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TRAFFORD
COUNCIL

AGENDA PAPERS FOR COUNCIL

Date: Wednesday, 22 May 2024

Time: 6.00 pm

Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford

A G E N D A	PART I	Pages
7.	COUNCIL COMMITTEES	1 - 44
	To receive a report on the Committees of the Council, their composition, membership and terms of reference for the 2024/25 Municipal Year.	
8.	APPOINTMENTS TO OUTSIDE AND INDEPENDENT BODIES	45 - 58
	To receive a report on Council appointments to outside and independent bodies for the 2024/25 Municipal Year.	
13.	CONTRACT PROCEDURE RULES	59 - 88
	To consider a report of the Director of Legal and Governance and Monitoring Officer, regarding contract procedure rules. The Appendix attached is a slightly updated version of the one published with the Agenda summons.	

SARA TODD
Chief Executive

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TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 22 May 2024
Report for: Decision
Report of: Monitoring Officer / Director of Legal and Governance

Report Title

COUNCIL COMMITTEES

Summary

To agree the Committees of the Council, their size, political composition, membership and terms of reference for the 2024/25 municipal year.

Recommendation(s)

- 1) That the Standing Committees and their composition, as set out in Appendix 1 to the report, be approved.
- 2) That the Terms of Reference for each Committee, as set out in Appendix 2 to the report, be approved.
- 3) That the membership of Committees for the 2024/25 municipal year, as set out in Appendix 3 to the report (and which is to be circulated separately), be approved.
- 4) That the appointment of Committee Chairs and Vice-Chairs, as set out in Appendix 3 (circulated separately), be approved and the nomination of Opposition Spokespersons (where appropriate), be noted.
- 5) That the Council approves the appointment and memberships of the three Sub-Committees of Licensing Committee, as set out in Appendix 4 (which is to be circulated separately).
- 6) That the Appointments and Appeals Panel be formally appointed, the membership for which will be drawn from all members of the Council.

[When sitting, the Panel shall comprise a smaller number of members selected for specific purposes and shall include representation from all parties and appointed on the basis of 2:1:1:1. When acting as an Appeals Panel, the membership shall be restricted to a pool of Members who have undertaken the necessary Members Appeals Training. Please refer to the Terms of Reference (Appendix 2) for details on the role of this Panel.]
- 7) That the Council appoints to the Health and Wellbeing Board, as set out in Appendix 5 (which is to be circulated separately), and the Board be recommended to endorse the Council's membership.
- 8) That the Council delegate to the Chief Executive, in accordance with the written

request of the relevant Group Leader, the power and authority to change the membership of committees and sub-committees as may be needed from time to time.

Contact person for access to background papers and further information:

Name: John Addison Governance Manger
Extension: 1387

Background Papers: None.

1. COMPOSITION OF COUNCIL COMMITTEES

1.1 The Local Government and Housing Act 1989 requires the composition of committees to be in accordance with the political balance of the 63 members of the Council and this shall be reviewed as a result of any changes to that balance. Currently the political make-up of the Council is as follows:

- Labour Group - 43 members
- Conservative Group - 8 members
- Liberal Democrats Group - 6 members
- Green Party Group - 6 members

1.2 The regulations require that the composition of committees is in accordance with the political balance of the 63 members of the Council and that this is reviewed as a result of any changes to that balance.

1.3 Subject to the need to allocate each political group a total allocation of seats in proportion to its strength on the Council and with no requirement to offer any seats to an Independent since an individual does not constitute a group, the Membership of each Ordinary Committee should be made up of the following proportions: -

- Labour (43/63) - 68.3%
- Conservative (8/63) - 12.7%
- Liberal Democrats (6/63) - 9.5%
- Green Party (6/63) - 9.5%

1.4 The proposed Committee structure is set out in Appendix 1.

Item 7: APPENDIX 1

PROPOSED COMMITTEE ENTITLEMENTS FOR THE MUNICIPAL YEAR 2023/24

Committee	No. of Members	Ex-officio Members	Co-opted Members	Proposed Places			
				LAB	CON	L/D	GP
<u>Ordinary Committees</u>							
Accounts and Audit	9	-	1	6	1	1	1
Employment	9	-	-	6	1	1	1
Planning and Development Management	13	-	-	9	2	1	1
Licensing *	15	-	-	9	2	2	2
Standards	11	-	5^^	7	2	1	1
Scrutiny	11	2#	-	8	1	1	1
Health Scrutiny	11	2#	-	8	1	1	1
Children and Young Peoples Scrutiny	11	2#	5^	8	1	1	1
POLITICALLY BALANCED PLACINGS (excluding other Committees)	90	6	11	61	11	9	9
<u>Other Committee(s)</u>							
Health and Wellbeing Board**	5	-	16^^	3	1	1	0
OVERALL PLACINGS	95	6	27	64	12	10	9

* Committees for which political balance rules may be disaplied

** Committee for which political balance rules do not apply

The Chairmen of the three Scrutiny Committees shall be appointed as ex-officio non-voting members on each of the other Committees. (Temporarily suspended)

^ 2 Church and 3 Parent-Governor representatives

^^ 2 Parish representatives and 3 Independent members

^^ Corporate Director of Children, Families and Wellbeing, Corporate Director of Adult Services,
Director of Public Health plus 13 External Partners

ACCOUNTS AND AUDIT COMMITTEE

Statement of Purpose

The purpose of the committee is to provide independent assurance on the adequacy of governance arrangements, risk management and the associated control environment; independent scrutiny of the Authority's financial and non financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Composition

Membership of the Audit and Accounts Committee shall comprise 9 Members, be politically balanced and shall not include any Members of the Executive. A nonvoting member, with appropriate skills and experience, may be co-opted on to the Committee with the approval of the Council.

Terms of Reference

Internal and External Audit

- a) Review and approve (but not direct) the Internal Audit Charter and Strategy, including internal audit resourcing.
- b) Review and approve (but not direct) the annual Internal Audit work programme. Consider the proposed and actual Internal Audit coverage and whether this provides adequate assurance on organisations main business risks.
- c) Review the performance of Internal Audit, including conformance with the Public Sector Internal Audit Standards.
- d) Receive summary internal audit reports and seek assurance on the adequacy of management response to internal audit advice, recommendations and action plans.
- e) Review arrangements made for cooperation between Internal Audit, External Audit and other review bodies and ensure that there are effective relationships which actively promote the value of the audit process.
- f) Receive the Annual Internal Audit report and opinion.
- g) Review and consider proposed and actual External Audit coverage and its adequacy and consider the reports of external audit and inspection agencies.
- h) Receive updates from External Audit on External Audit findings and opinions (including the audit of the annual financial statements and the value for money conclusion) and seek assurance on the adequacy of management response to External Audit advice, recommendations and action plans.

Risk Management

- a) Review the adequacy of arrangements for identifying and managing the organisation's business risks, including partnerships with other organisations. This includes review of the Council's risk management policy and strategy and their implementation.
- b) Review the robustness of the strategic risk register and the adequacy of associated risk management arrangements.
- c) Receive and consider regular reports on the risk environment and associated management action.

Internal Control Arrangements, Corporate Governance and the Annual Governance Statement

- a) Review the effectiveness of corporate governance arrangements and internal control across the organisation and the adequacy of action taken to address any weaknesses or control failures.
- b) Conduct a review of the draft Annual Governance Statement (AGS), which is a key assurance statement required to be completed each year in accordance with Accounts and Audit Regulations.
- c) Approve the final version of the Annual Governance Statement.

Anti - Fraud and Corruption Arrangements

- a) Review and ensure the adequacy of the organisation's Anti – Fraud & Corruption policy and strategy and the effectiveness of their application throughout the Authority.
- b) Review and ensure that adequate arrangements are established and operating to deal with situations of suspected or actual fraud and corruption.

Financial Management and Reporting

- a) Approve the annual Statement of Accounts, including subsequent amendments.
- b) Consider the External Auditor's report on the audit of the annual financial statements.
- c) Be responsible for any matters arising from the audit of the Council's accounts, including the auditor's opinion on the accounts, identification of any misstatements, comments on the accounting and internal control systems and qualitative aspects of accounting practices and financial reporting.
- d) Review reports on the financial management of the Council and compliance with the CIPFA Financial Management Code.

Access and Reporting

- a) To have the right of access to senior officers and all committees of the Council.
- b) To report directly to the Executive or Council, as appropriate, on matters within these terms of reference.

Delegation

In exercising the power and duties assigned to the Committee in its terms of reference, the Audit and Accounts Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

EMPLOYMENT COMMITTEE

The Employment Committee shall consist of at least 9 members and be established in accordance with the political balance of the Council and shall have a quorum of 3 members.

The Employment Committee shall meet at least quarterly and also when convened by the Monitoring Officer.

Terms of Reference

1. To determine and keep under review collective and corporate terms and conditions of employment.
2. To approve the Council's draft Pay Policy Statement prior to recommendation to full Council for approval and adoption.
3. To keep under review the consistent and lawful application of the Councils Pay Policy and publication requirements in respect of transparency of pay, termination payments and audit responsibilities.
4. Except in exceptional circumstances, to approve the job description, salary and benefits for Chief Officers prior to appointment.

(exceptional circumstances to be determined by the Proper Officer in consultation with the Chair of the Employment Committee.)
5. To approve any decisions for the re engagement or reemployment of former Chief Officers.
6. To consider and determine decisions about the recovery of exit payments or overpayment of pension for Chief Officers.
7. To consider any matter referred to the Committee by the Head of Paid Service or Corporate Director of People.
8. To consider, approve and adopt any new or significant revision to existing corporate human resources strategies and policies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.
9. To determine any other matters relating to the appointment, terms and conditions of employment, severance and dismissal of staff which are neither covered by policies of the Council, required to be decisions of full Council nor delegated to Officers under the Scheme of Delegation.
10. To review proposals for severance payments in excess of £100,000 prior to consideration of the proposals by full Council.

Delegation

The Executive Member with responsibility for Strategic HR and the Corporate Director of People will notify/keep the Employment Committee informed of all other relevant HR related issues, as required.

In exercising the above powers and responsibilities, the Employment Committee shall have delegated power (subject to Council Procedure Rule 9 - Call-in of Decisions taken under Delegated Powers) to make decisions on behalf of the Council, except for any matter where:

- the Head of the Paid Service determines the matter should be considered by full Council, or
- the Council has resolved to determine the matter

[Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to Council.]

LICENSING COMMITTEE

Terms of Reference

1. To exercise the Council's licensing functions under the Licensing Act 2003 with the exception of any function conferred on the Council under Section 5 of the Act (statement of licensing policy).
2. In respect of each 5 year period, in consultation with the Executive, to formulate or prepare for approval by the Council its policy with respect to the exercise of its licensing functions under the Licensing Act 2003.
3. To keep the policy with respect to the exercise of its licensing functions under the Licensing Act 2003 under review and recommend any revisions to the policy to the Council.
4. To exercise the Council's licensing functions under the Gambling Act 2005 with the exception of any function conferred on the Council under Section 349 of the Act (statement of licensing policy).
5. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning and the regulation of the use of the highway;
 - (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and
 - (iii) associated functions under any local Act.
6. To establish one or more Sub-Committees under Section 10(1) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003 and the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Appendix 1 and Appendix 2. Licensing Act and Gambling Act Sub-Committees shall be chaired in accordance with the protocol set out at Appendix 3.
7. To establish a Safety at Sports' Grounds Sub-Committee consisting of three Members of Council to oversee the exercise of the Council's functions in relation to safety at sports' grounds.
8. To establish a Public Protection Sub-Committee for the discharge of all other licensing, registration and regulatory functions within the terms of reference of the Licensing Committee not covered by the sub-committees in paragraphs 6 and 7 above. That in establishing a Public Protection Sub-Committee this is to be a Sub-Committee of 9 Members (6:2:1:0) with up to 5 substitute Members for the Sub-Committee Members being allowed (4:1:0:0). The substitute Members for the Sub-Committee can only be nominated from the membership of the Licensing Committee.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Licensing Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

Appendix 1 to the Licensing Committee's Terms of Reference

Delegated Functions

Licensing Act

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision to Serve Counter Notice to Temporary Event Notice		All cases	

Appendix 2 to the Licensing Committee's Terms of Reference

Delegated Functions

Gambling Act

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 3 to the Licensing Committee's Terms of Reference

List of proposed Chairs

Name	Order of Priority
Chair of Licensing Committee	1
Vice-Chair of Licensing Committee	2
Opposition Spokesperson for Licensing Committee	3
Member of Licensing Committee	4
Member of Licensing Committee	5

Note: the order of priority is applicable when more than one chair is a member of the same Sub-Committee.

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Terms of Reference

1. To exercise powers in relation to planning and development management over development proposals in the Borough in the context of Government and Council policies and guidance in order to maintain and improve the quality of life and the natural and built environment of the Borough.
2. To exercise powers in relation to the following functions as specified in schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended:
 - (i) town and country planning;
 - (ii) the protection and registration of common land or town and village greens and to register the variation of rights of common; and
 - (iii) the exercise of powers relating to the regulation of the use of highways.
3. To exercise powers under Section 101 of the Local Government Act 1972 in respect of the discharge of functions under the Planning Acts to any other local authority.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Planning and Development Management Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

STANDARDS COMMITTEE

Terms of Reference

1. To promote and maintain high standards of conduct.
2. To make recommendations to Council on the council's code of conduct and its register of interests.
3. To determine by way of its Hearing Panel whether a breach of the code has occurred; if so, whether to take any action and, if so, what action to take.
4. To determine appeals from the Monitoring Officer's decision on dispensations.

