

Standing Orders

June 2023

Procedural Standing Orders

June 2023

1 MEETINGS OF THE AUTHORITY

- 1.1 The South Yorkshire Pensions Authority ("the Authority") shall hold an annual meeting between 1 March and 30 June each year and at such hour on the relevant day as the Authority may fix or, if no hour is fixed, at 12 noon.
- 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.
- 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.
- 1.4 Any 3 members of the Authority may call an extraordinary meeting of the Authority where the Chair:
 - (a) refuses to call a meeting after a requisition for that purpose specifying the nature of the business, having been signed by 3 members of the Authority, has been presented to him/her; or
 - (b) fails to call a meeting within seven days of such requisition being presented to him/her.
- 1.5 Any requisition under Standing Order (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(1A) of Schedule 12 to the 1972 Act are published and sent.
- 1.7 Meetings of the Authority shall normally be held at Oakwell House, 2 Beavor Court, Pontefract Road, Barnsley S71 1HG.
- 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:
 - (a) notice of the time and place of the intended meeting shall be published at the Oakwell House, 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; and
 - (b) 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 or, where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and such consent has not been withdrawn), shall be sent in electronic form to that address.

Provided that:

- (i) want of service of a summons on any member shall not affect the validity of a meeting;
- (ii) no business shall be transacted at a meeting called by members other than that specified in the notice published under SO 1.8.1(a) above;
- (iii) 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.

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

- (a) 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
- (b) 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.

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.

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.

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.

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.
- 2.6 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.
- 2.7 If both the Chair and the Vice-Chair of the Authority are absent, members of the Authority present at the meeting shall choose who shall preside.
- 2.8 Subject to the provisions of paragraph 6 and 45 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.
- 2.9 The names of the members present at a meeting of the Authority shall be recorded.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Without prejudice to SO 2.13 above:
 - (a) 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 willfully 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;
 - (b) 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.
- 2.15 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.
- 2.16 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;
- (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 questions from the public (if any) pursuant to SO 14;
- (l) to receive Petitions (if any) pursuant to SO 13;
- (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 SO 3.2 may be varied:

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

4 MINUTES OF THE AUTHORITY

- 4.1 Minutes of the proceedings of meetings of the Authority shall be drawn up and recorded in writing.
- 4.2 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.
- 4.3 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.
- 4.4 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.
- 4.5 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 of Schedule 12 to the Local Government Act 1972.
- 5.2 The quorum of a committee of the Authority shall be 3.
- 5.3 The co-opted members appointed under Article 2.1(b) of the Constitution shall not be counted for the purposes of calculating the quorum of any meeting.

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 SO 6.1 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.

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 9 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 2.14(b) be not further heard or do leave the meeting;
- (r) inviting a member to remain under SO 18 (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 question received under SO 14 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,

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.

9 SUSPENSION OF STANDING ORDERS

- 9.1 Any Standing Order (not being one which reflects 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.
- 9.2 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

10 QUESTIONS WITHIN THE RELEVANT COUNCILS

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

11 APPOINTMENTS BY THE AUTHORITY

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.

12 VOTING

- 12.1 Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by a majority of the members of the Authority present and voting thereon by a show of hands.
- 12.2 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.
- 12.3 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.

- 12.4 Except where a recorded vote has been taken, any member of the Authority 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).
- 12.5 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.

13 PETITIONS

Any member of the Authority may present a petition received by any of the constituent councils. Any member of the Authority 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.

14 QUESTIONS FROM THE PUBLIC

- 14.1 At the discretion of the Authority, questions from members of the public may be received at any meeting of the Authority, provided that if members of the public are to attend in person seven clear days' notice in writing has been given to the Clerk of the proposed attendees and the object of their question(s).
- 14.2 If members of the public are to attend:
- (a) they 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;
 - (b) the Chair shall put a motion that they be received which motion shall be put and moved without discussion. On the motion being approved, they shall be admitted.
- 14.3 No discussion shall take place on any matter raised by a question from the public, but any member of the Authority 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.

15 GENERAL DISTURBANCES

- 15.1 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.
- 15.2 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.

16 RECORDINGS AT MEETINGS

- 16.1 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:
- (a) Filming, photographing or making an audio recording of the proceedings at a meeting.
 - (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - (c) 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.
- 16.2 Oral reporting or oral commentary on a meeting is not permitted if the person reporting or providing the commentary is present at the meeting.
- 16.3 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.
- 16.4 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.
- 16.5 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.
- 16.6 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.
- 16.7 The Authority may webcast meetings of the Authority and its sub-committees.

17 RECORD OF ATTENDANCES

The name of 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 shall be recorded

18 INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- 18.1 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.

- 18.2 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.
- 18.3 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.
- 18.4 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 SO 18.4, 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.

19 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 19.1 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.
- 19.2 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.

20 STAFF APPOINTMENTS

- 20.1 In accordance with section 7 of the Local Government and Housing Act 1987 all staff must be appointed on merit.
- 20.2 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 SO 20 shall be included in any form of application.
- 20.3 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.

21 GIFTS AND HOSPITALITY

- 21.1 A member of the Authority 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.
- 21.2 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.

22 INSPECTION OF LAND, 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 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.

23 COMMITTEES

23.1 The Authority at the Annual Meeting:

- (a) 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;
- (b) 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;
- (c) 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.

23.2 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 23.1 above.

23.3 The Authority may, subject to any statutory provision, at any time resolve to dissolve a committee or may amend regulations made under SO 23.1 and 23.2.

23.4 Every committee shall continue to discharge the functions committed to them until the Authority resolve otherwise.

23.5 Subject to s102(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 23.8 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.

23.6 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:

- (a) 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
- (b) 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.

23.7 Whenever:

- (a) the Authority is required to review the allocation of seats on committees between political groups, or
- (b) the Authority resolves to carry out such a review, or
- (c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
- (d) 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.

23.8 In the light of such a report as is mentioned in SO 23.7 the Authority or committee, as the case may be, shall determine the allocation of seats to political groups.

