxi. The exercise of discretion as to whether a child's pension should be paid to a person other than the child subject to direction that it is to be used solely for the child's benefit.
- xxii. To exercise the discretion to require a medical, to turn down on medical grounds, or determine where a lump sum payment instead of regular payments is required, in respect of a members election under the regulations.

- xxiii. Where the scheme employer is defunct, to exercise the discretion over early release of benefits and to the release of deferred benefits on medical grounds where there is no cost to the Authority.
- xxiv. To decide upon the evidence required to determine eligibility to benefits of a cohabiting partner.
- xxv. To decide whether to recover additional costs incurred as a result of the level of employer performance in meeting their obligations under the Pensions Administration Strategy.
- xxvi. To determine whether to charge interest on overdue payments from employers.
- xxvii. To determine whether an exit credit is payable to a terminating employer in line with the provisions of the relevant regulations and the policies set out in the Funding Strategy Statement.

Internal Dispute Resolution Procedure - Stage 1

To deal with Stage 1 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of the Authority as an Employing or Administering Authority) and make any compensation payments associated with the results of such appeals.

Pensions Regulator

To deal with all matters requiring direct contact with the Pensions Regulator acting in the latter's capacity as the regulatory authority under the Public Service Pensions Act 2013 and especially regarding the provision of statutory data and information, notification of breaches and compliance with the law reporting retrospectively to the Authority at the first opportunity.



Part 4 A-
Procedural
Standing
Orders
June 2020

1. Meetings of the Authority

- 1.1 The Authority shall hold an annual meeting between 1 March and 30 June each year.¹
- 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 one of its meetings prior to the end of the preceding municipal year provided that any such date maybe varied or any such meeting cancelled at a subsequent meeting.²
- 1.3 The Chair of the Authority, or if the office of Chair is vacant, or the Chair of the Authority is not available, the Vice-Chair 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 Chair:
 - (i) refuses to call a meeting after a requisition for that purpose specifying the nature of the business, having being signed by 3 Members, has been presented to him/her; or
 - (ii) fails to call a meeting within seven days of such requisition being presented to him/her.⁴
- 1.5 Any requisition under SO 1.4 may be presented to the Chair by being left for him/her with the Clerk.
- 1.6 Where any person or persons decides to call an extraordinary meeting of the Authority, he/she shall signify to the Clerk that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The Clerk 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 Barnsley Town Hall, Barnsley, S70 2TA.⁵

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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 Chair may be done by or in relation to the Vice-Chair.
 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.
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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 Authority;⁶

- (i) notice of the time and place of the intended meeting shall be published at the Town Hall, 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 transacted;⁷ and
- (ii) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the Clerk shall be left at or sent by post to the usual place of residence of every Member;

Provided that

- a) want of service of a summons on any Member shall not affect the validity of a meeting; and
- b) 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;
- c) if a Member gives notice in writing to the Clerk 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
- (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 urgency.⁹

1.10 The Chair 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 Chair and Vice-Chair

2.1 The Authority shall as the first item of business at its annual meeting elect one of its Members to be the Chair who shall unless he/she resigns that office or is otherwise disqualified, continue in office until the election of the Chair at the next annual meeting. In the case of an equality of votes in respect of the appointment of a Chair the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.¹⁰

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 100B

10. LGA 1985 (Local Government Act 1985)

- 2.2 The Authority shall at its annual meeting following the appointment of the Chair, appoint one of its Members to be Vice-Chair who shall, unless he/she resigns that office or is otherwise disqualified continue in office until immediately after the appointment of the Chair at the next annual meeting.¹¹
- 2.3 On a casual vacancy occurring in the office of Chair, 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 of after that date then not later than the next following meeting; and any such meeting may be convened by the Clerk of the Authority.¹²
- 2.4 On a casual vacancy occurring in the office of Vice-Chair, 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 of after that date then not later than the next following meeting.
- 2.5 The Chair, if present, shall preside at a meeting of the Authority.¹³
- 2.6 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.¹⁴
- 2.7 If both the Chair and the Vice-Chair of the Authority are absent, Members present at the meeting shall choose who shall preside.¹⁵
- 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 vote.¹⁶
- 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 present.¹⁷
- 2.10 If, during a meeting of the Authority, the Chair 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 Chair at the time the meeting is adjourned. If the Chair 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 Chair 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 Chair shall have control of the meeting and may take such steps as they consider 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 Chair misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, the Chair 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 Chair 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 Chair 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 Chair’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 in consultation with the Chair 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 Chair and Vice-Chair 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 Chair shall have become vacant, to appoint a Chair;
 - (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 Chair, the Clerk and the Director;

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

- (f) to identify whether there are any additional items of business which by reason of special circumstances the Chair 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 Chair to sign them;
- (i) to receive declarations of interest;
- (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 SO12;
- (m) to consider motions in the order in which the Clerk has received notice thereof;
- (n) to receive and consider reports, minutes, 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 Chair.

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

- (i) by the Chair 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 Chair 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 Chair 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 1972.¹⁹

5.2 The quorum of a committee of the Authority shall be 3.²⁰

6. Notice of a 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 Chair 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 at least seven clear days before the day of the meeting for which the notice is given.

6.3 The Clerk 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 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 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 6 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 6 months. Provided that this Standing Order shall not apply to motions 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 variances.

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:

- (a) to elect a Chair of the Authority or to appoint a Member to preside at a meeting at which the Chair and Vice-Chair are absent;
- (b) that leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Authority;
- (c) motions relating to the accuracy of the minutes;
- (d) motions under SO 3.3 (change in order of business);
- (e) remission to a committee;
- (f) appointment of a committee or members thereof, occasioned by an item mentioned in the agenda for a meeting;
- (g) adoption of reports and recommendations of committees and any consequent resolutions;
- (h) approval or amendment of recommendations by the Clerk and any consequential resolutions;
- (i) that leave be given to withdraw a motion;
- (j) that the Authority proceed to next business;
- (k) that the question be now put;
- (l) that the debate be now adjourned;
- (m) that the Authority do now adjourn;
- (n) authorising the sealing of documents;
- (o) motions under SO 8.6 to suspend a Standing Order;
- (p) 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;
- (q) that a Member named under SO 2.13(ii) be not further heard or do leave the meeting;
- (r) inviting a Member to remain under SO 17 (interests in contracts and other matters);
- (s) 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;
- (t) motions to refer a matter raised by a deputation received under SO 13 to the next ordinary meeting of the Authority or appropriate committee;
- (u) motions arising from the consideration of such communications as the Chair and the Clerk shall present to the Authority;
- (v) 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 or seconded.

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

- (a) to refer a subject of debate to the next meeting of the Authority or appropriate committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words:
- (e) 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 Chair 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 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:-

- (a) to amend or withdraw the motion;
- (b) to adjourn the meeting;
- (c) to proceed to next business;
- (d) that the question be now put;
- (e) 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 Chair 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

- 9.1 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 functions.²¹

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 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 a 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. Except that a recorded vote shall always be taken in relation to the setting of the Authority's operating budget and the levy on the District Councils.
- 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 (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.

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

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.

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

15. Recordings at Meetings

- 15.1 Any person who attends a public meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of a person's recording activities. Reporting means:
- i) Filming, photographing or making an audio recording of the proceedings at a meeting;
 - ii) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - iii) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.
- 15.2 Oral reporting or oral commentary on a meeting is not permitted if the person reporting or providing the commentary is present at the meeting.

- 15.3 Any photography or audio/visual recording must take place from a fixed position in the meeting room approved by the Chair so as to minimise disruption.
- 15.4 The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Chair.
- 15.5 If the Chair feels that any photography, audio or visual equipment is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop.
- 15.6 If, during the course of a meeting, a motion is passed to exclude the public and press because confidential information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording/photography.
- 15.7 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 any of its committees, subcommittees or other meeting arranged by the Authority of which he/she is a member,
- (a) shall sign his/her name in the attendance book or sheet provided for that purpose,
 - (b) 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, and the policies of the Authority in relation to conflicts of interest.
- 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 any shareholdings which they hold in any quoted company where the market value exceeds £5,000. The Clerk shall record in a register to be kept for the purposes of 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. For the avoidance of doubt this excludes investments in pooled funds such as Unit Trusts and applies only to the direct holding of financial instruments (shares or bonds) issued by any company or other organisation.

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 the 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 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 who shall make a record in a register maintained for this purpose. The register maintained by the Clerk shall be open to inspection by members of the Authority.

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

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 regulations made under SO 22.1 and 22.2.
- 22.4 Every committee shall continue to discharge the functions committed to them until the Authority resolve otherwise.
- 22.5 Subject to Section 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 (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 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
 - (ii) with the agreement of the Chair.

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 shall submit a report to the Authority or committee as the case may be showing what allocation of seats would be 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 fails to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment fails to be terminated in accordance with such wishes then the Authority or the committee, as the case maybe, 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 discharge.²²

23. Meetings of Committees

- 23.1 The Authority at a meeting prior to the end of the preceding municipal year shall fix the date, time and place of Ordinary Meetings of committees.
- 23.2 If the Authority do not fix the date, time or place of an Ordinary Meeting of a subcommittee then the relevant committee may do so.
- 23.3 The Chair of a committee or sub-committee may call an Extraordinary Meeting of a committee or sub-committee at any time.
- 23.4 The Chair 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 subcommittee 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.
- 23.5 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 Chair, and
 - (ii) either the Chair has refused to call a meeting or without the Chair 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 the 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.

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

- 23.7 Any requisition under 23.5 may be presented by being left with the Clerk.
- 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 shall publish a notice of the date, time and place of the meeting at the Town Hall, Barnsley. The notice shall be signed by the Clerk or the Chair or, in the case of an Extraordinary Meeting called under 23.5 by the members of the committee or subcommittee calling the meeting.
- 24.2 At least 5 clear days before a committee or sub-committee meeting a summons giving the date, time and place, signed by the Clerk 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) of each member of the Authority.²³

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 officers of the Authority;
 - (c) any item of business directed to be included by the Chair.

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 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 the meeting a quorum is not present, no meeting shall take place and the business shall be postponed to the next meeting 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.

23 See notes 9, 10 and 11 above.

26.5 If during any meeting of a committee or sub-committee, the Chair 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 Chair shall declare the meeting at an end and the business shall be postponed to the next meeting 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 Chair and Vice-Chair of Committees and Sub-Committees

27.1 Appointments of the Chair and Vice-Chair of a committee shall be made by the Authority.

27.2 The Chair and Vice-Chair of a sub-committee shall be appointed at the first meeting of the sub-committee after the Annual Meeting of the Authority, by the subcommittee.

27.3 The Chair, if present, shall preside at every meeting. In the absence of the Chair the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent members present at the meeting shall choose who shall preside.

28. Urgent Action

28.1 The Director 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 Chair or Vice-Chair 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.

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

29. Legal Proceedings

29.1 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 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.

29.2 The Clerk 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 the decisions of the Authority or of any committee, sub-committee or officer acting under delegated powers or in any case where the Clerk considers that the institution of defence of any proceedings is necessary to protect the Authority's interests.

29.3 The Treasurer is authorised to settle claims not exceeding £20,000, and in urgent circumstances claims exceeding £20,000. Details of settlements exceeding £20,000 approved by the Treasurer shall be reported to the Authority as soon as possible.

30. Common Seal of the Authority

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

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

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

30.4 The affixing of the Common Seal shall be attested by the Clerk or a duly authorised officer.

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

(i) the Monitoring Officer

(ii) the Treasurer

(iii) the Deputy Clerk

(iv) the Deputy s 73 Officer

30.6 The Clerk 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.

31. Signing of Agreements and Contracts

31.1 The Authority shall be the contracting party for the purposes of entering into contracts.

31.2 The Clerk, the Director, the Treasurer, the Monitoring Officer, and the Deputy Clerk 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.

31.1 Specifically the Director and the Head of Investment Strategy are authorised to sign any agreements and other documents concerned with the investment of the Authority's funds on behalf of the Authority.

32. Variation and Revocation of Standing Orders

32.1 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

33. Interpretation and Application

- 33.1 The decision of the Chair of the meeting on the question of the construction of these Standing Orders and on any question not provided for in Standing Orders shall not be challenged at any meeting of the Authority.
- 33.2 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.
- 33.3 In these Standing Orders, unless the context otherwise requires, the singular includes the plural.
- 33.4 Standing Orders:- 8 (Rules of Disturbance), 10 (Appointments), 11 (Voting), 12 (Petitions), 13 (Deputations), 14 (General Disturbances), 15 (Recordings at Meetings) and 17 (Interests) shall apply to meetings of committees and subcommittees.
- 33.5 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.

34. Standing Orders to be given to Members

- 34.1 Every Member will be provided with access to an electronic copy of the Authority's Standing Orders and Financial Regulations by the Clerk his/her first being appointed to the Authority.



Part 4 B-
Access to
Information
Procedure Rules
June 2020

The Authority is required by section 100G(3) of the Local Government Act 1972, as amended to keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

- 1 A meeting of the Authority (including meetings of its committees or sub-committees) is open to the public, except as stated in 2 & 3 below.
- 2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
- 3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of "exempt information". Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of "exempt information" is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agenda and Connected Papers

- 4 Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five days before the meeting. The papers will be available for inspection at the Joint Authorities Governance Unit, Town Hall, Barnsley S70 2TA between the hours of 10.00 am and 4.00 pm on working days.
- 5 A reasonable number of copies of agenda and reports must be available for members of the public present at a meeting. The agenda and reports must also be made available to the media on request
- 6 After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, or a summary of what took place in private), together with the documents made available for public inspection under paragraph 4 above, will be available for public inspection at the Joint Authorities Governance Unit Town Hall, Barnsley S70 2TA between the hours of 10.00 am and 4.00 pm on working days. This right of inspection exists for six years from the date of the meeting concerned

Inspection of Background Papers

- 7 Members of the public may also inspect a list of background papers for any report (except those reports containing "confidential" or "exempt" information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is

made). Background papers disclosing confidential or exempt information are not required to be listed, unless they are listed, they will not be open to inspection.

- 8 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Deputy Clerk who will arrange for the production of such documents as soon as reasonably practicable after the request.

Additional Access for Members of the Authority (including co-opted Members) and Members of the Local Pension Board

- 9 Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to paragraph 10 below).
- 10 Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member, for example personal information.
- 11 The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is open to inspection by the public at the Joint Authorities Governance Unit Town Hall, Barnsley S70 2TA between the hours of 10.00 am and 4.00 pm on working days.
- 12 The Authority must maintain a list specifying the powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. The list is open to public inspection, but excludes delegations of less than six months duration.

Financial Documents

- 13 A member of the Authority has a right to inspect its accounts.
- 14 Any local government elector for a district within the South Yorkshire area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 2015 (as amended).
- 15 At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.
- 16 Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Deputy Clerk.

Fees

- 17 No fee will be charged for providing the facility of inspecting background papers (paragraph 7 above).
- 18 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

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Part 4 C- Financial Regulations

June 2020

1. INTRODUCTION

- 1.1 These Financial Regulations are the responsibility of the Treasurer as the officer responsible for the proper administration of the Authority's financial affairs under s73 of the Local Government Act 1985.
- 1.2 References in these Regulations to "the Authority" shall include any Committee, Sub-Committee or officer if the power to act is so delegated and references to him or her will be construed as appropriate.
- 1.3 The Regulations form the major part of the Authority's financial control framework which comprises:
 - Standing Orders - Approved by the Authority;
 - Financial Regulations - Approved by the Authority;
 - Scheme of Delegation to Officers – Approved by the Authority
 - Financial Instructions - Issued by the Treasurer in conjunction with the Director to specify the detailed control arrangements required under specific Regulations;
 - Procedure Manuals - Issued by Senior Management to specify how systems should operate.
- 1.4 The main aims of the Regulations are to:
 - provide sufficient safeguards for the Treasurer to discharge his/her statutory duties;
 - ensure that the financial dealings of the Authority are conducted properly and in accordance with best practice;
 - provide adequate safeguards to officers of the Authority who are individually responsible for ensuring that their actions comply with the Regulations.
- 1.5 The responsibility for monitoring the financial control arrangements rests with the Treasurer's internal audit staff (see Regulation 6.7). In order to ensure consistency in the application of these Regulations, advice on their interpretation should be directed through the Head of Internal Audit.
- 1.6 The Regulations, and in particular those imposing financial limits, will be kept under review by the Treasurer to ensure that they remain consistent with best practice.
- 1.7 Any changes to the Regulations can only be made with the approval of the Authority, unless otherwise specified in the Regulations.

