



TRAFFORD COUNCIL

AGENDA PAPERS FOR SCRUTINY COMMITTEE

Date: Wednesday, 16 March 2022

Time: 6.30 p.m.

Place: Committee Rooms 2 & 3, Trafford Town Hall, Talbot Road, Stretford,
M32 0TH

AGENDA	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers, and any apologies for absence.		
2. MINUTES		1 - 6
To receive and, if so determined, to agree as a correct record the Minutes of the meeting held on 12 January 2022.		
3. DECLARATIONS OF INTEREST		
Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.		
4. QUESTIONS FROM THE PUBLIC		
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4 p.m. on the working day prior to the meeting. Questions must be relevant to items appearing on the agenda and will be submitted in the order in which they were received.		
5. ACM CLADDING		To Follow
To consider a report from Trafford Housing Trust.		

6. **CONTRACT PROCEDURE RULES** 7 - 66
To consider a report from the Council's Monitoring Officer.
7. **CARRINGTON RELIEF ROAD** 67 - 74
To consider a report from the Director of Growth and Regulatory Services.
8. **EXECUTIVE RESPONSE TO THE BUDGET SCRUTINY REPORT** 75 - 84
To receive a presentation from the Executive Member for Finance and Governance.
9. **SCRUTINY REVIEW** To Follow
To consider the attached report.
10. **GYPSY, ROMA, TRAVELLER TASK AND FINISH GROUP** To Follow
To consider the attached report.
11. **FUTURE ITEMS FOR SCRUTINY**
For Members to suggest and discuss items for the 2022/23 municipal year.
12. **URGENT BUSINESS (IF ANY)**
Any other item or items which, by reason of special circumstances (to be specified), the Chair of the meeting is of the opinion should be considered at this meeting as a matter of urgency.
13. **EXCLUSION RESOLUTION (REMAINING ITEMS)**
Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006 and specified on the agenda item or report relating to each such item respectively.

SARA TODD
Chief Executive

Scrutiny Committee - Wednesday, 16 March 2022

Membership of the Committee

Councillors D. Acton (Chair), R. Chilton (Vice-Chair), J.M. Axford, D. Butt, G. Carter, L. Dagnall, M. Mirza, J.D. Newgrosh, K. Procter, R. Thompson, B.G. Winstanley and D. Western (ex-Officio).

Further Information

For help, advice and information about this meeting please contact:

Alexander Murray, Governance Officer,
Tel: 0161 912 4250
Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Thursday, 10 March 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

WEBCASTING

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If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Committee Room you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured or if you have any queries regarding webcasting of meetings, please contact the Democratic Services Officer on the above contact number or email democratic.services@trafford.gov.uk

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SCRUTINY COMMITTEE

12 JANUARY 2022

PRESENT

Councillor D. Acton (in the Chair).

Councillors R. Chilton (Vice-Chair), J.M. Axford, D. Butt, G. Carter, L. Dagnall, J.D. Newgrosh, R. Thompson and B.G. Winstanley

In attendance

Councillor Wright	Executive Member for Housing and Regeneration
Adrian Fisher	Director of Growth and Regulatory Services
Caroline Siddall	Housing Strategy and Growth Manager
Alexander Murray	Governance Officer

APOLOGIES

Apologies for absence were received from Councillors M. Mirza, K. Procter, Dr. K. Barclay, and D. Western

25. MINUTES

RESOLVED: That the minutes of the meeting held 10 November 2021 be agreed as an accurate record.

26. DECLARATIONS OF INTEREST

No declarations were made.

27. QUESTIONS FROM THE PUBLIC

The Chair informed the Committee that some questions had been received from a Member of the Public in relation to ACM cladding which were directed to Trafford Housing Trust. The questions were to be passed on to Trafford Housing Trust to provide a response.

RESOLVED: That the questions be passed onto Trafford Housing Trust to provide a response.

28. HOMELESSNESS IN TRAFFORD

The Housing Strategy and Growth Manager went over the set of data for quarter 3 that had been circulated as part of the agenda and provided updates where new information was available. The update covered the average length of stay in B&Bs in Trafford and the number of people Trafford placed outside of borough. The Housing Strategy and Growth Manager added that she would send the updated data set to the Committee after the meeting.

Scrutiny Committee
12 January 2022

Following the update, the Housing Strategy and Growth Manager offered to provide the Committee with training around Homelessness services and for Committee Members to visit and shadow members of the team.