Delegation

In exercising the power and duties assigned to the Committee in its terms of reference, the Standards Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

SCRUTINY COMMITTEE

Terms of Reference

1. To act as the Council's Overview and Scrutiny Committee and Crime and Disorder Committee for the purposes of all relevant legislation including, but not limited to, the Local Government Act 2000 (as amended), and Police and Justice Act 2006.

General Role

2. Subject to statutory provision, to review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities.
3. In relation to the above functions:
 - a) to make reports and/or recommendations to the full Council, Executive of the Council, any joint committee or any relevant partner authority as appropriate
 - b) to consider any matter affecting the area or its inhabitants
4. In relation to any function within the remit of this Committee:-
 - a) as set out in (b) below to exercise the power to call in, for reconsideration, executive decisions made but not yet implemented set out in Section 21(3) of the Local Government Act 2000.
 - b) The call-in of an executive decision is to be exercised as follows:-
 - i) the decision must not have been designated as urgent by the decision taker
 - ii) the request to call in a decision must be made within 5 working days of the decision being published
 - iii) any 3 members of an overview and scrutiny committee or select committee can ask the Chair of this Committee or, in his/her absence, the Vice-Chair to call in an executive decision
 - iv) in deciding whether or not to approve the request to call in a decision, the Chair or Vice-Chair may consult the Vice-Chair and the chairs of the Select Committees as appropriate
 - v) if the Chair, or Vice-Chair as appropriate, approve the call in of a decision the request to call in the decision must be made to the Chief Executive within the timescale set out in (ii) above
 - vi) the Chair may decide, after consulting as appropriate, to call in a decision whether or not a request under (iii) has been received.
5. To put in place and maintain a system to ensure that referrals from overview and scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution.

6. At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.
7. To report annually to full Council on its workings, set out their plans for future work programmes and amended working methods if appropriate.

Specific functions

8. Maintain a strategic overview of progress towards the achievement of the ambitions and priorities within Trafford's Sustainable Community Strategy.
9. Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical-friend challenge to policy makers and service providers within the resources available.
10. Assist and advise the Council in the continued development of the Overview and Scrutiny function within Trafford.
11. Receive, consider and action as appropriate requests:
 - a) from the Executive in relation to particular issues; and
 - b) on any matters properly referred to the Committee
12. Identify areas requiring in-depth review and allocate these to an appropriate Topic Group. The Committee in consultation with the leader of the relevant Topic Group will set the terms of reference, scope and time frame for the review by the Topic Group.
13. In relation to the terms of reference of the Committee it may:
 - a) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - b) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
 - c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
 - e) conduct research, community and other consultation as it deems appropriate in the analysis of policy issues and possible options;
 - f) question and gather evidence from any other person with their consent.

- g) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- h) question members of the Executive and/or committees, senior officers of the Council and representatives of relevant partner authorities on relevant issues and proposals affecting the area and about decisions and performance;
- i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- j) undertake any other activity that assists the Committee in carrying out its functions.

Delegation

14. The Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in their terms of reference.

HEALTH SCRUTINY COMMITTEE

Terms of Reference

1. To act as the Council's Overview and Scrutiny Committee for the purposes of all relevant legislation including, but not limited to the Health and Social Care Act 2001 and the National Health Service Act 2006.
2. All health scrutiny powers provided under the Health and Social Care Act 2001 are delegated to the Health Scrutiny Committee.
3. The Health Scrutiny Committee will have the power to refer a proposed substantial variation in service delivery to the Secretary of State. If the Committee wish to exercise this power, then this must also be agreed by the Chair of the Scrutiny Committee who will be an ex-officio member of the Health Committee and will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.

General Role

4. Subject to statutory provision, to review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities in relation to health and well-being issues.
5. In relation to the above functions:
 - a) to make reports and/or recommendations to the full Council, Executive of the Council, any joint committee or any relevant partner authority as appropriate
 - b) to consider any matter affecting the area or its inhabitants
6. To put in place and maintain a system to ensure that referrals from the Health Scrutiny Committee to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution.
7. At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.
8. To report annually to full Council on its workings, set out their plans for future work programmes and amended working methods if appropriate.

Specific functions

9. Maintain a strategic overview of progress towards the achievement of the ambitions and priorities within Trafford's Sustainable Community Strategy in relation to health and well-being matters.
10. Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical-friend challenge to policy makers and service providers within the resources available.

11. Assist and advise the Council in the continued development of the Overview and Scrutiny function within Trafford.
12. Receive, consider and action as appropriate requests:
 - a) from the Executive in relation to particular issues; and
 - b) on any matters properly referred to the Committee
13. Identify areas requiring in-depth review and allocate these to an appropriate Topic Group. The Committee in consultation with the leader of the relevant Topic Group will set the terms of reference, scope and time frame for the review by the Topic Group.
14. In relation to the terms of reference of the Committee it may:
 - a) assist the Council, Executive and shadow Health and Well-being Board in the development of its budget and policy framework by in-depth analysis of policy issues;
 - b) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
 - c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
 - e) conduct research, community and other consultation as it deems appropriate in the analysis of policy issues and possible options;
 - f) question and gather evidence from any other person with their consent.
 - g) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - h) question members of the Executive and/or committees, senior officers of the Council and representatives of relevant partner authorities on relevant issues and proposals affecting the area and about decisions and performance;
 - i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
 - j) undertake any other activity that assists the Committee in carrying out its functions.

Delegation

15. The Health Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in their terms of reference.

CHILDREN AND YOUNG PEOPLE'S SCRUTINY COMMITTEE

Terms of Reference

1. The Committee will be responsible for the review and scrutiny of decisions made or actions taken in connection with the provision, planning and management of education in the borough of Trafford and, in particular, all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time. Co-opted Members will be appointed to discuss education matters and will attend the Scrutiny Committee when they consider education matters.
2. To review and scrutinise decisions made or actions taken in connection with:
 - (a) the provision, planning and management of children's and young people's services and community lifelong learning in the borough of Trafford;
 - (b) all functions of the council insofar as they relate to the provision of opportunities for education, training and learning outside the school environment, including pre-school, adult and community learning.
3. The development of the council's LEA Strategic Plan (incorporating the Education Development Plan) and the Early Years Development Plan.

General Role

4. Subject to statutory provision, to review and scrutinise decisions made or actions taken in connection with the discharge by the Council of its functions and by relevant partner authorities.
5. In relation to the above functions:
 - (a) to make reports and/or recommendations to the full Council, Executive of the Council, any joint committee or any relevant partner authority as appropriate.
 - (b) to consider any matter affecting the area or its inhabitants.
6. To put in place and maintain a system to ensure that referrals from the Children and Young People's Scrutiny Committee to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in the Constitution.
7. At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business.
8. To report annually to full Council on its workings, set out their plans for future work programmes and amended working methods if appropriate.

Specific functions

9. Identify the Committee's strategic priorities and determine the Overview and Scrutiny work programme to facilitate constructive evidence based critical-friend challenge to policy makers and service providers within the resources available.
10. Assist and advise the Council in the continued development of the Overview and Scrutiny function within Trafford.
11. Receive, consider and action as appropriate requests:
 - (a) from the Executive in relation to particular issues; and
 - (b) on any matters properly referred to the Committee.
12. Identify areas requiring in-depth review and allocate these to an appropriate Topic Group. The Committee in consultation with the leader of the relevant Topic Group will set the terms of reference, scope and time frame for the review by the Topic Group.
13. In relation to the terms of reference of the Committee it may:
 - (a) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (b) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
 - (c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
 - (e) conduct research, community and other consultation as it deems appropriate in the analysis of policy issues and possible options;
 - (f) question and gather evidence from any other person with their consent.
 - (g) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (h) question members of the Executive and/or committees, senior officers of the Council and representatives of relevant partner authorities on relevant issues and proposals affecting the area and about decisions and performance;
 - (i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
 - (j) undertake any other activity that assists the Committee in carrying out its functions.

Delegation

The Children and Young People’s Scrutiny Committee shall have all delegated power to exercise the power and duties assigned to them in their terms of reference.

APPOINTMENTS AND APPEALS PANEL (EMPLOYMENT MATTERS) (THE “PANEL”)

To act as the Council’s appeals body regarding appeals other than those for which specific arrangements have been established.

All elected members of the authority shall be eligible to be appointed as a Panel member. Smaller numbers of members will constitute individual panels.

The Appointment and Appeals Panel shall be constituted by the Monitoring Officer, unless a matter relates to the appointment, terms and conditions of employment, severance or dismissal of the Monitoring Officer in which case it shall be constituted by the Proper Officer, in accordance with relevant conditions of service and employment procedures, including Joint Negotiating Conditions (JNC) of Service in respect of Chief Officers.

Unless otherwise determined by the Monitoring Officer, all Panels constituted for the purposes of staff appointments and related matters shall be constituted in accordance with the political balance of the Council and will have a membership of at least 3, except when constituted for Investigating and Disciplinary functions when the minimum shall be 5.

The Panel shall:

- act as the Council’s appeals body regarding appeals other than those for which specific arrangements have been established;
- be (except in exceptional circumstances) responsible for staff appointments and related matters regarding short-listing and interview of external and internal applicants and appointments of Corporate Directors and Directors (Statutory and Non-Statutory Chief Officers and Deputy Chief Officers as defined in the Officer Employment Procedure Rules) in accordance with the Officer Employment Procedure Rules;
- short-listing applicants and appointments of Joint Council / Trafford Clinical Commissioning Group Director level posts. Appointment panels to consist of one member from each political party and 2 from the Governing Body;
- except in exceptional circumstances, approve the interim appointment of Chief Officers;
- act as an investigatory and disciplinary Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, as amended in 2015 and JNC Conditions of Service and the Appendix to the Officer Employment Procedure Rules;
- be responsible for appeals in accordance with the disciplinary and grievance procedures;
- be responsible for appeals by employees against grading.

For meetings of Appointment and Appeal Committees the quorum shall be as follows:

- (i) for a committee comprising 3 members the quorum shall be 2;
- (ii) for a committee comprising 5 members the quorum shall be 3;
- (iii) in all other cases the quorum shall be 4.

HEALTH AND WELLBEING BOARD

Terms of Reference

1. To provide strong leadership and direction of the health and wellbeing agenda by agreeing priority outcomes for health and wellbeing.
2. To develop a shared understanding of the needs of the local population and lead the statutory Joint Strategic Needs Assessment (JSNA).
3. To seek to meet those needs by producing a Joint Health and Wellbeing Strategy for Trafford and ensure that it drives commissioning of relevant services.
4. To drive a genuine collaborative approach to commissioning of improved health and care services which improve the health and wellbeing of local people and reduces health inequalities.
5. To promote joined-up commissioning plans across the NHS, social care and public health.
6. To have oversight of local Clinical Commissioning Group (CCG) and local authority commissioning plans.
7. To operate as a thematic partnership within the context of the Sustainable Community Strategy Trafford 2021 and align its work to the Trafford Partnership in that capacity.
8. To improve local Democratic accountability and engage with the Health and Wellbeing Forum which includes Trafford residents, service providers and other key stakeholders to understand health and wellbeing needs in Trafford.
9. To monitor and review the delivery of health and wellbeing improvements and outcomes through robust performance monitoring.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Note on Membership: In accordance with Chartered Institute of Public Finance and Accountancy (CIPFA) recommended practice the Chair and Vice-Chair of the Accounts and Audit Committee should not also be a Chair or Vice-Chair of an Overview and Scrutiny Committee / Select Committee.

COMMITTEE		NO. OF MEMBERS	
ACCOUNTS AND AUDIT		9 (plus 1 Co-optee)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors: Jill Axford Olly Baskerville Barry Brotherton CH Ged Cater Judith Lloyd V-CH Keleigh Glenton	Councillors: Shengke Zhi OS	Councillors: Cllr Brophy	Councillors: Michael Welton
TOTAL	6	1	1

NON-VOTING CO-OPTEE (1) – Mrs. Jeannie Platt
(Maximum 4-year term of office,
subject to annual review)

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Note on Membership: Members of the Employment Committee will also be appointed as representatives of the Council (Employer’s Side) on the Joint Consultative Panel.

COMMITTEE		NO. OF MEMBERS	
EMPLOYMENT		9	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Ged Cater Bilal Babar Jo Bennett CH Dave Acton V-CH George Devlin Dolores O’Sullivan	Shengke Zhi OS	Cllr Lepori	Jane Leicester
TOTAL	6	1	1

Substitute Members:

<i>vacancy</i>	<i>vacancy</i>	-	-
(1)	(1)	(0)	(0)

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2023/24

Notes on Membership:

(1) It is advisable that the number of members serving on both the Licensing and Planning and Development Management Committees in each political group is kept to a minimum to ensure that the potential for conflicts of interest is kept to a minimum.

(2) All Licensing Committee Members may be called upon as Members of the Licensing Sub-Committee, the meetings for which are held during the working day. Therefore, it would be preferable if Members serving on this Committee could also be available during the daytime.