2. ROLES AND RESPONSIBILITIES

GENERAL

- 2.1 In applying these Regulations, the Treasurer and the Director will in certain instances, delegate their individual responsibilities to nominated officers who will undertake the duties on their behalf.
- 2.2 The Treasurer and the Fund Director shall ensure that all staff and third parties where appropriate, comply with the requirements contained in these Regulations.

THE AUTHORITY

- 2.3 The Authority is ultimately responsible for ensuring that the financial management arrangements are adequate and effective and that the internal control system is effective and will, amongst other things:
- appoint a responsible financial officer (the Treasurer);
 - approve the financial control framework, including Financial Regulations;
 - set a budget and agree a levy;
 - monitor actual expenditure against budget;
 - determine an affordable borrowing limit having had regard to the Prudential Code for Capital Finance in Local Authorities;
 - approve the annual report and statement of accounts and publish with it an annual governance statement;
 - maintain an adequate and effective system of internal audit of its accounting records and its system of internal control.
- 2.4 The Authority will delegate to the Treasurer aspects of the financial control arrangements to act on its behalf.

THE TREASURER

- 2.5 The Treasurer is responsible for the proper administration of the Authority's financial affairs in accordance with the provisions of Section 73 of the Local Government Act 1985 and the Accounts and Audit (England) Regulations 2015.
- 2.6 In fulfilling both his/her statutory and professional duties the Treasurer will:
- provide financial advice to the Authority on all aspects of its activity, including the budget, strategic planning and policy making process to ensure efficient, effective and economic use of resources;
 - produce the Statement of Accounts in accordance with the appropriate Codes of Accounting Practice and reporting standards issued from time to time;
 - report to the Authority on the robustness of the estimates for the purposes of the budget calculations and the adequacy of reserves;
 - report to the Authority where reserves are likely to be inadequate, outlining the reasons for the actions taken;
 - ensure that all matters required to be taken into account in respect of the Prudential Code for Capital Finance in Local Authorities are reported to the Authority for consideration;
 - establish procedures to monitor and report performance against all prudential indicators if required;
 - satisfy himself/herself that adequate arrangements are in place for all aspects of tax management;
 - report to the Authority and/or the external auditor if it appears that the Authority's expenditure is likely to exceed the resources available to meet that expenditure;
 - report to the Authority and/or the external auditor any decisions or actions taken (or about to be made or taken) which involve unlawful expenditure;

- ensure that adequate systems and procedures exist to account for all income due and expenditure disbursements made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety;
 - advise on the security of assets, including risk management and insurance;
 - secure the Authority's banking arrangements;
 - provide a treasury management function, including loans and investments, in accordance with the Authority's policy;
 - nominate a properly qualified member of the Authority's staff to deputise should he or she be unable to perform his/her duties.
- 2.7 In addition, in accordance with the delegated arrangements agreed by the Authority under the provisions of the Accounts and Audit (England) Regulations 2015("the Accounts and Audit Regulations"), the Treasurer will maintain an adequate and effective internal audit of the Authority's accounting, financial and other processes, including the approval of the strategic and annual audit plans.

THE DIRECTOR

- 2.8 The Director is responsible for:
- preparation of draft revenue estimates each year for submission to the Treasurer for approval by the Authority;
 - ensuring that the financial administration procedures comply with these Regulations and any Financial Instructions;
 - ensuring that no expenditure is incurred unless it is included in the annual revenue estimates or estimates of capital expenditure approved by the Authority;
 - the accountability and control of staff;
 - the security, custody and management of assets including cash and stores;
 - the issue and maintenance of Procedure Manuals (as instructions to staff) to supplement as necessary, both these Regulations and any Financial Instructions.

THE MONITORING OFFICER

- 2.9 The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the Authority and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- 2.10 The Monitoring Officer in performing his or her duties is authorised to incur expenditure where this is necessary in seeking advice outside the Authority.

3. ACCOUNTING ARRANGEMENTS

- 3.1 The Treasurer is responsible for keeping the principal accounting and costing records of the Authority.
- 3.2 The following principles must be observed in the allocation of accounting duties in order to maintain division of duties:
- the duties of providing information regarding sums due to or from the Authority and of calculating, checking and recording of these sums, must be separated as completely as possible from the duty of collecting or disbursing them;
 - officers charged with the duty of examining and checking the accounts of cash transactions must not themselves be engaged in any of these transactions.
- 3.3 The Treasurer is responsible for producing the Statement of Accounts and shall submit these to the Authority in accordance with the deadlines required by the Accounts and Audit Regulations.
- 3.4 The Treasurer is responsible for ensuring compliance with the Codes of Practice which the Authority may adopt from time to time. The details of such codes will be issued in the form of Financial Instructions to supplement these Regulations.

4 FINANCIAL PLANS AND BUDGETS

GENERAL

- 4.1 The detailed format of and timetable for financial plans, the maintenance and creation of reserves, the capital programme and revenue estimates will be determined by the Treasurer in accordance with the general directions of the Authority and professional Codes of Practice which are adopted from time to time.

REVENUE EXPENDITURE AND INCOME

- 4.2 The revenue estimates for the next financial year will be prepared by the Director in conjunction with the Treasurer in accordance with the general directions of the Authority. They will be presented to the Authority for approval accompanied by a report from the Treasurer which will specify any variations to the existing budget and policies together with implications for future years.
- 4.3 The Treasurer, the Director and any Head of Service may incur expenditure for the supply of goods or materials or the execution of any work or services (excluding grants to voluntary bodies/outside organisations) without reference to the Authority or appropriate Committee provided that it is within the framework of the Authority's policy, included in approved revenue estimates as set out in these Regulations, and subject to compliance with the Authority's Contract Standing Orders.
- 4.4 Expenditure not covered by Regulation 4.3 must be submitted by the Treasurer to the Authority for approval. The report will include details of the financial implications for both the current financial year and 2 subsequent years.
- 4.5 The Treasurer (or officers nominated by him/her) shall ensure that the approved estimates are not overspent and shall provide information on the forecast outturn for the year to the Authority on a quarterly basis.
- 4.6 The Treasurer shall report on the outturn of income and expenditure to the Authority as soon as possible after the end of each financial year. The report will include details of any diversion of funds. (See virement - Regulation 4.7).

4.7 Virement and use of Reserves

- (a) Revenue overspending or additional expenditure on specific budget heads (employees, premises, supplies and services, transport and support services) may be financed by diversions within the approved budget subject to the following directions. All such diversions of funds will be reported to the Authority as part of regular budget monitoring reports:
- Up to £10,000* - In writing by the Director
 - Above £10,000 up to £50,000 * - In writing by the Treasurer
 - Over £50,000 - By the Authority following a report from the Treasurer
- *This amount applies to individual transactions and the sum of transfers for any one purpose.
- (b) Diversions must not be used to finance expenditure which will recur in future years without the Authority's prior approval.
- (c) If diversion of funds is not possible to meet an unavoidable overspending, the Treasurer shall submit a report to the Authority seeking approval to a supplementary estimate. The Treasurer is responsible for advising the Authority on the financial implications of this course of action in the next quarterly budget monitoring report or using the Urgent Business Procedure as set out in the Authority's constitution.
- (d) The Treasurer can approve any additional expenditure where the costs are fully reimbursable from other authorities or bodies.
- (e) Income received in excess of the overall total income budgeted amount may be used to finance additional expenditure subject to the above limits in (a), and provided that

there are no implications in future years, unless any such income is guaranteed over multiple years.

- (f) Transfers to and from Reserves will be the responsibility of the Treasurer and subject to the approval limitations shown in 4.7(a) and will be governed by policies approved by the Authority.

5. FINANCIAL SYSTEMS AND PROCEDURES

5.1 Banking Arrangements

General

- (a) The Treasurer is responsible for making the Authority's banking arrangements and is authorised to operate such bank accounts as are considered appropriate.
- (b) The arrangements shall be reviewed on a regular basis and the Treasurer or an authorised officer will undertake all negotiations with the Authority's banker(s) regarding banking terms and overdraft facilities.

Payments

- (c) (c) The Treasurer is responsible for paying all properly certified accounts submitted for payment. Apart from the use of corporate purchasing cards, the normal methods of payment of money due from the Authority is by direct credit transfer via BACS, Faster Payments or CHAPS. Arrangements for the authorisation of payments from the Authority's bank accounts must be in a form agreed by the Treasurer.
- (d) All corporate purchasing cards and similar payment media, instruments or mechanisms are to be ordered and managed only in accordance with arrangements approved by the Treasurer, who is to ensure their safe custody, issue and control.
- (e) Cheques are only to be used in exceptional circumstances where no other method of payment is available. Cheques drawn on the Authority's main bank accounts must either bear the facsimile signature of the Treasurer or be signed in manuscript by him/her or other authorised officers approved by the Treasurer. All alterations and amendments are to be signed in manuscript by the Treasurer or other authorised officer.
- (f) All cheques and other payment documents must be despatched by the Treasurer unless he/she has specifically given consent to other arrangements.

5.2 Income

- (a) The Treasurer must ensure that adequate arrangements are made for:
- the financial organisation and accounting to ensure the proper recording of all sums due to the Authority; and
 - the prompt and proper accounting of all cash including its collection, custody and deposit.
- (b) Save where the charges are fixed by statute, the Authority shall be responsible for determining whether a charge is to be made for any service provided by the Authority. The Treasurer shall be responsible for determining the level of charge to be fixed for any service, in accordance with the Authority's policies.
- (c) The Treasurer shall publish alongside the budget a schedule of the Authority's fees and charges for the forthcoming year.
- (c) Employees of the Authority must not give receipts for monies received on behalf of the Authority on any form other than an official receipt form.
- (d) The procedures for dealing with the raising and despatch of accounts, receipt of payments and cash discrepancies will be specified by the Treasurer and issued in the form of a Financial Instruction under the authority of this Regulation.
- (e) Personal cheques must not be cashed out of moneys held on behalf of the Authority.
- (f) Accounts Receivable – Provided appropriate steps have been taken to recover monies due to the Authority, the writing-off of individual debts (save as otherwise provided by the Authority) may be authorised by the following officers:

- not exceeding £1,000 Head of Finance & Corporate Services
 - above £1,000 but not exceeding £5,000 Director
 - above £5,000 but not exceeding £10,000 Treasurer
 - Writing-off of sums in excess of this limit shall be referred to the Authority for approval.
- (g) The Authorisations granted under this Financial Regulation shall not apply to the approval of the writing-off of rent/interest, insurance premiums expenditure due in respect of any investment property or to investment losses or payroll over-payments which are subject to Financial Regulations 5.4(d) (e) and 5.8(d) respectively.

5.3 Insurance

- (a) The general policy for insurance will be agreed by the Authority having received appropriate advice from the Treasurer.
- (b) The Treasurer is responsible for arranging all insurances and the administration and negotiation of claims.

5.4 Investments, Loans and Cash Flow

- (a) The Treasurer is responsible for securing the arrangements for the Authority's cash flow, borrowing activities and lending activities, in accordance with the Local Government Act 2003 and the CIPFA Code of Practice on Treasury Management as applicable and the policies agreed by the Authority as amended from time to time.
- (b) All investments will be held in the name of the Authority or the Authority's authorised custodian bank nominee or equivalent or its agents. All securities in respect of loans raised will be issued in the name of the Authority.
- (c) The Treasurer shall prepare a policy document outlining the procedures to be adopted each year for cash flow (treasury management) for approval by the Authority. The Head of Finance and Corporate Services has day to day responsibility for administering the treasury management function in accordance with the Authority's strategy.
- (d) Any losses incurred as a consequence of the investment activity in accordance with the Local Government Pension Scheme Investment Regulations in force at the time are reported to the Authority and save as specified in Regulation 5.2 (f) above are not subject to the normal debt write off procedure.
- (e) Any losses incurred arising out of rent or interest, insurance premiums and other expenditure due in respect of any investment property not exceeding £10,000 by the Director but the writing-off of sums in excess of this limit shall be referred to the Authority for approval.

5.5 Negotiated Settlements

- (a) The Treasurer is authorised to negotiate the settlement of claims which require urgent decisions. Where this sum exceeds £20,000 a report will be submitted to the Authority using the urgent business procedure set out in the Authority's Constitution.

5.6 Orders for Work, Goods and Services

- (a) Orders must be in a form approved by the Treasurer and before any order is issued, the authorising officer must ensure:
- that the cost is within an approved estimate or other financial provision;
 - compliance with EU and UK legislation;
 - compliance with the Authority's Standing Orders relating to Contracts i.e. quotations and formal tenders.
- (b) Orders must not be split or issued for a value less than known requirements as a means of avoiding compliance with the Authority's Standing Orders and these Regulations.
- (c) The control arrangements and administration of the ordering system will be in accordance with the Financial Instruction issued by the Treasurer under the authority of this regulation.

5.7 Payment of Accounts

- (a) The Director is responsible for the examination, verification and certification of invoices and any other payment vouchers.

- (b) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Treasurer under the authority of this Regulation.
- (c) Officers must not authorise any payment or benefit to themselves.

5.8 Salaries, Wages, Pensions, Gratuities and Allowances

- (a) The payment of salaries, wages, pensions, gratuities and allowances to all current and former employees of the Authority, and pensioners of the Fund shall be made by the Treasurer under arrangements approved and controlled by him/her.
- (b) Appointments of all employees must be made in accordance with the regulations of the Authority and the approved establishments, grades and rates of pay and within the budgetary provision.
- (c) Time sheets and other records in a form and containing information required by the Treasurer for the recording and payment of salaries and wages must be signed in manuscript, or electronically authorised by officers authorised by the Treasurer. Officers must not authorise their own payment documents.
- (d) The writing-off of an overpayment of salary to an employee or the overpayment of retirement or death benefits to a pensioner may be approved by the following officers:
 - Overpayments of benefits only: not exceeding £250 Head of Pensions Administration
 - not exceeding £1,000 Head of Finance and Corporate Services
 - above £1,000 but not exceeding £5,000 Director
 - above £5,000 but not exceeding £10,000 Treasurer
 - Writing-off sums in excess of this limit shall be referred to the Authority for approval.
- (e) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Treasurer under the authority of this Regulation.

5.9 Travelling, Subsistence and Other Allowances

- (a) All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be prepared by the claimant personally in a form approved by the Treasurer and in accordance with any Schemes of Conditions of Service adopted.
- (b) Officers must sign or electronically endorse their claims as correct and confirm that they comply with the approved Schemes. Officers must not authorise their own claims for payment.
- (c) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Treasurer under the authority of this Regulation.

6. RISK MANAGEMENT AND CONTROL OF RESOURCES

6.1 General

- (a) It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Authority.

6.2 Risk Management

- (a) The Authority is responsible for approving the risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- (b) The Director is responsible for preparing the Authority's risk management policy statement and strategy and promoting it throughout the Authority. The Director is responsible for advising the Authority on corporate risks facing the Authority.
- (c) The Director must ensure that they regularly review risks, develop appropriate risk management controls and ensure that risk registers are maintained.

6.3 Internal Control

- (a) The Treasurer is responsible for advising the Authority on effective systems of internal control. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets are safeguarded. They should ensure

that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

- (b) It is the responsibility of senior officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their performance targets. Senior officers should also ensure that such internal control arrangements are regularly reviewed for adequacy and effectiveness.
- (c) The Treasurer must ensure that the system of internal control is reviewed at least annually.
- (d) The Director is responsible for ensuring that an Annual Governance Statement is submitted to the Authority for approval and inclusion in the Statement of Accounts.

6.4 Asset Security

- (a) The Director is responsible for the accountability and control of staff and for maintaining proper security at all times for all stocks, stores, furniture, equipment, cash etc. under his/her control.
- (b) The Treasurer shall specify maximum limits for cash holdings which shall not be exceeded without his/her express permission.
- (c) Keys to safes and similar receptacles containing cash and valuable property must be securely held at all times. A register of keys and their holders shall be maintained by the Fund Director. The loss of any such keys must be reported to the Fund Director immediately.

