

**WYRE FOREST DISTRICT COUNCIL**

**COUNCIL**  
**19<sup>th</sup> May 2010**

**Political Management Structure 2010/11 and Corporate Governance**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Not Applicable
<b>CORPORATE PLAN AIM:</b>	Providing Community Leadership
<b>CABINET MEMBER:</b>	Councillor J-P Campion
<b>DIRECTOR:</b>	Director of Legal and Corporate Services
<b>CONTACT OFFICERS:</b>	<p>Caroline Newlands Director of Legal and Corporate Services Email: caroline.newlands@wyreforestdc.gov.uk 01562 732738</p> <p>Penelope Williams Democratic Services Manager Email: penelope.williams@wyreforestdc.gov.uk 01562 732728</p>
<b>APPENDICES:</b>	<p>Appendix 1: Cabinet portfolios 2010/11 Appendix 2: Political Management Structure Appendix 3: Political balance: allocation of seats on Committees 2010/2011 Appendix 4: Chairmen/Vice-Chairmen and other members of Committees Appendix 5: Municipal diary 2010/11 Appendix 6: Amendments to terms of reference for Council and for Cabinet Appendix 7: Amended Terms of Reference and membership for Transformation Board, Project Board for Stourport on Severn Facilities and The Ethics and Standards Committee Appendix 8: Amendments to Standing Orders Relating to Contracts</p> <p><i>Appendix 8 of this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i></p>

**1. PURPOSE OF REPORT**

- 1.1 To consider a report on the Political Management Structure for the municipal year 2010/11, including the municipal diary and amendments to the Constitution to reflect changes to the political structure. The proposals aim to ensure that the Council meets its corporate plan aim of a well run and responsive Council.

## **2. RECOMMENDATIONS**

The Council is asked to

- 2.1 ENDORSE the appointment of the members of the Cabinet to the portfolios set out in Appendix 1;**
- 2.2 APPROVE the proposed Political Management Structure for 2010/2011 as set out in Appendix 2 of this report;**
- 2.3 AGREE the political balance of the Council as set out in Appendix 3 of this report;**
- 2.4 AGREE the appointment of Chairmen and Vice-Chairmen and of other members to the Council's Committees as set out in Appendix 4 of this report;**
- 2.5 ADOPT the municipal calendar for 2010/11 as set out in Appendix 5:**
- 2.6 AMEND the terms of reference of the Council and Cabinet as set out in Appendix 6, to include the functions that were previously within the remit of the Miscellaneous Functions Committee;**
- 2.7 AMEND the terms of reference of the Transformation Board and Project Board for Stourport-on-Severn Facilities as set out in Appendix 7, including the charring and membership arrangements;**
- 2.8 AMEND the Standing Orders relating to Contracts appended at Appendix 8;**
- 2.9 DELEGATE decisions on the conduct of procurement exercises, approval of evaluation models and award of contracts as follows:**

<b>Estimated value of contract</b>	<b>Delegation to</b>
<b>Up to £50,000</b>	<b>Relevant chief officer</b>
<b>£50,001-£150,000</b>	<b>Relevant Cabinet member</b>
<b>Over £150,000</b>	<b>Cabinet</b>

- 2.10 AUTHORISE the Director of Legal and Corporate Services to make any other minor changes necessary to the Council's Constitution as a consequence of this report and the Council's decisions at its Annual General Meeting.**

## **3. BACKGROUND**

- 3.1** Following the election of the Leader of the Council, this report deals with the political structure of the Council for the municipal year 2010/11 including endorsement of the membership of the Cabinet and their portfolios; the structure, size and terms of reference of the Council's other committees; the allocation of seats to these committees subject to the rules of political proportionality; the calendar for meetings; and approval of various changes to the constitution, in particular as a result of the proposal to transfer the functions of the Miscellaneous Functions Committee to other parts of the Council's structure.

#### 4. **KEY ISSUES**

- 4.1 The Cabinet has been maintained at 6 members as set out in Appendix 1 to this report, although some minor changes have been made to portfolios. The proposed membership of the Cabinet and allocation of portfolios are set out in Appendix 1 for the Council's endorsement, in accordance with article 7 of the constitution.
- 4.2 The proposed political structure of committees is set out in Appendix 2. It is proposed that the Council's Committees will remain the same as in the previous municipal year, with the exception of the Miscellaneous Functions Committee whose functions will be transferred to other parts of the Council's structure as follows:

<b>Function</b>	<b>Responsibility to be transferred to</b>
Elections/electoral registration	Full council (this is not an executive function)
Bye laws	Full council (this is not an executive function)
Tenders/quotations	Cabinet
Health and safety	Cabinet

- 4.4 The proposed allocation of seats to the Council's Committees for 2010 - 2011 is set out in Appendix 3 to this report. As usual, it is not possible to achieve precise political balance. The political balance and allocations of seats on committees have been agreed by Group Leaders and now require formal ratification by full Council.
- 4.5 The proposed appointments of Chairmen and Vice-Chairmen and of other members for the Council's Committees for the 2010/2011 municipal year are set out in Appendix 4 to this report.
- 4.6 The proposed municipal diary of meeting dates for 2010/11 is set out in Appendix 5.
- 4.7 The deletion of the Miscellaneous Functions Committee requires various amendments to the Council's constitution, to reflect the allocation of responsibility set out in the table in paragraph 4.2 above. Amended terms of reference for Council and Cabinet are in Appendix 6 to this report accordingly. It is also necessary to amend the standing orders relating to contracts in part 4(vi) of the constitution (Appendix 8 to this report); and to put in place clear delegations from the date of today's meeting so that it would not be necessary to convene a meeting of the full Cabinet to award certain contracts before its next meeting (recommendation 2.9).
- 4.8 In addition to these amendments, the Transformation Board has proposed amendments to its own terms of reference to reflect that it will lead work on reviewing the Council's constitution. Any proposed amendments to the constitution would, as now, be submitted to full Council for approval. "Oversees the constitution" is currently included in the Terms of Reference for the Ethics and Standards Committee, and it is proposed that this should be clarified to refer to keeping the operation of the constitution under review so far as it relates to ethics and standards of behaviour. The Transformation Board has also proposed adjusting the terms of reference of the Project Board for Stourport-on-Severn Facilities. These proposals are set out in Appendix 7, together with proposals for the charring and membership of the two Boards.
- 4.9 Due to the removal of the Miscellaneous Functions Committee from the Council's Constitution and Scheme of Delegation, it is necessary to amend the Standing

Orders relating to Contracts. The proposed Standing Orders relating to Contracts are appended at Appendix 8. The key amendments and reasons for them are summarised as follows:

- It is recommended that the full Cabinet takes on the role of the Miscellaneous Functions Committee regarding any contract over the value of £150,000, with a delegation for relevant Cabinet Members in respect of contracts between £50,000 and £150,000. In line with the existing contract procedure rules, relevant Directors have authority to award contracts up to £50,000 and the recommendation in paragraph 2.9 confirms this. (“Relevant” is decided, in the case of Directors, by reference to which Directorate holds the budget that will meet the cost of the contract and, in the case of Cabinet members, by reference to the portfolios that they hold. In cases of doubt, the decision on who is the relevant director or Cabinet member will be taken by the Chief Executive in consultation with the Leader.)
- Removal of certain exceptions which are not compliant with laws governing public procurement as advised by the Director of Legal and Corporate Services;
- Amendments to reflect changes in practice. Including the use of evaluation models considering quality factors rather than just the lowest tender.
- Updating of terminology.

4.10 The opportunity is also being taken to modernise procedures relating to opening of tenders. The process needs to be witnessed and appropriately recorded but this does not require a committee. The revised Standing Orders provide for opening of tenders to be undertaken in the presence of the Chairman of the Council or, if they are not available, the Vice-Chairman and two members of the Corporate Management Team.