Councillor Chilton asked whether support was being provided to those placed at the Ambelhurst. The Housing Strategy and Growth Manager Confirmed that welfare visits were being held and the feedback from those visits was that support was being provided by Manchester City Council.

Councillor Carter asked if comparators could be provided with the data to enable the Committee to compare performance year by year. The Housing Strategy and Growth Manager responded that the requested information would be provided going forwards.

Councillor Butt asked what the average cost of placing a homeless person in Trafford was. The Housing Strategy and Growth Manager responded that the price varied to place them in B&Bs, but the average was around £66. The cost was much less if they were placed within a commissioned service. The Executive Member for Housing and Regeneration then explained the commissioned provision Trafford had in place.

Councillor Winstanley confirmed that he would take up the offer to visit the Ambelhurst and encouraged the other Members to do so if they could.

Councillor Axford asked what the reason was for the item coming to Scrutiny. The Chair responded that the item had come up due to concerns raised about the possible rise in homelessness due to the pandemic and the resulting difficulties for the service.

Councillor Thompson asked whether the service collected data as to age and gender and whether any trends had been identified. The Housing Strategy and Growth Manager responded that there had not been an increase in women being homeless in Trafford, although this had been seen nationally. The Housing Strategy and Growth Manager added that the service had provided sets of data responding to questions and requests from the Committee. She then offered to provide a set of indicators on a regular basis along with historical data to be used so they could track any trends in the area.

Councillor Dagnall welcomed the offer by the Housing Strategy and Growth Manager and agreed it would be better to receive a regular data set on a regular basis instead of officers attending Committee meetings.

RESOLVED:

- 1) That the update be noted.
- 2) That a set of homelessness data be sent to the Committee on a regular basis.

Scrutiny Committee
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29. ACM CLADDING

The Chair explained that due to an administrative error the letter which had been agreed to be sent to Trafford Housing Trust had not been circulated and so the item had been deferred so that they could address the issues raised within the letter.

RESOLVED: That the item be deferred to the Committee's next meeting.

30. CARRINGTON RELIEF ROAD

The Director of Growth and Regulatory Services went through the presentation that had been circulated with the agenda. The presentation covered the reason the Carrington relief road was needed, the benefits the road would bring to the area, the Councils general principals around transport, and where the Council wanted to be in the future. The Council did plan to increase active travel and public transport but highways would continue to play a part in the transport plans in the borough. The presentation covered the other transport routes and options within the area. The presentation also informed the Committee of the public engagement that had been undertaken around the relief road plans.

After all the alternatives were considered, the Executive were asked to choose between options A and F. Option F was the preferred option but there had been a discovery of peat along the proposed road and further assessment was being undertaken. The presentation concluded with a slide informing the Committee of the next steps within the strategic programme and with links to additional information.

Councillor Winstanley asked for additional clarification as to exactly where the favoured proposed route would be. The Director of Growth and Regulatory Services demonstrated the route on the map on slide 11 of the presentation and explained how it would connect into the existing infrastructure.

Councillor Thompson asked where the peat had been found and what would happen if it was found that there was a large amount there. The Director of Growth and Regulatory Services showed the general area where the peat had been found and explained that if a large amount of peat was found then it would impact the preferred route and alternatives would be sought.

Councillor Newgrosh asked a series of questions on why further inspections were not being done on the other route following the discovery of peat along the preferred route, which could lead to it no longer being viable. Councillor Newgrosh felt that the number of responses received was very low for a consultation on such an important piece of infrastructure and asked to look at how the consultation was communicated. Councillor Newgrosh also noted that the Greater Manchester aim was to reduce Traffic by 50% by 2040 and felt this plan was incongruous with that aim. Councillor Newgrosh's final point was he felt the programme was not bold enough and asked why the proposed new rail line was not being considered instead, as the long-term benefits would be so much greater.

Scrutiny Committee 12 January 2022

The Executive Member for Housing and Regeneration responded by stating that the road programme would offer an improved route for existing residents in the area, which would help to assuage their concerns about the amount of development and the number of new homes and traffic this would bring into the area. The Executive Member for Housing and Regeneration then provided the Committee with information as to the steps taken as part of the public consultation and the efforts made to get as high level of response as possible. Unfortunately, the low level of response received for this consultation was in line with standard level of feedback received from consultation exercises.

The Director of Growth and Regulatory Services explained the Council's approach to surveying options. He then went on to assure the Committee that the road was not the only transport development being done in the area and that the additional railway line was still under consideration by the Council and TFGM.