COMMITTEE		NO. OF MEMBERS	
LICENSING		15	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Barry Brotherton David Jarman Francis Cosby Sarah Haughey CH Dolores O'Sullivan Kevin Proctor Ulrich Savary Sophie Taylor Emma Hirst V-CH	John Holden OS Michael Taylor	Cllr Newgrosh Cllr Lepori	Hannah Spencer Michael Welton
TOTAL	9	2	2

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Note on Membership: It is advisable that the number of members serving on both the Planning & Development Management and Licensing Committees in each political group is kept to a minimum to ensure that the potential for conflicts of interest is kept to a minimum.

COMMITTEE	NO. OF MEMBERS
PLANNING AND DEVELOPMENT MANAGEMENT	13 (plus 7 Substitutes)

LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Bilal Babar Mike Cordingley Zak Deakin Waseem Hassan Tony O'Brien Simon Thomas Shirley Proctor Barry Winstanley V-CH Sue Maitland CH	Phil Eckersley OS Michael Taylor	Cllr Minnis	Dan Jerrome
TOTAL	9	2	1

**Substitute
Members:**

1 Ben Hatley 2 Emma Hirst 3 Kevin Procter 4 Ulrich Savary	Cllr Newgrosh	Jane Leicester
(4)	(1)	(1)

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

COMMITTEE		NO. OF MEMBERS	
STANDARDS		11	
		+ 2 PARISH REPRESENTATIVES + 3 INDEPENDENT MEMBERS	
		+ 2 INDEPENDENT PERSONS (of the Hearing Panel)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
David Acton Mike Cordingley Shona Gilbert Eve Parker Denise Western Kevin Procter CH Barry Winstanley	Phil Eckersley Shengke Zhi V-CH	Cllr Frass	Hannah Spencer
TOTAL	7	2	1
		1	1

NON-VOTING CO-OPTÉES (5)

2 Parish Representatives: **Mr. A. Rudden** and **1 vacancy**

3 Independent Members: **Mr. D. Goodman**, **Mr. C. Griffiths** and **Mr. R. Brown**

INDEPENDENT PERSONS OF THE HEARING PANEL (2)

(under Section 28 of the Localism Act 2011): **Ms. N. Jackson** and **Mr. M. Whiting**

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Notes on Membership:

(1) The Scrutiny Committee shall have a membership of 11, or, where this does not achieve the political balance required under the Local Government and Housing Act 1989, whatever figure is necessary to reflect the proportional representation of political groups.

(2) The Scrutiny Committee shall be chaired by a Councillor who is a member of the largest political group on the Council. The person appointed as Vice-Chair shall not be a member of the same political group as the person appointed as Chair.

(3) The Chairs of both the Health Scrutiny Committee and the Children and Young People's Scrutiny Committee shall be appointed as ex-officio Members of the Scrutiny Committee.

COMMITTEE		NO. OF MEMBERS	
SCRUTINY COMMITTEE		11	
(plus the Chair of Health Scrutiny Committee and the Chair of Children and Young People's Scrutiny Committee as ex-officio Non-Voting Members)			
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Fianna Hornby CH Jill Axford Francis Cosby Keleigh Glenton David Jarman Will Jones Simon Thomas <u>Vacancy</u>	Michael Taylor V-CH	Cllr Frass	Geraldine Coggins
TOTAL	8	1	1

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Notes on Membership:

(1) The Health Scrutiny Committee shall have a membership of 11, or, where this does not achieve the political balance required under the Local Government and Housing Act 1989, whatever figure is necessary to reflect the proportional representation of political groups.

(2) The Health Scrutiny Committee shall be chaired by a Councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the Committee. The person appointed as Vice-Chair shall be a member of the largest political group on the Council.

(3) The Chairs of both the Scrutiny Committee and the Children and Young People's Scrutiny Committee shall be appointed as ex-officio Members of the Health Scrutiny Committee.

COMMITTEE		NO. OF MEMBERS	
HEALTH SCRUTINY COMMITTEE		11	
		(plus the Chair of Scrutiny Committee and the Chair of Children and Young People's Scrutiny Committee as ex-officio Non-Voting Members)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Shona Gilbert Ben Hartley Wassem Hassan Emma Hirst Will Jones Judith Lloyd Sophie Taylor V-CH <u>Vacancy</u>	Dylan Butt CH	Cllr Lepori	Jane Leicester
TOTAL	8	1	1

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2023/24

Notes on Membership:

(1) The Children and Young Peoples Scrutiny Committee shall have a membership of 11, or, where this does not achieve the political balance required under the Local Government and Housing Act 1989, whatever figure is necessary to reflect the proportional representation of political groups.

(2) The Scrutiny Committee shall be chaired by a Councillor who is a member of the largest political group on the Council. The person appointed as Vice-Chair shall not be a member of the same political group as the person appointed as Chair.

(3) The Children and Young Peoples Scrutiny Committee shall appoint co-opted Members when that committee considers education matters.

(4) The Chairs of both the Scrutiny Committee and the Health Scrutiny Committee shall be appointed as ex-officio Members of the Children and Young People's Scrutiny Committee.

COMMITTEE		NO. OF MEMBERS	
CHILDREN AND YOUNG PEOPLE'S SCRUTINY COMMITTEE		11	
		(plus the Chair of Scrutiny Committee and the Chair of Health Scrutiny Committee as ex-officio Non-Voting Members)	
		+ 5 CO-OPTED MEMBERS + 3 NON-VOTING MEMBERS (when considering Education matters)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Joanne Bennett Zak Deakin George Devlin Sue Maitland Eve Parker Shirley Proctor Denise Western CH Vacancy	Rob Duncan V-CH	Cllr Ennis	Owain Sutton
TOTAL	8	1	1

CHILDREN AND YOUNG PEOPLES SCRUNTINY COMMITTEE CO-OPTED MEMBERS FOR EDUCATION MATTERS

Church of England (*VOTING MEMBER*): ***Vacancy***

Roman Catholic (*VOTING MEMBER*): ***Vacancy***

Parent-Governor Representatives

Primary (*VOTING MEMBER*): ***Vacancy***

Secondary (*VOTING MEMBER*): ***Vacancy***

Special (*VOTING MEMBER*): ***Vacancy***

Teacher Representatives

(*NON-VOTING MEMBER*): *Vacancy*

(*NON-VOTING MEMBER*): *Vacancy*

(*NON-VOTING MEMBER*): *Vacancy*

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

COMMITTEE		NO. OF MEMBERS	
PUBLIC PROTECTION SUB-COMMITTEE		9	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Barry Brotherton Dave Jarman Ulrich Savary Sophie Taylor Sarah Haughey CH Emma Hirst V -CH	John Holden OS	Cllr Newgrosh	Hannah Spencer
TOTAL	6	1	1

[6 Substitutes: Councillors: Kev Procter, Frances Cosby, Dolores O’Sullivan
Michael Welton, 2 vacancies]

Terms of Reference

1. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning, the regulation of the use of the highway and Safety at Sports Grounds.
 - (ii) functions under any ‘relevant statutory provision’ within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer; and
 - (iii) associated functions under any local Act.
2. Membership of the Public Protection Sub-Committee shall comprise 9 Members (6:1:1:1) with up to 6 substitute Members being allowed (3:1:1:1). The substitute

Members for the Public Protection Sub-Committee can only be nominated from the membership of the Licensing Committee.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Public Protection Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

LICENSING SUB-COMMITTEE

Membership to be drawn from all members of the Licensing Committee.

Order of priority for Chairing a meeting applies when more than one of the appointed chairs is a member of the same Sub-Committee.

CHAIRS

5

CHAIR

ORDER OF PRIORITY

Cllr Sarah Haughey	1	Chair of Licensing
Cllr Emma Hirst	2	Vice-Chair of Licensing
Cllr John Holden	3	Opposition Spokesperson
Cllr Barry Brotherton	4	Member of Licensing
Cllr Sophie Taylor	5	Member of Licensing

TOTAL 5

LICENSING SUB-COMMITTEE

Terms of Reference

1. To exercise the Licensing Sub-Committee's functions under the Licensing Act 2003 regarding consideration of contested applications and reviews.
2. To establish one or more Sub-Committees under Section 10 (1) of the Licensing Act 2003 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003. The functions to be exercised by the Sub Committees include the functions set out at Agenda Item 4, Appendix 1.
3. To establish one or more Sub-Committees under Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Agenda Item 4, Appendix 2.
4. Sub-Committees shall be appointed as follows:-
 - (a) one Member to be taken from the list of proposed Chair;

- (b) the other two Members to be drawn from membership of the Licensing Committee, and may include Members from the list of Chairs;
 - (c) the membership of the Sub-Committees to reflect the political balance of the Council where possible;
 - (d) subject to the above, membership of the Sub-Committees to be determined by the Corporate Director of Governance and Community Strategy in consultation with the Chair of the Licensing Committee;
 - (e) where possible a Sub-Committee will not consider applications relating to premises located in the wards represented by its members.
5. When the Licensing Sub-Committee consists of more than one member from the list of Chairs it will be chaired in accordance with the order of priority.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Licensing Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Note on Membership: Membership of the Sub-Committee should not include ward Members for the wards where the relevant stadia are situated, currently Gorse Hill, Hale Central and Longford, to minimise potential conflicts of interest.

COMMITTEE		NO. OF MEMBERS	
SAFETY AT SPORTS GROUNDS SUB-COMMITTEE		3	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Olly Baskerville CH Tony O'Brien V-CH	John Holden	-	-
TOTAL	2	1	0
		0	0

Terms of Reference

To receive reports from the Safety at Sports Grounds Advisory Group, or other source, in relation to any matters concerning safety at sports grounds in the Borough. To promote public awareness of safety issues arising from those reports and to undertake annual inspections of the sports grounds on behalf of the Council.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Safety at Sports Grounds Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2024/25

Notes on Membership:

(1) The Council Membership is nominated by the Leader of the Council.

(2) The Chair for the Health and Wellbeing Board will rotate on an annual basis between Trafford Council and NHS Trafford Clinical Commissioning Group.

(3) * Denotes that this position must be represented on the HWB as per the Health and Social Care Act 2012 (Note: at least one Councillor, one member of each relevant CCG, a representative of the local Healthwatch organisation plus any other members considered appropriate by the Council, must be appointed.)

COMMITTEE		NO. OF MEMBERS	
HEALTH AND WELLBEING BOARD		5	
		(plus *Corporate Director of Children Services, Corporate Director of Adult Services, *Director of Public Health and 13 External Partners)	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Executive Member for Health and Care	Shadow Executive Member for Health and Care	Jane Brophy	
Executive Member for Children and Young People			
Executive Member for Communities and Safety			
TOTAL	3	1	0

Membership of the Health and Wellbeing Board shall also comprise of:

- NHS Trafford Clinical Commissioning Group (3 representatives: Chair, Chief Operating Officer and Clinical Director/Representative)
- Chair of Health Watch
- Third Sector (2 representatives)
- Independent Chair Local Safeguarding Board
- Chair of the Safer Trafford Partnership - GMP
- Chair of the Trafford Sports and Physical Activity Partnership
- Chief Executive Officers of health care providers (2): (Manchester University NHS Foundation Trust and Greater Manchester West Mental Health NHS Foundation Trust)
- Greater Manchester Fire and Rescue Service Representative
- Greater Manchester Health and Social Care Partner Representative

TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 22 May 2024
Report for: Decision
Report of: Monitoring Officer / Director of Legal and Governance

Report Title

APPOINTMENTS TO OUTSIDE AND INDEPENDENT BODIES

Summary

To agree the appointment of representatives to outside and independent bodies relating to the service areas and functions of the Council for the 2024/25 Municipal Year.

Additionally, there is a more extensive list of outside and independent bodies whose activities relate to Executive functions. The Council is asked to note the representatives on these bodies which are to be confirmed by the Leader of the Council.

Recommendation(s)

1. That approval be given to the appointment of representatives to those outside and independent bodies set out in Appendix 1 to this report.
2. That the Council notes the representatives appointed by the Leader of the Council to those outside, independent and Executive bodies set out in Appendix 2 to this report.
3. That the Chief Executive, in consultation with the relevant Group Leader(s), be delegated authority to appoint members to any outside body vacancy that remains or arises after this Annual Meeting and to any other bodies to which the Council is required to make appointments (and when such appointments specifically relate to Council functions, to report back to Council on any changes or new appointments so made).
4. That the Council approves the persons named in Appendix 3 to sit on the Statutory School Appeals Committee for the 2023/24 Municipal Year and that the Corporate Director of Governance and Community Strategy be delegated authority to make changes to this list and to set up School Appeals Committees, including the appointment of Chairs.

Contact person for access to background papers and further information:

Name: John Addison Governance Manager
Extension: 1387

Background Papers: None.