## **5. FINANCIAL IMPLICATIONS**

5.1 There are no significant financial implications as a result of the proposals, which can be met from within existing budgets. There will be a saving of at least £1872 from the member allowances budget due to the abolition of the Miscellaneous Functions Committee. In addition, there will be non-cash releasing efficiency savings from the reduction in officer time in supporting an additional committee.

## **6. LEGAL AND POLICY IMPLICATIONS**

6.1 The proposals comply with the requirements of Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007, which require one or more Overview and Scrutiny Committees to be established.

6.2 The proposals for political balance of committees reflect agreement between the Group leaders about allocation of seats in accordance with the Local Government and Housing Act 1989.

6.3 The Standing Orders relating to contracts need amendment to ensure consistency with the revised constitution. The Standing Orders govern all contracts entered by the Council and shall ensure that the Council acts in compliance with European and domestic legislation relating to public procurement.

## **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 An equality assessment impact has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

## **8. RISK MANAGEMENT**

- 8.1 There are no significant risks associated with the proposed Political Management Structure for 2009/2010. There are no risk management issues associated with the proposed changes to the Terms of Reference and the amendments to the Standing Orders contained within this report.

## **9. CONCLUSION**

- 9.1 The proposed political management structure meets the requirements of relevant legislation including the Local Government Act 2000 and provides clear links to the Council's Priorities, Cabinet Portfolios and the responsibilities of the Council's Scrutiny Committees. The amendments to the constitution will support effective and decisive decision making and have been carried out within legislative requirements.

## **10. CONSULTEES**

- 10.1 Councillor J-P Champion  
10.2 The Chief Executive.

## **11. BACKGROUND PAPERS**

- 11.1 Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, Local Government and Housing Act 1989 and the Police and Criminal Justice Act 2006. Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.

## **Cabinet membership and portfolios**

### **The proposed membership and portfolios are as follows:**

Cllr John Campion - Leader of the Council

Cllr Marcus Hart - Deputy Leader, Cabinet Member for Housing & Environmental Services

Cllr Tracey Onslow - Cabinet Member for Community & Partnership Services

Cllr Nathan Desmond - Cabinet Member for Resources

Cllr Anne Hingley - Cabinet Member for Legal & Corporate Services

Cllr Stephen Clee - Cabinet Member for Planning & Economic Regeneration

### **The detail is set out in the following pages, which will be inserted at relevant points in Section 3 of the constitution**

#### **3.2 Leader of the Council (Councillor J-P Campion)**

Portfolio of responsibilities:

- i. Transformation programme, including the single site office accommodation project
- ii. National and Regional Issues
- iii. Shared Services/Joint Working
- iv. Policy Co-Ordination
- v. Corporate Governance Framework

#### **Role**

3.21 The role of the Leader is vital to the success of the Council in meeting its aims and objectives and shall;

- i. Be responsible for providing political leadership for the Cabinet and Council.
- ii. Chair the Cabinet.
- iii. Allocate areas of responsibility to individual Cabinet Members.
- iv. Work closely with and monitor the performance of the Cabinet Members.
- v. Be responsible for the publication of the Forward Plan.
- vi. Be the principal 'spokesperson' of the Council with overall responsibility for taking forward and presenting the Council's Vision and Mission, representing the Council's views to the people and businesses in the District, County and Regional forums and to Government and National Agencies.
- vii. Co-ordination of Council strategies and cross cutting issues.
- viii. Secure effective and productive working relationships with other political group leaders.

- ix. Develop and sustain excellent and effective working relationships with the Corporate Management Team.
- x. Command and sustain the confidence of the Council and be a persuasive and effective public speaker.
- xi. Demonstrate a strategic understanding of the Council and its strategic and service objectives, its functions, priorities and resource pressures.
- xii. Be involved in the strategic development of, and retain the strategic responsibility for, a Single Office Accommodation Site for the Council.

### **3.6 Individual Cabinet Member Responsibilities**

3.61 Each Cabinet Member will hold a portfolio of responsibilities as detailed below.

### **3.7 Portfolio Holder for Resources (Councillor N Desmond)**

- i. Accountancy and Financial Administration Services
- ii. Audit
- iii. Environmental Services including:
  - Vehicle Fleet Depot and Store, including:
  - Fleet Management
  - Waste Management
  - Waste Transfer Station
- iv. Health and Safety
- v. Human Resources including:
  - Employee Relations
  - Employee Welfare
  - Equal Opportunities
  - Learning and Development
  - Occupational Health
  - Recruitment and Selection
- vi. ICT including:
  - Hardware
  - Software
  - Support
- vii. Payroll
- viii. Procurement
- ix. Refuse Collection and Recycling including :Waste Minimisation

- x. Support Services and Concessionary Travel
- xi. Revenues and Benefits
- xii. Risk Management, Budget and Budget Monitoring
- xiii. Treasury Management
- xiv. Use of Resources and Efficiency

### **3.8 Portfolio Holder for Community and Partnership Services (Cllr T Onslow)**

- i. Communications, including:
  - Media and Marketing
  - Design and Print Service
  - Website and Intranet
  
- ii. Corporate Development and Improvement including:
  - Business Continuity
  - Civil Resilience
  - Comprehensive Area Assessment
  - Corporate Strategy
  - Equality and Diversity
  - Performance Management
  - Project Management
  - Transformational Change Agenda
  
- iii. Cultural Services including:
  - Arts Sports and Play Development
  - Bewdley Museum
  - Children and Young People
  - Community Development
  - Community Safety
  - Countryside and Ranger Service
  - Events
  - Kidderminster and District Cemeteries
  - Nature Reserves and Parks Patrol
  - Parks and Green Spaces
  - Play Area Maintenance
  - Sports and Leisure Centres
  - Stourport Community Centre
  - Sports Pitch Lettings and Allotments

### **3.9 Portfolio Holder for Planning and Economic Regeneration (Councillor S J Clee)**

- i. Development Control, including:
  - Arboricultural Advice
  - Enforcement
  - Planning and Other Applications
  - Tree Preservation Orders
- ii. Building Control, including:
  - Building Notices
  - Building Regulation Application
  - Dangerous Structures and Demolition Notices
- iii. Forward Planning, including:
  - Listed Buildings and Conservation Areas
  - Local Development Framework
  - Regional Planning
  - Street Naming and Numbering
  - Transport Planning
- iv. Policy and Regeneration, including:
  - Advice and policy guidance on conservation
  - Urban design and town centre management support
  - Working in partnership to deliver regeneration, economic development and sustainable tourism

### **3.10 Portfolio Holder for Legal and Corporate Services (Councillor A Hingley)**

- i. Asset Management, including:
  - Asset leasing, disposal and acquisition
  - Annual Asset valuations
  - Estate Management and day to day running of non operational property
  - Lease Renewals and Rent Review
  - Property Management and Marketing
  - Valuation
- ii. Committee Management including:
  - Maintaining Register of Interests
  - Providing constitutional advice
  - Supporting Meetings
  - Support for Members including training and development
- iii. Electoral Registration and Elections

- iv. Facilities Management including:
  - Civic Halls Management
  - Caretaking
  - Cleaning
  
- v. Legal Advice and Support, including:
  - Conveyancing and Planning Agreements
  - Debt Recovery
  - Litigation and Debt Recovery
  - Monitoring Officer and Code of Conduct
  - Road Closures
  - Trusts and Contracts
  
- vi. Local Land Charges including:
  - Dealing with queries relating to ownership of Council land
  - Maintaining the statutory Land Charges Register
  
- vii. Records Management

**3.11 Deputy Leader, Portfolio Holder for Housing and Environmental Services  
(Councillor M J Hart)**

- i. Environmental Services and Streetscene including:
  - Abandoned Vehicles
  - Bus Shelters
  - Car Park Maintenance
  - Dog Warden
  - Environmental health
  - Food Safety
  - Infectious Disease Control
  - Local Air Quality
  - Markets
  - Pest Control
  - Pollution Control
  - Public Health Enforcement
  - Public Toilets
  - Street Furniture
  - Street Cleansing
  - Workplace Health and Safety
  