Councillor Dagnall asked for more information regarding the requirements for a new road. The Director of Growth and Regulatory Services stated that there were several planning applications that had detailed assessments, which showed the need to have an additional road in the area.

A series of additional questions were raised but did not receive answers during the meeting. The questions were to be captured and a response provided to the Committee after the meeting.

The Committee agreed that they wanted to consider this item further and the committee requested that a timeline for the stages of the programme be provided so they could select items to consider and scrutinise. The Director of Growth and Regulatory Services responded that a document with the timings for the next stages of the programme could be shared with the Committee at their next meeting to help them plan further Scrutiny.

RESOLVED:

- 1) That the presentation be noted.
- 2) That the Carrington Relief Road be on the agenda of the next meeting of the Committee.

31. BUDGET SCRUTINY REPORT

The Chair introduced the report and asked Members if they had any questions or comments.

Councillor Carter noted that answers had not been received to the questions relating interest rates and whether the Council had a fixed rate energy supply and asked that these be followed up.

Councillor Carter asked whether there had been any response to the request for additional savings options. The Governance Officer confirmed that no further proposals had been received.

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The Committee agreed the report for submission to the Executive.

RESOLVED:

- 1) That the report be noted and recommendations agreed.
- 2) That the report be submitted to the Executive for a response.

32. WORK PROGRAMME

Councillor Dagnall raised an issue about the presentations being provided to the Committee. She expressed that the presentation did not the Committee with adequate information to able to scrutinise items in sufficient depth.

Councillor Newgrosh had received several complaints about issues around damp and the general the state of buildings being let out in Trafford. Councillor Newgrosh asked if this was something to be considered by the Committee. The Committee agreed to add this as a future topic for the Committee.

Councillor Carter suggested looking at the expected increased demand in EV vehicle charging and what the Councils strategy was to meet this demand over the next ten years.

RESOLVED: That the suggested items be noted and added to the work programme.

The meeting commenced at 6.30 p.m. and finished at 8.30 p.m.

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TRAFFORD COUNCIL

Report to: Scrutiny Committee
Date: 16 March 2022
Report for: Decision
Report of: Monitoring Officer

Report Title

CONTRACT PROCEDURE RULES (CPRs)

Summary

This report provides details of a review of the current Contract procedure Rules (“CPRs”) and proposes the adoption of a new set of CPRs by each of the STAR Authority.

Recommendation(s)

It is recommended that the Scrutiny Committee

- Notes the content of the report;**
- Notes that, in accordance with the approval process for constitutional amendments as set out in the Council’s constitution:**
 - At the meeting of the Standards Committee to be held on 14th March 2022, a report recommending the amended CPRs will be presented and**
 - In line with the Council’s constitution, the Standards Committee will consider the amended CPRs and if approved, will recommend them for adoption by the Council; and**
- Subject to approval from Standards Committee, recommends adoption of the proposed CPRs to Council for adoption.**

Contact person for access to background papers and further information:

Name: Caroline Myers

Background Papers: None

1. Background

1.1 The CPRs are standing orders made pursuant to s135 of Local Government Act 1972. Where such standing orders are made, they shall include provision for

securing and regulating competition for contracts entered into. They may also include exemptions to such provisions under certain thresholds specified within the CPRs.

- 1.2 Since the establishment of STAR Procurement, it has been considered essential that all partner authorities to have a single set of CPRs in order to harmonise procurement processes and enable the shared service vehicle to deliver an effective and consistent procurement processes.
- 1.3 The Council's current CPRs have been harmonised and adopted into the Constitution of each of the STAR Authorities ("Stockport, Trafford, Tameside and Rochdale").
- 1.4 The task of developing, agreeing and adopting a set of harmonised rules was a substantial and significant piece of work which was necessary to ensure that STAR Procurement and the STAR Authorities could work together against a set of agreed rules. The harmonisation project was completed by the CPR working group which consisted of Legal and Finance Offices from each of the STAR Authorities.
- 1.5 It is important that the STAR Authorities continue to have an agreed set of harmonised CPRs in order to support STAR Procurement as a shared service vehicle.
- 1.6 A review of the CPRs at this time is important as legislative changes following the UK's exit from the European Union. It provided a useful opportunity to pause and reflect on practices and approach to procurement to ensure that efficiencies and quality can be reflected.