6.5 Data Security

- (a) In accordance with the provisions of the various legislation relating to Data Protection, the Clerk shall maintain up to date registrations on behalf of the Authority,
- (b) The Head of Internal Audit will act as Data Protection Officer for the Authority.

6.6 Gifts, Hospitality, Secondary Employment

- (a) Further information about gifts, hospitality and relationships with clients and contractors is contained in the code of conduct.

Gifts

- (b) The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives any personal gift, other than one of only token value, the matter must be reported to the Fund Director who will:
 - decide if the item is to be returned or forwarded to some charitable cause;
 - notify the donor what has happened to the gift and explain the reason why gifts should not be offered or sent in the future.
- (c) A central record must be maintained by the Director of all gifts (other than those of a token value) received by and offered to staff and the action taken.

Hospitality

- (d) Hospitality must only be given or accepted where it is on a scale appropriate to the circumstances, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestion of improper influence about the acceptance of the hospitality.
- (e) The circumstances and the type of hospitality is to be recorded in a central record maintained by the Director.

Secondary Employment

- (f) Officers who are, in accordance with their conditions of service, permitted to carry out private or other paid work must not do so during the Authority's time, nor must they use the Authority's premises, resources or facilities for the execution of such work without the prior approval of the Director (or the Clerk where the officer is the Director).
- (g) Officers must declare to the Director in writing the nature and duration of such private work (or the Clerk where the officer is the Director).

- (h) No stationery or publicity material is to indicate that the officer is an Authority employee nor should the address or telephone number of the Authority be stated.
- (i) Officers must not work for any current or prospective supplier or contractor to the Authority.
- (j) In cases where an officer's duties involve contractual arrangements with any prospective supplier or contractor who employs a close relative or friend of the officer, the officer must notify the Clerk or the Director of the details and preclude himself/herself from the arrangements.

6.7 Internal Audit

- (a) Internal Audit is an independent, objective assurance and consulting function designed to add value to and improve the Authority's operations. It helps the Authority accomplish its objectives by bringing a systematic, and disciplined approach to the evaluation and improvement of the effectiveness of risk management, control and governance processes. As such Internal Audit provides a significant source of assurance in relation to the effective operation of both the Authority's governance arrangements and its system of internal control.
- (b) The Treasurer has delegated responsibility for maintaining a continuous, adequate and effective internal audit of the Authority's accounting records and its system of internal control in accordance with the Accounts and Audit Regulations.
- (c) Due to the scope of internal audit work, the Director has a direct interest and will be consulted on planned work and will be able to request specific systems audits and value for money audits.
- (d) The Treasurer will advise the Audit Committee as to the appropriate level of internal audit resource and plan required in any year and will have the authority to approve variations to the plan and level of resource in the light of changed circumstances.
- (e) The key conditions for Internal Audit are that:
 - It is independent in its planning, operation and reporting;
 - It supports the Director (as Head of Paid Service) and the Treasurer in fulfilling their statutory responsibilities;
 - The Head of Internal Audit has direct access to the Treasurer, the Director, the Monitoring Officer and Members of the Authority;
 - The service is provided in accordance with the Public Sector Internal Audit Standards (PSIAS).
- (f) The functions of Internal Audit are to:
 - Review and appraise the systems of financial and management control and the corporate governance arrangements, including the management of risks and safeguarding of assets;
 - Assess the accuracy of financial and other published information;
 - Ascertain the extent of compliance with procedures, policies, regulations and legislation;
 - Review whether functions are being carried out as planned and that objectives and goals are being met;
 - Undertake value for money reviews to assess the economy, efficiency and effectiveness with which resources are employed;
- (g) In fulfilling these functions Internal Audit will:
 - Work in partnership with Senior Officers, particularly in relation to value for money projects and other review functions;
 - Work in partnership with the Authority's appointed external auditors, and any other relevant external review agencies in providing a comprehensive audit function;
 - Develop and maintain a quality assurance improvement programme (QAIP).
- (h) Internal Audit staff as authorised representatives of the Treasurer will, subject to satisfactory proof of identity, have authority
 - Enter at all reasonable times any premises or land occupied or controlled by the Authority (excluding investment properties);

- Have access to all property, records, documents and correspondence relating to any financial and other activities of the Authority;
 - Require and receive such explanations as are necessary concerning any matters under examination;
 - Require any employee or agent of the Authority to produce cash, stores or any other Authority property under his/her control.
- (i) The Treasurer shall make arrangements to ensure that he/she is informed, via the Head of Internal Audit, as soon as is practicable whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Authority or any suspected irregularity in the exercise of the functions of the Authority, irrespective of whether the matter is the subject of criminal investigation.
- (j) The Treasurer must ensure that a reply is made to any audit report within a reasonable period of time, but in any case within 6 weeks of the date of its issue by the Head of Internal Audit.

6.8 Inventories

- (a) The Director shall ensure that an inventory is maintained of furniture, fittings, equipment, plant and machinery and he/she shall be responsible for carrying out at least an annual check of all such items against the inventory and for taking action in relation to surpluses and deficiencies and noting the inventory accordingly.
- (b) The writing-off of items may be approved by the following officers:
- not exceeding £10,000 Director
 - above £10,000 but not exceeding £20,000 Treasurer
 - The writing-off of items in excess of this limit shall be referred to the Authority for approval.
- (c) The Fund Director is responsible for ensuring that the Authority's property is not removed otherwise than in accordance with the ordinary course of the Authority's business or used otherwise than for the Authority's purposes.
- (d) Surplus or obsolete inventory items shall be disposed of as economically advantageously as possible.

6.9 Property

6.9.1 Operational Property

- (a) The Head of Finance and Corporate Services is responsible for securing the arrangements for management of properties occupied by the Authority for operational purposes, including maintenance.
- (b) The arrangements will include the maintenance of property terriers which will record:
- locations and plan references;
 - the purpose for which held;
 - purchase/lease details;
 - rents payable and particulars of tenancies granted.

6.9.2 Investment Properties

- (a) The Head of Investment Strategy is responsible for securing the arrangements for management of the Authority's investment properties, including maintenance.
- (b) The arrangements will include the maintenance of property terriers by agents on behalf of the Authority which will record:
- locations and plan references;
 - the purpose for which held;
 - purchase/lease details;
 - rents payable and particulars of tenancies granted.

6.10 Theft and Burglary

- (a) The Treasurer shall arrange for all cases of theft or burglary arising in any part of the Authority's operations to be notified to him/her via the Head of Internal Audit, including those where criminal investigations are being undertaken.

6.11 Preventing Fraud and Corruption

- (a) The Treasurer is responsible for the development and maintenance of an anti-fraud and corruption strategy.
- (b) The Director is responsible for:
 - Ensuring that staff are aware of the requirements of the Bribery Act 2010; and
 - That sound internal controls are maintained to prevent bribery occurring in connection with the conduct of the Authority's business affairs.



Part 4 D-
Contract
Standing Orders
June 2020

1. Introduction

- 1.1. These Contract Standing Orders (CSOs) are made by the Authority in accordance with Section 135 of the Local Government Act 1972. The CSOs set out the responsibilities of Officers and the procedures to be followed when conducting the procurement of goods, works or services on behalf of South Yorkshire Pensions Authority (SYPA).
- 1.2. Any Officer conducting a procurement exercise on behalf of SYPA Must familiarise themselves with these CSOs, which **must** be read and acted upon in conjunction with the Authority's constitution and in particular the financial regulations and scheme of delegation.
- 1.3. By following the requirements of these CSOs Officers will be supported to conduct procurement exercises that:
 - comply with the Authority's strategic objectives, procurement strategies, policies and statutory legal obligations
 - promote the fundamental principles of public sector procurement, i.e. being open, fair and transparent
 - are capable of withstanding challenge by being effective, efficient and robust.

2. Scope and Compliance

- 2.1. All of the Authority's contracts **must** be entered into in accordance with these CSOs.
- 2.2. In the event that there is any doubt regarding the scope or application of these CSOs this should be referred to an authorised Officer listed at 4.4 for further guidance and instruction.
- 2.3. Where the estimated value of a contract exceeds the relevant current procurement threshold, the contract **must** be tendered in accordance with the Public Contracts Regulations 2015 and where possible these CSOs.
- 2.4. In the event that these CSOs are not compatible with the requirements of the Public Contract Regulations then the requirements of the Regulations shall take precedence and apply.
- 2.5. Officers and Members **must** exercise the highest standards of conduct, integrity and impartiality when involved in the procurement, award and management of contracts and have particular regard to the requirements of the code of conduct regarding relationships with suppliers.

3. Exemption to Competition Requirements.

- 3.1. The following contracts are exempt from the requirement for competitive tendering except where the Public Contract Regulations 2015 apply in which case the Regulations **must** be complied with.

- 3.2. Services that are provided 'in-house' or by another Authority (where the conditions of the Public Contract Regulations are met).
- 3.3. Contracts of employment that make the individual a direct employee of the Authority. For the avoidance of doubt these CSOs do apply to the procurement of agency/recruitment services, the appointment of interim Consultants/Contractors and the provision of short term agency workers.
- 3.4. Additional works, supplies or services that are required due to unforeseen circumstances, which are either strictly necessary for the completion of the contract, or for technical or economic reasons cannot be carried out separately without great detriment to the Authority. Where a contract variation is required this **must** be executed in accordance with CSO 22.1. Approval to use this exemption Must be supported by the submission of a business case (Appendix 3) to the Authorised Officer listed at 4.4.
- 3.5. Financial services associated with the purchase and sale of securities and financial instruments, including the procurement of research, traded upon a public stock exchange.
- 3.6. Legal services contracts and arbitration services that fall within the exemptions set out in Regulation 10 of the Public Contracts Regulations 2015.
- 3.7. For agency services associated with the management, purchase and sale of investment properties.
- 3.8. 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.

4. Delegated Authority

- 4.1. Procurement exercises carried out on behalf of the Authority may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Authority's scheme of delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge appropriate to the task.
- 4.2. Within approved budgets and in accordance with the Annual Procurement Plan where applicable, Authorised Officers may enable members of their staff to place orders against Framework Agreements.
- 4.3. The decision to award any contract which falls above the EU threshold or which involves any potential TUPE transfer of the Authority's employees to a Supplier shall be made by the Authority.

- 4.4. The Director, the Head of Finance and Corporate Services, the Head of Investment Strategy and the Head of Pensions Administration are empowered to seek offers for and award contracts for works, supplies or services on behalf of the Authority in accordance with these Standing Orders. These officers are empowered to authorise any other suitable officer to lead a procurement process on their behalf, such authorisation must be in writing and refer to one or more specific procurement process(es)
- 4.5. Whenever one of the offices specified above 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>Director</u>	<u>Head of Finance and Corporate Services</u>	<u>Head of Investment Strategy</u>	<u>Head of Pensions Administration</u>
Any Head of Service	Director or Any Head of Service	Director or Any Head of Service	Director or Any Head of Service

5. Pre-Procurement Requirements

Prior to undertaking a procurement exercise, Officers **must** ensure that:

- 5.1. They have ruled out the possibility of the service being provided in-house.
- 5.2. All appropriate advice has been obtained including legal, financial, insurance and other professional advice such as procurement, health and safety and risk management.
- 5.3. Key stakeholders including Elected Members and Trade Unions if TUPE might apply have been identified and consulted.
- 5.4. The contract value is calculated in accordance with Public Contract Regulations 2015 (irrespective of whether the Regulations apply) including whole life costs for the duration of the contract and any period of extension and/or continuing costs.
- 5.5. The proposed expenditure is contained within an approved budget in accordance with the Authority's Financial Regulations.
- 5.6. Contracts are not disaggregated into 2 or more separate contracts in an attempt to avoid the Public Contract Regulations or avoid competition.
- 5.7. Where the procurement is subject to Public Contract Regulations consideration is always given to dividing the contract into smaller lots. Where this is not possible the main reasons for the decision not to subdivide into lots shall be included in the procurement documents or post evaluation report.

- 5.8. Any risks associated with the procurement are identified, assessed and recorded together with the actions required to manage them.
- 5.9. An initial equality impact assessment is carried out to ascertain whether a more detailed Equality Impact Assessment (EIA) is required to inform the procurement process and subsequent contract management.
- 5.10. Taking advice where necessary, the procurement is properly categorised for the purpose of the Public Contract Regulations as being works, supplies or services, and that any Light Touch Services are correctly identified.

6. Existing Arrangements & Frameworks

- 6.1. Where an existing corporate contract is in place with a Supplier for specific goods or services, then these should be used unless there are exceptional reasons why this would not be the best course of action.
- 6.2. In all cases, where no existing corporate contract is in place, consideration should be given to whether existing external arrangements would be appropriate such as the use of public service purchasing consortia (e.g. YPO, ESPO, NEPO, national LGPS frameworks) or existing frameworks in order to benefit from the advantages listed below.
- 6.3. The use of frameworks can save significant time and money, whilst still meeting the Authorities specific requirements. The benefits for the Authority include:
 - Fast, efficient, easy to use OJEU compliant frameworks that can reduce the cost and time associated with procurement processes
 - Significant reduction in procurement timescales
 - Reduced procurement costs
 - Pre-agreed terms and conditions
 - Ceiling prices that can be further reduced by competition at call off.
- 6.4. The framework may include a requirement for a mini competition exercise and this shall be tendered in accordance with the framework agreement and where possible these CSOs.
- 6.5. Due diligence **must** be carried out to ensure it is legally viable for the Authority to make use of any such consortia arrangement or framework.

7. Nominated Sub Contractors

- 7.1. If a sub-Contractor or sub-Consultant is to be nominated or named to a main Contractor, they must be procured in accordance with these Contracts Standing Orders and under terms that are compatible with the main contract. The procurement documents should require that the nominated Contractor or Consultant must also be willing to enter into:

- a contract with the main contractor on terms which indemnify the main contractor against the main contractor's own obligations under the main contract in relation to the work or goods or materials included in the sub-contract;

Or

- an agreement to indemnify the Authority in such terms as may be prescribed.

8. Managing Supplier Risk

8.1. Officers **must** consider any steps necessary to protect the Authority's interests in the event of contractor default. Officers should assess whether additional security is required in the form of a bond, guarantee and retention or, where performance is required by a particular date and where delay would have financial consequences for the Authority, provision for liquidated damages. This consideration should be based on risk to the Authority taking account of the circumstances, including:

- (a) value of the Contract
- (b) impact on the tenant's business operations
- (b) type of Goods, Services or Works being procured
- (c) payment profile of the Contract
- (d) financial strength of the Suppliers in the market
- (e) affordability and proportionality.

9. Contract Values

All values stated in these CSOs are exclusive of VAT.

9.1. Purchasing up to £5,000.

9.1.1. Where no existing contract provider or framework is available, variations in quality are minimal or there is no requirement to evaluate the quality of the goods, services or works, formal issue of a tender/quotation document is not required. Officers should satisfy themselves that they have obtained, and kept a record of, an adequate amount of comparative pricing information to ensure that the best value in terms of economy, efficiency and effectiveness is obtained. The purchase order form shall specify the services, supplies or works to be provided and set out the price and payment terms.

9.2. Low Value Procurement £5,000 - £25,000.

9.2.1. In all cases the procurement exercise and subsequent contract award **must** be published on Yortender in order to comply with data transparency legislation.

9.2.2. Where no existing contract provider or framework is available, formal competition is required. Where there are a sufficient number of providers in the market the contract opportunity should be openly advertised or at least three written quotes invited via YORtender.

9.2.3. In exceptional circumstances and considering all the information available an Officer may decide that it is justified to invite less than 3 quotations. In this situation a waiver form (Appendix 1) **must** be completed and approved before proceeding.

9.2.4. The quotation template document shall be used by the Officer which describes as a minimum the services/goods/works to be provided and/or an explanation of the outcomes to be met. The methodology that the Authority will use to evaluate the quotes **must** be clearly explained and the quotation document **must** be made available electronically via YORtender. This is to ensure that all bidders shall be provided with exactly the same information and to ensure equal treatment.

9.2.5. The Officer should consider whether the procurement would be of interest to local Suppliers with their headquarters and, if it would, at least 2 quotations should be invited from these organisations.