- ii. Housing including:
  - Decent Homes
  - Disabled Facilities Grants
  - Dirty Premises
  - Empty Properties
  - Health Promotion

- Home Energy Grants
- Homelessness
- Housing Advice
- Housing Needs
- Housing Strategy
- Houses with Multiple Occupancy (HMO's)
- Housing Waiting List
- Private Drainage
- Private Sector Housing
- Sustainability

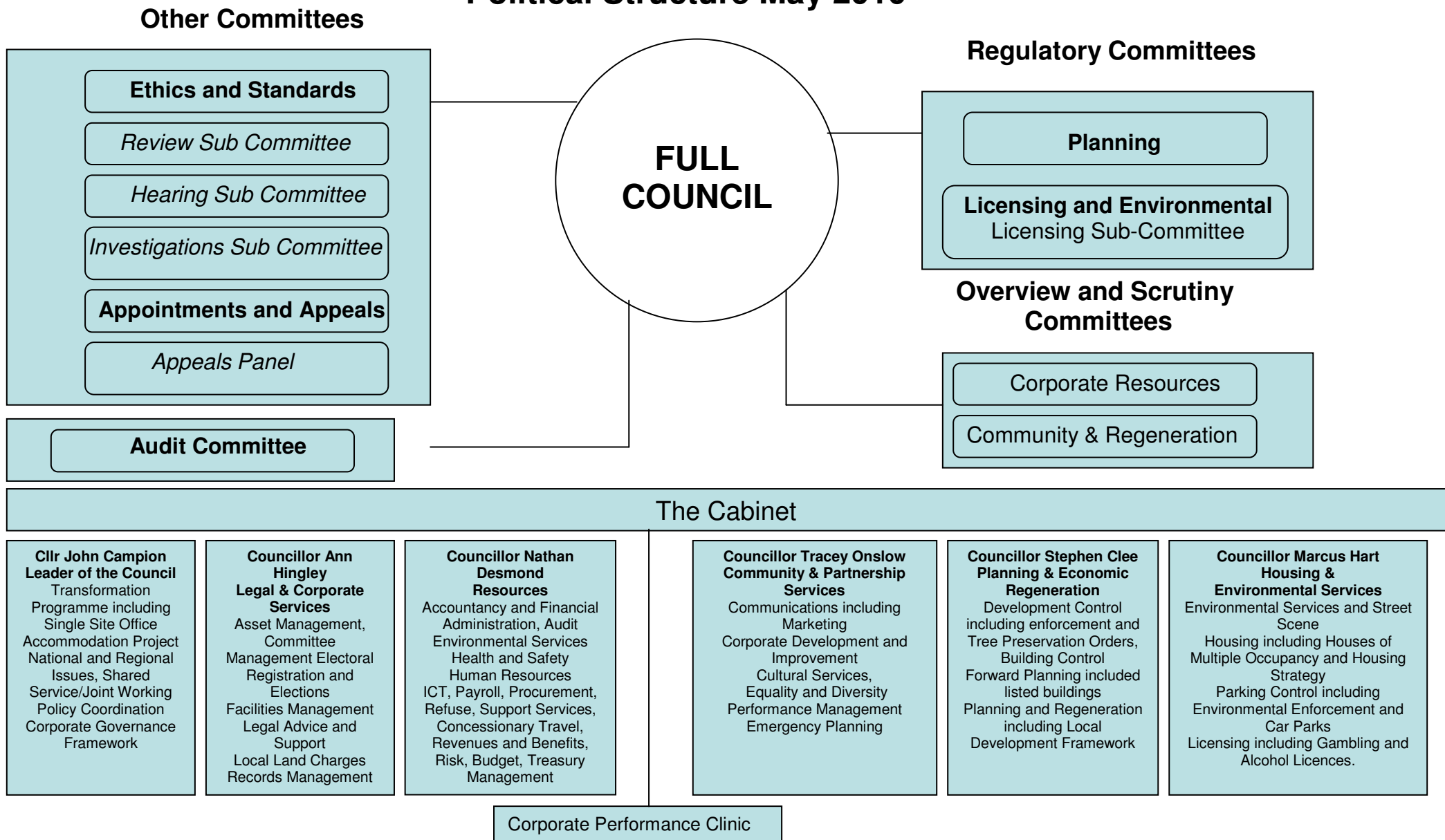
iii. Parking Control including:

- Car Parks
- Decriminalisation
- Environmental Enforcement

iv. Licensing including:

- Gambling and alcohol licences

# Political Structure May 2010





**WYRE FOREST DISTRICT COUNCIL**  
**COMMITTEES 2010/2011**

**APPOINTMENTS AND APPEALS COMMITTEE (7)**

Chairman: Councillor J-P Campion

Vice-Chairman: Councillor M J Hart

Councillor N J Desmond  
Councillor A T Hingley  
Councillor H J Martin

Councillor C D Nicholls  
Councillor F M Oborski

\*Substitutes: All Members of the Council who have received appropriate training.

**CORPORATE PERFORMANCE CLINIC (3)**

Chairman: Chief Executive, Ian Miller

Councillor J-P Campion

Councillor H J Martin

Any member can attend to observe.

**AUDIT COMMITTEE (9)**

Chairman: Councillor J Holden

Vice-Chairman: Councillor K H Prosser

Councillor G W Ballinger  
Councillor P Dyke  
Councillor I Hardiman  
Councillor D McCann

Councillor D J Millis  
Councillor M A Salter  
Councillor N J Thomas

\*Substitutes: All non-Cabinet members.

**CORPORATE RESOURCES (14)**

Chairman: Councillor G W Ballinger

Vice-Chairman: Councillor P B Harrison

Councillor J Aston  
Councillor A J Buckley  
Councillor P Dyke  
Councillor N Gale  
Councillor P V Hayward  
Councillor T Ingham

Councillor D McCann  
Councillor C D Nicholls  
Councillor J W Parish  
Councillor M A Salter  
Councillor J Thomas  
Councillor N J Thomas

\*Substitutes: In exceptional circumstances only, all non-Cabinet Members.

## **COMMUNITY & REGENERATION (14)**

Chairman: Councillor H E Dyke  
Vice-Chairman: Councillor J Phillips

Councillor J Baker	Councillor D J Millis
Councillor R Bishop	Councillor F M Oborski
Councillor J Greener	Councillor J A Shaw
Councillor I Hardiman	Councillor D Sheppard
Councillor M A W Hazlewood	Councillor K J Stokes
Councillor J Holden	Councillor S J Williams

*\*Substitutes: In exceptional circumstances only, all non-Cabinet Members.*

## **REGULATORY COMMITTEES**

### **LICENSING AND ENVIRONMENTAL COMMITTEE (10)**

Chairman: Councillor J Baker  
Vice-Chairman: Councillor P V Hayward

Councillor A J Buckley	Councillor P B Harrison
Councillor H E Dyke	Councillor M B Kelly
Councillor B T Glass	Councillor M Price
Councillor J Greener	Councillor D Sheppard

*\*Substitutes: All Members of the Council who have had appropriate training.*

### **LICENSING SUB-COMMITTEE (3)**

A rota of 3 members of the Licensing and Environmental Committee, including, and chaired by, the Committee's Chairman or Vice-Chairman.