Item 9: Appendix 1

TRAFFORD BOROUGH COUNCIL

REPRESENTATIVES ON OUTSIDE BODIES AND ORGANISATIONS

PERSONS NOMINATED – 2024/25

APPOINTMENTS MADE BY THE COUNCIL

Organisation	Number of Representatives		2024/25 Nominations Councillor(s)
	Required	LAB:CON:LD:GRN	
1. Greater Manchester Combined Authority (GMCA) / Association of Greater Manchester Authorities (AGMA)			
(a) AGMA Executive Board	1	1:0:0:0	Tom Ross Substitute: Catherine Hynes
	(Leader of the Council plus 1 named substitute from the Executive – recommended to appoint the GMCA substitute member as the AGMA substitute member)		
(b) (1) Clean Air Charging Authorities Committee and (2) Air Quality Administration Committee	1	1:0:0:0	Aidan Williams Substitute: Stephen Adshead
	Executive Member for clean air (plus substitute)		
(c) Clean Air Scrutiny Committee	1	1:0:0:0	Jill Axford
	(plus substitute) (Cannot be a member of the Clean Air Charging Authorities Committee / Air Quality Administration Committee)		
(d) Draft Joint Development Plan – Places for Everyone Committee	1	1:0:0:0	Tom Ross Substitute: Liz Patel
	(Leader plus substitute)		

Organisation	Number of Representatives Required LAB:CON:LD:GRN		2024/25 Nominations Councillor(s)
(e) GM Combined Authority	1	1:0:0:0	Tom Ross
	(Leader plus substitute)		Substitute: Catherine Hynes
(f) GMCA Audit Committee	1	Agreed 0:1:0:0	GMCA Executive to determine (Dylan Butt)
	(Cannot be the Leader)		
	(Appointed by GMCA not a Council nomination)		
(g) GMCA Overview and Scrutiny Committee	6	4:1:0:0	Jill Axford Ged Carter Keleigh Glenton George Devlin Nathan Evans Vacancy
	(Nominees cannot be a member of GMCA or Transport Cttee)		
	GMCA suggest nominating members who were appointed last year		
(h) Greater Manchester Culture and Social Impact Fund Committee	1	1:0:0:0	Catherine Hynes
	(plus substitute)		Substitute: Rose Thompson
	Membership to replicate AGMA Statutory Functions (o) below		
(i) Greater Manchester Health Scrutiny Committee	1	1:0:0:0	Sophie Taylor
	Non-Executive Member		Substitute: Barry Winstanley
Substitute	(Chair of Health Scrutiny or scrutiny members ideally)		
	(plus Non-Executive substitute)		

Organisation		Number of Representatives Required		2024/25 Nominations
		LAB:CON:LD:GRN		Councillor(s)
(j)	Greater Manchester Homelessness Programme Board	1	1:0:0:0	James Wright
	(Lead Executive Member for Housing)			
	(plus substitute)			Substitute: Liz Patel
(k)	Greater Manchester Pension-Fund Management Panel	1	1:0:0:0	Jill Axford
	No Substitute on this body			
(l)	Greater Manchester Police, Crime and Fire Panel	1	1:0:0:0	Rose Thompson
	(Cannot be the Leader)			
	(plus substitute)			Substitute cannot be Leader: Simon Thomas
(m)	Greater Manchester Police, Crime and Fire Steering Group	1	1:0:0:0	Rose Thompson
	(Cannot be the Leader)			
	(plus substitute)			Substitute cannot be Leader: Simon Thomas
(n)	Greater Manchester Transport Committee (to be succeeded by the Bee Network Committee)	1	1:0:0:0	Aidan Williams
	(plus substitute)			Substitute: Stephen Adshead
	(Cannot be members or substitute members appointed to the GMCA)			
(o)	Greater Manchester Waste and Recycling Committee	2	1:1:0:0	Stephen Adshead Dylan Butt
	(Lead Executive Member or portfolio holder with responsibility for environment/waste where possible)			
(p)	Green City Region Board	1	1:0:0:0	Aidan Williams
	(Lead Executive Member for low carbon)			

Organisation		Number of Representatives Required		2024/25 Nominations
		LAB:CON:LD:GRN		Councillor(s)
(q)	Integrated Care Partnership	1	1:0:0:0	Jane Slater Substitute: Tom Ross
	(Leader) (plus substitute – recommended to appoint the GMCA substitute member)			
(r)	GM Childrens' Board	1	1:0:0:0	Karina Carter Substitute: Emma Hirst Denise Western
	Executive member for Children preferred			
(s)	Planning and Housing Commission	1	1:0:0:0	Liz Patel Substitute: James Wright
	(Lead Executive Member for Housing) (plus substitute)			
(t)	Statutory Functions Committee	1	1:0:0:0	Catherine Hynes Substitute: Rose Thompson
	Membership to replicate GM Culture & Sound Impact Fund Committee (e) above			
*	(u) <u>Nominations invited to be made, should the Council wish to do so:</u>			
	(i) Christie Hospital NHS Foundation Trust: Council of Governors	1	1:0:0:0	AGMA Executive already determined
	(3 year appointment no nomination required)			
*	(ii) Halle	1	1:0:0:0	Ged Carter
*	(iii) NW Regional Flood and Coastal Committee	1	1:0:0:0	Aidan Williams
	(Lead Executive Member for Environment)			
*	(iv) Peoples History Museum: Charity Trustee role	1	1:0:0:0	Frances Cosby

Organisation	Number of Representatives		2024/25 Nominations
	Required	LAB:CON:LD:GRN	Councillor(s)
* (v) Transport for the North and Rail North Committee Substitute Member for the GM Mayor	1	1:0:0:0	GMCA Executive to determine Tom Ross
(vi) Transport for the North Audit and Governance Committee	1 (plus substitute)	1:0:0:0	Aidan Williams Substitute: Stephen Adshead
(vii) Transport for the North General Purposes Committee	1 (plus substitute)	1:0:0:0	Aidan Williams Substitute: Stephen Adshead
* (viii) Transport for the North – Scrutiny Committee	1 (plus substitute)	1:0:0:0	Emma Hirst Substitute: Fianna Hornby
2. Local Government Association - General Assembly	4	3:1:0:0	Joanne Harding Catherine Hynes Tom Ross Nathan Evans
3. Manchester Port Health Authority	1 (plus deputy)	1:0:0:0	David Jarman Deputy: Barry Winstanley
4. North West Employers (Chair & vice chair of employment)	1 (plus deputy)	1:0:0:0	Joanne Bennett Deputy: Fianna Hornby
5. Statutory School Admissions Appeals Committee	(See appendix 3 attached – not Council members)		

Item 9: Appendix 2

TRAFFORD BOROUGH COUNCIL

REPRESENTATIVES ON OUTSIDE, INDEPENDENT AND EXECUTIVE BODIES

PERSONS NOMINATED – 2024/25

APPOINTMENTS MADE BY THE EXECUTIVE

Organisation	Number of Representatives		2024/25
	Required	LAB:CON:LD:GRN	Appointments Councillor(s)
1 Age UK (Trafford)	2	2:0:0:0	Kevin Procter Dolores O'Sullivan
2 Altrincham and Sale Chamber of Commerce	1 (plus 1 Deputy)	1:0:0:0	Ben Hartley Deputy: Eve Parker
3 Assets of Community Value	Pool of 12 Panel comprises 7 Members (4:2:0:1) To be Chaired by the Executive Member for Culture, Leisure and Strategic Partnerships	8:2:1:1 (agreed no LD nominee)	Bilal Babar Oily Baskerville Will Jones Rose Thompson Barry Winstanley Emma Hirst Ben Hartley Sue Maitland Dolores O'Sullivan Dylan Butt Michael Taylor Owain Sutton
4 Bridgewater Canal Trust	1	1:0:0:0	Barry Brotheron Substitute: Mike Cordingley
5 Citizens' Advice Trafford	1	1:0:0:0	George Devlin
6 Corporate Parenting Board	3 Portfolio Holder for Children's Services, Shadow Member for Children's Services, Leader / Deputy Leader of the Council	2:1:0:0	Karina Carter Tom Ross Lisa Hancock

7
8

Organisation	Number of Representatives Required		2024/25 Appointments
		LAB:CON:LD:GRN	Councillor(s)
9 Greater Manchester Forests Partnership	2	2:0:0:0	Stephen Adshead Liz Patel
	Executive Member(s) for Planning and Environment		
10 Investment Management Board	6	Agreed 3:1:1:1	Joanne Harding Liz Patel Tom Ross Nathan Evans Dylan Butt (non-voting) Michael Welton LD do not wish to nominate
		(All Group Leaders, Executive Member for Housing & Neighbourhoods, Executive Member for Finance & Investment and Chief Executive plus Shadow Member for Housing & Neighbourhoods as a non-voting Member)	
11 Larkhill Centre Community Association – General Committee	1	Agreed 0:0:1:0	Julian Newgrosh
12 Local Strategic Partnership	2 (plus Chief Executive)	2:0:0:0	Rose Thompson Tom Ross
13 Manchester Airport Consultative Committee	3 (plus 1 Deputy)	2:1:0:0	Liz Patel Shirley Procter Nathan Evans
14 Manchester University NHS Foundation Trust (MFT) – Nominated Governor	1 (3 year appointment)	1:0:0:0	Deputy: Sue Maitland Mike Cordingley (until June 2026 to be re-appointed)
	Note: must not be a member of a local authority's scrutiny committee covering health matters		
15 North West Reserve Forces and Cadets Association (NWRFC)	1	1:0:0:0	Judith Lloyd
16 One Trafford Partnership Board	3	2:1:0:0	Stephen Adshead Aidan Williams Nathan Evans
17 Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee / Bus Lane Adjudication Service Joint Committee	1 (plus 1 Deputy)	1:0:0:0	Stephen Adshead Deputy: Aidan Williams

Organisation	Number of Representatives		2024/25
	Required	LAB:CON:LD:GRN	Appointments Councillor(s)
18 Standing Advisory Council for Religious Education (SACRE)	7	4:1:1:1 (Agreed 5:1:1:0)	Karina Carter Wassem Hassan Denise Western Eve Parker Ulrich Savary Michael Taylor LD vacancy
19 STAR Joint Committee	1 (plus 1 Substitute)	1:0:0:0 (Executive Member for Finance plus 1 Executive Member to be appointed as a Substitute)	Jo Harding Substitute: Liz Patel
20 Teachers Joint Negotiating Committee (Schools)	4 To be appointed as per the JNC Constitution	3:1:0:0 (Executive Members for Education, Children's Social Services, Chair of the Employment Committee and the Shadow Member for Education)	Joanne Bennett Karina Carter Dave Acton Shengke Zhi
21 Timperley Village Club - Management Committee	1 (observer)	Agreed 0:0:1:0	Shaun Ennis
22 Trafford Arts Association	2	2:0:0:0	Barry Brotherton Zak Deakin
23 Trafford Community Leisure Trust	2	2:0:0:0	Olly Baskerville Catherine Hynes
24 Trans-Pennine Trail	2	2:0:0:0	Mike Cordingley Barry Winstanley
25 University of Manchester – General Assembly (3 year appointment)	1	1:0:0:0	Karina Carter (until June 2025)
<u>CHARITIES</u>			
26 The James Bradshaw Charity and the Bradshaw Educational and Richard Newton Foundations (4 year appointment)	3	2:1:0:0	Simon Thomas (until June 2025) Laurence Walsh (until June 2025) John Holden (until June 2024)

Organisation	Number of Representatives Required		LAB:CON:LD:GRN	2024/25
				Appointments
				Councillor(s)
27	Mayor's Land Charity and New Town Night School Fund	3 (The Mayor, Deputy Mayor and Retiring Mayor)	2:1:0:0	Mayor: Delores O'Sullivan Deputy: Amy Whyte Retiring: to be determined
28	Frances Del Panno Trust	As set out		The Mayor Chief Executive & Chief Finance Officer are ex-officio Trustees
29				
<u>COMPANY DIRECTORSHIPS</u>				
30	Trafford Bruntwood LLP	1	1:0:0:0	Tom Ross Corporate Director Place Director Finance Chris Oglesby Chris Roberts Kevin Crotty
31	Trafford Bruntwood (Stamford Quarter) LLP	1	1:0:0:0	Tom Ross Corporate Director Place Director Finance Chris Oglesby Chris Roberts Kevin Crotty
32	Trafford Bruntwood (Stretford Mall) LLP	1	1:0:0:0	Tom Ross Corporate Director Place Director Finance Chris Oglesby Chris Roberts Kevin Crotty
33	Trafford ES LLP	1	1:0:0:0	Tom Ross Corporate Director Place Corporate Director Finance & Systems Michael Dwan Timothy Edghill John Connolly
34	Trafford Leisure Community Interest Company Limited Board of Directors	1	1:0:0:0	Catherine Hynes Susan Aldridge Yvonne Burke Gareth Evans Daniel Gidney Eamonn O'Rourke Eleanor Roaf Andrew Worthington
35	Trafford Regeneration and Investment Limited	1 (plus Chief Executive)	1:0:0:0	Tom Ross Chief Executive

Organisation	Number of Representatives Required LAB:CON:LD:GRN		2024/25 Appointments Councillor(s)
Homes for Trafford LLP	1	1:0:0:0	Tom Ross Corporate Director Place

Note: Re 30 to 35

Where these are Directors' appointments it will be necessary for the current members to sign resignation forms and for new members to be appointed and the details need to be lodged at the Companies Registry.