23.9 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.

23.10 Subject to the approval of the Authority and to any resolutions by the Authority under this SO 23 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.

24 MEETINGS OF COMMITTEES

24.1 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.

24.2 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.

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

24.4 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.

- 24.5 If:
- (a) 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
 - (b) 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.
- 24.6 Where it is decided to call an Extraordinary Meeting of a committee or sub-committee under SO 24.5 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.
- 24.7 Any requisition under SO 24.5 may be presented by being left with the Clerk.
- 24.8 All meetings of committees and sub-committees shall be held, unless the relevant committee or sub-committee otherwise directs at Oakwell House, 2 Beavor Court, Pontefract Road, Barnsley S71 1HG.

25 NOTICE OF COMMITTEE AND SUB-COMMITTEE MEETINGS

- 25.1 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 offices of each of the constituent district councils represented on the committee or sub-committee and, if the meeting is to be held at premises other than one of those offices, at those premises. The notice shall be signed by the Clerk or the Chair or, in the case of an Extraordinary Meeting called under SO 24.5 by the members of the committee or subcommittee calling the meeting.
- 25.2 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 of each member of the Authority or, where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and such consent has not been withdrawn), shall be sent in electronic form to that address.

26 COMMITTEE AGENDAS

- 26.1 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.

27 QUORUM FOR COMMITTEES AND SUB-COMMITTEES

- 27.1 The quorum of a committee shall be 3 voting members.
- 27.2 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.
- 27.3 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.
- 27.4 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.
- 27.5 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.
- 27.6 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.

28 APPOINTMENT OF CHAIR AND VICE-CHAIR OF COMMITTEES AND SUB-COMMITTEES

- 28.1 Appointments of the Chair and Vice-Chair of a committee shall be made by the Authority.
- 28.2 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.
- 28.3 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.

29 URGENT ACTION

- 29.1 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.
- 29.2 In all cases a written record shall be made of the action taken, the reason for the urgency, and the member consulted.
- 29.3 The Clerk shall report action taken under this SO 29 to the first available meeting of the Authority.

30 LEGAL PROCEEDINGS

- 30.1 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Clerk unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.
- 30.2 The Clerk 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 or defence of any proceedings is necessary to protect the Authority's interests.
- 30.3 The Chief Finance Officer (known within the Authority as the Assistant Director – Resources) is authorised to settle claims not exceeding £100,000, and in urgent circumstances claims exceeding £100,000. Details of settlements exceeding £100,000 which are approved by the Assistant Director – Resources in urgent circumstances shall be reported to the Authority as soon as possible. In all other circumstances, settlements exceeding £100,000 must be approved by the Authority in advance.

31 COMMON SEAL OF THE AUTHORITY

- 31.1 The Common Seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer.
- 31.2 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.
- 31.3 The Common Seal shall be affixed to those documents which, in the opinion of the Clerk, should be sealed.
- 31.4 The affixing of the Common Seal shall be attested by the Clerk or a duly authorised officer.
- 31.5 The officers authorised for the purposes of SO 31.4 are:
- (a) the Head of Governance (Monitoring Officer)
 - (b) the Assistant Director – Resources (Chief Finance Officer)
 - (c) the Deputy Clerk
 - (d) the Head of Finance
- 31.6 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.

32 SIGNING OF AGREEMENTS AND CONTRACTS

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

- 32.2 The Clerk, the Director, the Assistant Director – Resources (Chief Finance Officer), the Head of Governance (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.

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 Debate), 11 (Appointments), 12 (Voting), 13 (Petitions), 14 (Questions from the public), 15 (General disturbances), 16 (Recordings at Meetings) and 18 (Interests of Members in contracts and other matters) 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

Every member of the Authority 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.

35 AMENDMENT

These Standing Orders were approved by the Authority on the 8th June 2023 and are reviewed every three years by the Deputy Clerk. Any amendments must be approved by the Authority.

Access to Information Procedure Rules

June 2023

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 rules 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 full 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 at least five clear working 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 clear days before the meeting. The papers will be available for inspection at the offices of the Authority located at Oakwell House, 2 Beever Court, Pontefract Road, Barnsley S71 1HG, between the hours of 10.00 am and 4.00 pm on working days and may also be published by the Authority on its website.
- 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 where the minutes do not provide a reasonably fair and coherent record of the whole or part of the proceedings), together with the documents made available for public inspection under rule 4 above, will be available for public inspection at the offices of the Authority located at Oakwell House, 2 Beever Court, Pontefract Road, Barnsley S71 1HG, 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. The Authority may also publish a copy of the minutes of the meeting on its website.

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 or the Local Pension Board (subject to rule 10 below).
- 10 Where a document discloses certain specified categories of exempt information (as defined by section 100K of the Local Government Act 1972) 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 and, in respect of every committee or sub-committee of the Authority, the information required to be recorded by virtue of section 100G(1)(b) of the Local Government Act 1972.
- 12 The register under rule 11 is open to inspection by the public at Oakwell House, 2 Beevor Court, Pontefract Road, Barnsley S71 1HG between the hours of 10.00 am and 4.00 pm on working days.
- 13 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

- 14 A member of the Authority has a right to inspect its accounts.
- 15 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).
- 16 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.

- 17 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 Assistant Director - Resources.

Fees

- 18 No fee will be charged for providing the facility of inspecting background papers (rule 7 above).
- 19 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.

Head of Governance – South Yorkshire Pensions Authority
Oakwell House
Beevor Court
Pontefract Road, Barnsley
S71 1HG

Amendment

These rules were approved by the Authority on the 8th June 2023 and are reviewed every three years by the Head of Governance. Any amendments must be approved by the Authority.