9.2.6. The use of a pre-qualification stage in procurements below the EU thresholds for supplies and services is not permitted. The use of the Crown Commercial Service (CCS) Standard Selection Questionnaire is not permitted however the exclusion questions and standard selection questions may be used as a guide in developing appropriate and proportionate questions to be used in a one-stage procurement process. Those questions may be used to assess the suitability, capability, legal status, and financial standing of a potential Supplier, provided that the questions are relevant and proportionate to the contract.

9.2.7. All bids received shall be treated as confidential and will not be used for any other purposes other than that for which they were sought.

9.2.8. Negotiation should only take place if the quotation documents state that it may take place. Negotiations **Must** be conducted by at least two appropriately authorised Officers and full written records of negotiations **Must** be kept.

9.2.9. The awarded contract shall be recorded on the Contract Register on Yortender.

9.3. Intermediate Value Procurement £25,000 - £75,000

9.3.1. In addition to the requirements of 9.2 Officers conducting procurements valued at £25,000 or more **Must** ensure that the opportunity is published on YORtender and, if not invitation only, also on Contracts Finder.

9.3.2. Contract award details **Must** be published on YORtender and Contracts Finder.

9.4. High Value Procurement £75,000 to EU Procurement Threshold.

9.4.1. In addition to the requirements of CSO 9.2 and 9.3 the Officer conducting the procurement should comply with the following.

9.4.2. Where no existing contract provider or framework is available, formal competition is required. Where there are a sufficient number of providers in the market the contract opportunity should be openly advertised or at least four written tenders invited via YORtender.

9.4.3. For works contracts valued between the threshold for goods and services and the threshold for works a two stage process is permitted and Officers may make use of the PAS 91 PQQ.

9.5. Use of Selection Questions

9.5.1. In sub threshold procurements for goods and services Officers need to decide whether it is necessary to assess a Supplier's eligibility, financial standing and technical capacity. If the Authorised Officer decides that this assessment is necessary it **must** be carried out in compliance with the Public Contract Regulations, within a one stage procurement exercise and the CCS standard Supplier questionnaire may not be used.

9.5.2. In sub threshold procurements for works a two stage restricted procurement may be carried out in accordance with 9.4.3.

9.5.3. In procurements that exceed the procurement threshold under the Public Contracts Regulations 2015 for goods, services or works the Authority shall only enter into a contract if it is satisfied as to the Supplier's eligibility, financial standing and technical capacity.

9.5.4. Potential Suppliers should be permitted to self-declare that they meet the relevant criteria in the Supplier selection stage. Only the winning Supplier (and any organisations relied upon to meet the winning Supplier's selection criteria) should submit evidence. This reduces the need for potential Suppliers to submit supporting documents every time they wish to bid for a public contract.

9.5.5. If the winning Supplier fails to provide the required evidence within set timeframes, or the evidence proves unsatisfactory, the award of the contract should not proceed. Officers may then choose to amend the contract award decision and award to the second-placed Supplier, provided that they have submitted a satisfactory bid. Alternatively, the procurement process may be terminated.

9.6. EU Procurement Thresholds

9.6.1. Where the estimated value of a contract exceeds the current procurement threshold the contract will be tendered in accordance with the Public Contracts Regulations 2015 and these CSOs.

9.6.2. In addition to CSO 9.2, CSO 9.3 and CSO 9.4 the Officer conducting the procurement **must** comply with the following.

9.6.3. Contract notices and award details **must** be published in the Official Journal of the European Union (OJEU) as well as on Contracts Finder and YORtender.

9.6.4. The current thresholds are:

- Services £189,330
- Goods £189,330
- Works £4,733,252
- Social and other specific services (as defined by the regulations)
£663,540

9.6.5. Officers should check the current thresholds in place at the time of undertaking the procurement.

9.6.6. Officers conducting above threshold procurements **must** consider dividing the contract into lots and justify any decision not to do so in either the procurement documents or the post evaluation report.

9.6.7. Post tender negotiation is not permitted except where the Authority is utilising the Competitive Procedure with Negotiation.

10. Above EU Threshold Procurement Procedures

Where the value of the contract exceeds the relevant procurement threshold the Officer **must** use procurement procedures as permitted by Public Contract Regulations 2015.

10.1. Open Procedure

10.1.1. In the open procedure, any interested Supplier may submit a tender in response to a contract notice. An open procedure may be used for contracts below and above the procurement threshold

10.1.2. Where the procurement regulations apply the minimum time limit for the receipt of tenders is 35 days from the date on which the contract notice is sent. This can be shortened to 30 days where tenders may be submitted by electronic means i.e. via YORtender.

10.1.3. The invitation to tender shall be accompanied by information regarding the evaluation criteria to be used by the Authority.

10.1.4. Where the Authority has published a prior information notice (PIN) which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders, subject to specific conditions being met, may be shortened further. Advice should be sought from a suitably qualified person to ensure that conditions of the Public Contract Regulations are fulfilled.

10.2. Restricted Procedure

- 10.2.1. The restricted procedure is a two stage process where any Supplier may apply to participate in the tender competition by providing the selection information that is requested by the Authority. Following assessment of the information provided, only those Suppliers invited to do so may submit a tender.
- 10.2.2. The time limit for receipt of selection information is 30 days from publication of the contract notice.
- 10.2.3. Where the Authority has published a prior information notice (PIN) which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders, subject to specific conditions being met, may be shortened further. Advice should be sought from a suitably qualified person to ensure that conditions of the Public Contract Regulations are fulfilled.
- 10.2.4. The time limit for receipt of invited tenders is 30 days from the date of the invitation to tender and this can be shortened to 25 days where tenders may be submitted by electronic means i.e. via YORtender.

10.3. Other Procurement Procedures

- 10.3.1. In the majority of cases the Open or Restricted Procedures will be the preferred option for the Authority. In exceptional circumstances where they are not thought to be suitable then the Authority may opt to utilise another procurement procedure i.e. the Competitive Procedure with Negotiation, Competitive Dialogue, Innovative Partnerships and the use of the negotiated procedure without prior publication.
- 10.3.2. Before commencing any of these procurement procedures the Officer Must obtain the approval of the Director and the Monitoring Officer, or where the Director is the applicant the Monitoring Officer and the Treasurer.
- 10.3.3. The Officer shall prepare a report in the format set out in Appendix 2 explaining the reasons why use of another procurement procedure is the recommended course of action. The report Must be submitted to the Director and the Monitoring Officer, or where the Director is the applicant the Monitoring Officer and the Treasurer for consideration and approval or rejection.
- 10.3.4. Where approval is granted it will in all cases be on the condition that the process is supported by suitably qualified procurement professionals.

11. Publicity and Advertising

The Authority has legal obligations to ensure that contract opportunities and details of subsequent contract awards are suitably advertised and that procurement activity is conducted in an open, fair and transparent manner

- 11.1. In all cases and regardless of value, Officers **must** consider if the procurement might be of cross border interest to economic operators in other member states of the EU. A written record **must** be kept of this consideration and the conclusion reached. If it is considered that there may be cross border interest a suitably accessible advert **must** be published which for the purposes of these CSOs shall be an OJEU advert, in addition to the requirements of 11.2 and 11.3 below.
- 11.2. Details of all contract opportunities valued at £5,000 or more **must** be published on YORtender. Award details **must** also be published on YORtender contracts register.
- 11.3. All contracts valued at £25,000 or more **must** be advertised on YORtender and, if not invitation only, on Contracts Finder. Award details **must** be published on YORtender and Contracts Finder
- 11.4. All contracts valued above the Public Contract Procurement Thresholds **must** be advertised in the OJEU, on Contracts Finder and on YORtender. Award details **must** also be published on OJEU, Contracts Finder and YORtender
- 11.5. Procurements through framework agreements need not be advertised unless a mini-competition is required in which case advertising will be in accordance with the requirements of the framework agreement. Where the mini-competition is managed outside of YORtender the subsequent contract award **must** be added to the contract register on YORtender and, dependent on the value of the contract, the award details **must** be published in accordance with 11.3 and 11.4.

12. Invitation to Tender

- 12.1. The invitation to tender shall include details of the Authority's requirements for the contract including:
 - (a) a description of the services, supplies or works being procured;
 - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
 - (c) a specification and instructions on whether any variants are permissible;
 - (d) the Authority's terms and conditions of contract, form of contract and bond;
 - (e) the evaluation criteria and sub-criteria including any weightings;
 - (f) pricing mechanism and instructions for completion;
 - (g) whether the Authority is of the view that TUPE may apply;
 - (h) form and content of method statements to be provided;
 - (i) rules for submitting of tenders;

(j) any further information which will inform or assist tenderers in preparing tenders.

13. Pre Tender Submission Clarification

- 13.1. Where either the Authority or a tenderer seeks to clarify any aspects of the tender documentation adequate time must be allowed for both the clarification question and the response.
- 13.2. Clarification questions and responses **must** be in writing and recorded in a log.
- 13.3. In above EU threshold tenders a minimum of 6 days **must** be allowed between the last clarification response and the tender submission deadline, if this is not possible the tender return deadline should be extended. To avoid malicious clarifications being raised with the intention of extending the tender period the Officer should state in the tender documents the latest date that tenderers may raise clarification questions.
- 13.4. Unless the clarification is of a confidential nature both the question (anonymised) and the response **must** be issued to all tenderers.

14. Tender invitation and submission

- 14.1. Tender documents for procurements that have a contract value of £5k or more including mini competitions under external frameworks, **must** be made available electronically and where possible by using YORtender.
- 14.2. Where the contract value is £5k or more the Officer **must** ensure that tenders/quotes may be submitted by electronic means, via YORtender.

14.3. Hard Copy Tenders

- 14.3.1. The Authority's standard method of receiving tender submissions is by electronic means.

15. Tender Opening

- 15.1. Electronic tenders shall be opened by the Authorised Officer and in all cases one other officer.
- 15.2. An immediate record shall be made including date and time of opening and name and address of tenderer(s).

15.3. Managing Late submissions

- 15.3.1. YORtender does not allow tenders to be submitted after the deadline.

15.3.2. late bids may only be accepted with the approval of the Monitoring Officer where the bidder has gained no advantage as a result of the late submission and for reasons where the late submission is through no fault of the bidder, for example where there is evidence that YORtender was unavailable.

16. Managing Errors and Ambiguities

- 16.1. Tender Documents **must** state how errors in tenders will be dealt with. Whichever process is followed it **must** be transparent and fair to all tenderers.
- 16.2. Where a tenderer has made a material and genuine error they may be given an opportunity to correct that error prior to tender evaluation. If correction is permitted the tenderer **must** submit the required information within a strict time limit. Failure to meet the time limit will result in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.
- 16.3. Where information or documentation submitted appears to be incomplete or erroneous, or where specific documents are missing, the Authority may request the tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within a strict time limit provided that such requests are made in full compliance with the principles of equal treatment and transparency. Failure to meet the time limit will result in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.
- 16.4. Other errors in tender submissions should be dealt with either by asking the tenderer to confirm that they will honour their tender submission despite their error or if not withdraw the tender from the procurement process.
- 16.5. If a Contractor agrees to stand by an error which jeopardises its ability to perform the contract to the standard required, or may result in legal dispute, then the Authority should consider whether this renders the bid to be unacceptable.

16.6. Abnormally Low Tenders

- 16.6.1. Where a tender appears to be abnormally low the Officer should request that the tenderer explains the tendered price in writing and considers the evidence provided. Should a satisfactory explanation not be provided the bid should be rejected.

17. Post Tender Clarification and Negotiation

- 17.1. Where an aspect of a submitted tender is genuinely unclear the Officer may request that the tenderer provides clarification of that matter. The response **must** only clarify the relevant part of the original tender and not contain any new information. Anything that is submitted and goes above and beyond clarification **must** be disregarded in the evaluation.

- 17.2. All clarifications and responses **must** be in writing and recorded in a log. It is important that clarifications are not used as a means to negotiate and advice should be sought if there is any doubt whether something is clarification or negotiation.
- 17.3. Where the Public Contract Regulations apply post tender negotiation is only permitted whilst using the competitive procedure with negotiation. Post tender negotiations are not permitted in open and restricted procedures.
- 17.4. In sub-threshold procurements where the Public Contract Regulations do not apply and it is considered that post tender negotiations are in the Authority's interests and may achieve added value then post tender negotiations may, subject to 17.5 exceptionally be appropriate where authorised by the Director and the Monitoring Officer except, where the Director is seeking the authority in which case it will be authorised by the Monitoring Officer and the Treasurer.
- 17.5. Post tender negotiations **must** only take place where they do not distort competition or disadvantage any bidder. The process should be transparent and non-discriminatory and ensure bidders are treated equally. Post tender negotiations with any tenderers **must** be in accordance with the following conditions:
- Post tender negotiation should only take place if the tender documents state that it may take place.
 - Conducted by a team of suitably experienced Officers.
 - Written records of the negotiations are kept and a clear written record of the added value obtained is incorporated into the contract.

18. Evaluating Tenders

- 18.1. The tender evaluation criteria including sub-criteria and all weightings shall have been predetermined and published in the invitation to tender (ITT). The criteria shall be strictly observed at all times throughout the evaluation process by any Officer involved in the tender evaluation. The tenders **must** be evaluated in accordance with the relevant Public Contract Regulations and the evaluation criteria as set out in the ITT. Except where lowest price was predetermined to be the appropriate criteria, the contract shall be awarded to the offer that represents best value for money to the Authority.
- 18.2. Detailed records **must** be kept of the evaluation process and the individual or consensus scores allocated, including the reasons why each score was given. Records should be saved electronically (PDF format) and stored in accordance with the Authority's Records Retention Policy.

19. Awarding Contracts

- 19.1. The Authority shall only award a contract where this represents best value for money. A contract may only be awarded by an officer with the requisite delegated authority to award contracts. No contract shall be executed as a deed except under seal.
- 19.2. Contracts below £75,000 may be signed by an officer with appropriate delegated authority i.e the Director, Head of Finance, Head of Investment Strategy, Head of Pensions Administration, Clerk, Treasurer and Monitoring Officer.
- 19.3. All contracts valued at £75,000 or above shall be executed under seal unless the Clerk approves other arrangements.
- 19.4. For all procurements valued at £250,000 or more the decision to award a contract shall be made by an Officer listed at 4.4.
- 19.5. Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Clerk.
- 19.6. Every contract **must** be in writing and must be concluded (executed by all parties) prior to the commencement of any works, services or any supply. Exceptionally, and only for certain categories of procurement such as construction, a letter of intent may be utilised to enable forward planning and mobilisation activities. Proceeding under a letter of intent can give rise to risks and suitable legal advice should always be sought before utilising a letter of intent.
- 19.7. When a contract is awarded the Officer **must** ensure that the award is published on YORtender, if over £25K on Contracts Finder and if over the procurement threshold on OJEU.
- 19.8. In exceptional cases where YORtender has not been utilised the Officer **must** ensure that the contract is added to the contract register.
- 19.9. The Clerk shall submit a report regarding the award of any procurement valued at £250,000 or more to the earliest available meeting of the Authority..
- 19.10. The Clerk shall submit an annual report to the Audit Committee listing all contracts, including those awarded under framework agreements or through joint procurement, awarded in the given year that exceed £5,000 in value.

20. Records and Retention

- 20.1. The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.

- 20.2. A Contracts Register of all contracts awarded above £5,000 shall be maintained and made publically available by the Director on behalf of the Authority. The Contracts Register may be maintained electronically on YORtender.
- 20.3. For every individual contract a file shall be maintained for a period of 6 years.

21. Debriefing and Feedback

- 21.1. Feedback is not required for quotations of £5k - £25k
- 21.2. Once a decision to award a contract at £25k and above is made all tenderers **must** be notified at the same time, as soon as possible, in writing, of the intention to award the contract to the successful bidder, giving reasons for the decision.
- 21.3. The Authorised Officer will provide the evaluation results (tenderers score and winning tenderers score) to unsuccessful tenderers and will offer to provide further written feedback.
- 21.4. Where unsuccessful tenderers request a further debrief this should be provided to them in writing.
- 21.5. A contract subject to the Public Contracts Regulations can only be awarded following a communication to all unsuccessful tenderers and a mandatory 10 day standstill period. Failure to comply can result in a challenge and the contract being set aside.
- 21.6. If an unsuccessful bidder challenges the decision to award the contract and the contract has not already been awarded then the award process should be postponed and suitable legal advice is obtained.

22. Contract Management

The Officer is responsible for ensuring that an appropriate and proportionate level of contract management procedures and practices are put in place.