Item 9: Appendix 3

STATUTORY SCHOOL ADMISSION APPEALS COMMITTEE – PANEL MEMBERS FOR 2024/25

Lay People:

Mrs. Bracegirdle
Mrs. Finn (Chair)
Ms. Hall
Mrs. Javaid
Mrs. A. Jones
Mrs. Keavney

Mr. Lea
Mr. Munday (Chair)
Mr. Padden
Mrs. Smith (Chair)
Mr. Turner
Mr. Whitehead (Chair)

People with an Interest in Education:

Ms. Dawson-Smith
Mrs. Dee
Mr. Flannery
Mr. Hall (Chair)
Mrs. Hassan
Mrs. D. Jones

Mrs. Kelly
Mrs. Peters
Mrs. Quest
Mrs. Sher (Chair)
Ms Sproston

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Contract Procedure Rules including local rules listed under Schedule One

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1. Introduction

- 1.1 These Contract Procedure Rules (“Rules”) are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of all relevant legislation from which they emanate in particular, but not limited to: the Public Procurement (Amendments, Repeals and Revocations) Regulations 2016; the Public Contracts Regulations 2015; The Health Care Services (Provider Selection Regime) Regulations 2023; Concession Contracts Regulations 2016; Equality Act 2010; Public Services (Social Value) Act 2012; the Local Government (Transparency Requirements) (England) Regulations 2015 (As amended from time to time); and the associated principles relating to non-discrimination, equal treatment and transparency, is mandatory for all Officers and Members.
- 1.2 Stockport Metropolitan Borough Council, Tameside Metropolitan Borough Council, Trafford Borough Council, Rochdale Metropolitan Borough Council, Knowsley Metropolitan Borough Council and St Helens Borough Council (individually referred to as the “Council” and collectively referred to as the “STAR Authorities”) have agreed, through an Inter Authority Agreement (“IAA”) to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as “STAR”. Other authorities may, from time to time, join the IAA.
- 1.3 Each of the STAR Authorities have agreed to establish and participate in a joint committee (the “Joint Committee”) and have agreed to delegate their Executive and to the extent that the activities of the Joint Committee are not executive functions the STAR Authorities delegate to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the Procurement Functions delegated to it.
- 1.4 The Rules ensure that Procurement Functions are undertaken in a legally compliant, transparent, fair and competitive manner. These Rules shall apply to all procurement activity where the Council is to procure any Supplies, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).
- 1.5 These Rules allow for Joint Procurement activity to be undertaken by STAR Procurement on behalf of some or all of the STAR Authorities and any other Contracting Authorities (together the Participating Authorities) who may, from time to time opt to participate in the Joint Procurement. The Participating Authorities will select one of their number to act as lead in the process (Lead Authority). The Lead Authority will draft a Memorandum of Understanding (MOU) to be agreed and signed by the Participating Authorities. The MOU will set out the commitment of resources, and other considerations that each will dedicate to the Joint Procurement activity. The Participating Authorities and Officers must follow their own governance procedures and these Contract Procedure Rules as appropriate.
- 1.6 The Joint Committee shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council’s own ratification procedures.
- 1.7 Officers and Elected Members involved in procurement activity must comply with these Rules, the Council’s Financial Procedure Rules/Regulations and the Council’s Employees Code of Conduct/Members Code of Conduct. Officers must ensure that any agents, consultants and contractual partners acting on their behalf, also comply with these Rules. They must also have due regard to any guidance provided by STAR, STAR Legal and their own legal teams. Any

failure to comply with any of the provisions of these Rules must be reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them. [\(See Schedule 1 -1.7\)](#)

- 1.8 These Rules must be read in conjunction with the Council's Constitution and in particular the Financial Procedure Rules, the Procurement Handbook, any relevant guidance documents endorsed by the Council and the Council's local Rules as contained in Schedule 1.
- 1.9 A number of local Rules can be found in the attached [Schedule 1](#) and which form part of these Rules. [\(See Schedule 1 -1.9\)](#)

2. Interpretations and Definitions

- 2.1 In the event of any conflict between English law and these Rules and Council Policy, the requirements of English law shall prevail over these Rules and Council Policy.
- 2.2 Any reference to legislation, primary or secondary, shall include any amendments/replacements made from time to time.
- 2.3 All figures specified in these Rules are exclusive of VAT.
- 2.4 In the event of any doubt as to the interpretation of these Rules, or as to proper procedure to be followed, advice should be sought from STAR in the first instance. [\(See Schedule 1 -2.4\)](#)
- 2.5 In these Rules the words and phrases below have the meanings detailed at Schedule 2.

3. Basic Principles and Responsibilities

- 3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.
- 3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.
- 3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and Elected Members must adhere to these Rules.
- 3.4 In all procurement activity, Officers and Elected Members must comply with the following overriding principles of procurement:
- a. non-discrimination;
 - b. openness/transparency;
 - c. equal treatment for all;
 - d. mutual recognition; and
 - e. proportionality
- Advice and guidance around the application of these principles in respect of procurement activity can either be accessed via the Procurement Handbook or from STAR Procurement or legal officers.

3.5 All procurement activity must be compliant with all relevant legislation, the Council's Constitution, the Procurement Handbook and the local policies in [Schedule 1](#), and as a minimum have regard to:

- a. **The need to achieve accountability** through sound governance mechanisms, with informed decisions which facilitates procurement activity which demonstrates the highest standards of integrity, transparency and fairness and enables the Council to discharge its responsibility in respect of expenditure of public money;
- b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply;**
- c. **The need to meet commercial, regulatory and corporate priorities of the Council;**
- d. **The need to procure responsibly** by considering how what is to be procured may improve social, environmental and economic well-being of the Council's relevant area;
- e. **The need to ensure Value for Money, Best Value** and achieve efficiencies by administering procurement processes which are cost effective
- f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under the Freedom of Information Act 2000 (FOIA) and Environment Information Regulations 2004 (EIR);
- g. **The need to ensure legislative compliance** in procurement processes and award of contracts;
- h. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
- i. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery and a clear audit trail in relation to procurement activity.
- j. **The need to Social Value** by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.

3.6 The Procurement Handbook contains further detailed practical guidance and information on the above requirements and process steps which Officers and elected Members must refer to when undertaking procurement activities.

4. Contracts to which these Rules do not apply

4.1 Where there is any doubt regarding the application of these Rules, Officers and Elected Members must seek guidance from STAR, STAR Legal or their own legal team.

4.2 These Rules **do not** apply to the following:

- a. employment contracts for Officers engaged on a PAYE basis;
- b. Contracts relating solely to the disposal or acquisition of securities;
- c. Contracts for the acquisition of an interest in land and property;
- d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal, or potential legal proceedings by the SRO for Legal Services;
- e. Grant funding agreements;
- f. Certain Qualifying Contracts between entities within the public sector; and
- g. Any contracts specifically excluded by relevant legislation.

[\(See Schedule 1-4.2 & 4.3 for further exclusions which may apply\)](#)

5. Preparation Steps

Officers and Elected Members must refer to the Procurement Handbook before undertaking any activity in connection with procurement.

5.1 Governance Requirements: Approval Process

5.1.1 The ASO must ensure that they are aware of what decisions must be made at each stage of the procurement process:

- The approval process is fundamental to determine the timescales within which a procurement exercise can be completed. Approval requirements involving decisions which must be taken by the Council's cabinet or Council is likely to extend the overall procurement timescales;
- The ASO must refer to the Council's Constitution, Scheme of Delegation and/or seek confirmation from its legal team in order to determine the correct and appropriate approval process before any procurement activity is initiated.

5.1.2 The ASO must submit a PID to STAR prior to undertaking any procurement activity. By submitting the PID the ASO confirms that they have the authority to initiate the procurement activity. The PID must also determine where there are further approval steps which must be taken throughout the procurement process:

- The ASO will be required to provide evidence of any decisions made and/or approvals obtained in respect of the relevant procurement activity.

5.2 Appraisal of the Procurement Options

5.2.1 Once the PID has been received, the ASO, together with the APO, must conduct an options appraisal of the procurement options and will determine, as a minimum:

- Contract value;
- the most viable route to market;
- procurement process requirements and associated documentation;
- market research, engagement and consultation requirements;
- associated implications;
- key actions; [\(See Schedule 1 - 5.2 Appointment of Consultants\)](#)
- procurement timescales against approval requirements;
- Specification or Quotation Specification as appropriate;
- Social Value and the economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.

Further information on the above can be found in the Procurement Handbook.

5.2.2 The ASO and APO must determine if procurement activity will result in either the employees of the Council or its Contractor transferring to a new employer and they must consult STAR Legal and/or their own legal teams to ensure compliance with TUPE, and other related legislation, and to assess the implications in respect of pension arrangements.

5.2.3 The ASO and APO will seek advice and guidance from STAR Legal and/or from colleagues on a wider basis where necessary or desirable.

5.2.4 The ASO will liaise with STAR to develop either a Specification or a quotation request commensurate to the scope of the Supplies, Services, execution of Works, or Concessions Contract.

5.3 **Framework Agreements and DPS**

5.3.1 For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by:

- a. the Council in compliance with these Rules; or
- b. another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with procurement legislation, and the Council is identified as a contracting authority.

5.3.2 Where, following an options appraisal as required by [Rule 5.2](#), a suitable Framework Agreement or DPS is identified, the requirements of Rule 5.5.4, Rule 6 (Quotes) and Rule 7 (Tenders) will not be applicable and the ASO and APO must ensure that:

- a. An order is placed or a contract is awarded in accordance with the terms and conditions set out in the relevant Framework Agreement or DPS; and
- b. Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement or DPS; and
- c. The correct contractual documentation is entered into in accordance with approval requirements.

5.3.3 Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal.

5.4 **Market Research, Engagement and Consultation**

5.4.1 The ASO and APO will determine market research, engagement and consultation requirements and where relevant the APO will determine where an ASO may consult potential Bidders or Tenderers in general terms prior to a request for a Quote or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers.

5.4.2 The ASO and APO must not seek or accept technical advice on the preparation of a quotation request or an Invitation to Tender from anyone who may have a commercial interest in the Quote or Tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers and/or distort competition.

5.5 **Estimating the Total Value of a Contract**

5.5.1 Rule 5.5 is applicable to the procurement of all contracts where an existing Framework Agreement or DPS is not being used to make an award of contract.

5.5.2 Officers must calculate the total value of the Contract in order to determine which procurement activities should be commenced in accordance with these Rules. The procurement activity that must be followed is prescribed in Table 1 below.

5.5.3 The Council must not split Contracts in order to avoid public procurement rules or calculate the value of the Contract in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract Agreement:

Yearly potential contract value X Contract Period in years (including any option to extend) = Total value.

5.5.4 The value of a Framework Agreement or DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Supplies, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.

5.5.5 The value of the Contract will determine which procurement activity to follow in accordance with Table 1 below subject to Rules 5.5.6 and 5.5.7:

Table 1: Procurement Activities

Supplies, Services and Concessions

When procuring Relevant Health Care Services, the procurement processes set out in The Health Care Services (Provider Selection Regime) Regulations 2023 shall take precedence over the table below. The Provider Selection Regime does not place any value limits on the contracts that can be awarded under the direct award processes or the most suitable provider process.

The values specified in the table below are exclusive of VAT and is intended for calculating the value of a contract that falls below the Regulations Threshold. Where the Regulations apply, VAT is to be included when calculating the total value of a Contract.

Value Band	Value	Procurement Activity	Minimum Requirement for advertising the opportunity
A	£0 - £9,999.99	Minimum one Quote in accordance with Rule 6 – Quotes	N/A*
B	£10,000 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes – following consultation with STAR	N/A*
C	£25,000 and up to the Regulation Thresholds	Minimum three Quotes in accordance with Rule 6 – Quotes and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	Electronic procurement portal
		In accordance with Rule 7 – Tenders and subject to risk-based sourcing. Route to	Electronic procurement portal and Contracts Finder

		market to be agreed in conjunction with STAR	
D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Find a Tender Service Notice and Contracts Finder

Works and Public Works Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for advertising the opportunity
A	£0 - £9,999.99	Minimum one Quote in accordance with Rule 6 – Quotes	N/A*
B	£10,000 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	N/A*
C	£25,000 up to the Regulation Threshold	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	Electronic procurement portal
		In accordance with Rule 7 – Tenders and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	Electronic procurement portal and Contracts Finder
D	Not Required		
E	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Find a Tender Service notice and Contracts Finder

***WHERE ANY OPPORTUNITY OVER £25K IS OPENLY ADVERTISED, IT MUST BE PLACED ON CONTRACTS FINDER**

- 5.5.6 Where the Contract value falls within Value B or D for Supplies, Services and Concession Contracts or Value Band C or E for Works and Public Works Concession Contracts, the ASO shall determine which procurement activities should be undertaken by reference to the Procurement Handbook.
- 5.5.7 Where the value of the Contract is above the Regulation Thresholds, the ASO and the APO will determine which procurement activity to follow in accordance with the Regulations.
- 5.5.8 Irrespective of the value in Rule 5.5.5 Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) as amended from time to time.

5.6 Standards and Award Criteria

- 5.6.1 The ASO must define award criteria that is appropriate to the procurement activity and designed to secure an outcome giving Value for Money for the Council. The basic award criteria shall include one of the following:
 - a. Most economically advantageous tender (“MEAT”) - where considerations other than price also apply;
 - b. Lowest price - where payment is to be made by the Council;
 - c. Highest price - if payment is to be received.

If MEAT is the chosen award criteria, advice must be obtained from STAR to ensure that it is compatible with the Regulations.

- 5.6.2 The ASO must seek advice from STAR and/or STAR Legal to ensure any award criteria is compliant with relevant legislation and best practice.