Financial Regulations

June 2023

1 INTRODUCTION

- (a) These Financial Regulations are the responsibility of the Assistant Director – Resources (Chief Finance Officer) as the officer responsible for the proper administration of the Authority’s financial affairs under section 73 of the Local Government Act 1985.
- (b) 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.
- (c) The Regulations form the major part of the Authority’s financial control framework which comprises:
 - (i) Standing Orders - Approved by the Authority
 - (ii) Financial Regulations - Approved by the Authority
 - (iii) Scheme of Delegation to Officers – Approved by the Authority
 - (iv) Financial Instructions - Issued by the Assistant Director – Resources in conjunction with the Director to specify the detailed control arrangements required under specific Regulations
 - (v) Procedure Manuals - Issued by Senior Management to specify how systems should operate
- (d) The main aims of the Regulations are to:
 - (i) provide sufficient safeguards for the Assistant Director – Resources to discharge his/her statutory duties.
 - (ii) ensure that the financial dealings of the Authority are conducted properly and in accordance with best practice.
 - (iii) provide adequate safeguards to officers of the Authority who are individually responsible for ensuring that their actions comply with the Regulations.
- (e) The Assistant Director – Resources is responsible for ensuring that arrangements are in place to provide a continuous, adequate, and effective internal audit of the Authority’s accounting records and its system of internal control (see Regulation 6.7). In order to ensure consistency in the application of these Regulations, advice on their interpretation should be directed through the Assistant Director – Resources.
- (f) The Regulations, and in particular those imposing financial limits, will be kept under review by the Assistant Director – Resources to ensure that they remain consistent with best practice.
- (g) 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

2.1 General

- (a) In applying these Regulations, the Assistant Director – Resources and the Director will in certain instances, delegate their individual responsibilities to nominated officers who will undertake the duties on their behalf.
- (b) The Assistant Director – Resources and the Director shall ensure that all staff and third parties where appropriate, comply with the requirements contained in these Regulations.

2.2 The Authority

- (a) 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:
 - (i) appoint a responsible financial officer (the Assistant Director – Resources as Chief Finance Officer).
 - (ii) approve the financial control framework, including Financial Regulations.
 - (iii) set a budget and agree a levy.
 - (iv) monitor actual expenditure against budget.
 - (v) approve the annual report and statement of accounts and publish with it an annual governance statement.
 - (vi) maintain an adequate and effective system of internal audit of its accounting records and its system of internal control.
- (b) The Authority will delegate to the Assistant Director – Resources aspects of the financial control arrangements to act on its behalf.

2.3 The Assistant Director – Resources

- (a) The Assistant Director – Resources 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 Regulations 2015 ("the Accounts and Audit Regulations").
- (b) In fulfilling both his/her statutory and professional duties the Assistant Director – Resources will:
 - (i) 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.
 - (ii) produce the Statement of Accounts in accordance with the appropriate Codes of Accounting Practice and reporting standards issued from time

to time.

- (iii) prepare draft revenue estimates each year for approval by the Authority.
- (iv) ensure that no expenditure is incurred unless it is included in the annual revenue estimate or estimates of capital expenditure approved by the Authority.
- (v) report to the Authority on the robustness of the estimates for the purposes of the budget calculations and the adequacy of reserves.
- (vi) report to the Authority where reserves are likely to be inadequate, outlining the reasons for the actions taken.
- (vii) 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.
- (viii) establish procedures to monitor and report performance against all prudential indicators if required.
- (ix) satisfy himself/herself that adequate arrangements are in place for all aspects of tax management.
- (x) 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.
- (xi) 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.
- (xii) ensure that the financial administration procedures comply with these Regulations and any Financial Instructions.
- (xiii) issue and maintain Procedure Manuals (as instructions to staff) to supplement as necessary, both these Regulations and any Financial Instructions.
- (xiv) 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.
- (xv) advise on the security of assets, including risk management and insurance.
- (xvi) secure the Authority's banking arrangements.
- (xvii) provide a treasury management function, including loans and investments, in accordance with the Authority's policy.
- (xviii) nominate a properly qualified member of the Authority's staff to deputise

should he or she be unable to perform his/her duties.

- (c) In addition, in accordance with the delegated arrangements agreed by the Authority under the provisions of the Accounts and Audit Regulations, the Assistant Director – Resources will ensure that arrangements are in place to 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.

2.4 The Monitoring Officer

- (a) 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.
- (b) The Monitoring Officer in performing his or her duties is authorised to incur expenditure within his/her delegated budgetary limits, where this is necessary in seeking advice outside the Authority.

3 ACCOUNTING ARRANGEMENTS

- (a) The Assistant Director – Resources is responsible for keeping the principal accounting and costing records of the Authority.
- (b) The following principles must be observed in the allocation of accounting duties in order to maintain division of duties:
 - (i) 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.
 - (ii) officers charged with the duty of examining and checking the accounts of cash transactions must not themselves be engaged in any of these transactions.
- (c) The Assistant Director – Resources 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.
- (d) The Assistant Director – Resources is responsible for ensuring compliance with the Codes of Practice with which the Authority is required to comply and/or may adopt from time to time. Copies of the Codes of Practice and any supporting guidance notes will be available to relevant officers. The details of how such codes are implemented will be included in relevant financial procedure manuals to supplement these Regulations.

4 FINANCIAL PLANS AND BUDGETS

4.1 General

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

Assistant Director – Resources in accordance with the general directions of the Authority and professional Codes of Practice.

4.2 Revenue Expenditure and Income

- (a) The revenue estimates for the next financial year will be prepared by the Assistant Director – Resources in accordance with the general directions of the Authority. They will be presented to the Authority for approval accompanied by a report from the Assistant Director – Resources which will specify any variations to the existing budget and policies together with implications for future years.
- (b) The Assistant Director – Resources, the Director and any other manager to whom the authority to incur expenditure has been delegated in writing by the Assistant Director – Resources or the Director 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.
- (c) Expenditure not covered by Regulation 4.2(b) must be submitted by the Assistant Director – Resources to the Authority for approval. The report will include details of the financial implications for both the current financial year and 2 subsequent years.
- (d) The Assistant Director – Resources (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.
- (e) The Assistant Director – Resources 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 4.3).

