

## 14 Code of Conduct Complaints

**Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

~~14.1 Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.~~

~~14.2 Where the notification in standing order 14.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another person to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14.4.~~

~~14.3 The Council may:~~

- ~~a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is a legal requirement; and/or~~
- ~~b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.~~

~~14.4 Upon notification by the District Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.~~

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## 18 Financial Controls and Procurement

18.1 The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- a. the keeping of accounting records and systems of internal controls;
- b. the assessment and management of financial risks faced by the Council;
- c. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- d. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- e. whether contracts with an estimated value below £30,000 due to special circumstances are exempt from a tendering process or procurement exercise.

18.2 Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

~~18.3 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 but less than the relevant~~

~~thresholds in standing order 18.6 is subject to the ‘light touch’ arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder Website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).~~

- 18.4 Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- a. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - b. an invitation to tender shall be drawn up to confirm (i) the Council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the Council's written response to the tender, and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - c. ~~the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;~~
  - d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - e. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed; and
  - f. tenders are to be reported to and considered by the appropriate meeting of the Council.
- 18.5 The Council is not bound to accept the lowest value tender.
- 18.6 ~~Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract~~ **is subject to the requirements of the current procurement legislation** and, if so, ~~either of those Regulations apply,~~ the Council must comply with procurement rules. NALC's procurement guidance contains further details.
- 18.7 At the annual meeting of the Council a Finance Councillor shall be appointed to have oversight and scrutiny of the Council budget and, as appropriate, to work and consult with the Clerk on matters of financial management. The Finance Councillor shall, at the end of each financial year, complete a record of annual governance to help inform the internal auditor when conducting the required examination of Council business.