2.0 **Development and review of the CPRs**

- 2.1 The CPRs only apply to procurement and contractual activity below the financial thresholds set out in the Public Contracts Regulations 2015 regulations (PCRs). The PCRs apply to all procurement and contractual activity which exceeds the thresholds.
- 2.2 The CPRs were initially reviewed and amended after the one year of operation at the request of the STAR Joint Committee with no amendments being made as a result.
- 2.3 In 2017 an interim amendment to the rules to allow for "Risk Based Sourcing" was made to the CPRs:
 - 2.3.1 Risk-Based Sourcing is when a range of risk factors determine the procurement process rather than value alone, for below threshold

procurements. Therefore the procurement process is made proportionate and appropriate and allows resources to be focussed on the more complex procurements.

- 2.3.2 This interim amendment to the thresholds has been incorporated into the proposed new CPRs.
- 2.4 In 2018, Tameside Council joined the STAR Procurement collaboration and subsequently adopted the harmonised CPRs.
- 2.5 A further review of the CPRs was initiated in 2018/2019 with a view to updating and streamlining the rules to ensure that the rules reflect both legislative and operational requirements and practices. The review was also aimed at ensuring that the rules are easily accessible and can be clearly understood and applied. Due to a range of factors, including the pandemic, the review was put on hold for a period of time. The review was re-commenced in 2021.
- 2.4 Trafford's legal team, in conjunction with representatives from the legal teams from the other STAR Councils, and STAR Procurement, have worked together over the last 12/18 months to complete a robust and substantial review of the CPRs:
 - 2.4.1 The proposed new CPRs have been agreed by all four of the legal teams at each of the STAR Authorities;
 - 2.4.2 All STAR authorities have reached final agreement on the proposed CPRs and confirmed that they will be progressing them through their governance procedures to adopt the amended CPRs into their constitutions.
- 2.5 The CPR amendments are summarised in the report and are:
 - 2.5.1 condensed into a table of proposed amendments that are provided in Appendix 1; and
 - 2.5.2 Reflected in the text of the proposed new CPRs which are attached at Appendix 2
- 2.6 Each STAR Authority is required to separately progress the proposed new CPRs through their own governance arrangements with a view to securing the adoption of the proposed new CPRs.
- 2.7 The intention is for each of the STAR Authorities to simultaneously adopt the proposed new CPRs by May 2022. Until each Council has adopted the revised Rules, each STAR Authority and STAR Procurement will continue to operate on the existing harmonised CPRs.

2. Key Proposed CPR Amendments

2.1 Overarching Summary

The proposed CPRs include some instances of amendments and additions to the rules, in others and in order to ensure that the CPRs are "future proof" we have removed some of the operational aspects of the rules and transfer those provisions to the STAR Procurement Handbook where additional detailed guidance can be provided and updated periodically to reflect operational changes and improvements.

The overarching theme of the review has been to rationalise the CPRs and, where possible, remove those parts which relate to procedural aspects in order for these to be dealt with in the Procurement Handbook:

- The procurement handbook is an operational guidance document which provides in depth procedural procurement detail.

The CPRs have also been updated to take account of the changes to legislation and the UK's exit from the EU.

2.2 Procurement Thresholds

An amendment which has been considered is to increase the threshold trigger for a one quote exercise for both Supplies, Services and Concessions and Works and Public Works Concessions from £4,999 to £9,999.

In considering this amendment, the following data has been used to assess the impact of the amendment:

- Over the past year, the number of contracts falling within this bracket amounts to 166 contracts or about 40 per council per annum.
- The effect on the overall spend is £1,139,194 which is 0.0009% based on £1,200,000,000 estimated four council controllable spend of £300m each.

On this basis, and that it represents very little risk to the councils, the threshold has been increased to £9,999 in the proposed new CPRs.

The Director of Finance has also been consulted on this point, and there are no implications on the Finance Procedure Rules.

2.3 Modifications

Section 9 of the current CPRs deals with modifications and the circumstances where these are permitted:

- A modification is where the parties agree to change the terms of the original agreement, for example where additional works or services have become necessary and were not included in the original procurement;
- The CPRs set out the remits, described as grounds, within which such changes can be made.

The current CPRs reflect the requirements as they are prescribed in the PCR in respect of modifications, which means that the principles of the PCR are applicable modifications made to contracts which fall below the legislative thresholds. Although including these provisions within CPRs is not a legislative requirement, these principles remain in the new proposed CPRs as it provide clear requirements which help to achieve consistent, transparent and reasonable practices and ensures parity between the CPRs and the Regulations.

However, whilst it is important to set such a high standard, it is also equally important that we are not unnecessarily fettered by the requirements of the regulations where to do so would place an onerous obligation on the authority.