4.3 Virement and use of Reserves

- (a) The Director, the Assistant Directors (being the Assistant Director – Investment Strategy, the Assistant Director – Pensions and the Assistant Director - Resources) or the Heads of Function (being the Head of Finance, Head of Governance and Head of ICT) may approve a revenue budget virement within their delegated budget for any lawful purpose relating to the department or function for which they are responsible providing that:
 - (i) prior approval of the Assistant Director - Resources is obtained.
 - (ii) the virement is within the total budget approved by the Authority for the relevant department or function.
 - (iii) the budget head from which the virement is to be transferred shall not then be overspent.

- (iv) no commitment to a higher overall level of expenditure in future financial years is entered into.
 - (v) the amount of the virement does not exceed £20,000; and
 - (vi) where a virement is between budgets controlled by more than one Assistant Director, the transfer must be agreed by all of the Assistant Directors concerned.
- (b) In addition to the circumstances described in Regulation 4.3(a), the Assistant Director - Resources may approve a revenue or capital budget virement within the overall operating budget of the Authority provided that:
- (i) the virement is within the total budget approved by the Authority; and
 - (ii) the amount of the virement does not exceed £75,000.
- (c) Where the virement does exceed the amount described in Regulation 4.3(b), it must be approved by the Authority in advance.
- (d) Following any approval described in Regulations 4.3(a)-(c) above, revenue budget transfers will be recorded in the Authority's corporate financial systems.
- (e) If diversion of funds is not possible to meet an unavoidable overspending, the Assistant Director - Resources shall submit a report to the Authority seeking approval to a supplementary estimate. The Assistant Director - Resources 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.
- (f) The Assistant Director - Resources can approve any additional expenditure where the costs are fully reimbursable from other authorities or bodies.
- (g) Income received in excess of the overall total income budgeted amount may be used to finance additional expenditure subject to the above limits in Regulations 4.3(a) and 4.3(b), and provided that there are no implications in future years, unless any such income is guaranteed over multiple years.
- (h) Transfers to and from Reserves will be the responsibility of the Assistant Director - Resources and subject to the approval limitations shown in Regulations 4.3(a) and 4.3(b) and will be governed by policies approved by the Authority.

5 FINANCIAL SYSTEMS AND PROCEDURES

5.1 Banking Arrangements

General

- (a) The Assistant Director - Resources 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 Assistant Director - Resources or an authorised officer will undertake all negotiations with the Authority's banker(s) regarding banking terms and overdraft facilities.

Payments

- (a) The Assistant Director - Resources 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 Assistant Director - Resources.
- (b) 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 Assistant Director - Resources, who is to ensure their safe custody, issue and control.

5.2 Income

- (a) The Assistant Director - Resources must ensure that adequate arrangements are made for the financial organisation and accounting to ensure the proper recording, collection and prompt and proper accounting of all sums due to the Authority.
- (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 Assistant Director - Resources, in consultation with the relevant Assistant Director shall be responsible for determining the level of charge to be fixed for any service, in accordance with the Authority's policies.
- (c) The Assistant Director - Resources shall publish alongside the budget a schedule of the Authority's fees and charges for the forthcoming year.
- (d) 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.
- (e) The procedures for dealing with the raising and despatch of accounts, receipt of payments and cash discrepancies will be specified by the Assistant Director - Resources and issued in the form of a Financial Instruction under the authority of this Regulation.

5.3 Write Offs

- (a) Provided that appropriate steps have been taken to recover monies due to the Authority:
 - (i) The Assistant Director – Pensions may approve the write-off of individual debts relating to pension overpayments not exceeding £500.
 - (ii) The Head of Finance may approve the write-off of individual debts not exceeding £2,500.

- (iii) The Assistant Director - Resources may approve the write-off of individual debts not exceeding £10,000. The relevant Assistant Director and/or Head of Finance will be responsible for providing all supporting information and documentation relating to the write-off request.
- (b) Any write-off of individual debts exceeding £10,000 shall require the prior approval of the Authority, following a report from the Assistant Director - Resources.
- (c) All sums written off shall be recorded in a central register maintained by the Assistant Director - Resources. An annual report shall be submitted to the Audit and Governance Committee and to the Authority summarising the sums written off and detailing those individual write-offs that exceeded £10,000.

5.4 Insurance

- (a) The Assistant Director - Resources is responsible for arranging all insurances and the administration and negotiation of claims.

5.5 Investments, Loans and Cash Flow

- (a) The Assistant Director - Resources 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 Assistant Director - Resources 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 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 5.3 above are not subject to the normal debt write off procedure.

5.6 Negotiated Settlements

The Assistant Director - Resources is authorised to negotiate the settlement of claims not exceeding £100,000 and, in urgent circumstances claims exceeding £100,000. Details of settlements exceeding £100,000 which are approved by the Assistant Director - Resources in urgent circumstances shall be reported to the Authority as soon as possible. In all other circumstances, settlements exceeding £100,000 must be approved by the Authority.

5.7 Orders for Work, Goods and Services

- (a) Orders must be in a form approved by the Assistant Director - Resources and before any order is issued, the authorising officer must ensure:
 - (i) that the cost is within an approved estimate or other financial provision.
 - (ii) compliance with UK legislation.
 - (iii) 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 Assistant Director - Resources under the authority of this regulation.

5.8 Payment of Accounts

- (a) The Assistant Director - Resources is responsible for ensuring adequate systems of internal control 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 Assistant Director - Resources under the authority of this Regulation.
- (c) Officers must not authorise any payment or benefit to themselves.

5.9 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 Assistant Director - Resources 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 Assistant Director - Resources for the recording and payment of salaries and wages must be signed in manuscript, or electronically authorised by officers authorised by the Assistant Director - Resources. 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 as set out in Regulation 5.3

- (e) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Assistant Director - Resources under the authority of this Regulation.

5.10 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 Assistant Director - Resources 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 Assistant Director - Resources under the authority of this Regulation.

6 RISK MANAGEMENT AND CONTROL OF RESOURCES

6.1 General

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 Assistant Director - Resources 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 Assistant Directors 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. Assistant Directors should also ensure that such internal control arrangements are regularly reviewed for adequacy and effectiveness.