### **PLANNING COMMITTEE (12)**

Chairman: Councillor S J Williams  
Vice-Chairman: Councillor D R Godwin

Councillor J-P Campion	Councillor F M Oborski
Councillor P B Harrison	Councillor J W Parish
Councillor M J Hart	Councillor M Price
Councillor H J Martin	Councillor M A Salter
Councillor C D Nicholls	Councillor G C Yarranton

*\*Substitutes: All Members of the Council who have had appropriate training.*

**ETHICS AND STANDARDS COMMITTEE (17)**  
*(9 Councillors/5 Independent Members/2 Parish Councillors/  
1 Town Councillor)*

Chairman: Reverend J Cox, Independent Member  
Vice-Chairman: C A Noons, Independent Member

Councillor R Bishop  
Councillor H E Dyke  
Councillor P Dyke  
Councillor D R Godwin  
Councillor M J Hart

Councillor T Ingham  
Councillor C D Nicholls  
Councillor K J Stokes  
Councillor J Thomas

T J Hipkiss - Independent Member, R Reynolds - Independent Member, R Hobson - Parish Council representative, J Swift - Parish Council representative, Vacancy - Town Council representative

*\*District Council substitutes: All members of the District Council except the Leader of the Council.*

**ETHICS & STANDARDS SUB-COMMITTEES**

Referrals Sub-Committee, Review Sub-Committee, Hearing Sub-Committee

Membership of the Sub-Committees will not be fixed but will comprise:

1 Independent Member (Chairman), 3 Members of the Ethics and Standards Committee \*

\* However, when considering a complaint against a Town/Parish Councillor, they will comprise:

1 Independent Member (Chairman), 2 District Council Members, 1 Parish/Town Council Member

NB: No Member who has acted as a Member of the Referrals Sub Committee Shall act as a member of the Review Sub-Committee or Hearings Sub-Committee.

Substitution: A Member who is not on the Ethics and Standards Committee may not act as a substitute at any of the Ethics and Standards Sub-Committees where the Sub-Committees have been asked to determine complaints submitted against District Councillors or Parish Councillors.

Members appointed as substitutes must be members of the same political group.

**NO BARRIERS REVIEW PANEL**

Councillor P Dyke  
Councillor J Greener  
Councillor H J Martin

Councillor M B Kelly  
Councillor F M Oborski

## **LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY REVIEW PANEL**

Councillor H E Dyke  
Councillor D R Godwin  
Councillor M A W Hazlewood  
Councillor D J Millis

Councillor F M Oborski  
Councillor J A Shaw  
Councillor S J Williams

Co-opted Members: Councillor J L Salter, two representatives Bewdley Town Council

## **TRANSFORMATION BOARD**

Councillor J-P Champion (Chairman)  
Councillor H E Dyke  
Councillor M B Kelly

Councillor H J Martin  
Councillor F M Oborski

*Substitutes permitted from same political group.*

## **PROJECT BOARD – STOURPORT-ON-SEVERN FACILITIES**

Councillor G W Ballinger  
Councillor T Onslow  
Councillor P Dyke

Councillor J Holden (Chairman)  
Councillor M B Kelly  
Councillor N J Thomas

Four seats – to be filled by Stourport-on-Severn Town Council

*Substitutes permitted from same political group*

## Appendix 5

### MAY 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
					1	2
3 Bank Holiday	4	5	6 Elections	7	8	9
10	11 4 pm Group Leaders'	12	13 CMT	14	15	16
17	18	19 6 pm Annual Council	20 6 pm Planning	21	22	23
24	25 6 pm CMT/Cabinet	26	27 CMT  Parish Elections  Mayor Making Kidderminster Charter Trustees	28	29	30
31 Bank Holiday						

### JUNE 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
	1	2 9.30 am Transformation Board	3 6 pm Corporate Resources	4 10.30 am Licensing and Environmental	5	6
7	8 6 pm Planning	9	10 CMT  6 pm Community & Regeneration	11 10.30 am Licensing and Environmental (Taxi Inspection)	12	13
14	15 6 pm Cabinet	16 6 pm Ethics and Standards	17	18 10.30 am Licensing and Environmental (Taxi Inspection)	19	20
21	22 5.30 pm Bewdley Museum Management Committee	23	24 CMT	25 10.30 am Licensing and Environmental (Taxi Inspection)  4 pm Wyre Forest Highway Partnership Forum	26	27
28 6 pm Audit	29 4 pm Corporate Performance Clinic	30 6 pm Kidderminster Charter Trustees				

## JULY 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
			1 6 pm Quarterly Scrutiny Briefing	2	3	4
5	6 9.30 am Transformation Board  6 pm CMT/Cabinet	7	8 CMT  6 pm Corporate Resources	9	10	11
12	13 4 pm Group Leaders'  6 pm Planning	14	15 6 pm Community & Regeneration	16 10.30 am Licensing & Environmental	17	18
19	20 6 pm Cabinet	21	22 CMT	23	24	25
26	27	28 6 pm Council	29 5.30 pm Kidderminster Educational Foundation Working Group	30	31	

## AUGUST 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
						1
2	3	4	5 CMT	6	7	8
9	10 6 pm Planning	11	12	13	14	15
16	17	18	19 CMT	20 10.30 am Licensing & Environmental	21	22
23	24	25	26	27	28	29
30 Bank Holiday	31					

## SEPTEMBER 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
		1	2 CMT  6 pm Community & Regeneration	3	4	5
6	7 9.30 am Transformation Board  6 pm CMT/Cabinet	8	9 6 pm Corporate Resources	10	11	12
13	14 4 pm Group Leaders'  6 pm Planning	15	16 CMT  6 pm Ethics & Standards	17 4 pm Wyre Forest Highways Partnership Forum	18	19
20	21 6 pm Cabinet	22  6 pm Kidderminster Charter Trustees	23	24	25	26
27 6 pm Audit	28 5.30 pm Bewdley Museum Management Committee	29 6 pm Council	30 CMT			

## OCTOBER 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
				1	2	3
4	5 9.30 Transformation Board	6	7 6 pm CMT/Cabinet  6 pm Community & Regeneration	8 10.30 am Licensing & Environmental	9	10
11	12 6 pm Planning	13 6 pm Parish Forum	14 CMT  6 pm Corporate Resources	15	16	17
18	19 6 pm Cabinet	20	21 6 pm Quarterly Scrutiny Meeting	22	23	24
25	26 4 pm Corporate Performance Clinic	27	28 CMT	29	30	31

## NOVEMBER 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
1 6 pm Audit	2 9.30 am Transformation Board  6 pm CMT/Cabinet	3	4 6 pm Community & Regeneration	5	6	7
8	9 6 pm Planning	10	11 CMT  6 pm Corporate Resources	12	13	14
15	16 4 pm Group Leaders'  6 pm Cabinet	17	18	19 10.30 am Licensing & Environmental	20	21
22	23	24	25 CMT	26	27	28
29	30 5.30 pm Bewdley Museum Management Committee					

## DECEMBER 2010

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
		1 6 pm Special Council	2 6 pm Community & Regeneration	3	4	5
6 6 pm CMT/Cabine t	7 6 pm Planning	8	9 CMT  6 pm Corporate Resources	10 4 pm Wyre Forest Highways Partnership Forum	11	12
13	14 4 pm Corporate Performance Clinic	15 9.30 am Transformation Board  6 pm Kidderminster Charter Trustees	16 6 pm Ethics and Standards	17	18	19
20	21 6 pm Cabinet	22	23 CMT	24 Offices Closed	25	26
27 Bank Holiday	28 Bank Holiday	29	30	31 Offices Closed		

## JANUARY 2011

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
					1	2
3 Bank Holiday	4	5	6 6 pm Community & Regeneration	7 10.30 am Licensing & Environmental	8	9
10 6 pm CMT/Cabinet	11 6 pm Planning	12	13 CMT  6 pm Corporate Resources	14	15	16
17 6 pm Audit	18	19	20	21	22	23
24	25 9.30 am Transformation Board  6 pm Cabinet	26	27 CMT	28	29	30
31						

## FEBRUARY 2011

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
	1 4 pm Corporate Performance Clinic  6 pm CMT/Cabinet	2	3 6 pm Community & Regeneration	4	5	6
7 6 pm Quarterly Scrutiny Briefing	8 4 pm Group Leaders'  6 pm Planning	9	10 CMT  6 pm Corporate Resources	11 10.30 am Licensing & Environmental	12	13
14	15 6 pm Cabinet	16	17 6 pm Corporate Resources (if required)	18	19	20
21	22 6 pm Cabinet (if required)	23 6 pm Council	24 CMT	25	26	27
28						