22.1. Contract Variation

- 22.1.1. A variation must not materially affect or change the scope of the original contract. Such a variation could constitute a new award/contract. Where a proposed variation exceeds 10% or £100,000, whichever is the lower the Regulations **must** be followed where applicable and suitable legal advice obtained. Approval to implement a contract variation **must** be requested by completion of a business case (Appendix 3).
- 22.1.2. All Contract variations **must** be in writing, signed by both parties and the contract register should be updated accordingly.

22.2. Contract Novation

22.2.1. Novation involves an agreement to change a contract by substituting the original contractor with another. Where the Authority is approached regarding novation the Authorised Officer should seek advice as follows:

22.2.2. For services or supplies contracts under the procurement threshold or works contracts under £250,000 either the Treasurer or Monitoring Officer should be consulted for advice.

22.2.3. For services or supplies contracts valued above the procurement threshold or works contract valued above £250,000 suitable legal advice **must** be sought.

22.2.4. Approval to implement a contract novation **must** be requested by completion of a business case (Appendix 3).

22.3. Contract Extension

22.3.1. The Authorised Officer shall always be satisfied that a contract extension will achieve value for money, is reasonable in all the relevant circumstances and should take legal advice regarding its execution.

22.3.2. Where the contract value exceeds the EU procurement threshold contract extensions are only permitted if there is provision in the contract to do so and the contract has not already expired. Once a Contract has expired it cannot then be extended.

22.3.3. Below EU threshold contracts may be extended by negotiation.

22.3.4. Where a contract is extended the contracts register should be updated accordingly.

22.3.5. Approval to implement a contract extension **must** be requested by completion of a business case (Appendix 3).

22.4. Contract Termination

22.4.1. Either party to the contract may terminate a contract early, by agreement, in accordance with the termination provisions set out in the contract. For any contract exceeding £250,000 in value, the agreement to terminate the contract shall be approved by the Authority.

22.4.2. Where termination is initiated by the contractor, or is planned to be initiated by the Authority, under circumstances that are not by mutual agreement, legal advice **must** be obtained.

22.4.3. Approval to implement a contract termination **must** be requested by completion of a business case (Appendix 3).

22.5. Contract Review and Exit

22.5.1. At least twelve months prior to the expiry of the contract the Officer should have in place an exit plan. The exit plan should contain, as a minimum, provision for the handover of any assets or data, a strategy for post exit arrangements and if necessary plans for re-procurement, including allowance of time for any required approval processes.

23. Joint Procurement

23.1. Any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia for procurements above £250,000 shall be approved by the Monitoring Officer. Approval shall only be given where the joint procurement arrangement assures compliance with the Public Contract Regulations. This clause does not apply to framework agreements.

23.2. The Authorising Officer **must** be satisfied that any joint procurement shall be undertaken in accordance with the principles of these CSOs.

23.2.1. Approval to embark on a joint procurement exercise **must** be requested by completion of a business case (Appendix 3).

24. Procurement by Consultants

24.1. Any Consultants used by the Authority shall be appointed in accordance with these contract standing orders. Where the Authority uses Consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the Consultants carry out any procurement in accordance with these contract standing orders, or using an equivalent market appropriate, open and transparent process that is compliant, where applicable with the Public Contract Regulations 2015. Consultants shall only be permitted to make recommendations on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the Consultant's performance is monitored.

25. Purchasing cards

25.1. Purchasing cards shall be used in accordance with these standing orders.

26. Review and Amendment of Contract Standing Orders

26.1. These contract standing orders shall be reviewed and updated on a regular basis as determined by the Authority and changes to titles, statutory thresholds and minor amendments will be undertaken in consultation with the Monitoring Officer from time to time. Amended contract standing orders shall be agreed periodically as determined by the Monitoring Officer and adopted by the Authority.

27. Waivers of Contract Standing Orders

27.1. While the Authority may choose to waive certain requirements within these Contract Standing Orders it is important to note that the requirements of Public Contract Regulations 2015 cannot be waived under any circumstances.

27.1.1. Circumstances where a Waiver to the requirement for competition may be justified include for example, the procurement of goods, materials, works or services which are obtainable only from one supplier, where no equivalent or reasonably satisfactory alternative is available and no genuine competition can be obtained;

27.2. In order to waive a Contract Standing Order the Officer **must** complete the waiver form attached to these CSOs at Appendix 1. The waiver form may be authorised by one of the following :

- the Clerk,
- the Treasurer, and the
- the Director

27.3. Where it is necessary to waive CSOs because of an unforeseeable emergency involving immediate risk to persons or property, serious disruption to the Authority, or other significant situation that requires urgent action, the Authorised Officer may, after consulting with an officer listed at CSO 4.4 and 27.3 above jointly approve the waiver without completion of a waiver form up to a maximum of £75,000. The Officer **must** prepare a report describing the situation and actions taken for submission to the next appropriate Authority meeting.

27.4. All applications to waive Contract Standing Orders and a record of the decision to approve or reject the application **must** be recorded on the Authorities CSO Waiver Log.

27.5. Where any contract standing order indicates that an Officer “**must**” follow a certain course of action that contract standing cannot be waived under any circumstances. All other contract standing orders **must** be complied with unless otherwise authorised via the waiver process.

Definitions

“Authorised Officer”	A person with appropriate delegated authority to act on the Authority’s behalf.
“Authority”	South Yorkshire Pensions Authority; or any designated Committee of the Authority that has delegated powers to act on behalf of the Authority.
“Consultant”	Provider of professional services or expertise engaged to: (a) provide expert analysis and advice which facilitates decision making (b) provide a specific, one-off task or set of tasks; and (c) perform a task involving skills or perspectives which would not normally be expected to reside within the Authority.
“Contract”	Means an agreement between the Authority and any Contractor or Supplier made by formal agreement or by issue of a letter of acceptance or official order for goods, works or services.
“Contractor”	Any person or body of persons providing, or seeking to provide, supplies, services or works to the Authority. May be used interchangeably with Supplier.
“Contracts Finder”	The web-based procurement portal provided by or on behalf of the UK Government Cabinet Office.
“Contracts Register”	A public register held and maintained by the Authority containing details of contracts valued at £5,000 or more.
“Framework Agreement”	An agreement which allows an Authority to call off from a Supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a nonbinding offer with no obligations on the Authority to call off from the Supplier. If the Authority calls off from the Supplier a binding contract comes into being.
“Light Touch Services”	Public contracts for social and other specific services as set out in Chapter 3, Section 7 of the Public Contract Regulations 2015.
“Monitoring Officer”	The Monitoring Officer performing the functions of the “Monitoring Officer” as described under section 5 of the Local Government and Housing Act 1989.
“Must”	An instruction to follow a certain course of action that cannot be waived under any circumstances.

“OJEU”	Official Journal of the European Union.
“PAS 91”	PAS 91 is a standardised pre-qualification questionnaire which has been developed to reduce the need for suppliers to complete a variety of different pre-qualification questionnaires for different, and in some cases, the same clients. Developed by the British Standards Institute (BSI), the question set has been commissioned by Government and is a recommended common minimum standard for construction procurement.
“Procurement Regulations”	Public Contract Regulations 2015.
“Procurement Threshold”	The financial threshold above which contracts are required by the Public Contract Regulations 2015 to be advertised in the OJEU.
“Regulations”	Public Contract Regulations 2015.
“Supplier”	Any person or body of persons providing, or seeking to provide, supplies, services or works to an Authority. May be used interchangeably with Contractor.
“TUPE”	The Transfer of Undertakings (Protection of Employment) Regulations 2006.
“Value for Money”	The optimum combination of a minimum purchase price, combined with maximum efficiency and effectiveness of the purchase, combined with maximum benefits for the customer receiving the goods, services or works..
“YORtender”	The Authority’s electronic procurement system.

Appendix 1 Waiver Form

Report by:	<i>[insert name of Officer making the request]</i>
Telephone:	
Email:	
Date	

Subject: Request to waive contract standing order(s) in respect of *[insert name of project/procurement]*

1. Background

Request to waive Contract Standing Order Number: *[insert CSO number]*

Name of Supplier(s): *[insert]*

Contract Value(s): *[insert]*

Contract Dates: *[insert]*

2. Reason for request and recommended course of action

[The report must give the reasons why the request is being made and explain the recommended course of action. Sufficient information must be included to enable the authorised Officer to make a decision. For example; Justification for using the Supplier including details of previous contracts (dates, value and scope) Information demonstrating that value for money is being achieved including any savings being secured by this approach. Identification of any social, economic or environmental advantages from this course of action]

3. Consequences of proposed waiver not being approved

[A statement should be included explaining the consequences of the proposed action not being approved.]

4. Legal implications

[Insert details of any legal advice that has been obtained and/or any legal risks that have been identified]

5. Recommendations

It is recommended that approval is given to waive Contract Standing Order *[insert]* and to proceed as proposed in this report.

6. Decision

Based on the information / reasons detailed above, the request to waive the Contract Procedure Rule(s) as proposed in this report is **approved/rejected** (delete as appropriate).

Signed.....

Date.....

Comments.....

Designation (*delete*): Clerk / Treasurer / Director

Appendix 2 Request to use a Procurement Procedure (not open or restricted).

Report by:	<i>[insert name of Officer making the request]</i>
Telephone:	
Email:	
Date	

SUBJECT: Request to use the following procurement procedure in the procurement of *[insert name of project/procurement]*:

1. PROCEDURE	Please tick <input checked="" type="checkbox"/>
Competitive procedure with negotiation	<input checked="" type="checkbox"/>
Competitive dialogue	<input checked="" type="checkbox"/>
Innovation partnership	<input checked="" type="checkbox"/>
Use of the negotiated procedure without prior publication	<input checked="" type="checkbox"/>

2. Background

Name of Supplier(s): *[insert]*

Contract Value(s): *[insert]*

Contract Dates: *[insert]*

3. Reason for request and recommended course of action

[The report must give the reasons why the request is being made and explain the recommended course of action. Sufficient information must be included to enable the authorised Officer to make a decision. For example; provide the reasons why the open or restricted procedures are not suitable. How have you arrived at your decision to use a particular procurement procedure? Information demonstrating that value for money is being achieved including any savings being secured by this approach. Identification of any social, economic or environmental advantages from this course of action]

4. Consequences of proposal not being approved

[A statement should be included explaining the consequences of the proposed action not being approved.]

5. Legal implications

[Insert details of any legal advice that has been obtained and/or any legal risks that have been identified]

6. Recommendations

It is recommended that approval is given to the use of the procurement procedure indicated at 1. above and to proceed as proposed in this report.

6. Decision

Based on the information / reasons detailed above, the request to use the procurement procedure as proposed in this report is **approved/rejected** (delete as appropriate).

Signed.....

Date.....

Comments.....

Designation (*delete*): Clerk / Treasurer / Director

Appendix 3 Business Case

Report by:	<i>[insert name of Officer making the request]</i>
Telephone:	
Email:	
Date	

SUBJECT: Proposal to implement one of the following procedures in the case of *[insert name of procurement/contract]*.

1. Procedure	Please tick <input checked="" type="checkbox"/>
CSO 3.4 - Procurement without competitive tendering due to unforeseen circumstances.	<input checked="" type="checkbox"/>
CSO 22.1 - Contract Variation	<input checked="" type="checkbox"/>
CSO 22.2 - Contract Novation	<input checked="" type="checkbox"/>
CSO 22.3 - Contract Extension	<input checked="" type="checkbox"/>
CSO 22.4 - Contract Termination	<input checked="" type="checkbox"/>
CSO 23 - Joint Procurement Exercise	<input checked="" type="checkbox"/>

1. Background

This business case constitutes a formal request to proceed with a *[insert relevant information from table above]* with *[insert name of relevant third party i.e. Supplier or other Authority]*.

Contract Value(s): *[insert]*

Contract Dates: *[insert]*

2. Reason for request and recommended course of action

[The business case must explain the reasons behind the request, the recommended course of action, how value for money is being achieved, any savings being secured, any social, economic or environmental advantages from this course of action. Sufficient information must be included to enable the authorised Officer to make a decision.]

3. Consequences of business case not being approved

[Explain the consequences of the proposed action not being approved.]

4. Legal implications

[Insert details of any legal advice that has been obtained and/or any legal risks that have been identified]

5. Recommendations

It is recommended that the business case is approved and to proceed as proposed.

6. Decision

Based on the information / reasons detailed above, the business case is **approved/rejected** (delete as appropriate).

Signed.....

Date.....

Comments.....

Designation (delete): Director, Head of Finance, Head of Investment Strategy, Head of Pensions Administration



Part 5 A-
Members'
Code of Conduct
June 2020

1. Introduction

1.1 In conducting the business of South Yorkshire Pensions Authority elected members should be guided by:

- the Seven Principles of Public Life
 - selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership
- the Member Code of Conduct adopted by your Council
- the Protocol on Member/Officer Relations adopted by the Authority
- the Statements of Principle for Approved Persons issued by the Financial Conduct Authority (“the FCA”)
- guidance on the role and conduct of trustees of pension schemes issued from time to time by the Pensions Regulator
- such other policies as may be agreed by the Authority from time to time relating to member conduct.

1.2.1 The Localism Act 2011, places a duty on a relevant authority to promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty each relevant Authority must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity. The code of conduct adopted by the Authority must be consistent with the Seven Principles of Public Life.

1.2.2 The South Yorkshire District Councils are relevant authorities for the purposes of the duty specified in paragraph 1.2.1 above. This Authority is not subject to this duty. However, as you are nominated by your Council to serve on the Authority you should have regard for the Seven Principles of Public Life in carrying out your duties as a member of the Authority.

2. Member Code of Conduct: Declarations of Interests and Gifts and Hospitality

2.1 Declarations of Interests

If you have any pecuniary or non-pecuniary interest in any matter at any meeting of the Authority or any meeting with officers at which you are present you must disclose that interest and give sufficient details of it so that the nature of your interest is clearly understood.

“Pecuniary interest” means any interest which affects your financial position whether favourably or adversely.

“Non-pecuniary interest” means any interest which affects your personal well-being.

In either case this also includes the financial position or well-being if affected to the best of your knowledge of:

- any body of which you are a member or in a position of general control or management
- a member of your family or any other person with whom you are closely acquainted
- any person or body who employs or who has appointed you or such persons,
- any firm in which you or they are a partner, or any company of which you or they are directors
- any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the amount of £25,000 (for the avoidance of doubt this refers to directly held securities (shares or bonds) and not to pooled investments such as Unit Trusts).

2.2 Gifts and Hospitality

You should register with the Monitoring Officer within 28 days of receipt details of any gifts or hospitality which you have accepted as a member of the Authority

3. Protocol on Member Officer Relations

- 3.1 A copy of the Protocol on Member/Officer Relations adopted by the Authority is attached at Appendix 1 to this Guidance Note for you to refer to.

4.

4. Related Party Transactions

- 4.1 In order to comply with the accounting code of practice and financial reporting standards, it is necessary to declare material related party transactions in the Statement of Accounts. To facilitate this members and officers are asked on an annual basis to complete a declaration . Forms are usually distributed in March each year. As on occasions we have experienced difficulty in obtaining a 100% return rate from current and former members we ask new members to complete a declaration on appointment and outgoing members to complete one on the termination of their appointment. In the case of a new member this will have the advantage that any potential areas where a conflict of interest may arise will be identified at the outset. The member will then be subject to the annual declaration process. In the case of outgoing members, the expectation is that we will achieve a better return rate if we ask for a final declaration shortly following their departure than if the request is made several months later.

Contact details for the Monitoring Officer are:

G Kirk

Monitoring Officer

South Yorkshire Pensions Authority

Joint Authorities Governance Unit

Town Hall

BARNSELY

S70 2TA

Tel: 01226 773001

Email: garykirk@barnsley.gov.uk



Part 5 B-
Officers'
Code of Conduct
June 2020

1. Introduction

This Code of Conduct is issued to and applies to all employees of the Authority. In an attempt not to be prescriptive or bureaucratic, it is a “principles” documents which sets out a culture regarding conduct rather than a set of narrowly drawn rules. Whilst this brings a degree of flexibility and adaptability it does place the onus squarely on the employee to observe the spirit of the guidance rather than tempting staff to hide behind the technicalities of regulations. It is prudent, therefore, for employees to always be prepared to question their actions within the principles so that if any member of staff has any doubt over what is acceptable or not, it is incumbent upon them to seek guidance from their manager. If in doubt ask!