6. Quotes

6.1 Requests for Quotes

- 6.1.1 When requesting a Quote, a Quotation Specification must be provided to prospective Bidders to enable the submission of competitive Quotes.
- 6.1.2 The request for a Quote shall also make reference to or include the following as a minimum:
 - a. the terms and conditions of Contract that will apply; and
 - b. notification that Quotes are submitted to the Council on the basis that they are compiled at the Bidder’s expense; and
 - c. a description of the award criteria as appropriate and in accordance with [Rule 5.6](#); and
 - d. the date and time by which a Quote is to be submitted by; and
 - e. that the Council is not bound to accept any Quotes submitted.

- 6.1.3 The proposed form of Contract must comply with [Rule 8](#) and the standard terms and conditions of Contract, as determined and made available by STAR Procurement must be used. Advice and approval must be obtained from a STAR Legal Officer where alternative terms and conditions are proposed.

6.1.4 Where requests for a Quote are sought from more than one prospective Bidder, where possible, the request must be sent to each Bidder at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

6.2 **Submission and Receipt of Quotes**

6.2.1 Bidders must be given a reasonable period in which to prepare and submit a proper Quote, consistent with the complexity of the Contract requirement.

6.2.2 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed. ([See Schedule 1 -6.2.2](#))

6.2.3 Where there is a deadline for quotes, any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.

6.2.4 If fewer than the minimum number of Quotes is received as stipulated in Table 1 in [Rule 5.5](#), then advice must be sought from the Director of Procurement (STAR) as to whether to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal..

6.3 **Amendments to Quotes**

6.3.1 The Council may accept amendments to Quotes, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions. In such circumstances, any alterations must be made by resubmitting a new Quote and clearly highlighting which Quote (and associated documents) is correct and which should be considered as part of the procurement activity.

6.3.2 Approval for any amendments after the closing date (whether to submissions by bidders or to requirements by the Council) must be sought from the Director of Procurement (STAR) in consultation with STAR Legal. An example where a Quote may be amended after the closing date for submission would be if the amendment is made only in order to correct an arithmetical error. ([See Schedule 1 -6.3.2](#))

6.4 **Evaluation of Quotes**

6.4.1 All compliant Quotes, including those in mini-competitions under Framework Agreements and DPS, must be checked by the ASO to ensure they are arithmetically correct. The ASO may seek advice from STAR if there is any doubt. If any errors are found they should be notified to STAR for advice.

6.4.2 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on the electronic procurement portal. The ASO must then confirm to STAR that the Contract can be awarded in accordance with [Rule 6.5](#) by updating the PID.

6.5 **Contract Award – through a Quotation Process**

6.5.1 All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on the electronic procurement portal.

6.5.2 All awards of contracts must be:
a. in accordance with Council's Scheme of Delegation;
b. in accordance with Finance Procedure Rules/Regulations; and

- c. recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service. ([See Schedule 1-6.5.2 Exceeding of Budget](#))
- 6.5.3 Once the decision has been made and the approval given to award the Contract, the ASO must send a Contract award letter to the winning Bidder(s).
- 6.5.4 Prior to commencement of the Contract, the Contract must be completed in accordance with [Rule 8.2](#) unless Rule 8.2.2 applies.
- 6.5.5 STAR will, in consultation with STAR Legal where necessary, advise on the formalities for completion of the contract.

7. Tenders

7.1 Invitations to Tender

- 7.1.1 All Tender opportunities must be advertised on the electronic procurement portal and, where appropriate, Contracts Finder in accordance with Table 1 at [Rule 5.5](#).
- 7.1.2 The Invitation to Tender, shall include the following where appropriate, as determined/advised by STAR:
 - a. A form upon which the Tenderer can provide details of its bid (“Form of Tender”);
 - b. A reference to the Council’s ability to award in whole, in part or not at all;
 - c. A Specification that describes the Council’s requirements in sufficient detail to enable the submission of competitive offers;
 - d. the terms and conditions of Contract that will apply;
 - e. A requirement for Tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose);
 - f. A requirement for Tenderers to fully complete and sign all Tender documents including the Form of Tender and certificates relating to canvassing and non-collusion;
 - g. Notification that Tenders are submitted to the Council on the basis that they are compiled at the Tenderer’s expense;
 - h. A description of the award procedure and the evaluation criteria to be used to assess Tenders including any weightings as considered appropriate and in accordance with [Rule 5.6](#). The evaluation criteria must be clear, concise and unambiguous and must be approved by the APO in consultation with the ASO. The evaluation criteria cannot be amended once published in the Invitation to Tender;
 - i. The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with and in particular, whether the overall price prevails over the rates in the Tender or vice versa;
 - j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;
 - k. Whether additional arrangements will be required in relation to pension provision;
 - l. Provisions relating to the Council’s termination rights in the event that corruption is discovered;

- m. The relevance and application of any parent company guarantees and/or bonds;
 - n. That the Council is not bound to accept Tenders; and
 - o. Any matters required by local polices in [Schedule 1](#).
- 7.1.3 The proposed form of Contract must comply with [Rule 8](#) and the standard terms and conditions of Contract, as determined and made available by STAR Procurement, must be used. Advice and approval must be sought from a STAR Legal Officer where alternative terms and conditions are proposed.
- 7.1.4 All communications relating to Tenders must be via the electronic procurement portal for reasons of transparency and in order that a record can be maintained.
- 7.2 Pre and Post Tender Clarification Procedures**
- 7.2.1 Any pre and/or post Tender clarification activity may only be undertaken in accordance with the procedure set out in the Procurement Handbook. The ASO must seek guidance from STAR.
- 7.3 Submission and Receipt of Tenders**
- 7.3.1 Tenderers must be given a reasonable period in which to prepare and submit a proper Tender, consistent with the complexity of the Contract requirement and in accordance with the Regulations.
- 7.3.2 Any Tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.
- 7.3.3 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the date and time specified by STAR has passed.
- 7.3.4 If less than three Tenders are received then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal.
- 7.4 Verifying and Opening Tenders**
- 7.4.1 Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.
- 7.5 Amendments to Tenders**
- 7.5.1 The Council may accept amendments to Tender submissions, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions.
- 7.5.2 A Tender may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR) in consultation with STAR Legal. ([See Schedule 1-7.5.2](#))
- 7.6 Evaluation of Tenders**
- 7.6.1 If a SQ or an expression of interest prior to SQ was used, all those Tenderers must be given feedback at the relevant stage.
- 7.6.2 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed. ([See Schedule 1-7.6.2](#))

- 7.6.3 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the ASO and the APO to ensure they are arithmetically correct. If any errors are found they should be referred to STAR for advice.
- 7.6.4 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on the electronic procurement portal. The ASO must then confirm to STAR that the Contract can be awarded by updating the PID.
- 7.6.5 In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.
- 7.7 Contract Award – through a Tender process**
- 7.7.1 The winning Tender shall be awarded the Contract in accordance with the award criteria used.
- 7.7.2 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Tender ensuring compliance with the Financial Procedure Rules/Regulations. **(See Schedule 1 -7.7.2 Exceeding of Budget)**
- 7.7.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.
- 7.7.4 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service. [\(See Schedule 1 -7.7.4\)](#)
- 7.7.5 A Contract which has a contract value above the Regulation Thresholds, can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.
- 7.7.6 Once the decision to award a Contract is made, each Tenderer must be notified by either the ASO or the APO in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via the electronic procurement portal. The letters must include a description of the relative advantages of the successful Tenderer.
- 7.7.7 Prior to commencement of the Contract, the Contract must be completed in accordance with [Rule 8.2](#) unless Rule 8.2.2 applies.
- 7.7.8 The APO must publish a contract award notice in the Find a Tender Service and on the Council's website no later than 48 days after the date of award of the Contract where a Contract value exceeds the Regulation Threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.
- 7.7.9 Contract award letters, feedback to Tenderers and, including any incidental documentation must be approved by the APO prior to sending and STAR Legal will advise on the contract Terms and Conditions where the value of the Contract is over the Regulation Thresholds.
- 7.8 Enquiries about the Tender process**
- 7.8.1 The confidentiality of Tenders and the identity of Tenderers must be preserved at all times insofar as this is compatible with the Councils' obligations under FOIA and EIR.
- 7.8.2 If the Council receives a request for information under the FOIA as a result of the de-briefing process, the request must be referred to both the Director of Procurement (STAR) and the

relevant Officer of the Council who deals with such requests. The Council will be responsible for responding to the request.

- 7.8.3 Any challenges, complaints or requests for feedback, clarification or further information must be referred to the Director of Procurement (STAR) who will advise on how to respond and notify the SRO for Legal.

8. Contract Provisions and Contract Formalities

8.1 Contract Provisions

- 8.1.1 All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from STAR as to the appropriate form of Contract to be used and must be on the standard terms and conditions, as determined and made available by STAR Procurement. Advice and approval must be obtained from a STAR Legal Officer where alternative terms and conditions are proposed.

- 8.1.2 All Contracts, irrespective of value, shall, where appropriate, clearly specify as a minimum:

- a. What is to be supplied (i.e. the Works, materials, services, matters or things to be furnished, had or done)
- b. The provisions for payment (i.e. the price to be paid and when)
- c. The time, or times, within which the contract is to be performed
- d. The provisions for the Council to terminate the Contract and break clauses.
- e. The provision for collateral warranties from sub-contractors.
- f. Standards of performance
- g. Limitations on liability

8.2 Contract Formalities

- 8.2.1 Once a decision to award has been made in accordance with Rule 6.5.3 or 7.7.3, the Contract must be signed or sealed in accordance with Rule 8.3 and the procedures set out in the Procurement Handbook.

- 8.2.2 All Contracts which are to be formally completed in writing must be completed before the Supplies are supplied, or the Service, execution of Works or Concessions Contract begins, except in exceptional circumstances, and then only with the prior approval from the SRO for Legal.

- 8.2.3 A purchase order must be raised in the appropriate eProcurement system for all Supplies, Services and Works requirements to be acquired through an EPS and for all Contracts. The purchase order must refer to the terms and conditions of Contract between the Council and the Contractor.

- 8.2.4 The ASO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the ASO must seek advice from the STAR Legal Officer or the Council's own legal team.

8.3 Contracts under Seal

- 8.3.1 A Contract must be sealed where:

- a. The Council wishes to extend the liability period under the Contract and enforce its terms for up to 12 years; or

- b. The price to be paid or received under the Contract is a nominal price and does not reflect the value of the supplies or services; or
- c. There is any doubt about the authority of the person signing for the other contracting party; or
- d. The Contract value is £250,000 or above.

8.3.2 The seal must be affixed in accordance with the provisions of the Council’s Constitution.

8.4 Transfer of Contracts

8.4.1 Unless Rule 9.3.1(d) applies, no Contract should be transferred from one Contractor to another without first consulting STAR. Contracts can only be transferred if approved in accordance with the table below:

Value of Contract/Quote	Decision Maker
All values	SRO for Finance and SRO for Legal or their nominees in accordance with the Council’s Scheme of Delegation and consultation in with the Director of Procurement (STAR)

9. Exemptions and Modifications

9.1 Exemptions

9.1.1 In limited circumstances, it may be necessary to seek an Exemption from the Rules and guidance from STAR must be sought before any procurement activity commences.

9.1.2 An Exemption is an exemption to the requirements under these CPRs only and cannot be considered where the Contract value is above the relevant Regulation Threshold.

9.1.3 Exemptions will only be considered in exceptional circumstances. Examples of circumstances which may be considered exceptional could include the following:

- a. The arrangement is a permitted exemption from the requirement for competition contained in European or domestic legislation;
- b. To comply with legal requirements;
- c. The Contract is for Supplies, Services or the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council services; **(See Schedule 1 - 9.1.3 Additional Emergency Provisions) This section 9.1.3(c) does not apply to Relevant Health Care Services. Where an award or modification for Relevant Health Care Services must be made urgently, Section 14 of The Health Care Services (Provider Selection Regime) Regulations 2023 should be followed.**
- d. Repairs or parts — if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;
- e. Where a Service review includes the intention to co-terminate relevant Contracts;
- f. Proprietary or patented supplies or services are proposed to be purchased which, in the opinion of the ASO, are only obtainable from one person, and it can be demonstrated

that no reasonably satisfactory alternative to those proprietary or patented supplies is available; or

- g. The ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or
- h. The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- i. Supplies are proposed to be purchased by or on behalf of the Council at a public auction; or
- j. Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or
- k. Any other exceptional circumstances.

9.2 Procedure for Exemptions

- 9.2.1 To apply for an Exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook. ([See Schedule 1 - 9.2.1](#))
- 9.2.2 For the avoidance of doubt, in circumstances where either Rule 6.2.4 or Rule 7.3.4 applies, then an Exemption Form should not be completed.
- 9.2.3 No commitment should be made to a potential Contractor prior to completion of the exemption procedure. ([See Schedule 1 - 9.2.3](#))
- 9.2.4 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Exemptions. A record of the decision approving an Exemption and the reasons for it must be stored on the electronic procurement portal.