Having assessed the procedures linked to modifications and the associated risks of an amendment thereto, the proposed CPRs include the following amendments:

- an additional ground will be added to permit the modification of a contract where there are; "any other exceptional circumstances as agreed by the SRO for Legal" (9.3.1(g)). The additional ground will offer some flexibility in exceptional circumstances whilst requiring the approval of the SRO for Legal will allow for any risk to be minimised; and
- Rule 9.3.6 now also provides for a simplified process where the modification is in respect of an extension to the term of a contract which was provided for in the initial procurement documents and the contract. In these circumstances, the SRO for the relevant service and the Director of Procurement (STAR) will be authorised to approve the modification. This will ensure that contracts with inbuilt extension periods can be extended without undue delay or burdensome bureaucracy. This change does not represent any risk to the Council.

3. **Next Steps**

- 3.1 Each STAR Authority will progress the proposed new CPRs through its own governance procedures and subject to the required approvals, the proposed CPRs will need to be incorporated into the Constitution of each Council.
- 3.2 The intention is for each of the STAR Authorities to simultaneously adopt the proposed new CPRs by May 2022. Until each Council has adopted the revised

Rules, each STAR Authority and STAR Procurement will continue to operate on the existing harmonised CPRs.

3.3 Trafford's constitution requires all constitutional amendments to be approved by both the Standards Committee and the Scrutiny Committee with a view to those amendments being recommended to Council for adoption.

3.4 For Trafford, the CPRs have/will be presented at the following forums either for information or for a formal decision:

Executive Member Briefing	24/02/2022
Constitutional Working Group	01/03/2022
Executive Briefing	08/03/2022
Standards	14/03/2022
Scrutiny	16/03/2022
Executive	21/03/2022
Council – Annual meeting	25/05/2022

In addition, the amended CPRs were reported to the STAR Board on 28th February and Joint Committee on 16th March.

3.5 Subject to required approvals, the Council's constitution will be updated to include the proposed CPRs.

3.6 STAR Procurement will undertake a programme of updating the Procurement Handbook to provide additional guidance as necessary.

4. **Recommendations**

It is recommended that the Scrutiny Committee:

- Notes the content of the report;
- Notes that, in accordance with the approval process for constitutional amendments as set out in the Council's constitution:
 - At the meeting of the Standards Committee to be held on 16th March 2022, a report recommending the amended CPRs will be presented and
 - In line with the Council's constitution, the Standards Committee will consider the amended CPRs and if approved, will recommend them for adoption by the Council; and

- Subject to approval from Standards Committee, recommends adoption of the proposed CPRs to Council for adoption.

Report Appendices

1. Proposed amendments
2. Proposed wording of revision to the Contract Procedure Rules

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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
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<p>Rules 1.3 , 1.4 and 1.5 to be replaced</p>	<p>Streamlining the rules</p>	<p>New Wording</p>	<p>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 delegates 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.</p> <p>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 Goods, Services or the execution of Works, or enters into a Concessions</p>
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			<p>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).</p> <p>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.</p>
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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
2.1 Removal of reference to EU Law	No longer applicable in this instance	Change to text	Change reference from EU Law to English Law
2.5 Removal of Definitions from this part of Document	Streamlining the rules	Create separate schedule for definitions	Deletion of definitions from Rule 2 and place in a new Schedule 2

<p>3. Insertion of 3 new Rules at the start of section 3.</p>	<p>Additional Clarity as to the basic Principles and Responsibilities</p>	<p>Additional Rules at start changing numbering for the rest of section</p>	<p>New text: 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.</p>
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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
			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.
3.5 d deleted and replaced with new text.	Inclusion of point regarding social value	New text	3.5 d will now read as follows: The need to procure responsibly by considering how what it is to be procured may improve social, environmental and economic well-being of the Council's relevant area.
3.5e amended with additional text.	To include text from the original 3.5d still necessary but as part of related 3.5e	Amendment to original text of 3.5e	3.5e will now read as follows The need to ensure Value for Money, Best Value and achieve efficiencies by administering procurement processes which are cost effective.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Deletion of existing 3.5g,h,i and l and creation of new 3.5g	Streamlining the rules	Deletion and new text	Existing 3.5g, h, l and L will be deleted with a new 3.5 g reading as follows: The need to ensure legislative compliance in procurement processes and award of contracts.
Addition of new 3.5j	Streamlining the rules	New text	New 3.5j to read as “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.”
Deletion of existing 4.2 e and insertion of new 4.2 e, f and g	Additional Clarity on Contracts which these rules do not apply	Deletion and new text	Existing 4.2 e will be deleted and replaced with new 4.2 e, f and g as follows: 4.2e Grant funding Agreements 4.2f Certain Qualifying Contracts between entities within the public sector 4.2g Any contracts specifically excluded by relevant legislation