## MARCH 2011

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
	1 6 pm CMT/Cabinet	2	3 6 pm Community & Regeneration	4	5	6
7	8 9.30 am Transformation Board  6 pm Planning	9	10 CMT  6 pm Corporate Resources	11	12	13
14  6 pm Audit	15  6 pm Cabinet	16	17 5.30 pm Kidderminster Educational Foundation Working Group	18 4 pm Wyre Forest Highways Partnership Forum	19	20
21	22	23 6 pm Kidderminster Charter Trustees	24 CMT  6 pm Ethics & Standards	25 10.30 am Licensing & Environmental	26	27
28	29 5.30 pm Bewdley Museum Management Committee	30	31			

## APRIL 2011

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
				1	2	3
4	5 4 pm Corporate Performance Clinic  6 pm CMT/Cabinet	6	7 6 pm Community & Regeneration	8	9	10
11	12 6 pm Planning	13 6 pm Parish Forum	14 6 pm Corporate Resources	15	16	17
18	19 6 pm Cabinet	20 9.30 am Transformation Board	21 6 pm Quarterly Scrutiny Briefing	22 Bank Holiday	23	24
25 Bank Holiday	26	27	28	29 10.30 am Licensing & Environmental	30	

**MAY 2011**

Monday	Tuesday	Wednesday	Thursday	Friday	S'day	S'day
						1
2 Bank Holiday	3	4	5 Elections	6	7	8
9	10 4 pm Group Leaders'	11	12	13	14	15
16	17	18 6 pm Annual Council	19 6 pm Planning	20	21	22
23	24	25	26 6 pm Kidderminster Charter Trustees	27	28	29
30 Bank Holiday	31					

**Amended terms of reference for Council**

**5.12 Matters Reserved to the Council**

- (1) Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
- (2) Matters reserved to the Council by financial regulations.
- (3) The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
- (4) The making of any Bye-Laws, Rules or other regulations requiring the approval of the Secretary of State or a Minister of the Crown.
- (5) The determination of the objectives of the Council
- (6) Matters of new policy or variation of existing policy and the allocation of resources.
- (7) Local Development Framework adoption.
- (8) Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council's Standing Orders, Financial Regulations or Cabinet arrangements.
- (9) The Scheme of Delegations to Officers **so far as it relates to functions that are not executive functions.**
- (10) **Electoral arrangements and local authority boundaries, including changing the name of a Parish.**

**Amended terms of reference for Cabinet**

**The Cabinet – Terms of Reference**

Add : -

- (22) Takes decisions on **the conduct of procurement exercises, approval of evaluation models and award of contracts** in accordance with the contract procedure rules.

## **Proposed amendments to Constitution**

### **Transformation Board – Terms of Reference**

To review the progress of the Transformation Programme, with particular focus upon:

- (1) Cultural and Structural Change, including Review of the Constitution
- (2) Financial Matters
- (3) Information Technology
- (4) Performance Management
- (5) Shared Services/Joint Working
- (6) Single Site and Property Rationalisation

Chairman: Leader of the Council

Other members: other Group leaders

Substitution is permitted by another member of the same Group.

### **Project Board – Stourport-on-Severn Facilities - Terms of Reference**

- 1) To review how the needs of the community in Stourport-on-Severn and Stourport Town Council might be addressed in the most effective and most cost efficient way when the Civic Centre and Civic Hall are disposed of by the District Council;
- 2) To make recommendations to the Cabinet, which will decide which projects to implement within the budget approved by Council;
- 3) To monitor implementation of any approved projects.

Chairman: Councillor J Holden

Other members from the District Council: one member from each political group, to be notified to the proper officer by the relevant Group leader.

Substitution is permitted by another member of the same Group.

Four members to be appointed by Stourport Town Council.

### **Amended Terms of Reference for the Ethics and Standards Committee**

#### **Delete**

- xiii Oversees the constitution.

#### **Add**

- xiii Keeping the operation of the constitution under review so far as it relates to ethics and standards of behaviour.

**STANDING ORDERS RELATING TO CONTRACTS****Contents**

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28. Engagement of Consultants
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## 1. **Introduction**

- 1.1 The Standing Orders relating to Contracts are part of the Council's Constitution and apply to all Contracts entered into by the Council.
- 1.2. All Officers should be aware of the Constitution, these Standing Orders the Council's Financial Regulations, the Council's Forward Plan and any internal procurement procedures issued by the Relevant Director, when dealing with any procurement. It is the responsibility of the Relevant Directors to ensure compliance at all times and they must direct all Officers, Agents or Consultants involved in any procurement whilst acting on the Council's behalf to these Standing Orders on the Council's website or intranet and for the Standing Orders to be acknowledged by such Officers, Agents or Consultants.
- 1.3 These Standing Orders uphold the principles that all purchasing and disposal procedures must achieve value for money, be consistent with the highest standards of integrity, ensure fairness in allocating contracts, support the Council's corporate and divisional aims and policies and comply with the Council's Corporate Procurement Strategy
- 1.4 An Officer must not invite or accept any gift or reward in respect of the award or performance of any Contract. High standards of conduct are essential.

## 2. **Compliance with Standing Orders**

- 2.1 These Standing Orders must be used in conjunction with the Council's Financial Regulations, the Council's Forward Plan and any internal procurement procedures laid down by Officers. In particular, adequate division of duties and internal checking must exist and must be capable of being demonstrated by the maintenance of documentary evidence of the nature and extent of checks undertaken. It is a requirement that more than one person must undertake the following tasks in respect of a particular procurement:
  - Specifying the need to procure
  - giving financial authority to procure
  - ensuring adequate budget exists
  - placing the order/signing the contract
  - receipting the goods/services, and
  - authorising payment
- 2.2 Any procurement carried out on behalf of the Council may only be undertaken by Directors or by Officers as directed by them.
- 2.3 Every Contract made by the Council shall comply with these Standing Orders and no exception shall be made otherwise than by prior direction of the full Council.
- 2.4 For the avoidance of doubt these Standing Orders shall not apply to:
  - any contract relating solely to the disposal, transfer or acquisition of any interest in land
  - any contract of employment

- 2.5 For the purposes of these Standing Orders the value of the Contract is the total cost of the Contract (excluding VAT)
- 2.6 Contracts must not be divided in order to avoid the application of these Standing Orders or compliance with European Union Directives

### **3. Definitions / Interpretation**

- 3.1 In these Standing Orders the following terms shall have the following meanings:

”Ad hoc Lists”	a list of Contractors compiled by Officers from responses to public or website advertisement
”Approved Lists”	a list of Contractors compiled and approved by a public service body
”Approved Sum”	the approved sum allocated in the Revenue Budget and Capital Programme
”Contract”	any Contract for the execution of works or the supply of goods and services
”The Council”	the Cabinet, Cabinet Member, Committee, Sub-Committee or Officer to which or to whom and to the extent that authority has been delegated by the Council for the purpose of these Standing Orders
”The Directors”	the Officers who comprise the Council’s Corporate Management Team and any authorised Officers
”The Relevant Director”	the Director of the Council’s department procuring the goods, works or services and responsible for the provision of the relevant function
”value”	the value of a Contract as estimated by a Director

- 3.2 The Director of Legal and Corporate Services shall compile and maintain these Standing Orders and advise on their implementation and interpretation.
- 3.3 Delegated authority is given to the Director of Legal and Corporate Services in consultation with the Cabinet Member for Resources and the Director of Resources to update these Standing Orders as appropriate to meet future legislative and operational requirements to ensure that the aims and principles of these Standing Orders are given full effect.