9.3 Modifications to a Contract or Framework Agreement

- 9.3.1 For Relevant Health Care Services, Section 13 of The Health Care Services (Provider Selection Regime) Regulations 2023 should be followed where a Contract or Framework Agreement is modified during its term. Any other Contracts and Framework Agreements may be modified during their term without a new procurement procedure in accordance with this Rule 9.3 in any of the following cases:
 - (a) where the Modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses
 - (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
 - (ii) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework agreement;
 - (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or

- (ii) would cause significant inconvenience or substantial duplication of costs for the Council,

provided that any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement;

- (c) where all of the following conditions are fulfilled:
 - (i) the need for Modification has been brought about by circumstances which a diligent Council could not have foreseen;
 - (ii) the modification does not alter the overall nature of the Contract or Framework Agreement;
 - (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.
- (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement as a consequence of:
 - (i) an unequivocal review clause or option in conformity with sub-paragraph (a), or
 - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Regulations;
- (e) where the Modifications, irrespective of their value, are not substantial within the meaning of Rule 9.3.5;
- (f) where Rule 9.3.3 applies; or
- (g) where the Contract Value is below the relevant Regulation Threshold, any other exceptional circumstances as agreed by the SRO for Legal.

(See Schedule 1 - 9.3.1 Additional Justifications may apply)

9.3.2 Where several successive Modifications are made:—

- (a) the limitations imposed by the proviso at the end of Rule 9.3.1 (b) and by Rule 9.3.1(c)(iii) shall apply to the value of each Modification; and
- (b) such successive Modifications shall not be aimed at circumventing the Regulations.

9.3.3 This Rule 9.3.3 applies where the value of the Modification is below both of the following values:

- (a) the relevant Regulation Threshold and
- (b) 10% of the initial Contract or Framework Agreement value for service and supply Contract or Framework Agreement and 15% of the initial Contract or Framework Agreement value for works contracts,

provided that the Modification does not alter the overall nature of the Contract or Framework Agreement

- 9.3.4 For the purposes of Rule 9.3.3 where several successive Modifications are made, the values shall be the net cumulative value of the successive modifications.
- 9.3.5 A Modification of a Contract or a Framework agreement during its term shall be considered substantial for the purposes of Rule 9.3.1(e) where one or more of the following conditions is met:
- (a) the Modification renders the Contract or Framework Agreement materially different in character from the one initially concluded;
 - (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
 - (i) allowed for the admission of other Tenderers than those initially selected,
 - (ii) allowed for the acceptance of a Tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
 - (c) the Modification changes the economic balance of the Contract or Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement; or
 - (d) the Modification extends the scope of the Contract or Framework Agreement considerably;
 - (e) a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement in cases other than those provided for in paragraph Rule 9.3.1(d).
- 9.3.6 Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract's term and the following conditions are met:
- (a) The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract;
 - (b) The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council;
 - (c) The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded;
 - (d) The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and
 - (e) The length of the extension is no longer than that permitted by the original Framework Agreement or Contract;

the decision to award the extension may be taken by the SRO for the relevant service and the Director of Procurement (STAR).

9.4 **Procedure for Modifications**

- 9.4.1 To apply for a Modification the ASO must provide a copy of the original signed contract, fill in the Modification Form and follow the process as set out in the Procurement Handbook. ([See Schedule 1 - 9.4.1](#))

- 9.4.2 No commitment should be made to a potential Contractor prior to completion of modification procedure.
- 9.4.3 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be submitted to STAR to be stored on the electronic procurement portal. ([See Schedule 1 - 9.4.3](#))

10. Declarations of Interest and Anti-Bribery and Corruption

- 10.1 The Council's reputation with regards to procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time.
- 10.2 Any Officer or Member must declare any interest which could influence their judgement in relation to procurement activity in accordance with the Council's Codes of Conduct.
- 10.3 No gifts or hospitality should be accepted from any Bidders or Tenderers involved in procurement activity except in accordance with the Council's Codes of Conduct.

11. Contract Management

- 11.1 All Contracts must have a Council Contract Manager ("Contract Manager") for the entirety of the Contract. In the event that there is no named Contract Manager the ASO will fulfil the role of Contract Manager.
- 11.2 The Contract Manager will be responsible for reviewing monitoring and evaluating the contract to ensure that its provisions and the services within it are being followed and performed as they should be.
- 11.3 During the life of the Contract, the Contract Manager should monitor the Contract in respect to the following:
- (a) Performance (against agreed KPIs where relevant);
 - (b) Compliance with specification and contract;
 - (c) Cost;
 - (d) Any Best Value duties ;
 - (e) Continuous Improvement;
 - (f) User satisfaction; and
 - (g) Risk management.
- 11.4 Before the end of the Contract, the Contract Manager will work with STAR to give adequate time to prepare for the end of the Contract, and where appropriate, plan for the preparatory steps of the pre-procurement stage.
- 11.5 STAR can provide advice and support on good practice in performance management of Contracts.
- 11.6 All Contracts must be included and published on the Contracts Register maintained by STAR in line with the Local Government Transparency Code 2015. This is a mandatory requirement and it is the responsibility of the SRO for each Service to ensure that they have informed STAR of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register accordingly.

12. Retaining Relevant Documents

- 12.1 All records in relation to the award of Contracts and the associated procurement process, including supporting documentation, shall be stored by STAR in an electronic filing system to be available for inspection by the Council's internal and external auditors, or Officer, immediately upon request. Records will be retained in accordance with relevant regulations applicable to electronic record retention.
- 12.2 All contracts shall be returned to the Council by STAR and must be retained as follows:

Contracts not under seal and with a value between £5,000 and £249,999.99	for six years after the end of the Contract
all sealed Contracts and Contracts with a value of £250,000 and above	for twelve years after the end of the Contract
Contracts that are grant funded regardless of value	Must comply with retention period above or the terms and conditions of the grant, whichever is the longer

- 12.3 If legislation related to any individual Contract stipulates a longer retention period than this, then the legislation requirements takes precedence over the Council's minimum periods.
- 12.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

SCHEDULE 1 - Local Arrangements for Knowsley Metropolitan Borough Council Only

Part 4 Section 8: Contract Procedure Rules, Schedule 1 - Introduction

1.7 Further to 1.7:

- i) For references in relation to Members in 1.7, for Knowsley MBC the following will apply instead:
 - a. Members shall comply with the Code of Conduct for Councillors, particularly when making procurement decisions at Cabinet level. (N.B. Members will not be involved in procurement decisions made under delegated powers so as to avoid any risk of impropriety.)
 - b. Disciplinary action referred to in 1.7 for the purposes of KMBC practices refers only to Council Officers. Potential misconduct by Members in relation to procurement matters will be dealt with in accordance with the relevant legislation and the Members Code of Conduct.
- ii) For instances of non-compliance with Contract Procedure Rules, the Senior Officer (SRO) shall submit, without delay a Ratification Report to the Executive Director (Resources) for approval. The Executive Director (Resources) shall take such actions as they deem necessary.
- iii) Where the Council uses consultants to act on its behalf in relation to any procurement, then the ASO responsible for the procurement shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules and related guidance. No consultant shall make any decision on whether to award a contract or to whom a contract should be awarded. A consultant may however form part of the Council's evaluation team and may score tenders and/or quotations as if they were an officer of the Council; any consultant shall comply with the Council's evaluation and training procedures.

1.9 Further to 1.9; Where in these Contract Procedure Rules (Schedule 1) there is a reference to the Executive Director (Resources) that function may be delegated by them as provided for in the Scheme of Delegation to Officers.

1. Interpretation and Definitions

2.4 Further to CPR 2.4, Executive Director (Resources) will retain any ultimate decision making in relation to the interpretation of these rules, or proper procedure to be followed.

4. Contracts to which these Rules do not apply

4.2 In addition to the exclusions listed in CPR 4.2, the following additional exclusions will also apply:

- h) Contracts for central bank services;
- i) Contracts related to S278 agreements;
- j) Contracts related to the appointment of artists or artistic works **up to the Regulations Threshold**: Supplies or Services with a value of up to the Regulations Threshold which are of a specialist or unique nature, such as antiquities, performance artists (e.g. theatre productions, comedians, singers, authors, etc.), and/or pre-existing works of art.

- k) Contracts related to the awarding of packages of care **up to the Regulations Threshold**:
- i) Services where the contract is required to maintain continuity of care and support, where a change in provider could potentially be harmful to service users and their families (where the aggregate value of contracts awarded to a single provider does not exceed the Regulations Threshold). Approval must be obtained from the relevant Executive Director. All Contracts as a result of this Rule are still required to be entered onto the Contracts Register, and appropriate award notices published as required by Regulations.
 - ii) These Rules **do not** apply to packages of care, regardless of value, related to Adult Social Care, Nursing, Residential Care Homes, or Open Access Sexual Health Services. All Contracts as a result of this Rule are required to be entered onto the Contracts Register, and appropriate award notices published as required by Regulations.
 - iii) Nothing in the above excludes these arrangements from any other requirement of the Council's Constitution, specifically, Key Decisions, as defined in Article 12.03 of the Constitution and provided for within the Access to Information Procedure Rules or the application of the Regulations.

4.3 Contracts Relating to Limited Care Services

- 4.3.1 It is recognised that either because of service user choice, or the nature of the market for specialist placements, that competitive procurement processes may not be possible for some contracts for personal social services for individuals as assessed as requiring services under the National Assistance Act 1948, the NHS and Community Care Act 1990, the Children Act 1998, the Children's and Families Act 2014, The Care Act 2015, and the DFE's SEND Code of Practice and any successor legislation ("Limited Care Services").
- 4.3.2 The procurement or commissioning of Limited Care Services should still ensure value for money is obtained, and still require compliance with Regulations. Therefore, overarching Framework Agreements or Dynamic Purchasing Systems (or similar arrangements) should be created and contracts awarded under these for as many of these Limited Care Services as possible. Provisions should be made within these overarching agreements to make the award process appropriate, efficient, and cost effective to the Council, reducing any failure rates of awarding through these methods.
- 4.3.3 Where Contracts for Limited Care Services cannot be awarded in accordance with Rule 4.3.2, and time allows, they should be awarded under Rules 6, or 7 as appropriate.
- 4.3.4 Where Contracts for Limited Care Services cannot be awarded in accordance with Rule 4.3.2 or 4.3.3, and a placement is sought for an individual with a registered care provider of their choice, they can be awarded without competition where approval is obtained from the relevant Executive Director. Justifications as provided for in Regulations must also be demonstrated as being met prior to seeking relevant Executive Director approval.
- 4.3.5 **Special Education Needs and Disability (SEND):** Where Contracts for Limited Care Services related to SEND cannot be awarded in accordance with Rule 4.3.2 or 4.3.3, and the decision process concerning where an individual is placed involves outside partners (i.e. outside of the Council's sole jurisdiction and control), they can be awarded without competition where approval is obtained from the relevant Executive Director. The decision-process together with the names of the Officers and partners concerned, and the reasons for the choice of provider, should be evidenced in the individual's care record. Justifications as provided for in

Regulations must also be demonstrated as being met prior to seeking relevant Executive Director approval.

- 4.3.6 Any other procurements for care packages or Limited Care Services that do not fall under Rules 4.3.4 or 4.3.5 that cannot be completed, require the approval of an Exemption in accordance with Rule 9.1.

5. Preparation Steps

5.2 Appraisal of the Procurement Options

- 5.2.1 Further to 5.2.1; Knowsley MBC key actions will also consider where the activity pertains to the procurement of Consultancy Services, the following practice will also apply:

- Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules and any guidance issued in the Procurement Handbook. In particular, any intention to commission a consultant shall be approved by the relevant Senior Officer (SRO) in consultation with the Head of Scrutiny, Procurement and Projects, who, where appropriate, will refer the matter to the Executive Director (Resources) for consideration and approval. The Head of Scrutiny, Procurement and Projects will monitor and report on Consultancy to the Executive Director (Resources) and other officer groups as appropriate. (NB Where a decision taken by Cabinet/Council (as appropriate) includes explicit need for external consultants, there will be no additional requirement for a Consultancy Business Case to be made and signed off in accordance with this rule.)

6. Quotes

- 6.2.2 In addition to 6.2.2 Any decision to reject a Quotation or Tender where it is established that it is abnormally low, must be approved by the Executive Director (Resources).

- 6.3.2 Further to 6.3.2, where appropriate, the Director of STAR will consult with Executive Director (Resources) prior to acceptance of the amendments.