Whilst recognising that employees are entitled to manage their own affairs in privacy, the Authority wishes to ensure that work is conducted in an environment which is free from any suggestion of improper influence. Accordingly, in order to avoid conflicts which might arise between the personal interests of staff and those of the Authority, employees are required to abide by this Code of Conduct.

Where in this code the decision maker is identified as the Director, any decision in relation to the Director as an individual will be made by the Clerk.

The Code consists of four parts. The first part sets out the broad principles governing conduct; the second amplifies aspects of the first; the third provides references to other pertinent documents, including legislation, and gives definitions of the terms used. The final section outlines the review timetable and responsibility

2. Part One

2.1 General Principles

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity; avoid conflicts of interest and any actions or situations that are inconsistent with their professional obligations. Employees should be familiar with the Authority’s Constitution and relevant legislation referred to in Part Three.

2.2 Accountability

Employees are accountable and owe a duty to their employer. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

2.3 Political neutrality

Employees must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, this will be reflected in their contract of employment, and they must comply with any statutory restrictions on political activities.

2.4 Relations with Councillors, the public and other employees

Mutual respect between employees and councillors is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

The matter of employees' relationships with fellow workers is considered in sections 2.10 and 3.2 below.

2.5 Equality

Employees must comply with the Authority's policies relating to equality issues as well as the requirements of the law.

2.6 Stewardship

Employees must ensure that any property or equipment entrusted to them should only be used in line with the relevant policies set out by the Authority.

2.7 Personal Interests

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interest of others.

Employees should abide by the Authority's rules about the declaration of gifts offered to or received by them from any person or body seeking to do business with the Authority or which would benefit from a relationship with the Authority. Employees should not accept benefits from a third party unless authorised to do so. See Section 3.1 below.

2.8 Whistleblowing

Where an employee becomes aware of activities which they believe to be illegal (including theft, fraud or corruption), improper, unethical or otherwise inconsistent with this Code of Conduct, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and with the Authority's Whistleblowing Policy.

2.9 Treatment of information

Openness in the dissemination of information and decision making should be the norm in all public authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for release to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councillor, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Specific guidance on the use of the internet, e-mail and other media is contained in appropriate policies and procedures.

Unless specifically nominated and authorised by the Director or Clerk, employees are not permitted to give reports or speak to the press (including the trade press) and media on matters relating to their employment with the Authority, Authority business or the decisions of the Authority.

2.10 Appointment and Supervision of staff

Employees of the Authority, when involved in the recruitment and appointment of staff, must ensure that all appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion, appraisals or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a significant personal relationship outside work. Such relationships must be declared on the 'Declaration of Employee Interests' Form.

2.11 Investigations by monitoring officers

When a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

3. **Part Two**

3.1 Gifts and Hospitality

It is likely that staff will be offered gifts and hospitality during the course of their employment and dealings with connected persons. The Authority wishes to encourage staff to get to know the people and organisations with which they deal and recognises the benefits that can accrue from networking etc. However, it is imperative that employees operate at all times in a way which is demonstrably above criticism. This is a difficult area and the standards expected are likely to vary over time.

Gifts should not, as a rule, be accepted if the value exceeds £25. If a gift arrives unexpectedly (i.e. unsolicited) and is thought to be worth more than £25 and it would be impractical or offensive to return it, this needs to be declared in the Hospitality Register. The Director will then decide how to utilise the gift.

An employee who earns a monetary fee for speaking at a function or writing an article etc. in his or her capacity as an employee should have cleared the position with the Director prior to acceptance wherever possible. If a fee is received unsolicited it should be declared and paid over to the Authority at the earliest opportunity.

The acceptance of hospitality has to be treated with discretion. Routine business lunches are unlikely to give grounds for suggestions of undue influence unless they become frequent and/or lavish. Attendance at conferences and seminars, which include hospitality, are similarly unlikely to cause difficulties. However, attending any social, sporting or cultural events must be treated with caution and should be declined. Similarly, invitations to functions which include an invitation to a connected person or somebody with whom the employee has a significant relationship should be refused. Invitations to functions which are purely or mainly social should be declined. In all cases, employees should consider the public perception that their attendance at an event might create.

All trips overseas on official business must be prior approved by the Director. It is recognised that overseas visits are less straight-forward in that they might include private transport etc. provided by the host or local custom might demand that gifts are received or given. If prior written permission has not been obtained in those circumstances, an officer should use common sense and make any necessary declarations as soon as possible upon return.

All offers of gifts received (even if they are rejected) should be declared and entered into the register.

Dealings with suppliers must be treated in the same way as offers of hospitality. There should be a strong bias against accepting any gifts or hospitality from a supplier. For the avoidance of doubt prior permission ought to be sought whenever possible.

Employees should not accept or give personal sponsorship from business contacts for any activity, including voluntary or charitable ones, without prior written approval from the Director.

The Code also applies to occasions when an officer is accompanying an Elected Member on official business.

The Authority's hospitality register is kept by the Finance and Corporate Services Team. All entries should be registered as soon as possible. It is reviewed and audited on a monthly basis

3.2 Relationships

If as a result of a personal relationship, be it significant, connected or otherwise, a member of staff believes he/she is in a potential conflict or there could be a perception of a conflict of interest, he/she must disclose the facts of the relationship by completing the 'Declaration of Employee Interests' form. Similarly, any officer who believes that they are under a legal or regulatory obligation to disclose information should do so.

If an officer's personal interest is a prejudicial interest the officer must declare that interest and the nature of the interest as soon as the interest becomes apparent to the officer. An officer should not seek to improperly influence a decision in which the officer has a prejudicial interest.

Formal declarations of third party interests are required from employees who believe they are in a personal relationship that requires such disclosure.

3.3 Personal Share Dealing

Employees trading securities on their own account should declare to the Director any trades in securities issued by companies where the Authority itself directly holds a position.

This does **not** include employee's holdings in pooled funds forming part of products such as ISA's and AVC portfolios or SIPP's which are invested in pooled funds.

3.4 Personal Interests

All employees have contractual obligations with the Authority, and accordingly, all employees should seek advice before undertaking outside employment. No outside work, whether paid or unpaid, should be undertaken in the workplace or utilise workplace facilities.

Employees should err on the side of caution and declare any outside interests or commitments, including non-financial interests that they have, which they think could be open to question or be seen by others to compromise their position. For example, employees involved in companies (director, company secretary); who are members of governing bodies of educational establishments (e.g. governor of school which is an admitted body of the Fund); who are in occupation of or intend to purchase a property owned by the Authority or who are members of a "secret society" (e.g. lodges, chapters etc.) should consider making a declaration on the 'Declaration of Employee Interests' form. Please bear in mind the nature of a personal relationship and how they can be perceived by others.

4. Part Three

4.1 References

The Authority's Constitution is published on the Authority's website under "About Us". The Constitution includes a number of documents relevant to this Code such as the protocol on Councillor/Officer relations.

The Authority has published separate policy statements on equality, fraud and corruption; discipline; harassment; health and safety; money laundering; risk management; whistleblowing; Freedom of Information etc. Some of these are referred to in the Constitution whilst others are available on SharePoint.

The Authority has established Standing Orders which cover the conduct of the Authority's business affairs and the letting of contracts. The Authority has published an Investment Strategy Statement. These are available on the Authority's website.

4.2 Definitions and Relevant Legislation

References used in this Code are described below:-

Appropriate Officer: the Authority's Compliance Officer which is a role undertaken by the Monitoring Officer.

Connected persons: spouses and partners; children and step-children under age 18; trusts of which the employee is a trustee.

Dealings: includes purchases, sales, subscriptions in placings etc but excludes rights issues and takeovers.

Shares: includes related investments such as bonds, debentures, futures, options, spread bets and other derivatives but excludes ISAs, collective investment schemes (such as unit trusts, OEICS), savings and share plans and insurance products. However, individual company shares held in ISAs are declarable.

Significant relationships: means a relationship which an independent party might reasonably consider could affect the actions of the member of staff.

Monitoring Officer: the Authority's Monitoring Officer, as designated under section 5 of the Local Government and Housing Act 1989 (as amended), can be described as the officer charged with all matters relating to issues of vires, probity, maladministration and standards of conduct.

Local Government Act 1972: under Section 117 an employee must give notice to the Authority of any pecuniary interest he/she has in any contract whether it has been or is proposed to be entered into by the Authority. Such a declaration should be made to his/her line manager who must also inform the Director. The declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/construed as arising. Section 117 also requires that "an officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration" and an officer who contravenes the provisions of Section 117 shall be liable on summary conviction to a fine not exceeding £2500.

The Bribery Act 2010: includes a general offence covering offering, promising or giving a bribe and a general offence covering requesting, agreeing to receive or accepting a bribe. The penalties are severe.

5. Part Four

This code will be reviewed at least annually by the Director in consultation with appropriate Officers.

This version was approved on 23 September 2014 and brought to employee's attention via the Intranet site on 24 September 2014. It was reviewed on 16 August, 2016 and again in May 2020. All staff will be asked to confirm that they have read and understood it.



Part 5 C-
Protocol on
Member – Officer
Relations
June 2020

1. Introduction

- 1.1 The relationship between members and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the Authority is characterised by mutual respect, informality and trust. Members and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Clerk.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation, statutory rules relating to the disclosure of disclosable pecuniary interests, local codes of conduct and any procedure for confidential reporting.

2. Roles of Members and Officers

2.1 Members

Members have four main areas of responsibility

- (a) determining the policy of the Authority and giving it political leadership;
- (b) monitoring and reviewing the performance of the Authority in implementing that policy and administering the South Yorkshire Pension Fund;
- (c) representing the Authority externally; and
- (d) acting as advocates on behalf of stakeholders.

It is not the role of Members to involve themselves in the day to day management of the Authority's services.

2.2. Chair and Vice-Chair

The Chair and Vice-Chair of the Authority and any of the appointed committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Members without these responsibilities and this is recognised in the expectations they are entitled to have. However, such Members must still respect the impartiality of officers, and must not ask them to undertake work of a party political nature.

2.3 Opposition Members

As individual Members, all Members have the same rights and obligations in their relationship with officers and should be treated equally whether they are members of the majority group or an opposition group.

2.4 Officers

The role of officers is to give advice and information to Members and to implement policies determined by the Authority. In giving such advice to Members and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of an individual Member on an issue, if the Member wishes to express a contrary view he/she should not pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers e.g. the Head of Paid Service, the Clerk, the Treasurer and the Monitoring Officer have responsibilities in law over and above their obligations to the Authority and to individual Members, and Members must respect these obligations, and must not victimise officers for discharging these responsibilities.

3. Expectations

3.1 Members can expect from officers:

- (a) A commitment to the Authority as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- (f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to individual responsibilities that they have and positions they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and confidentiality.
- (k) That employees will not use their relationship with Members to advance their personal interests or to influence decisions improperly.

3.2 Members in carrying out the business of the Authority should have regard to the Seven Principles of Public Life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when acting in your capacity as a member of the Authority officers can expect from Members:

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect, dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.

- (f) Not to be subject to bullying or to be put under undue pressure.
- (g) That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.

3.3 Limitations on Behaviour

The distinct roles of Members and officers necessarily imposes limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Members and officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception in others that a particular Member may secure advantageous treatment.
- (b) The need to maintain separate roles means that there are limits to the matters on which Members may seek the advice of officers, both in relation to personal and party political issues.
- (c) Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours that Member or group above others.

4. Political Groups

4.1 Authority

The Authority, although including representatives of more than one political party, is not formally divided into political groups. As this position may change guidance is included on reports by officers to such groups and attendance at meetings.

4.2 Districts

In the interests of accountability the Authority has adopted a practice of making reports to and meeting with the District Leaders to discuss the work of the Authority and issues facing it.

4.3 Reports

- (a) Recognised political groups on the Authority may request the Clerk to prepare written reports on matters relating to the Authority for consideration by the group. Requests received from the District Leaders must be approved by the Chair and Vice-Chair.
- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports will not deal with any political implications of the matter and officers will not make any recommendation to a political group,
- (c) Where a report is prepared for a political group, the Clerk will advise all other appropriate groups that the request has been prepared and will provide a copy of that report to such groups upon request.

4.4 Officer Attendance

- (a) Requests for officer attendance at political group meetings and meetings of the District Leaders to advise on matters relating to the Authority shall be directed to the Clerk.
- (b) The Director will attend and such officers as she or he considers appropriate unless she or he is of the opinion that the issue is of such a political nature that it would be inappropriate for any officer to attend.
- (c) Officers' advice to political groups/District Leaders will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Advice will not deal with any political implications of the matter or an option, and officers will not make any recommendation to a political group.
- (d) Where an officer attends a political group, the Clerk will advise all other groups that the officer has attended and the subject upon which he/she has advised.
- (e) Officers will respect the confidentiality of any matter which they hear in the course of a political group meeting.

5. When Things Go Wrong

5.1 Procedure for Officers

From time to time the relationship between Members and officers may break down or become strained. Whilst it will be preferable to resolve matters informally, through conciliation, officers will have recourse to the Grievance Procedure. In the event of a grievance being upheld, the matter will be referred to the Clerk, who having discussed the matter with the Chair and Vice-Chair will decide on the appropriate course of action to take.

5.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Clerk. If the matter cannot be resolved informally, more formal action may be required.



Part 5 D- Conflicts of Interest Policy

June 2020

CONFLICTS OF INTEREST POLICY

Introduction

Conflicts of interest have always existed for those with Local Government Pension Scheme (LGPS) administering authority responsibilities as well as for advisers to LGPS funds. This simply reflects the fact that many of those managing or advising LGPS funds will have a variety of other roles and responsibilities, for example as a member of the LGPS, as an Elected Member of an employer participating in the LGPS or as an adviser to more than one LGPS administering authority. Further, any of those persons may have an individual personal, business or other interest which might conflict, or be perceived to conflict, with their role managing or advising LGPS funds.

It is generally accepted that LGPS administering authorities have both fiduciary and public law duties to act in the best interest of both the LGPS beneficiaries and participating employers. This, however, does not preclude those involved in the management of the LGPS fund from having other roles or responsibilities which may result in an actual or potential conflict of interest. Accordingly, it is good practice to document within a policy, such as this, how any such conflicts or potential conflicts are to be managed.

Purpose and objectives

This is the Conflicts of Interest Policy of the South Yorkshire Pensions Authority (SYPA), which is the administering authority for the South Yorkshire Pension Fund. The Policy details how actual and potential conflicts of interest are identified and managed by those involved in the management and governance of the Pension Fund, whether directly, or in an advisory capacity.

This Conflicts of Interest Policy is established to guide Pensions Authority members (including co-optees), officers and advisers. A separate but similar policy applies to members of the Local Pension Board. Along with other constitutional documents, including various Codes of Conduct, it aims to ensure that those individuals do not act improperly or create a perception that they may have acted improperly. It is an aid to good governance, encouraging transparency and minimising the risk of any matter prejudicing decision making or management of the Fund otherwise.

The identification and management of potential and actual conflicts of interest is integral to SYPA the objectives set out in the Governance Compliance Statement.

Who Does this Policy Apply to

This Policy and the issue of conflicts of interest in general must be considered in the light of each individual's role, whether this is a management, advisory or assisting role. This Conflicts of Interest Policy applies to:

- all members of the Pensions Authority, whether voting members or not, and those with responsibilities representing the Fund on other committees, groups and bodies;
- all employees of the Authority who are involved in the management of the Pension Fund and administration of the LGPS including the Authority's statutory officers as defined in the Constitution;
- all advisers and suppliers to the Fund, including the asset pooling operator, whether advising the Pensions Authority or any of its committees or officers, in relation to their role in advising the Fund.

The Director (as Head of Paid Service) in conjunction with the Monitoring Officer will monitor potential conflicts for less senior officers involved in the daily management of the Pension Fund and highlight this Policy to them as he or she considers appropriate.

In this Policy, reference to advisers includes all advisers, suppliers and other parties providing advice and services to. This includes but is not limited to actuaries, investment consultants, independent advisers, benefits consultants, third party administrators, fund managers, lawyers, custodians and AVC providers.