### **4. Compliance with European Union Directives and the Public Procurement Regulations 2006 (“the EU Regulations”)**

All Contracts made by the Council or on its behalf will comply with the EU Regulations and any subsequent amendments. The EU Regulations apply when the estimated total value of a contract is over £156,442 for goods or services and £3,927,260 for works (“The EU Threshold”). The EU Regulations make detailed provision for specification, advertisement, numbers and selection of tenderers, evaluating tenders

and awarding the Contract. The Procurement Officer must be consulted about all contracts with an estimated total value of above the EU Threshold.

## **5. Existing Contractual Arrangements**

Within approved budgets and Schemes of Delegation Directors must place orders against an appropriate contract which has been entered into by the Council or to which the Council legally has access through approved consortia arrangements, joint contracts with other Local Authorities or Central Government contracts. The Procurement Officer is able to advise on such available contracts.

## **6. Specifications**

- 6.1 All tenders, quotations and estimates for the execution of works or the supply of goods or services shall, except to the extent that the Council in a particular case or category of cases otherwise decide, be based on a written specification and bills of quantities where appropriate.
- 6.2. All written Contracts, where a specification issued by the British Standards Institute is current at the date of the tender and is applicable, shall require as a minimum that goods or services used in their execution shall be in accordance with that specification or an equivalent specification.
- 6.3. Only in circumstances where there is no reasonably acceptable alternative shall a specification require the use of a particular sub-contractor or goods or services of a particular manufacturer or supplier. For the avoidance of doubt the need to achieve standardisation may justify the specification of particular goods or services.

## **7. Estimates**

- 7.1 Before entering into a Contract over £1,000 but below £10,000 the appropriate Director shall obtain, wherever practical, a minimum of two estimates. Where the Director considers that it is not practical to obtain a minimum of two estimates, he shall record his reasons for not doing so in writing which may be in electronic form and the document be retained with the relevant purchase order. The document shall contain such information as the Director of Resources may require.
- 7.2 Estimates shall be submitted in accordance with the requirements of the Director. Unless submitted electronically any estimates received shall be addressed to the Director in a sealed envelope endorsed with the word "Estimate" followed by the subject matter to which it relates.
- 7.3 Estimates shall be kept in a safe place and remain unopened until the time and date specified for their opening.
- 7.4 Estimates submitted by electronic means must have evidence that the transmission was successfully completed and be kept in a separate secure folder under the control of the Director which is not opened until the deadline has passed for receipt of estimates.
- 7.5 Estimates shall be opened at the same time by the Director or in his absence a senior officer of the Division concerned and one other officer of the Division.

- 7.6 Such estimates shall be signed by the officers present, endorsed with the date and time of opening. An immediate record should be made of the estimates received including names, addresses, value and the date and time of opening. The immediate record should be retained with the relevant purchase order.
- 7.7 If the Director wishes to accept an estimate other than the lowest he shall record his reasons in a form approved by the Director of Resources stating that the proposed action represents the best value for money for the Council and which shall be evidenced by signature which may be by electronic means.

## 8. **Quotations**

- 8.1 Subject to the exceptions and conditions set out in Standing Order 10 below, any Contract between £10,000 and up to and including £50,000 shall not be entered into without first obtaining a minimum of two quotations.
- 8.2 Quotations should be submitted in accordance with the requirements of the Director. Unless submitted electronically, any quotations received shall be addressed to the Director in a sealed envelope endorsed with the word "Quotation" followed by the subject matter to which it relates.
- 8.3 Quotations shall be kept in a safe place and remain unopened until the time and date specified for their opening.
- 8.4 Quotations submitted by electronic means must have evidence that the transmission was successfully completed and be kept in a separate secure folder under the control of the Director which is not opened until the deadline has passed for receipt of quotation.
- 8.5 Quotations shall be opened at the same time by the Director or in his absence a senior officer of the Division concerned and one other Officer of the Division.
- 8.6 Such quotations shall be signed by the Officers present, endorsed with the date and time of opening. An immediate record should be made of the quotations received including names, addresses, value and the date and time of opening. The immediate record should be retained with the relevant purchase order.
- 8.7 Provided the Director is satisfied with the lowest, he may accept it, subject to Standing Order 20 and the successful quotation shall be listed for information in the next issue of the Monthly Information Bulletin.
- 8.8 Where the risk in a specific procurement of a value of less than £50,000, is perceived to be high by the Director of Legal and Corporate Services or the Director of Resources), then the tendering procedure must be followed.

## 9. Tendering Procedure

The tender documentation should be in a written format and may be permitted in an electronic format (subject to the provision of adequate security measures being in place to the satisfaction of the Director of Legal and Corporate Services and the Director of Resources).

Subject to Standing Order 10, no Contract over £50,000 shall be entered into unless:

EITHER:

### 9.1. APPROVED LISTS AND AD HOC LISTS

- 9.1.1 tenders have been invited from a minimum number of contractors as defined in 9.3 and 9.4 who have been selected by the appropriate Director. Where procurement is following EU Regulations then the number and selection process that those Regulations require should be followed.
- 9.1.2 contractors have been selected from an Approved List which is considered adequate and suitable by the Director of Legal and Corporate Services and the Director of Resources to be used together with any in-house submission of the Council.
- 9.1.3 where there is no Approved List, Client Officers may use an Ad Hoc List
- 9.1.4 before contractors are invited to tender for a Contract, the relevant Director should check that the contractor is able and willing to tender;
- 9.1.5 the selection criteria shall be documented and evidenced as agreed by the appropriate Director, the Director of Legal and Corporate Services and the Director of Resources in advance of any public advertisement
- 9.1.6 where a contract value is over £150,000 the evaluation model must be approved by Cabinet prior to the placing of the required contract notice or despatch of invitation to tender documents. Where the value is from £50,000 and up to and including £150,000 the Relevant Cabinet Member must approve the evaluation model prior to the despatch of invitation to tender documents.
- 9.1.7 applications to tender will be assessed by means of an evaluation model, with only those companies meeting the Council's criteria invited to tender.

OR:

### 9.2. PUBLIC NOTICE

At least ten days public notice has been given in one of the local newspapers circulating in the area of the Council, on the Council's website (if available) and in one or more trade journals, (if any), circulating among persons who undertake such contracts, stating the nature, purpose of the contract, where further details may be obtained to apply for permission to tender for its execution and stating the last date and time when applications will be accepted. The requirement to give notice in a local

newspaper may not be complied with if the relevant Client Officers certifies there are insufficient contractors in the locality.

After the expiry of the period specified in the public notice, invitations to tender for the Contract shall be sent to:

- 9.2.1 not less than the minimum number as defined in 9.3 and 9.4 of the persons or bodies who applied for permission to tender, selected by the Council duly authorised in that behalf; or
- 9.2.2 where fewer than the minimum number as defined in 9.3 and 9.4 of the persons or bodies have applied or are considered suitable, those persons or bodies which the Council duly authorised in that behalf considers suitable.

9.3 Where the appropriate Director estimates the contract value is likely to be greater than £50,000 and up to and including £150,000 then at least 4 tenders should be sought. Where the appropriate Director estimates the contract value is likely to be greater than £150,000 then at least 6 tenders should be sought.

9.4 Where an Approved List, Ad Hoc List, or public notice has been made the Relevant Director should inform the Director of Resources that such a list notice exists and provide details for procurement purposes.

## **10. Exceptions**

10.1 Written quotations or tenders shall not be required to be invited in accordance with Standing Orders 8 and 9 if:

10.1.1 for any reason there would be no genuine competition.

10.1.2 the Contract is a matter of urgency.

10.1.3 where the Council carries out work using a standard form of contract (e.g. the Institute of Civil Engineers Conditions of Contract) procedural requirements may differ slightly to those laid down in these Standing Orders and these Standing Orders shall be deemed not to apply in so far as they conflict with such procedures.

10.1.4 another local authority, public body or consortium of local authorities or public bodies has secured beneficial arrangements for the future purchase of goods, works or services.