- (c) The Assistant Director - Resources 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 Assistant Director - Resources 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) 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 Assistant Director - Resources. The loss of any such keys must be reported to the Assistant Director - Resources immediately.

6.5 Data Security

- (a) In accordance with the provisions of the various legislation relating to Data Protection, the Head of Governance (Monitoring Officer) 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

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

Gifts

- (a) 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 Head of Governance who will:
 - (i) decide if the item is to be returned or forwarded to some charitable cause;
 - (ii) notify the donor what has happened to the gift and explain the reason why gifts should not be offered or sent in the future.
- (b) A central record must be maintained by the Head of Governance of all gifts (other than those of a token value) received by and offered to staff and the action taken.

Hospitality

- (a) 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.
- (b) The circumstances and the type of hospitality is to be recorded in a central record maintained by the Head of Governance.

Secondary Employment

- (a) 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).
- (b) 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).
- (c) No stationery or publicity material is to indicate that the officer is an Authority employee, nor should the address, email address or telephone number of the Authority be stated.
- (d) Officers must not work for any current or prospective supplier or contractor to the Authority.
- (e) 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. The provision of internal audit services is an outsourced function.
- (b) The Assistant Director - Resources has delegated responsibility for ensuring arrangements are in place to provide 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 Assistant Director - Resources will advise the Audit and Governance 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:
 - (i) It is independent in its planning, operation and reporting.
 - (ii) It supports the Director and the Assistant Director - Resources in fulfilling their statutory responsibilities.
 - (iii) The Head of Internal Audit has direct access to the Assistant Director - Resources, the Director, the Head of Governance (Monitoring Officer) and members of the Authority.
 - (iv) The service is provided in accordance with the Public Sector Internal Audit Standards (PSIAS).
- (f) The functions of Internal Audit are to:
 - (i) Review and appraise the systems of financial and management control and the corporate governance arrangements, including the management of risks and safeguarding of assets.
 - (ii) Assess the accuracy of financial and other published information.
 - (iii) Ascertain the extent of compliance with procedures, policies, regulations and legislation.
 - (iv) Review whether functions are being carried out as planned and that objectives and goals are being met.
 - (v) 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:
 - (i) Work in partnership with Senior Officers, particularly in relation to value for money projects and other review functions.
 - (ii) Work in partnership with the Authority's appointed external auditors, and any other relevant external review agencies in providing a comprehensive audit function.
 - (iii) Develop and maintain a quality assurance improvement programme (QAIP).
- (h) Internal Audit staff as authorised representatives of the Assistant Director - Resources will, subject to satisfactory proof of identity, have authority to:
 - (i) Enter at all reasonable times any premises or land occupied or controlled by the Authority (excluding investment properties).

- (ii) Have access to all property, records, documents and correspondence relating to any financial and other activities of the Authority.
 - (iii) Require and receive such explanations as are necessary concerning any matters under examination.
 - (iv) Require any employee or agent of the Authority to produce cash, stores, or any other Authority property under his/her control.
- (i) The Assistant Director - Resources 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 financial assets, 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 Assistant Director - Resources shall 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 Assistant Director - Resources shall ensure that an inventory is maintained of furniture, fittings, equipment, plant and machinery and he/she shall be responsible for ensuring that at least an annual check of all such items against the inventory is undertaken 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:
 - (i) not exceeding £2,500 Head of Finance
 - (ii) not exceeding £10,000 Assistant Director - Resources
 - (iii) The writing-off of items in excess of these limits shall be referred to the Authority for approval.
- (c) The Assistant Director - Resources 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

- (a) Operational Property
 - (i) The Head of ICT is responsible for securing the arrangements for management of properties occupied by the Authority for operational purposes, including maintenance.

- (ii) The arrangements will include the maintenance of appropriate records which will include:
 - (A) locations and plan references.
 - (B) the purpose for which held.
 - (C) purchase/lease details.
 - (D) rents payable and particulars of tenancies granted.

(b) Investment Properties

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

6.10 Theft and Burglary

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

Contract Standing Orders

June 2023

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:
 - (a) comply with the Authority's strategic objectives, procurement strategies, policies and statutory legal obligations
 - (b) promote the fundamental principles of public sector procurement, i.e. being to treat economic operators equally and without discrimination and for the Authority to act in a transparent and proportionate manner; and
 - (c) are capable of withstanding challenge by being effective, efficient and robust.

2 SCOPE AND COMPLIANCE

- 2.1 All of the Authority's contracts for works, supplies or services (as defined in the Public Contracts Regulations 2015) 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:
 - (a) exceeds the Public Contracts Regulations 2015 Threshold and the Public Contracts Regulations 2015 apply to the procurement of the contract, the contract must be tendered in accordance with the Public Contracts Regulations 2015;
 - (b) exceeds the Concession Contracts Regulations 2016 Threshold, and the Concession Contracts Regulations 2016 apply to the procurement of the contract, the contract must be tendered in accordance with the Concession Contracts Regulations 2016;
 - (c) exceeds the relevant threshold prescribed by regulation 109 of the Public Contracts Regulations 2015 but is below the Public Contracts Regulations 2015 Threshold, and the Public Contracts Regulations 2015 apply to the procurement of the contract, then the contract **must** be tendered in accordance with the rules in Chapter 8 of the Public Contracts Regulations 2015

and in all cases, where possible, these CSOs.