<p>Deletion of existing 5.2.1 and replaced with new text</p>	<p>Streamlining the new rules</p>	<p>Deletion and new text</p>	<p>Existing 5.2.1 to be deleted and replaced as follows:</p> <p>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:</p> <p>Contract value;</p> <p>the most viable route to market;</p> <p>procurement process requirements and associated documentation;</p> <p>market research, engagement and consultation requirements;</p> <p>associated implications;</p> <p>key actions;</p> <p>procurement timescales against approval requirements;</p> <p>Specification or Quotation Specification as appropriate;</p> <p>Social Value and the economic, social and environmental wellbeing of the borough and the benefit which the</p>
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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
			<p>procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.</p> <p>Further information on the above can be found in the Procurement Handbook.</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.2.3 and 5.2.4 to be deleted and replaced with new 5.2.3 and 5.2.4	Streamlining the new rules	Deletion and new text	Delete existing 5.2.3 and 5.2.4 and replaced with following 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 Goods, Services, execution of Works or Concessions Contract.
Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted	Streamlining of rules	Deletions of Rules referenced	Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
<p>New Rule to be inserted at start of section 5.3 leading to change in numbering with existing 5.3.1 now becoming 5.3.2 and so on</p>	<p>Additional Clarity to Framework Agreements and DPS</p>	<p>Insertion of new Rule 5.3.1</p>	<p>New Rule 5.3.1 to be inserted and to read as follows:</p> <p>For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by:</p> <ul style="list-style-type: none"> 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.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
A 5.3.2 c to be added to new 5.3.2	Additional Clarity to Framework Agreements and DPS	Insertion of new text to new 5.3.2	5.3.2 c to be added to new 5.3.2 and to read as follows: The correct contractual documentation is entered into in accordance with approval requirements.
A new 5.3.3 to be inserted	Additional Clarity to Framework Agreements and DPS	Insertion of new Rule	5.3.3 to be added and to read as follows: Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal.
Rule 5.5.4 under original numbering to be deleted	Streamlining of rules	Deletion of existing Rule	Rule 5.5.4 under original numbering to be deleted

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
New Rule to be inserted at start of section 5.5 leading to change in numbering with existing 5.5.1 now becoming 5.5.2 and so on	Additional Clarity to estimating the total value of a contract	Insertion of new Rule	Insertion of new Rule 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 removal of reference to Frameworks or DPS	Streamlining of rules	Deletion of words from Rule	5.5.2 removal of reference to Frameworks or DPS