10.2 These exceptions are subject to the prior approval of the Director of Legal and Corporate Services and Director of Resources in consultation with the Cabinet Member for Resources or in his absence the Cabinet Member for Legal and Corporate Services (or the prior approval of the Cabinet should the Cabinet Member for Resources so require).

10.3 Each occasion on which approval is given to the use of these exceptions should be reported to the Cabinet for information at its next meeting.

10.4 If an emergency has been declared under the Council's emergency planning or business continuity procedures and it is not possible or practicable for the exception to be exercised then the Officer who is designated to be in charge under those procedures may take such steps as appear appropriate at the time to keep the Director of Legal and Corporate Services, the Director of Resources and the Cabinet Member for Resources informed and shall issue the appropriate report as soon as is reasonably practicable.

## **11. Acting as Agent for another Local Authority**

Where the Council is acting as agent for another local authority then that authority's requirements as to entering into Contracts must also be followed. In the event of a conflict between these Standing Orders and the principal authority's requirements the latter must be followed.

## **12 Collaborative Procurement Arrangements with other Local Authorities, Public Bodies Voluntary Sector Bodies and Key Partners**

12.1 Where another public body, voluntary sector or private body including any key partners of the Council is able to secure or has secured beneficial collaborative procurement arrangements then those arrangements can be followed provided that in advance of each such arrangement over £150,000, a report is made by the Relevant Director to the Cabinet for approval. Where the arrangement is over £50,000 and up to and including £150,000 a report is made by the Relevant Director to the Relevant Cabinet Member for approval.

12.2 Approval shall only be given where the joint procurement arrangements assures compliance with EC Directives and ensures value for money for the Council.

## **13 Framework Agreements**

13.1 Framework Agreements are used where the Council wishes to Contract without conducting a new procurement exercise. The Framework Agreement may include within its terms a requirement for a mini competition exercise between those contractors who are parties to the Framework Agreement. Any Framework Agreement shall be tendered in accordance with these Standing Orders. Where the Council has entered into a Framework Agreement through a procurement exercise then that Framework Agreement must be used for purchases covered by it.

13.2 Any Framework Agreement entered into by the Council shall be notified to the Director of Resources

13.3 Where the Council is able to call off or conduct a mini-competition through existing Framework Agreements procured by central Government agencies, other local authorities, public bodies or consortium of local authorities then the Council may benefit from using those contracts without entering into a separate procurement exercise. The Procurement Officer must be consulted before using an existing Framework Agreement.

## **14. Extensions to Contracts**

14.1 A Contract can be extended where it includes an option to extend. Where a Contract is above the EU Threshold it must also have been advertised as having an option to extend. If a Contract under the EU Threshold does not include an option to extend it may only be extended if:

- 14.1.1 The extension is for a period of no more than 12 months;
- 14.1.2. A procurement exercise is either underway or is planned to be completed within the period of extension; and
- 14.1.3 The Director of Legal and Corporate Services has agreed to the extension.

## **15. Form of Invitation to Tender**

The Invitation to Tender shall include:

- 15.1.1 a specification to include a description of the services supplies or works being procured;
- 15.1.2 the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders.
- 15.1.3 the Council's terms and conditions of contract, where considered appropriate by the Director of Legal and Corporate Services;
- 15.1.4 the evaluation criteria and model including any associated weightings
- 15.1.5 pricing mechanism and instructions for completion including the signing and submission of a form of tender together with bills of quantities where applicable.
- 15.1.6 the form and content of method statements to be provided where appropriate.
- 15.1.7 the rules for submitting tenders ie. that unless submitted electronically, they be returned in the Council envelope provided, which shall bear the word "Tender" followed by the subject matter to which it relates, shall be securely sealed, shall bear no other name or mark indicating the sender or be delivered with or seen to be accompanied by any material indicating the identity of the tenderer and be returned direct to the Relevant Director.
- 15.1.8 the rules for submitting of tenders by electronic means are that they be returned to the specified electronic address and evidence required that the transmission was successfully completed.
- 15.1.9 the period for which the tender is required to be open for acceptance.

- 15.1.10 that the tenderer will not disclose any information appertaining to his tender to any other party both prior to submitting in and during the period it is held open for acceptance.
- 15.1.11 that the Council does not bind itself to accept the lowest or any tender and will not be responsible for, or pay any costs, expenses or other liabilities incurred by the tenderer in the preparation of the tender;
- 15.1.12 that late tenders may be considered where there are exceptional circumstances or there is conclusive evidence of posting in time for delivery by the due date and time and the other tenders have not been opened or where for any other reason the Cabinet so allows. Late and other disqualified tenders will be returned to the tenderers by the Director of Legal and Corporate Services.
- 15.1.13 whenever the Council need to make alterations to tender documents sent to tenderers, all tenderers shall be informed of the same change and a full explanation of the change shall be recorded; similarly any answers given to questions raised by any tenderer shall be notified to all other tenderers and a record kept.
- 15.1.14 any further information which will inform or assist tenderers in preparing tenders.

## **16. Receipt of Tenders**

- 16.1 Tenders shall be submitted in accordance with the requirements set out in the Invitation to Tender. Unless submitted electronically any tenders received shall be addressed to the Director of Legal and Corporate Services in a sealed envelope endorsed with the word "Tender" following by the subject matter to which it relates. Tenders shall be kept in a safe place as directed by the Director of Legal and Corporate Services or an authorised Officer until the time appointed for their opening and remain unopened until the time and date specified for their opening.
- 16.2 An Officer receiving a tender shall indicate on the envelope the date and time of its receipt by him. The envelope shall be retained by the appropriate Director with all other related paperwork following opening.
- 16.3 Tenders submitted by electronic means must have evidence that the transmission was successfully completed and be kept in a separate secure folder under the control of the Director of Legal and Corporate Services which is not opened until the deadline has passed for receipt of tenders.

## **17. Opening of Tenders**

Tenders relating to the same subject matter shall be opened at the same time in the presence of the Chairman of the Council (or the Vice-Chairman where the Chairman is not available) and two members of the Corporate Management Team.

## **18. Acceptance of Tenders**

18.1 Tenders may be accepted:

18.1.1 by the Relevant Director where the value of the contract is up to and including £50,000;

18.1.2 by the Relevant Cabinet Member where the value of the contract is above £50,000 and up to and including £150,000;

18.1.3 by the Cabinet where the value of the contract is above £150,000.

18.2 The Cabinet may delegate the decision to accept a tender above £150,000 to the Relevant Director where a previously reported and agreed evaluation model is used.

18.3 If the Cabinet decides not to delegate the acceptance of a tender, then it shall consider advice from the Relevant Director and relevant officer and the Director of Legal and Corporate Services and the Director of Resources regarding the scoring under evaluation model and the tenderers ability to provide the goods or services required before accepting the tender.

18.4. Where examination (including but not limited to financial examination) of the highest scoring tender reveals errors or discrepancies which would affect the figure submitted by the highest scoring tenderer, then that tenderer is to be given details of the errors and discrepancies in his tender and afforded an opportunity of confirming or withdrawing his tender without alteration or correction within a specified time. In civil engineering Contracts, the tender figure shall be deemed to be the sum of the rates submitted in the tender. If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way.

18.5. A tender may be accepted by the Cabinet, the Relevant Cabinet Member or the Relevant Director under 18.1 provided that:

18.5.1 reports and advice shall first have been received and considered which would have had to be received and considered by the Council were they accepting the tender;

18.5.2 the tender is the lowest tender which meets the required specification or where an evaluation model is used, the highest scoring tender which is within the Approved Sum.

18.5.3 the tender figure is within the Approved Sum

18.6 Where the value of a contract is up to and including £150,000 and is:

18.4.1 not included in the Budget; or

18.4.2 above the budget allocation for the purchase,

the contract must be referred to the Cabinet before proceeding with the procurement and before accepting the tender.

