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**ISSUES ARISING FROM FINANCE & PROCEDURES  
OVERVIEW & SCRUTINY COMMITTEE –  
26 NOVEMBER 2002**

**1 REVIEW OF THE CONSTITUTION**

1.1 This item of business was referred by the Finance & Procedures Overview & Scrutiny Committee on 26 November to this Committee with recommendations that proposed changes to the Council's Constitution be endorsed and referred to Full Council for adoption.

1.2 A copy of the associated Officer report is attached at Appendix A.

**(a) Overview and Scrutiny Procedure Rule 15**

1.3 The Committee recognised that the re-introduction of a facility for referral to Full Council would be consistent with transparency and accord with the premise that, under alternative arrangements, Policy Committees held their delegation from Full Council.

1.4 In considering proposed revisions to Rule 15, the Committee suggested amendments to paragraphs (a) and (c).

1.5 It is proposed that the Policy and Finance Committee **RESOLVES**

That the replacement of Overview and Scrutiny Procedure Rule 15 with the wording set out at Appendix B to this report (page 8.31) be endorsed and referred to Full Council for adoption. (CD(LP&A))

**(b) Financial Regulations**

1.6 The Committee undertook page by page review of the proposed Financial Regulations.

1.7 Observations were made as follows:-

Paragraph 3.17 - It would be appropriate to include provision for situations when the Leader of the Council may not be available to participate in virement decisions.

Paragraph 4.8 - It was agreed that the word "reasonably" should be removed.

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Paragraph 9.6 - It was agreed that there should be provision for a minimum cost increase of £5,000.

1.8 During discussion of paragraph 18.3, Members noted the internal checks in place associated with cheques drawn on the Council's bank accounts.

1.9 It is proposed that the Policy & Finance Committee **RESOLVES**

That, subject to the above amendments, the proposed revisions to Financial Regulations be endorsed and referred to Full Council for adoption. (CD(LP&A))

**(c) Contract Procedure Rules**

1.10 The Committee undertook page by page review of the proposed Contract Procedure Rules.

1.11 Members noted that:-

- Labour charges were an implicit element of paragraph 1.5.2 of the rules to apply to all contracts.
- A four yearly review of the standing list of contractors was appropriate in terms of audit requirements and cost effectiveness. Records are maintained of the actual performance of contractors when undertaking work.
- The £100,000 threshold at which contracts must provide for adequate liquidated damages was considered appropriate. When seeking damages it is necessary to prove actual losses.
- The arrangements set out under paragraph 6 addressed the situation where it may be considered appropriate to accept tenders other than the most financially advantageous.

1.12 It is proposed that the Policy & Finance Committee **RESOLVES**

That the proposed revisions to the Contract Procedure Rules be endorsed and referred to Full Council for adoption. (CD(LP&A))

**2 RECORD OF COUNCILLOR ATTENDANCE**

2.1 This item of business was referred by the Finance & Procedures Overview & Scrutiny Committee on 26 November 2002 to this Committee with a number of recommendations relating to the Record

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of Councillor Attendance. A copy of the associated Officer report is attached as Appendix C (page 8.33).

2.2 The Committee endorsed the view of a Member that, to avoid a situation whereby the document could be used as a vehicle for political point scoring, it would be appropriate to publish it away from Annual Council. The Committee also agreed that it would be of benefit to be able to identify absence due to special circumstances (such as a hospital appointment or family bereavement) and attendance at other Council events/business.

2.3 It is proposed that the Policy & Finance Committee **RESOLVES**

(1) That publication of the record of Councillor attendance continue on the following basis:-

- Once compiled and confirmed with each Member, the document should be published in the Members Bulletin and Rochford District Matters and on the Council's intranet and internet sites.
- The columns relating to each individual Council/Committee meeting and Sub-Committee should be removed so that there is only an overall column showing possible and actual attendance (with fuller detail supplied to Members individually on request).
- Provision to be made to take account of absence due to special circumstances (such as hospital appointments or family bereavement) and attendance at other Council events/business.

(2) That the publication arrangements in (1) above be forwarded to the Standards Committee to assist that Committee in its process of deciding how it might monitor Members' attendance at meetings and training sessions. (HAMS)

Sarah Fowler

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**Background Papers:** None

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