- 2.4 In the event that these CSOs are not compatible with:
- (a) the requirements of the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016 (as applicable), then the requirements of the Regulations shall take precedence and apply; and/or
 - (b) the requirements of other applicable government guidance (including, but not limited to, Public Procurement Policy Notes as published by the Cabinet Office from time to time), then the requirements of the government guidance 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 (without limitation) are exempt from the requirement for competitive tendering except where the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016 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 Regulation 12 of the Public Contract Regulations 2015 or regulation 17 of the Concessions Contracts Regulations 2016 (as applicable) 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 under an existing contract:
- (a) where regulation 72(1)(b) of the Public Contracts Regulations 2015 or regulation 43(1)(b)(i) of the Concession Contracts Regulations 2016 applies – (i) the additional works, supplies or services have become necessary; (ii) a change of contractor or concessionaire cannot be made for economic or technical reasons and would cause significant inconvenience or duplication of costs to the Authority; and (iii) any increase in price does not exceed 50% of the value of the original contract; or
 - (b) where regulation 72(1)(c) of the Public Contracts Regulations 2015 or regulation 43(1)(c) of the Concession Contracts Regulations 2016 applies – (i) the need for the additional works, supplies or services could not have been foreseen by a diligent contracting authority; (ii) the modification does not alter the overall nature of the contract; and (iii) any increase in price does not exceed 50% of the value of the original contract; or
 - (c) where regulation 72(5) of the Public Contracts Regulations 2015 or regulation 43(1)(f) or (5) of the Concession Contracts Regulations 2016 applies – (i) the value of the modification is below the value of the Public Contracts Regulations 2015 Threshold or the Concession Contracts Regulations 2016 Threshold (as

applicable); (ii) the value of the modification is below 10% of the value of the initial supply, services or concession contract or 15% of the value of the initial works contract (as calculated in accordance with the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016, as applicable); and (iii) the modification does not alter the overall nature of the contract or framework agreement.

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 Contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments within the meaning of Directive 2014/65/EU of the European Parliament and of the Council as amended from time to time.
- 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 Contracts for supplies or services acquired from a central purchasing body or for works, supplies or services acquired by using contracts awarded by a central purchasing body, using a dynamic purchasing system operated by a central purchasing body or using a framework agreement concluded by a central purchasing body, providing in each case, this complies with the requirements of regulation 10 of the Public Contracts Regulations 2015.

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 Public Contracts Regulations 2015 Threshold or the Concession Contracts Regulations 2016 Threshold (as applicable) 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 Assistant Director - Resources, the Assistant Director- Investment Strategy, the Assistant Director - Pensions, Head of Finance, Head of Governance and Head of ICT are empowered to seek offers for and award contracts for works, supplies, services or concessions 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 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.

| Office | Alternate Authority During Vacancy or Inability to Act |
|--|---|
| Director | Any Assistant Director |
| Assistant Director - Resources | Director or Any Assistant Director or Head of Finance |
| Assistant Director - Investment Strategy | Director or Any Assistant Director or Head of Finance |
| Assistant Director - Pensions | Director or Any Assistant Director or Head of Finance |
| Head of Finance | Director or Assistant Director – Resources |
| Head of Governance | Director or Assistant Director – Resources or Head of Finance |
| Head of ICT | Director or Assistant Director – Resources of Head of Finance |

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 or Concession Contracts Regulations 2016, as applicable, (irrespective of whether the Public Contract Regulations 2015 or Concession Contracts Regulations 2016 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 2015, the Concession Contracts Regulations 2016 or to avoid competition.
- 5.7 Where the procurement is subject to Part 2 of the Public Contract Regulations 2015 consideration must be 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 2015 as being works, supplies, or services, and that any Light Touch Services are correctly identified or as a concession for the purpose of the Concession Contracts Regulations 2016.

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:
 - (a) Fast, efficient, easy to use legally compliant frameworks that can reduce the cost and time associated with procurement processes
 - (b) Significant reduction in procurement timescales
 - (c) Reduced procurement costs
 - (d) Pre-agreed terms and conditions
 - (e) 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

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) 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

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

8 MANAGING SUPPLIER RISK

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
- (c) type of Goods, Services or Works being procured
- (d) payment profile of the Contract
- (e) financial strength of the Suppliers in the market
- (f) affordability and proportionality.

9 CONTRACT VALUES

All values stated in these CSOs are inclusive of VAT.

9.1 Purchasing up to £5,000

- (a) 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 - £30,000

- (a) In all cases the procurement exercise and subsequent contract award must be published on YORtender (or other equivalent electronic procurement system used by the Authority).

- (b) 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 (or other equivalent electronic procurement system used by the Authority).
- (c) 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.
- (d) 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 (or other equivalent electronic procurement system used by the Authority). This is to ensure that all bidders shall be provided with exactly the same information and to ensure equal treatment.
- (e) The Officer should consider whether the procurement would be of interest to local Suppliers with their headquarters in South Yorkshire and, if it would, at least 2 quotations should be invited from these organisations.
- (f) The use of a pre-qualification stage in procurements which are below the Public Contracts Regulations 2015 Threshold for supplies and services is not permitted. Although the use of the Crown Commercial Service (CCS) Standard Selection Questionnaire is not permitted, 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.
- (g) 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.
- (h) 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.
- (i) The awarded contract shall be recorded on the Contract Register on YORtender.

9.3 Intermediate Value Procurement £30,000 - £75,000

- (a) In addition to the requirements of 9.2 Officers conducting procurements valued at £30,000 or more must ensure that the opportunity is published on YORtender (or other equivalent electronic procurement system used by the Authority) and, if not invitation only or where the Authority otherwise advertises the contract award opportunity, also on Contracts Finder.
- (b) Contract award details must be published on YORtender (or other equivalent

electronic procurement system used by the Authority) and Contracts Finder.

9.4 High Value Procurement £75,000 to Public Contracts Regulations 2015 Threshold

- (a) In addition to the requirements of CSO 9.2 and 9.3 the Officer conducting the procurement should comply with the following.
- (b) 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 on YORtender (or other equivalent electronic procurement system used by the Authority) and Contracts Finder or at least four written tenders invited via YORtender (or other equivalent electronic procurement system used by the Authority).
- (c) For works contracts valued between the Public Contracts Regulations 2015 Threshold for goods and services and the Public Contracts Regulations 2015 Threshold for works contracts a two-stage process is permitted and Officers may make use of the applicable works selection questionnaire.