Where an advisory appointment is with a firm rather than an individual, reference to "advisers" is to the lead adviser(s) responsible for the delivery of advice and services to the Administering Authority rather than the firm as a whole.

In accepting any role covered by this Policy, those individuals agree that they must:

- acknowledge any potential conflict of interest they may have;
- be open with the Administering Authority on any conflicts of interest they may have;
- adopt practical solutions to managing those conflicts; and
- plan ahead and agree with the Administering Authority how they will manage any conflicts of interest which arise in future.

The procedures outlined later in this Policy provide a framework for each individual to meet these requirements.

Legislative and related context

The overriding requirements in relation to the management of potential or actual conflicts of interest for those involved in LGPS funds are contained in various elements of legislation and guidance. These are considered further below.

The Public Service Pensions Act 2013

The Act defines a conflict of interest as “a financial or other interest which is likely to prejudice the person’s exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).”

Further, the Act requires that scheme managers must have regard to any such guidance that the national scheme advisory board issue (see below).

The Pensions Act 2004

The Public Service Pensions Act 2013 also added a number of provisions to the Pensions Act 2004 related to the governance of public service pension schemes and, in particular, conflicts of interest.

The Localism Act 2011

Chapter 7 of this Act requires councillors to comply with the code of conduct of their local authority and that code of conduct must be consistent with the Seven Principles of Public Life (considered further below). In addition the Act requires that the code of conduct must include provisions requiring the disclosure and registration of pecuniary interests and interests other than pecuniary interests.

The Seven Principles of Public Life

Otherwise known as the ‘Nolan Principles’, the seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service;
- local government;
- the police;
- the courts and probation services;
- non-departmental public bodies; and
- health, education, social and care services.

Many of the principles are integral to the successful implementation of this Policy:

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

Advisers’ professional standards

Many advisers will be required to meet professional standards relating to the management of conflicts of interest, for example, the Fund Actuary will be bound by the requirements of the

Institute and Faculty of Actuaries. Any contract, protocol or other document entered into between an adviser and the Administering Authority which includes any requirement relating to conflicts of interest, whether as a professional body or otherwise, should be read in conjunction with this Policy.

CIPFA Investment Pooling Governance Principles for LGPS Administering Authorities Guidance

The CIPFA governance principles guidance states "*the establishment of investment pooling arrangements creates a range of additional roles that committee members, representatives, officers and advisors might have.*" It includes some examples of how conflicts of interest could arise in these new roles. It highlights the need for Administering Authorities to:

- update their conflicts policies to have regard to asset pooling;
- remind all those involved with the management of the fund of the policy requirements and the potential for conflicts to arise in respect of asset pooling responsibilities; and
- ensure declarations are updated appropriately.

This Conflicts of Interest Policy has been written to take account of the possibility of conflicts arising in relation to asset pooling in accordance with the CIPFA governance principles guidance.

Administering Authority specific requirements

Pensions Authority Members

In addition to the requirements of this Policy, Pension Fund Panel members and co-opted members are required to adhere to the Northumberland County Council Members' Code of Conduct which includes requirements in relation to the disclosure and management of personal and pecuniary interests.

Employees

In addition to the requirements of this Policy, employees of SYPA are required to adhere to the Employees' Code of Conduct which includes requirements in relation to the disclosure and management of personal and pecuniary interests.

Advisers and suppliers

SYPA appoints its own advisers and suppliers. How conflicts of interest will be identified and managed should be addressed within its contractual agreements with those advisers and suppliers. In addition, the following requirements will apply:

- where
 - the Administering Authority's advisers are asked to give advice to the Council or other scheme employer, or to scheme members or member representatives such as the Trades Unions, in relation to pension matters; or
 - where an adviser is also appointed to another administering authority which is involved in a transaction involving the Fund and on which advice is required,

that adviser can only continue to advise the Administering Authority and another party where there is no conflict of interest in doing so; and

- where the Local Pension Board decides to appoint an adviser, this can be the same person as is appointed to advise the Pension Fund Panel or officers as long as there is no conflict of interest between the two roles.

Conduct at meetings

There may be circumstances where a representative of employers or members wishes to provide a specific point of view on behalf of an employer (or group of employers) or member (or group of members). The Authority requires that any individual wishing to speak from an employer's or member's viewpoint must state this clearly, e.g. at a Pensions Authority meeting, and that this will be recorded in the minutes.

What is a conflict or potential conflict and how will they be managed?

The Public Service Pensions Act 2013 defines a conflict of interest as a financial or other interest which is likely to prejudice a person's exercise of functions. Therefore, a conflict of interest may arise when an individual:

- has a responsibility or duty in relation to the management of or advice on the LGPS fund administered by SYPA; and
- at the same time has:
 - a separate personal interest (financial or otherwise); or
 - another responsibility in relation to that matter, giving rise to a possible conflict with his/her first responsibility.

An interest could also arise due to a family member or close colleague having a specific responsibility or interest in a matter.

Some examples of potential conflicts are included in **Appendix 1**.

The Authority will encourage a culture of openness and transparency and will encourage individuals to be vigilant, have a clear understanding of their role and the circumstances in which they may find themselves in a position of conflict of interest, and of how potential conflicts should be managed. The Authority will evaluate the nature of any dual interests or responsibilities that are highlighted and assess the impact on LGPS Pension Fund operations and good governance were an actual conflict of interest to materialise.

Ways in which conflicts of interest may be managed include:

- the individual concerned abstaining from discussion, decision-making or providing advice relating to the relevant issue;
- the individual being excluded from the meeting(s) and any related correspondence or material in connection with the relevant issue (for example, a report for a Pensions Authority meeting); or
- a working group or sub-committee being established, excluding the individual concerned, to consider the matter outside of the formal meeting (where the terms of reference permit this to happen).

Provided that the Authority (having taken any professional advice deemed to be required) is satisfied that the method of management is satisfactory, the Authority shall endeavour to avoid the need for an individual to have to resign due to a conflict of interest. However, where the conflict is considered to be so fundamental that it cannot be effectively managed the individual will be required to resign from their appointment.

Responsibility

The Authority must be satisfied that conflicts of interest are appropriately managed. For this purpose, the Clerk and the Monitoring Officer are the designated individuals for ensuring the procedure outlined below is adhered to by members of the Authority, while the Director and the Monitoring officer are the designated individuals in relation to the Authority's employees, advisers and suppliers

However, it is the responsibility of each individual covered by this Policy to identify any potential instances where his/her personal, financial, business or other interests might come into conflict with his/her responsibilities for the stewardship of the Pension Fund.

Operational procedure for Pensions Authority members and employees

What is required	How this will be done
Step 1 - Initial identification of interests which are or could give rise to a conflict.	<p>On appointment to their role will be provided with a copy of this Policy and be required to complete a Declaration of Interest form.</p> <p>The completed declarations will be provided by each individual to the Clerk (for members) or Director (for employees) who will in conjunction with the Monitoring Officer assess the extent to which any declarations are relevant to the individual's role in relation to the Pension Fund and collate the information into the Register of Conflicts of Interest.</p>
Step 2 - Ongoing notification and management of potential or actual conflicts of interest	<p>At the commencement of any Pensions Authority, Committee or other formal meeting where Pension Fund matters are to be discussed, the Chair will ask all those present who are covered by this Policy to declare any new interests and potential conflicts. These will be recorded in the minutes of the meeting.</p> <p>Any individual who considers that he/she or another individual has a potential or actual conflict of interest which relates to an item of business at a meeting, must advise the Chair and the Monitoring Officer prior to the meeting, where possible, or state this clearly at the meeting at the earliest possible opportunity. The Chairman, in consultation with the Monitoring Officer should then decide whether the conflicted or potentially conflicted individual needs to leave the meeting during the discussion on the relevant matter or to withdraw from voting on the matter.</p> <p>If such a conflict is identified outside of a meeting the notification must be made to the Monitoring Officer and where it relates to the business of any meeting, also to the Chair of that meeting. The Monitoring Officer, in consultation with the Chair where relevant, will</p>

	<p>consider any necessary action to manage the potential or actual conflict.</p> <p>Where information relating to any potential or actual conflict has been provided, the relevant officers may seek professional advice as they think fit on how to address any identified conflicts.</p> <p>Any such potential or actual conflicts of interest and resulting action must be recorded on the Register of Conflicts of Interest.</p>
<p>Step 3 - Periodic review of potential and actual conflicts</p>	<p>At least once every 12 months, the Monitoring Officer will provide to all those to whom the above procedures apply a copy of the Register of Conflicts of Interest. All individuals will confirm in writing to the Monitoring Officer that the information held in relation to them is correct. If that is not the case, they will complete a new Declaration of Interest as per step 1 and the Register will be updated.</p>

Operational procedures for advisers

Although this Policy applies to all advisers, the operational procedures outlined in steps 1 and 3 above relating to completing ongoing declarations are not expected to apply to advisers. Instead all advisers must:

- be provided with a copy of this Policy on appointment and whenever it is updated;
- adhere to the principles of this Policy;
- provide, on request, information to the Director in relation to how they will manage actual or potential conflicts of interest relating to the provision of advice or services to the Authority; and
- notify the Director immediately should a potential or actual conflict of interest arise.

All potential or actual conflicts notified by advisers will be recorded in the Register of conflicts of interest.

Monitoring and reporting

The Authority's Register of Conflicts of Interest may be viewed by any interested party at any point in time. It will be made available by the Monitoring Officer on request.

In order to identify whether the objectives of this Policy are being met the Audit Committee will review the Register of Conflicts of Interest on an annual basis and consider whether there has been any potential or actual conflicts of interest that were not declared at the earliest opportunity.

Key risks

The key risks to the delivery of this Policy are outlined below, all of which could result in an actual conflict of interest arising and not being properly managed. The Authority supported by its Statutory Officers will monitor these and other key risks and consider how to respond to them. Key risks are:

- insufficient training or poor understanding in relation to individuals' roles on LGPS Pension Fund matters;
- insufficient training or failure to communicate the requirements of this Policy;
- absence of the individual allocated to manage the operational aspects of this Policy and no one deputising or failure of that individual to carry out the operational aspects in accordance with this Policy;
- failure by a chair to take appropriate action when a conflict is highlighted at a meeting; and

Approval, review and consultation

This Policy will be re-approved annually as part of the Constitution at the Authority's Annual Meeting. It will be formally reviewed and updated at least every three years or sooner if the conflict management arrangements or other matters included within it merit reconsideration including if there are any changes to the LGPS or other relevant Regulations or Guidance which need to be taken into account.

Examples of potential conflicts of interest

- a) An elected member on the Pensions Authority is asked to provide views on a funding strategy which could result in an increase/decrease in the employer contributions required from the employer he or she represents.
- b) A member of the Pensions Authority is on the board of an adviser / supplier / investment manager that the Authority is considering appointing.
- c) An officer or member of a Pensions Authority accepting hospitality and gifts from a potential adviser or supplier could be perceived as a potential or actual conflict of interest, particularly where a procurement exercise relating to those services is imminent.
- d) An employer representative on the Local Pension Board is employed by a company to which the Pensions Authority has outsourced its pension administration services and the Local Pension Board is reviewing the standards of service provided by that company.
- e) The person appointed to consider internal disputes is asked to review a case relating to a close friend or relative.
- f) The Pensions Authority is considering buying support services from an external source, rather than maintaining the current arrangement of using the services provided by a District Council. The Treasurer, who is also responsible for the budget of the relevant District Council, is expected to approve the report to go to the Pensions Authority which, if agreed, would result in a material reduction in the income to the Council from the Pensions Authority.
- g) An officer of the Pensions Authority is asked to provide guidance to the Local Pension Board on the background to an item considered at the Pensions Authority. This could be a potential conflict as the officer could consciously or sub-consciously avoid providing full details, resulting in the Board not having full information and not being able to provide a complete view on the appropriateness or otherwise of that Pensions Authority item.
- h) Officers of the Authority are asked to provide a report to the Local Pension Board or Pensions Authority on whether the administration services should be outsourced which, if it were to happen, could result in a change of employment conditions or job insecurity for them.
- i) An employer representative employed by the Administering Authority and appointed to the Local Pension Board to represent employers generally could be conflicted if he or she only serves to act in the interests of the Administering Authority, rather than those of all participating employers. Equally, a member representative, who is also a trade union representative, appointed to the Local Pension Board to represent the entire scheme membership could be conflicted if he or she only acts in the interests of his/her union and union membership, rather than all scheme members.
- j) A Fund adviser is party to the development of a strategy which could result in additional work for his/her firm, for example, delegated consulting of fund investments or providing assistance with monitoring the covenant of employers.

- k) An employer representative has access to information by virtue of his or her employment, which could influence or inform the considerations or decisions of the Pensions Authority or Local Pension Board. He or she has to consider whether to share this information in the light of his/her duty of confidentiality to his/her employer. His/her knowledge of this information will put him/her in a position of conflict if it is likely to prejudice his/her ability to carry out his/her functions as a member of the Pensions Authority or Local Pension Board.
- l) An officer of the Pensions Authority applying to the pool operator for employment may give misleading advice to the Panel to improve his/her prospects.
- m) A member of the Pensions Authority or officer serving is on the pool's joint committee or officer group and a matter is being considered that would benefit one Partner Fund disproportionately to the others.



Part 5 E-
Protocol on the
Operation of the
roles of
Monitoring Officer
and s. 73 Officer

June 2020

MONITORING OFFICER PROTOCOL

General Introduction to Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at South Yorkshire Pensions Authority.

The current responsibilities of the Monitoring Officer role rest with the Service Director – Legal at Barnsley MBC who provides these services under a Service Level Agreement and who undertakes to discharge his/her statutory responsibilities in a manner that enhances the overall reputation of the Authority. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

The main functions of the Monitoring Officer at South Yorkshire Pensions Authority are:

1. To report to the Authority in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
2. To investigate any matter, which he/she has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
3. To act as the principal adviser to the authority's Staffing, Appointments and Appeals Committee in relation to standards matters;
4. To maintain the register of members' interests;
5. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Authority;
6. To have responsibility for responding to complaints to the Local Government Ombudsman
7. To undertake, with others, investigations in accordance with the Authority's Whistleblowing procedures

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

1. complying with the law (including any relevant Codes of Conduct);
2. complying with any General Guidance issued, in relation to standards matters;
3. making lawful and proportionate decisions; and
4. complying with the Council's Constitution and Procedure Rules
5. generally, not taking action that would bring the Authority, their offices or professions into disrepute
6. communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

Working Arrangements

It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital, therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, Members and Senior Managers are designed to ensure the effective discharge of the Authority's business and functions. The Monitoring Officer will:

1. be alerted by Members and Officers to any issue(s) that may become of concern to the Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
2. have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority and its committees at which a binding decision of the Authority may be made (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings;
3. have the right to attend any meeting of the Authority and its committees (including the right to be heard) before any binding decision is taken by the Authority (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings;
4. in carrying out any investigation(s) have unqualified access to any information held by the Authority and to any member or officer who can assist in the discharge of his/her functions;
5. ensure the other statutory officers (Head of Paid Service, the Clerk and the Section 73 Officer (the Treasurer)) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
6. meet regularly with the Head of Paid Service and the Treasurer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
7. report to the Authority, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Chair, the Head of Paid Service, the Clerk and the Treasurer;
8. in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
9. have an appropriate relationship with the Chair, and Vice Chair with a view to ensuring the effective and efficient discharge of the Authority's business;
10. develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information,

whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Authority in consultation with the Head of Paid Service and the appropriate Head of Service;

11. maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
12. give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Staffing, Appointments and Appeals Committee (in consultation with an Independent Person) or to refer the matter to the Police if, in the opinion of the Monitoring Officer, there is a serious breach of the Authority's Code of Conduct for Members;
13. in consultation, as necessary, with the Chair, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
16. oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Audit Committee on compliance with the Code;
17. advise on all applications from employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;
18. appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out above, Members and Officers will report any breaches of statutory duty or the Authority's policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other Officer of the Authority.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Head of Paid Service, the Clerk and the Treasurer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (for example, Procedure Rules policy framework, terms of reference, scheme of delegations etc.).

To ensure the effective and efficient discharge of this Protocol, the Treasurer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Authority and the proper discharge of the Monitoring Officer role.