- 6.5.2 In addition to the provisions in 6.5.2, further requirements must be met in relation to the following circumstances:

- i) Where the Total Value at time of award is below £25,000 and the Quote being accepted for award is within the relevant approved budget, the approval to award must be given in accordance with the Council's Scheme of Delegation and documented. The ASO should submit a sub-£25,000 Award Report to the Senior Officer (SRO) for approval.
- ii) Where the Total Value at time of award is below £25,000 and the Quote being accepted for award exceeds the relevant approved budget by no more than 10% or £2,500 (whichever is the lower) and additional budgetary provision is available, the approval to award must be given in accordance with the Council's Scheme of Delegation and documented, including where necessary, how the additional cost will be met. The ASO should submit a sub-£25,000 Award Report to the Senior Officer (SRO) for approval. Finance must be consulted before the report is submitted for approval.
- iii) Where the Total Value at time of award is below £25,000 and the Quote being accepted for award exceeds the relevant approved budget by more than 10% or £2,500 (whichever is the lower), and additional budgetary provision is available, the ASO must submit an Award Report to the Executive Director (Resources) seeking authority for the Senior Officer (SRO) to award the contract in accordance with this Rule, addressing the financial implications arising from awarding to the selected

- Quote and how the additional cost will be met. Finance and the APO must be consulted before the report is submitted for approval. Subject to Executive Director (Resources) granting authority, the Senior Officer (SRO) may then award the contract.
- iv) Where the Total Value at time of award is £25,000 or more and the Quote being accepted for award is under the relevant approved budget, or no more than 5% or £50,000 (whichever is the lower) of the approved budget and additional budget is available, approval to award must be given in accordance with the Council's Scheme of Delegation and documented, including where necessary, how the additional cost will be met. The ASO should submit an Award Report to the Senior Officer for approval. Finance and the APO must be consulted before the report is submitted for approval. Where the award is in excess of the approved budget but within the tolerance set out in this Rule, the Senior Officer (SRO) must confirm that they have consulted with the Executive Director (Resources) on the financial implications arising from awarding to the selected tender and how the additional cost will be met.
 - v) Where the Total Value at time of award is £25,000 or more and the Quote being accepted for award exceeds the approved budget by more than 5% or £50,000 (whichever is the lower), and additional budgetary provision is available, the Senior Officer (SRO) must submit an Award Report to the Executive Director (Resources) seeking authority to award the contract in accordance with this Rule, addressing the financial implications arising from awarding to the selected Quote and how the additional cost will be met. Finance and the APO must be consulted before the report is submitted for approval. Subject to the Executive Director (Resources) granting authority, The Senior Officer (SRO) may then award the contract.
 - vi) To report in a consistent manner, the Head of Scrutiny, Procurement, and Projects should be consulted on any report required under Rules 6.5.2 (iii) and 6.5.2(v)
 - vii) In all instances, these reports will be published on Knowsley MBC website.

7. Tenders

- 7.5.2 Further to 7.5.2 where appropriate, the Director of STAR will consult with Executive Director (Resources) prior to acceptance of the amendments.
- 7.6.2 In addition to 7.6.2, any decision to reject a Quotation or Tender where it is established that it is abnormally low, must be approved by the Executive Director (Resources).
- 7.7.2 In addition to the provisions in 7.7.2, further requirements must be met in relation to the following circumstances:
 - i) Where the Tender being accepted for award exceeds the relevant approved budget by no more than 5% or £50,000 (whichever is the lower), and additional budget is available, approval to award must be given must be given in accordance with the Council's Scheme of Delegation and documented, including where necessary, how the additional cost will be met. The ASO should submit an Award Report to the Senior Officer (SRO) for approval. Finance and the APO must be consulted prior to submission of the Award Report. The Senior Officer (SRO) must confirm that they have consulted with the Executive Director (Resources) on the financial implications arising from awarding to the selected tender and how the additional cost will be met.

- ii) Where the Tender being accepted for award is more than the relevant approved budget by more than 5% or £50,000 (whichever is the lower), and additional budgetary provision is available, the Senior Officer (SRO) must submit an Award Report to the Executive Director (Resources) seeking authority to award the contract in accordance with this Rule, addressing the financial implications arising from awarding to the selected Tender. Finance and the APO must be consulted prior to submission of the Award Report. Subject to Executive Director (Resources) granting authority, the Senior Officer (SRO) may then award the contract.
- iii) To report in a consistent manner, the Head of Scrutiny, Procurement, and Projects should be consulted on any report required under Rules 7.7.2 (ii).
- iv) In both instances, these reports will be published on Knowsley MBC website.

7.7.4 Further to 7.7.4, where the Tender being accepted for award is within the relevant approved budget, the approval to award must be given in accordance with the Council's Scheme of Delegation and documented. This should be through an Award Report, and Finance and the APO must be consulted prior to approval. This report will be published on the Knowsley MBC website.

9. Exemptions and Modifications

9.1.3 In addition to 9.1.3(c), in the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Council procedures, the appropriate Senior Officer (SRO) and the Executive Director (Resources) are authorised, notwithstanding anything contained in the Council's Contract Procedure Rules or Financial Procedure Rules, to carry out or contract for the immediate undertaking of any necessary works or to do anything else necessary on behalf of the Council.

In a continuing emergency any action taken or contract entered into shall be reported to a Cabinet or Council Meeting which shall consider the action taken and the reasons for it and shall determine any further action to be taken as necessary to deal with the situation.

Prior to reference to the Cabinet or Council, such exercise of emergency measures shall be subject to a total limit of expenditure which must be less than £250,000.

9.2.1 In respect of 9.2.1:

- i) The Knowsley MBC ASO will complete an Exemption decision/Report template in lieu of an Exemption Form. This report will be published on the Council website (This publication requirement is in addition to the requirements outlined in 9.2.4). The process for Knowsley MBC Exemptions as set out in the Procurement Handbook must be followed.
- ii) Approval for an exemption from these Rules must be sought from and provided by the Executive Director (Resources). Once permission is provided in accordance with this Rule, the relevant Senior Officer (SRO) may then award the contract.
- iii) The Head of Scrutiny, Procurement, and Projects should be consulted on any Exemption Report before approval is sought. Where possible this should be no less than 3 months before the details of the request need to be in place.

9.2.3 Further to 9.2.3, this provision will not apply in circumstances where the extreme emergency process set out in 9.1.3 (c) above is being followed.

9.3 Modifications to a Contract or Framework Agreement

9.3.1 In addition to the justifications for modification set out 9.3.1, the following additional justification is available:

- (h) Where the outcome of a service review includes the intention to co-terminate relevant contracts, to facilitate a substantive single procurement process for the associated requirements.

Modifications Requests under Rules 9.3.1.(b), (c), (e) (f) and (g) must be submitted by the ASO for approval by the relevant Senior Officer (SRO) and the Executive Director (Resources). For Modification requests under 9.3.1 (a), (d) & (h), the ASO can be submitted for approval to the relevant Senior Officer (SRO) only.

The Head of Scrutiny, Procurement, and Projects should be consulted on any Modification Report before approval is sought. Where possible this should be no less than 3 months before the details of the request need to be in place.

9.4 Procedure for Modifications

In respect of 9.4.1 and 9.4.3:

- i) The Knowsley MBC ASO will complete a Modification decision/Report template in lieu of a Modification Form. This report will be published on the Council website (This publication requirement is in addition to the requirements outlined in 9.4.3). The process for Knowsley MBC Modifications as set out in the Procurement Handbook must be followed.
- ii) Approval requirements for modifications are set out in 9.3.1.

Definitions

“Head of Scrutiny, Procurement, and Projects” The Head of Scrutiny, Procurement, and Projects with responsibility for ensuring that procurement reports meet consistent standards before submission for approval. These actions may be taken by a more senior officer within the Directorate.

“SRO for Legal Services” is Knowsley MBC’s Monitoring Officer.

SCHEDULE 2

Definitions

APO	means Authorised Procurement Officer and is the relevant STAR Officer who is responsible for the Goods, Services, execution of Works or Concessions Contract for which the Specification relates.
ASO	means Authorised Service Officer and is any Officer, within a directorate of the Council, who has delegated authority to undertake initiate and oversee procurement activity via STAR and whom is responsible for decisions connected to the award of a contract in connection with these Rules.
Best Value	has the same meaning as that defined in the Local Government Act 1999 as amended from time to time.
Bidder	means any Economic Operator that submits a Quote.
Call-Off Contract	means an order placed or a contract awarded in accordance with an established Framework Agreement or DPS and which are subject to the application of Rule 5.1.
CM	means the procurement Category Manager or similar role with equivalent experience and seniority within STAR
Concessions	means the granting of a right (exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment. Further guidance on Concession Contracts can be found in the Procurement Handbook
Contract	means a legally binding agreement between the Council and the Contractor for the procurement by the Council of all Goods, Services, the execution of Works and which incorporates the terms and conditions under which the Goods, Services, execution of Works and Concessions will be provided.
Contracting Authority	means any body which meets the definition of the same in the Public Contracts Regulations 2015
Contractor	shall mean the Bidder or Tenderer who the Council enters into a Contract with following the submission of a Quote or Tender and who is appointed by the Council to provide the Goods, Services, execution of Works or Concessions Contract. They may also be referred to as 'suppliers', 'providers' or 'service providers' within certain Council departments.
Contracts Finder	means the web-based portal provided for the purposes of Part 4 of the Regulations by or on behalf of the Cabinet Office.
DPS	Means Dynamic Purchasing System which is an electronic system procured using the restricted procedure for the purchase of commonly used goods services or works which are generally available on the market and objectively defined to which all bidders who meet the requirements of the selection criteria must be admitted during the entire period of the validity of the system
Economic Operator	means any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of Works and/or a work, the supply of Goods or the provision of Services on the market
EIR	means the Environmental Information Regulations 2004, as amended from time to time
Electronic Purchasing System	means purchases made online or via a telephone system
Exemption	means the release of the obligation to comply with these Rules
Financial Procedure Rules/Regulations	means the written code of procedures forming part of the Council's constitution which provide a framework for proper financial management and which set out the rules on accounting, audit, administrative procedures and budgeting systems.

Find a Tender Service	Means the e-procurement portal by which above Regulation Threshold tenders are advertised.
FOIA	means the Freedom of Information Act 2000
Framework Agreement	means an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Invitation to Tender	means an invitation issued by the Council to Tenderers to submit a Tender or a quote for the provision of Goods, Services, the execution of Works or a Concessions Contract in accordance with the Specification or request for those Goods, Services, execution of Works or Concessions Contract.
Joint Procurement	means the combined procurement actions of two or more of the STAR Authorities with one authority acting as the lead in the process and only one request for Quote or Tender published on behalf of all participating authorities.
Key Decision	has the same meaning as set out in the Council's constitution
Modification	means any variation to a Contract, DPS or Framework Agreement, including an extension.
Modification Form	means the form supplied by STAR for the purpose of recording the authorisation of a Modification.
Officer	means any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf
PID	means a Procurement Initiation Document providing details of the procurement activity and the authority to commence it as required in accordance with Rule 6.1.
Post Tender Report	means a summary of the outcomes delivered by the procurement activity
Procurement Functions	means the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STAR on its behalf.
Procurement Handbook	means the document which STAR Procurement may issue after having obtained the consent of the SRO Legal of each authority from time to time to set out the procedure to achieve the Council's procurement objectives
Procurement Policy	means the document which the Council may issue from time to time to set out how it will achieve its procurement objectives
Qualifying Contract	means any contract awarded to a legal person where the conditions under Regulation 12 of the Public Contracts Regulations 2015 are fulfilled.
Quotation Specification	means an appropriate description of the Goods, Services, execution of Works or Concessions (commensurate with the value of the Contract) setting out the Council's requirements in respect of Requests for Quotes
Quote	means a formal offer submitted by a Bidder to supply Goods, Services, execute Works or operate a Concessions Contract at a defined price
Regulations	means the Public Contracts Regulations 2015 SI2015/102, the Concessions Contracts Regulations 2016 SI2016/273 and the Health Care Services (Provider Selection Regime) Regulations 2023 as amended or replaced from time to time.
Regulations Threshold	means the financial threshold as amended from time to time, and where applicable, requires the procurement activity to be subject to the Regulations.
Relevant Health Care Services	means health care services which fall within one or more of the CPV codes specified in the table in Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023.
Scheme of Delegation	means the scheme identified within the Council's constitution which delegates powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council's functions.
Services	means the time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.

Specification	means the outputs, outcomes and the scope and nature of Goods, Services, execution of Works or Concessions Contract required by the Council from a procurement activity.
SQ	means "Selection Questionnaire" and is the document used by the Council to screen potential tenderers in accordance with the Regulations.
SRO	means "Senior Responsible Officer" and is the Officer delegated in the Council's Scheme of Delegation for the relevant service with the responsibility for the award of the Contract.
SRO For Legal	means the "Senior Responsible Officer for Legal" and is the most senior Officer delegated in the Council's Scheme of Delegation for Legal Services or in default of such delegation, the Council's Monitoring Officer.
SRO for Finance	means the "Senior Responsible Officer for Finance" and is the most senior Officer delegated in the Council's Scheme of Delegation for the Finance Services or in default of such delegation, the Officer appointed by the Council pursuant to s151 of the Local Government Act 1972.
STAR Legal	means an officer of Trafford Council's legal team which provides a legal service to STAR and STAR Authorities, in connection with and to facilitate discharge of the Procurement Functions by STAR.
STAR Legal Officer	means a member of the legal team jointly funded by all participating Council's in accordance with the IAA, whose role is to provide legal support to STAR.
Supplies	means an inherently useful tangible item required by the Council, from time to time.
Tender	means a formal offer submitted by a Tenderer to the Council at a stated price in response to a Specification to supply Goods, Services, execute Works or operate a Concessions Contract.
Tenderer	means any Economic Operator that submits a Tender.
The Chest	means the Council's eProcurement system.
TUPE	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended from time to time .
Value for Money	means the optimum combination of whole-life costs, price, quality and benefits to meet the Council's requirement. Such a term equates to the requirement in the Regulations of most economically advantageous offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Work	means the provision of physical activity which is directed toward the production or accomplishment of something by the Contractor, from time to time.
Writing	the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted by electronic means, in legible form, and capable of being used for subsequent reference.

Additional Definitions for the purpose of Schedule 1

Definitions

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