9.5 Use of Selection Questions

- (a) In procurements for goods and services which are valued below the Public Contracts Regulations 2015 Threshold 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 2015, within a one stage procurement exercise and the Standard Selection Questionnaire may not be used.
- (b) In procurements for works which are valued below the Public Contracts Regulations 2015 Threshold for works, a two-stage restricted procurement may be carried out in accordance with 9.4(c).
- (c) In procurements that exceed the Public Contracts Regulations 2015 Threshold 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.
- (d) 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.
- (e) 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 Procurement Thresholds

- (a) Where the estimated value of a contract for works supplies or services exceeds the current Public Contracts Regulations 2015 Threshold, the contract will be tendered in accordance with the Public Contracts Regulations 2015 and these CSOs. Alternatively, where the Concession Contracts Regulations 2016 apply, and the value of the concession contract exceeds the Concession Contracts Regulations 2016 Threshold, the contract will be tendered in accordance with the Concession Contracts Regulations 2016 and these CSOs.
- (b) In addition to CSO 9.2, CSO9.3 and CSO 9.4 the Officer conducting the procurement must comply with the following.
- (c) Contract notices and award details must be submitted for publication on the UK e-notification service, Find a Tender, as well as on Contracts Finder and YORtender (or other equivalent electronic procurement system used by the Authority).
- (d) The Public Contracts Regulations 2015 Threshold and the Concession Contracts Regulations 2016 Threshold are revised every two years and implemented as an amendment to regulation 5 of the Concession Contracts Regulations 2016 and regulation 9 of the Concession Contracts Regulations 2016 by statutory instrument.
- (e) Officers should check the current Public Contracts Regulations 2015 Threshold or Concession Contracts Regulations 2016 Threshold (as applicable) in place at the time of undertaking the procurement.
- (f) Officers conducting procurement for contracts for works, supplies or services valued above the Public Contracts Regulations 2015 Threshold 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.

9.7 Threshold Procurement Procedures for contracts above the public contracts regulations 2015 threshold

Where the value of a contract for works, supplies or services exceeds the relevant Public Contracts Regulations 2015 Threshold the Officer must use procurement procedures as permitted by Public Contract Regulations 2015.

9.8 Open Procedure

- (a) 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 Public Contracts Regulations 2015 Threshold.
- (b) Where the Public Contracts Regulations 2015 apply the minimum time limit for the receipt of tenders is 35 days from the date on which the contract notice is submitted. This can be shortened to 30 days where tenders may be submitted by electronic means.
- (c) The invitation to tender shall be accompanied by information regarding the evaluation criteria to be used by the Authority.
- (d) 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 2015 are fulfilled.

9.9 Restricted Procedure

- (a) 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.
- (b) The time limit for receipt of selection information is 30 days from which the contract notice is submitted.
- (c) 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 2015 are fulfilled.
- (d) 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.

9.10 Other Procurement Procedures

- (a) 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 YORtender another procurement procedure i.e., the Competitive Procedure with Negotiation, Competitive Dialogue, Innovation Partnerships and the Negotiated Procedure Without Prior Publication.
- (b) 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 Chief Finance Officer (known within the Authority as the Assistant Director – Resources).
- (c) 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 Assistant Director – Resources for consideration and approval or rejection.
- (d) Where approval is granted, it will in all cases be on the condition that the process is supported by suitably qualified procurement professionals.

9.11 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 a transparent manner.

- (a) Details of all contract opportunities valued at £5,000 or more must be published on YORtender (or other equivalent electronic procurement system used by the Authority). Award details must also be published on YORtender contracts register (or other equivalent electronic procurement system used by the Authority).
- (b) All contracts valued at £30,000 or more must be advertised on YORtender (or other equivalent electronic procurement system used by the Authority) and, if not invitation only, on Contracts Finder. Award details must be published on YORtender (or other equivalent electronic procurement system used by the Authority) and Contracts Finder
- (c) All contracts for works, supplies or services valued above the applicable Public Contracts Regulations 2015 Threshold, must be advertised in the UK e-notification service Find A Tender, on Contracts Finder and on YORtender (or other equivalent electronic procurement system used by the Authority). Award details must also be published on the UK e-notification service Find A Tender, Contracts Finder and YORtender (or other equivalent electronic procurement system used by the Authority).
- (d) 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 (or other equivalent electronic procurement system used by the Authority) the subsequent contract award must be added to the contract register on YORtender (or other equivalent electronic procurement system used by the Authority) and, dependent on the value of the contract, the award details must be published in accordance with this section 9.11.

10 INVITATION TO TENDER

10.1 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.

11 PRE-TENDER SUBMISSION CLARIFICATION

- 11.1 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.
- 11.2 Clarification questions and responses must be in writing and recorded in a log.
- 11.3 In procurements for works, supplies, or services above the applicable Public Contracts Regulations 2015 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.
- 11.4 Unless the clarification is of a confidential nature both the question (anonymised) and the response must be issued to all tenderers.

12 TENDER INVITATION AND SUBMISSION

- 12.1 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 (or other equivalent electronic procurement system used by the Authority).
- 12.2 Where the contract value is £5k or more the Officer must ensure that tenders/quotes may be submitted by electronic means, via YORtender (or other equivalent electronic procurement system used by the Authority).

13 HARD COPY TENDERS

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

14 TENDER OPENING

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

15 Managing Late submissions

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

- 15.2 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 (or other equivalent electronic procurement system used by the Authority) 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 Subject to the principles of equal treatment and non-discrimination, 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

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 2015 apply post tender negotiation is generally not permitted. Post tender negotiations are not permitted in open and restricted procedures.
- 17.4 In procurements for works, supplies or services where the Public Contract Regulations 2015 do not apply because the value of the contract is below the applicable Public Contracts Regulations 2015 Threshold 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 Assistant Director – Resources.
- 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:
- (a) Post tender negotiation should only take place if the tender documents state that it may take place.
 - (b) Conducted by a team of suitably experienced Officers.
 - (c) 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 2015 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 the most economically advantageous tender assessed from the point of view of 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 the most economically advantageous tender. 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, Assistant Director – Resources, Assistant Director – Investment Strategy, Assistant Director – Pensions, Clerk, Head of Governance, Head of Finance, and Head of ICT.