Sanctions for Breach of the Authority's Code of Conduct for Members and this Protocol

Complaints about any breach of the Code of Conduct by a Member may be referred to the Staffing Appointment and Appeals Committee (where necessary) and to the relevant Leader of the Political Party Group within the appointing Council. Complaints about any breach of the Code of Conduct by an Officer may be referred to the Head of Paid Service.

Appendix 1

Monitoring Officer Protocol Summary of Main Monitoring Officer Functions

Description	Source
Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
Appointment of Deputy	Section 5 Local Government and Housing Act 1989
Report on resources	Section 5 Local Government and Housing Act 1989
Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members
Investigate misconduct in compliance with regulations.	Localism Act 2011
Establish and maintain registers of members interests and gifts and hospitality	Localism Act 2011
Advice to members on interpretation of the Code of Conduct for Members.	Code of Conduct for Members
Compensation for maladministration	Section 92 LGA 2000
Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Section 5 Local Government and Housing Act 1989 / Localism Act 2011

SECTION 73 OFFICER PROTOCOL

A. General Introduction to Statutory Responsibilities

1. The Chief Finance Officer is a statutory appointment pursuant to Section 73 of the Local Government Act 1985, the responsibilities of which mirror those of an officer appointed as the Chief Finance Officer of a local council under Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at South Yorkshire Pensions Authority.
2. The current responsibilities of the Chief Finance Officer role rest with the Treasurer, a role performed by the Service Director Finance at Barnsley MBC under the terms of a Service Level Agreement, who in doing so, undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Authority. In doing so, the he/she will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - a) complying with the Council's financial procedures;
 - b) making lawful payments; and
 - c) not taking action that would result in unlawful payments or unlawful action.

B. Working Arrangements

4. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:-
 - maintaining strong financial management underpinned by effective financial controls;
 - contributing to corporate management and leadership;
 - supporting and advising democratically elected representatives;
 - supporting and advising officers in their operational roles; and
 - leading and managing an effective and responsive financial service.
5. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Authority) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Chief Finance Officer to discharge the Authority's statutory and discretionary responsibilities.

6. The following arrangements and understandings between the Chief Finance Officer, Members and Senior Managers are designed to ensure the effective discharge of the Authority's business and functions. The Chief Finance Officer will:
- a) be alerted by Members and Officers to any issue(s) that may become of concern to the Authority, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Authority and its committees at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings;
 - c) have the right to attend any meeting of the Authority or its committees (including the right to be heard and report to members) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meeting;
 - d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Authority and to any Officer who can assist in the discharge of his functions;
 - e) ensure the other statutory officers (Head of Paid Service , Clerk and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - f) meet regularly with the Head of Paid Service, the Clerk and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - g) report to the Authority, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular with the Head of Paid Service, the Clerk and the Monitoring Officer;
 - h) in line with the relevant statutory requirements, make a report to the Authority, as necessary, on the staff, accommodation and resources required to discharge his or her statutory functions;
 - i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
 - j) in consultation, as necessary, with the Chair of the Authority and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government Finance Act 1988 where another investigative body is involved;

- l) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.
- 7. To ensure the effective and efficient discharge of the arrangement set above, Members and Officers will report any breaches of statutory duty or Authority policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
- 8. The Chief Finance Officer is also available for Members and Officers to consult on any issues of the Authority's financial powers, possible unlawful payments, or general advice on the financial arrangements.
- 9. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Authority and the proper discharge of the Chief Finance Officer role.
- 10. The Chief Finance Officer or deputy will record details of any advice given.

SUMMARY OF CHIEF FINANCE OFFICER FUNCTIONS

Description	Source
Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988.
Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
Report on resources.	Section 114 Local Government and Finance Act 1988.
Responsibility for the administration of financial affairs.	Section 73 Local Government Act 1985.
Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92.
Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2015 Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.



Part 5 F-
Protocol for the
Investigation of
Standards
Complaints

June 2020

Protocol for Dealing with Standards Complaints

1. Introduction

These “arrangements” set out how you may make a complaint that an elected or co-opted Member of this Authority has failed to comply with the Authority’s Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with the Code.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a Member or co-opted member of the Authority, or of a committee or sub-committee of the Authority, has failed to comply with the Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person.

2. Making a complaint

If you wish to make a complaint, please write to:-

The Monitoring Officer
c/o Joint Authorities Governance Unit
Town Hall
Barnsley
S70 2TA
Or email garykirk@barnsley.gov.uk

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for administering the system in respect of complaints of member misconduct.

The Monitoring Officer will acknowledge receipt of your complaint, normally within 5 days of receiving it, and will keep you informed of the progress of your complaint.

3. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against who the complaint is directed.

The Monitoring Officer may refer a complaint to the Staffing, Appointment and Appeals Committee for a decision on whether it should be investigated where he/she considers it would be inappropriate for him/her to take the decision; for example, where he/she has previously advised the Member on the matter of complaint.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting his/her conduct was unacceptable and offering an apology, or other remedial action by the

Authority. Where the Member of the Authority makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

In deciding whether a matter should be investigated the Monitoring Officer will take into account:

- the seriousness of the allegation
- the effectiveness of the remedies available
- the date of the incident complained of
- the benefits of an independent consideration of the allegation
- if the allegation relates to a cultural or re-occurring issue relating to standards within the Authority
- if the matter should be dealt with by some other method, e.g. police investigation.

4. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will arrange for an officer or some other person, if appropriate, to carry out a further investigation and to produce a report of their findings.

The Monitoring Officer shall inform the Member that is the subject of the investigation of the nature of the complaint and that it is subject to investigation.

The Staffing, Appointments and Appeals Committee will consider the investigation report and shall decide whether any further action is appropriate.

The views of the Independent Person must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member or co-opted Member against whom an allegation has been made.

5. Hearing

In the event that it is considered that further action may be appropriate the Staffing, Appointments and Appeals Committee shall arrange to hold a hearing at which the Member who is the subject of the complaint shall be entitled to be present and to be heard. The Staffing, Appointments, and Appeals Committee may appoint a Sub-Committee to hear the complaint. Where a Sub-Committee is appointed it will have the same powers as the Staffing, Appointments and Appeals Committee.

The views of the Independent Person required to be appointed under Section 28 of the Localism Act 2011 shall be sought as appropriate and where sought shall be taken into account before any decision is taken with regard to the allegation.

In the event that the allegation is upheld the Staffing, Appointment and Appeals Committee (or Sub-Committee) shall either:

- Determine that no further action be taken
- Recommend to the Authority any further appropriate action to be taken in accordance with the general powers available to the Authority.

The Monitoring Officer shall inform the Member who is the subject of the complaint and the complainant of the outcome of the complaint in writing within 7 days of the hearing.



Part 6-
Members'
Allowance
Scheme
June 2020

The South Yorkshire Pensions Authority Members' Allowance Scheme 2020

1. INTRODUCTION

- 1.1 This scheme shall commence on 1st April 2020 and shall continue in force until subsequently amended or revoked, with the exception of allowances for the Chair and Vice Chair that shall come into force from 1st June 2019.
- 1.2 This scheme can be adjusted with reference to the NJC annual percentage salary increase, specifically with reference to Spinal Column Point 43 (2019) without further reference to the independent process.
- 1.3 In this Scheme:
- “the Authority” means the South Yorkshire Pensions Authority
- “Councillor” means an elected member appointed to the Authority by one of the constituent district councils
- “the Regulations” means The Local Authorities (Members' Allowances) (England) Regulations 2003 as amended by The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003.
- “Year” means any period of 12 months ending 31st March in any year.

2. BASIC ALLOWANCE

- 2.1 Each year a Basic Allowance as set out in schedule 1 shall be paid to each Councillor.
- 2.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor will be to such part of the Basic Allowance as is proportionate to the number of days served by that Councillor in that year as is proportionate to the number of days in that year.
- 2.3 Where any payment of any allowance has already been made in respect of any period during which a Councillor ceases to be a member of the Authority, in anyway not entitled to receive the allowance in respect of that period then the Authority may require repayment of the allowance.
- 2.4 A Councillor may, by notice in writing given to the Deputy Clerk, elect to forgo all or any part of her/his allowance under this scheme.
- 2.5 This scheme may be amended at any time on receipt by the Authority of a recommendation generated by the necessary independent process, or the requirements of para 1.2

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 Each year a Special Responsibility Allowance shall be paid to those Councillors who have the special responsibilities in relation to the Authority that are specified in Schedule 2.
- 3.2 The amount of each Special Responsibility Allowance shall be the amount specific against that special responsibility in Schedule 2.
- 3.3 Where a Councillor does not have throughout the whole year any such special responsibilities as entitle them to a Special Responsibility Allowance, her or his entitlement to a Special Responsibility Allowance is proportionate to the number of days served by that Councillor in that year as is proportionate to the total number of days in that year.
- 3.4 Any Councillor who holds more than one position of special responsibility shall be entitled to receive the higher allowance listed in Schedule 2. Councillors may not receive an allowance for more than one position.
- 3.5 Where payment of any allowance has already been made in respect of any period during which a Councillor ceases to be a Councillor, in anyway not entitled to receive the allowance in respect of that period the Authority may require repayment of the allowance.
- 3.6 A Councillor may, by notice in writing given to the Deputy Clerk, elect to forgo all or any part of her/his allowance under this scheme.
- 3.7 This scheme may be amended at any time on receipt by the Authority of a recommendation generated by the necessary independent process, or the requirements of para 1.2

4. TRAVEL ALLOWANCE

4.1 Councillors are entitled to be reimbursed by the Authority in respect of travel costs incurred in connection with undertaking their duties as members of the Authority, Schedule 3 sets out the definition of approved duties.

Car

4.2 Mileage at a rate of £0.45 per mile, such rate to be adjusted in line with any changes in the HMRC's Mileage Allowance Payments (MAPs).

4.3 Reimbursement of car parking charges subject to provision of receipts or tickets.

Rail

4.4 All travel for approved duties outside the County must be pre-booked by the Authority's staff. Staff will book standard class rail tickets. Details of the process for booking rail travel will be separately provided to Councillors.

Taxi

4.5 The cost of taxi fares will be reimbursed where public transport is not readily available on production of a receipt.

Bus

4.6 Bus fares will be reimbursed subject to a receipt being provided.

5. SUBSISTENCE

- 5.1 Subsistence allowances will only be payable for approved duties undertaken outside of the County where Councillors are absent for more than 4 hours. The allowances payable will be the same as for the Authority's staff and will only be paid on production of receipts for the actual expenditure incurred. These allowances will be updated when allowances for staff are updated.

Breakfast (Councillor is required to leave home before 6am) £ 9.00

Lunch (Councillor is required to include the hours 12 noon – 2pm) £12.00

Evening Meal (Councillor is required to work continuously after 8pm) £15.00

- 5.2 Where a Councillor is required to undertake an overnight stay while undertaking duties on behalf of the Authority the accommodation will be pre-booked and paid for on their behalf by the Authority's staff on a bed and breakfast basis. Any additional costs incurred must be met by the Councillor directly. In general the policy adopted for the Authority's staff in terms of the type of accommodation to be booked will be followed. Where accommodation is booked in association with attendance at a conference then a degree of discretion will be used by officers in booking accommodation at or in close proximity to the conference venue depending upon the terms of booking the conference.

The Basic Allowance

Subject to paragraphs 2.2 and 2.3 of this scheme, the amount of the basic allowance is £4,030

Special Responsibility Allowance

The following are specified as the special responsibilities in respect of which a special responsibility allowance is payable, and the amounts of those allowances subject to the provisions contained in paragraphs 3.3 to 3.5 of this scheme.

Office Holder	Annual Amount £
Chair	10,600
Vice Chair	6,360
S. 41 Spokesperson	4,770

Approved Duties for Travel Allowances

1. Attendance at meetings of the Authority, the Audit Committee and the Staffing Appointments and Appeals Committee.
2. Attendance at Seminars and Learning and Development Events organised as part of the Authority's formal programme of meetings.
3. Attendance by the Chair and/or Vice Chair at meetings of the Local Pension Board.
4. Attendance at meetings of the Border to Coast Joint Committee, and any shareholder meetings of the Border to Coast Pensions Partnership.
5. Attendances at conferences, seminars or other learning and development events relevant to the work of the Authority where attendance is approved in advance by the Clerk or Director on behalf of the Authority.
6. Attendance approved by the Clerk on behalf of the Authority at deputations to Ministers and Government Departments.
7. Attendance at any meetings of Councillors convened by the Clerk or Fund Director in connection with the discharge of the functions of the Authority.

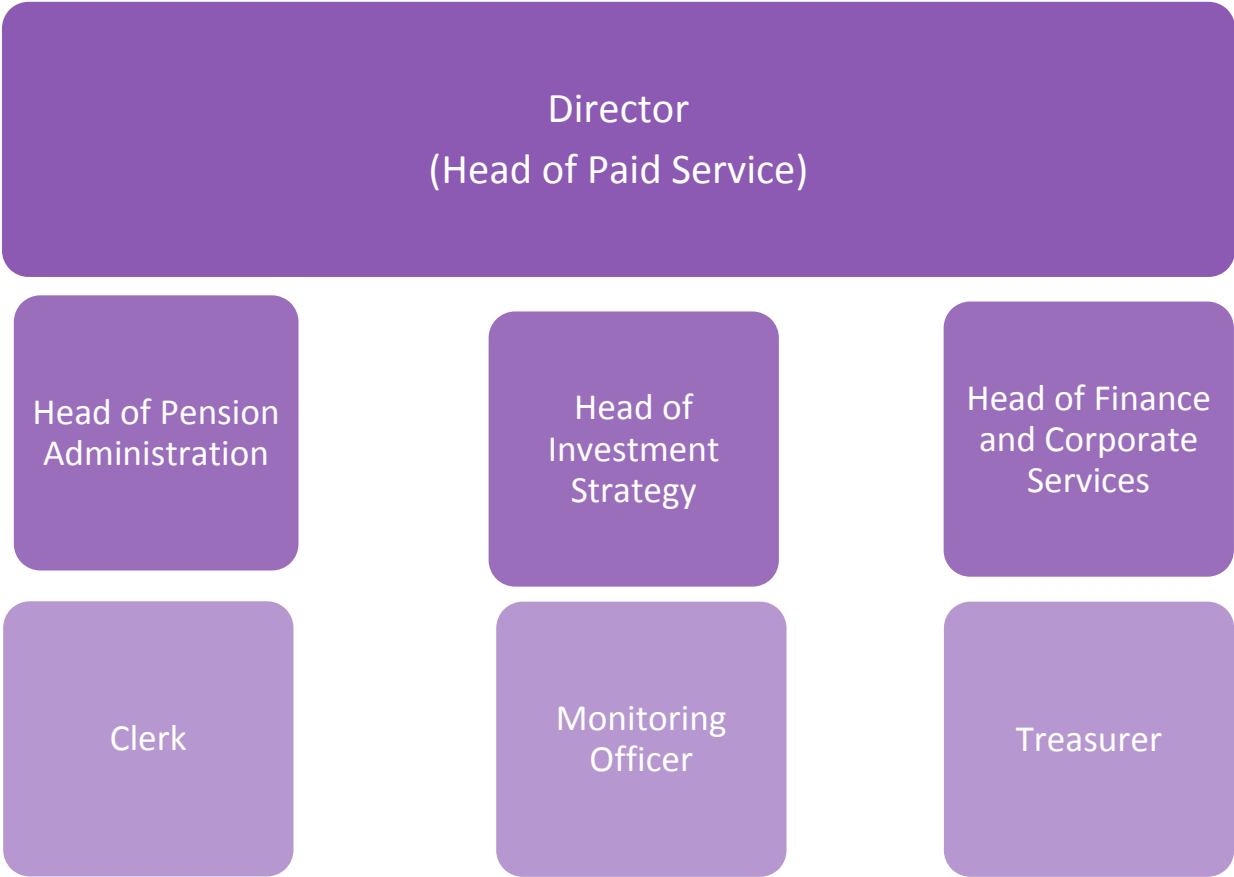
Exclusions:

For the avoidance of doubt the following are excluded from the definition of approved duties.

1. Attendance at political meetings,
2. Attendance at civic functions.



Part 7-
Management
Structure
June 2020



Note: The roles in the bottom row above are fulfilled by officers of Barnsley MBC under the terms of service level agreements while those in the other two rows are fulfilled by directly employed staff of the Authority.