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.5.3 text to be replaced	Streamlining of rules	Original text replaced	<p>5.5.3 to now read as follows:</p> <p>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:</p> <p>Yearly potential contract value X</p> <p>Contract period in years (including any option to extend) = total value</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.5.4 text to be replaced	Streamlining of rules	Original text replaced	<p>Amended 5.54 to read as follows</p> <p>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 Goods, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
<p>Section 5.5 Table 1 Value Bands A and B for Goods, Services and Concessions to be amended. The Word Chest be deleted and replaced by Electronic Procurement Portal</p>	<p>Potential Decision to be taken to amend Value bands for Goods, Services and Concessions</p>	<p>Value Band A and Band B Value in table 1 to be changed</p>	<p>Original value band A of £0- 4999.99 to be changed to value band of £0 - £9999.99</p> <p>Original value Band B of £5000 up to £24999.999 to be changed to £10000 up to £24999.99</p> <p>“Chest” to be replaced by Electronic Procurement Portal</p>
<p>Section 5.5 Table for Works, and Public Works Concession Value Bands A and B to be amended</p> <p>The Word Chest be deleted and replaced by Electronic Procurement Portal</p>	<p>Potential Decision to be taken to amend Value bands for Works, and Public Works Concession</p>	<p>Value Band A and B to be amended</p>	<p>Original value band A to be changed to value band of £0 - £9999.99.</p> <p>Original value Band B to be changed to £10000 to £24,999.99</p> <p>The Word Chest be deleted and replaced by Electronic Procurement Portal</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.5.6 Amend which bands require ASO determination of procurement activity	Streamlining of the rules	Amend Text in Rule 5.56	Change the values B and C for B and D for Goods, Services and Concession Contracts and Change the Value bands from B and C to C and E for Works and Public Works Concession Contracts.
5.5.9 to be deleted	Streamlining of the rules	Delete Text	Delete Rule 5.59
5.6.1 to be deleted	Streamlining of the rules	Delete Text	Delete Rule 5.6.1
New 5.61 to be amended with removal of reference to EU Directives	Streamlining of the rules	Delete relevant text	Deleted “with the EU Directives and” from last sentence of new 5.6.1
Delete 6.1.1	Streamlining of the rules	Delete Text	Delete Rule 6.1.1
6.2.4 to be amended	Streamlining of the rules	Amend Text	Delete the word ‘chest’ and replace with the words ‘electronic procurement portal’.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Delete existing wording from 6.3.2 and replace with new wording	Streamlining of the rules	Deletion and Addition of new text	<p>Replace all of the existing text for 6.3.2 with the following :</p> <p>Approval for any amendments (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 of this may be a Quote may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error.</p>
Amend rule 6.4. 1	Streamlining of the rules	Deletion of some text from end of rule 6.4.1	<p>Delete following text from Rule 6.4.1:</p> <p>If arithmetical errors are found they should be notified to the Bidder, who should be requested to confirm or withdraw their Quote. Alternatively, if the rates in the Quote prevail over the overall price, an amended Quote may be requested to accord with the rates given by the Tenderer.</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Delete Rules 6.4.3 and 6.4.4	Streamlining of the rules	Deletion of Text	Delete Rules 6.4.3 and 6.4.4
Amend Text in 6.4.2	Streamlining of the rules	Amend Text	Delete the word 'chest' and replace with 'electronic procurement portal'
6.5.1 Delete original text and replace with new Text	Streamlining of the rules	Deletion of Text and new Text inserted	Delete all original text and replace with the following : 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.
7.1.1 Amend Text	Streamlining the rules	Amend text	Delete the word 'chest' and replace with the words 'electronic procurement portal'

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
7.1.4 Delete original text and replace with new text	Streamlining the rules	New wording	Delete original text for 7.1.4 and replace with the following : '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.
7.1.5 (becomes 7.1.4) All communications relating to Tenders must be recorded via The Chest	Additional clarity as to the reason for communicating via the Chest	Additional wording	All communications relating to Tenders must be recorded on electronic procurement portal' for reasons of transparency and in order that a record can be maintained.
7.2 Pre- and Post- Tender Clarification Procedures	Streamlining the rules	Amend 7.2.1 to direct the ASO to seek guidance from STAR and procedure in the Handbook to be followed	7.2.2 – 7.2.5 deleted
7.3.4 Delete original text and replace	Streamlining the rules	Deletion and Amendment	Delete original text and replace with the following: 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.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1	Streamlining the rules	Deletion and Amendment	Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1 as follows: Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.
7.6.5 Officers must ensure transparency and fairness during the evaluation process	Duplication of fundamental principles and theme throughout the CPRs	Remove	Deleted
7.6.2 Abnormally low quotes.	Clarification of process	Amendment	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.
7.6.4 Delete original text and replace	Streamlining the rules	Deletion and Amendment	Delete the word 'chest' and replace with the words 'electronic procurement portal'
7.6.5 new rule to be added	Streamlining the rules	New text for new rule	Add in new 7.6.5 to read as follows: In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.
7.7.6 Amend text	Streamlining the rules	Deletion and replacement of text	Delete the word 'chest' and replace with the words 'electronic procurement portal'

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
7.7.8 A STAR Legal Officer will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.	For clarity and streamlining Covered by 7.7.9	Remove	Delete 7.7.8 Amend 7.7.9 to: Contract award letters, feedback to Tenderers, 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.
8.1.2 Additional text	Clarification of process	Amendment	Add at end 8.1.2 as follows: f. Standards of Performance g. Limitations of liability
8.4.1 Transfer of Contracts To carve out contractor group restructures	Such restructures are referred to under rule 9 (modifications)	Cross reference to rule 9	8.4.1 Unless Rule 9.3.1(d) applies....
9.1.2 additional text	Clarification of process	Amend text	Amend Rule 9.1.2 to read as follows: An exemption is an exemption to the requirements under these CPRS only and cannot be considered where the contract value is above threshold.
9.2.1 Delete existing text and replaced with new text	Streamlining the rules	Delete text and Insert new text	Delete existing text and replace as follows: To apply for an exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
9.2.2 Delete existing text and replaced with new text	Streamlining the rules	Delete text and Insert new text	Delete existing text and replace as follows: For avoidance of doubt where either Rule 6.2.4 or Rule 7.3.4 applies then an Exemption Form should not be completed.
Delete Rules 9.2.3, 9.2.6 and 9.2.7	Streamlining the rules	Delete Text	Delete Rules 9.2.3, 9.2.6 and 9.2.7