- 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 (or other equivalent electronic procurement system used by the Authority), if over £30,000 on Contracts Finder and if over the Public Contracts Regulations 2015 Threshold on the UK e-notification service Find A Tender.
- 19.8 In exceptional cases where YORtender (or other equivalent electronic procurement system used by the Authority) 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 and Governance 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 publicly available by the Director on behalf of the Authority. The Contracts Register may be maintained electronically on YORtender (or other equivalent electronic procurement system used by the Authority).
- 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 £5,000 - £30,000
- 21.2 Once a decision to award a contract at £30,000 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 Part 2 of the Public Contracts Regulations 2015 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 informs the Authority that it has issued a claim form in the High Court under regulation 91 of the Public Contracts Regulations 2015 or regulation 52 of the Concession Contracts Regulations 2016 challenging the decision to award the contract, and the contract has not already been entered into, then the award process must be postponed and suitable legal advice 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

A contract variation can constitute a new award/contract. Where:

- (a) the value of the modification is above the value of the Public Contracts Regulations 2015 Threshold or the Concession Contracts Regulations 2016 Threshold (as applicable); or
- (b) the value of the modification is above 10% of the value of the initial supply, services, or concession contract or 15% of the value of the initial works contract (as calculated in accordance with the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016, as applicable); or
- (c) the modification alters the overall nature of the contract or framework agreement,

The Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 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).

All Contract variations must be in writing, signed by both parties and the contract register should be updated accordingly.

22.2 Contract Novation

- (a) 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:

- (b) For services or supplies contracts under the applicable Public Contracts Regulations 2015 Threshold or works contracts under £250,000 either the Assistant Director – Resources or Monitoring Officer should be consulted for advice.
- (c) For services or supplies contracts valued above the Public Contracts Regulations 2015 Threshold or works contract valued above £250,000 suitable legal advice must be sought.
- (d) Approval to implement a contract novation must be requested by completion of a business case (Appendix 3).

22.3 Contract Extension

- (a) 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.
- (b) Where the contact value exceeds the Public Contracts Regulations 2015 Threshold or the Concession Contracts Regulations 2016 Threshold (as applicable), contract extensions are only permitted if:
 - (i) there is provision in the contract to do so; or
 - (ii) there is a lawful basis for extension in accordance with regulation 72 of the Public Contracts Regulations 2015 or regulation 43 of the Concession Contracts Regulations 2016 (as applicable),

and the contract has not already expired. Once a contract has expired it cannot then be extended.
- (c) Contracts below the Public Contracts Regulations 2015 Threshold may be extended by negotiation.
- (d) Where a contract is extended the contracts, register should be updated accordingly.
- (e) Approval to implement a contract extension must be requested by completion of a business case (Appendix 3).

22.4 Contract Termination

- (a) 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.
- (b) 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.
- (c) Approval to implement a contract termination must be requested by completion of a business case (Appendix 3).

22.5 Contract Review and Exit

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 2015 (where applicable). 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.

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

24 PROCUREMENT BY CONSULTANTS

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 or Concession Contracts Regulations 2016. 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

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

26 REVIEW AND AMENDMENT OF CONTRACT STANDING ORDERS

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 or Concession Contracts Regulations 2016 (as applicable) cannot be waived under any circumstances.

- 27.2 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.
- 27.3 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:
- (a) the Clerk,
 - (b) the Assistant Director – Resources, or
 - (c) the Director.
- 27.4 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.
- 27.5 All applications to waive Contract Standing Orders and a record of the decision to approve or reject the application must be recorded on the Authority's CSO Waiver Log.
- 27.6 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.

| | |
|--|--|
| “Concession Contracts Regulations 2016 Threshold” | the relevant threshold prescribed by regulation 9 of the Concession Contracts Regulations 2016 |
| “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. |
| “most economically advantageous tender” | Shall bear the same meaning ascribed by the Public Contracts Regulations 2015 |
| “must” | An instruction to follow a certain course of action that cannot be waived under any circumstances. |
| “Public Contracts Regulations 2015 Threshold” | The relevant threshold prescribed by regulation 5 of the Public Contracts 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. |

“YORtender”

The Authority’s electronic procurement system.

APPENDIX 1

Waiver Form

| | |
|-------------------|---|
| Report by: | [insert name of Officer making the request] |
| 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 / Assistant Director – Resources / Director

APPENDIX 2

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

| | |
|-------------------|---|
| Report by: | [insert name of Officer making the request] |
| 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 type="checkbox"/> |
|---|---|
| Competitive procedure with negotiation | <input type="checkbox"/> |
| Competitive dialogue | <input type="checkbox"/> |
| Innovation partnership | <input type="checkbox"/> |
| Use of the negotiated procedure without prior publication | <input 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.

7 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 / Assistant Director – Resources / Director

APPENDIX 3

Business Case

| | |
|-------------------|---|
| Report by: | [insert name of Officer making the request] |
| 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 type="checkbox"/> |
| | CSO 3.4 – Procurement without competitive tendering due to unforeseen circumstances. | <input type="checkbox"/> |
| | CSO 22.1 – Contract Variation | <input type="checkbox"/> |
| | CSO 22.2 – Contract Novation | <input type="checkbox"/> |
| | CSO 22.3 – Contract Extension | <input type="checkbox"/> |
| | CSO 22.4 – Contract Termination | <input type="checkbox"/> |
| | CSO 23 – Joint Procurement Exercise | <input type="checkbox"/> |

2 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]

3 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.]

4 CONSEQUENCES OF BUSINESS CASE NOT BEING APPROVED

[Explain 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 the business case is approved and to proceed as proposed.

7 DECISION

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

Signed

Date

Comments

Designation (delete): Director, Assistant Director – Resources, Head of Finance, Assistant Director - Investment Strategy, Assistant Director – Pensions