- 18.7 Where the most competitive tender is outside the Approved Sum the Relevant Director will either:
- 18.7.1 write to all tenderers explaining the situation and giving them the opportunity to lower their tenders to within the Approved Sum; or
  - 18.7.2 report to the Cabinet requesting an increase in the Approved Sum; or
  - 18.7.3 report to the Cabinet requesting authority to revise the specification and seek new tenders. If it is decided to re-tender, all previous tenderers shall be asked to tender again, and no tenderers shall be given any information about any of the first tenders.
  - 18.7.4 If at least two bona fide tenders are not received then a report should be made by the Relevant Director to the Cabinet giving reasons for the lack of response.
  - 18.7.5 The evaluation criteria detailed in the Invitation to Tender shall be strictly observed and remain unchanged throughout the acceptance of tender procedure.
  - 18.7.6 Letters of intent shall only be used with the agreement of the Director of Legal and Corporate Services and only in very exceptional circumstances. Where the terms and conditions of contract are not fully agreed, no contractor shall be allowed on site to begin preliminary work until a full risk assessment has been carried out by the Relevant Director as to the possible implications to the Council by the contractor being allowed to start on site before the contract terms and conditions have been finalised.

## **19. Post Tender Negotiations**

Unless using procedures set out in the EU Regulations where a procurement exercise is conducted pursuant to these Standing Orders, no post tender negotiations are permitted. The Relevant Director may seek clarification from Contractors where appropriate.

## **20. Contract Conditions**

Every Contract entered into by the Council shall be in writing and shall:

- 20.1 be signed by the Director of Legal and Corporate Services or where considered appropriate, in accordance with Standing Order 24, be executed under seal.
- 20.2 specify the exact work that is to be done or the description of the goods or services to be supplied including specifications where appropriate.
- 20.3 specify the price to be paid for the work or for the goods or services and any circumstances in which it may vary

- 20.4 specify any discounts or deductions offered and the circumstances in which they will apply
- 20.5 specify the date by which the work will be completed or the goods or services be supplied, or the contract period
- 20.6 specify such other terms and conditions as may be agreed between the parties
- 20.7 include a clause whereby the Council may cancel the Contract and recover any resulting costs if the contractor or their employees or agents with or without the contractor's knowledge does anything improper in order to influence the decision as to the awarding of the Contract or commits an offence under the Prevention of Corruption Acts 1889 to 1916, Section 117(2) of the Local Government Act 1972 or any other such legislation in force at the time or commits any fraud in connection with this or any other Council contract whether alone or in conjunction with Council Members or Officers.
- 20.8 where possible include a clause preventing the contractor from sub-contracting, assigning or transferring the whole or any part of the Contract without the prior written permission of the Council.
- 20.9 where such contract exceeds £1,000 in value and in any other case where the Director of Legal and Corporate Services so decides, the Contract shall be in a form approved by the Director of Legal and Corporate Services.
- 20.10 in appropriate cases where a contract exceeds £50,000 provide for the payment of liquidated damages by the contractor where he fails to complete within the time specified. The amount of such damages shall be determined by the Director of Legal and Corporate Services and the Director of Resources in consultation with the Relevant Director.
- 20.11 where a contract is estimated to exceed £100,000 the appropriate technical officer should decide whether the conditions of tender may require a contractor to give sufficient security for the due performance of any contract. For example, a Performance bond with a body certified or approved by the Council or deposit cash in lieu thereof with the Council in a sum equal to 10% of the tender figure.

## **21. Insurance**

All Contracts shall require the contractor to provide to the satisfaction of the Relevant Director and Director of Resources an appropriate indemnity against any risk which might attach to the Council as a result of work undertaken by the contractor. Unless otherwise approved by the Director of Resources contractors shall be required to maintain as a minimum the following insurance cover: £10 million employer's liability; £5 million public liability; and £1 million professional indemnity.

## **22. Supervision**

It shall be a condition of any Contract between the Council and any external person who is required to supervise a Contract on their behalf that, in relation to such Contract, he shall comply with the requirements of these Standing Orders as if he were a Director of the Council.

### **23. Value for Money**

- 23.1 The Council shall, in determining, for the purposes of these Standing Orders, the manner in which invitations to tender for a proposed Contract are to be sought or a Contract is to be entered into, only proceed if satisfied that it affords the Council the best value for money in all circumstances.
- 23.2 All Directors must procure items in accordance with the Corporate Procurement Strategy. Where there is a conflict between these Standing Orders and the Corporate Procurement Strategy, then these Standing Orders shall prevail.

### **24. Sealing/signing of Contracts**

- 24.1 In respect of all Contracts the Relevant Director shall ensure that an appropriate form of Contract shall be completed and signed by the Director of Legal and Corporate Services **before** work is commenced or goods or services provided.
- 24.2 In each case where the Relevant Director in consultation with the Director of Legal and Corporate Services considers that a limitation period of 12 years is desirable or necessary for the commencement of legal proceedings in the event of breach of contract, the Contract shall be executed under seal.

### **25. Internal Controls**

All Directors when implementing the requirements and procedures as specified in these Standing Orders should ensure that adequate internal controls are operating effectively. Details of the internal controls in place shall be included within the Corporate Risk Management Framework.

### **26. Contracts Register**

- 26.1 A register of all Contracts over £50,000 shall be kept and maintained by the Director of Legal and Corporate Services. Such register shall be compiled from information provided by all Directors and for each Contract, specify the name of the contractor, the works to be executed or the goods to be supplied and the Contract value. The register shall be open to inspection by any member of the Council. The Register may also be kept electronically.
- 26.2 The relevant Director shall inform the Director of Legal and Corporate Services and the Director of Resources as soon as possible and in any event before any further payment is made to the Contractor of any changes to the details of a Contract already legally entered into affecting the price payable, with an explanation and the approval obtained, where required, for such changes.

### **27. Retention of Procurement Documents**

All procurement documentation should be retained by the Relevant Director for the duration of the Contract, including any maintenance period in accordance with the Council's Record Management Policy unless legislation states otherwise.

## **28. Engagement of Consultants**

28.1 For the avoidance of doubt the engagement of any architect, engineer, surveyor or other consultant for the purpose of any Contract shall be in accordance with these Standing Orders and the Relevant Director shall obtain written quotations or tenders prior to the appointment.

28.2 Each such engagement:

28.2.1 shall be evidenced in writing, including details of the basis and frequency of payments identifying the Officer of the Council who will manage and monitor each consultancy project;

28.2.2 shall be subject to the conditions that such architect, engineer, Surveyor or other consultant shall at all times be fully covered by professional indemnity insurance and that in relation to any Contract, he/she shall conform to the requirements of these Standing Orders, the Council's Financial Regulations and any direction from the Council;

28.2.3 shall at any time during the carrying out of the Contract, produce to the appropriate officer or their representative on request all the records maintained by him/her in relation to the contract and on completion of the contract, pass all such records to the Relevant Director.

28.2.4 shall be subjected to monitoring of the consultant's performance by the Relevant Director.

28.3 There may be instances where use of these Standing Orders for the tendering process would be inappropriate, for example, in the case of the engagement of a barrister, or other consultant where quality of performance is more important than the lowest quotation or tender or where additional consultancy related to earlier consultancy is required and this would offer best value to the Council in view of the Consultants existing knowledge. In such instances consultants may be engaged subject to the prior approval of the Relevant Director. Each occasion shall be reported to the next meeting of the Cabinet.

28.4 The whole of the regulations relating to Contracts (regulation 7.2 to 7.13) of the Council's Financial Regulations shall be included in the terms of any Contract entered into with a Consultant for capital works.

28.5 No Consultant shall make any decision on whether to award a contract and who a contract shall be awarded to.

## **29. Assets for Disposal**

Assets for disposal other than as those detailed in Standing Order 2.4 relating to land must be sent to public auction except where better Value for Money is likely to be obtained by inviting quotations and tenders. These may be invited by advertising on the Council's website. Where quotations and tenders are to be used the method must be agreed with the Director of Resources and the Director of Legal and Corporate Services