<p>9.3 Modifications Streamlining of the rules</p>	<p>In certain circumstances, where a contract allows for an extension of its term, there should be a streamlined approval process.</p>	<p>Provide a process whereby there is a streamlined approval process – SRO for the service and the Director of Procurement (STAR). In practice the existing form can be adapted and/or individual authority directorates may decide to delegate this authority.</p>	<p>Delete 9.3.6 and replace with: 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:</p> <ul style="list-style-type: none"> 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; and 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; <p>the decision to award the extension may be taken by the SRO for the</p>
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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
			relevant service and the Director of Procurement (STAR).
9.4 Procedure for Modifications Streamlining of the rules	Many of the provisions in the CPRs relate to process and need not be part of the rules.	Remove some of the provisions from the rules and instead refer to process in the Handbook and completion of the form.	Consequential amendments to 9.4
Definitions Move to an appendix	For greater clarity	Some definitions added/removed as a consequence of the amendments to the rules.	Some definitions added/removed as a consequence of the amendments to the rules.

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CPRs 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; 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 and Rochdale Metropolitan 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 delegates 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.

- 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.

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.
- 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 FOIA and 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

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;
 - 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

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 market to be agreed in conjunction with STAR	Electronic procurement portal and Contracts Finder
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.

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.

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.

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.

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.

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.
- 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.
- 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 risk to persons, property or serious disruption to Council services;
 - 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.
- 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.
- 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 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.

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 Tenderer 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.
- 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.

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 2014. 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
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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 Trafford Council

There are no local arrangements.

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.
FOI	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 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.
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.

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TRAFFORD COUNCIL

Report to: Scrutiny
Date: 16th March 2022
Report for: Information
Report of: Director of Growth & Regulatory Services

Report Title

Carrington Relief Road Programme Update

Summary

The 2012 Trafford Core Strategy proposed a number of transport improvements around Carrington – including the provision of a new link road to provide better capacity, alleviate congestion and improve public transport and cycling.

The Carrington, Partington and Sale West area has been identified as a significant development location in the Places for Everyone (PfE) 2021 Plan. This builds on the need for the Relief Road from the Core Strategy

The area is proposed for approximately 4,300 homes in the plan period to 2037 and 5,000 homes overall, as well as approximately 350,000 square metres employment floorspace. The Strategic location covers land which is within the existing urban area, including a significant area of brownfield land from previous industrial uses and petrochemical works. The proposed PfE allocation includes this area, but also identifies significant land beyond this much of which is currently in the Green Belt and which PfE proposes to release.

This update is provided to Scrutiny Members to highlight the current work programme for the Carrington Relief Road and associated timescales. The update also contains the next steps to be undertaken with the project. Regular update reports could be provided to the Scrutiny Committee in future, if the Committee so desires.

Recommendation(s)

- 1. That Scrutiny Committee notes the report.**
- 2. That the Scrutiny Committee considers how best to be involved in the Carrington Relief Road project as it develops**

Contact person for access to background papers and further information:

Adrian Fisher (Director of Growth and Regulatory Services) x 4621
Oliver Shimell (Inclusive Economy and Communities Manager) 07814 060170
Mark Riordan (Amey - Projects Director) 07854 153 556

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	<i>Carrington Relief Road is a requirement of Trafford Core Strategy (2012) Policy SL5, 'Carrington Strategic Location' and stated component of The Local Plan and it forms the baseline of new highway infrastructure set out in the emerging Places for Everyone (PfE) New Carrington allocation policy.</i>
Relationship to GM Policy or Strategy Framework	<i>Delivery of the scheme will support the growth ambitions articulated within the emerging Places for Everyone Plan and the GM Strategy. The scheme will be delivered in the context of the GM 2040 Transport Strategy, GM Congestion Plan, and Made to Move walking and cycling plan to identify improvements tackling traffic congestion, promote sustainable modes of travel and better integrate transport and new developments.</i>
Financial	<i>The scheme has received approval for grants of £6.0m and £8.4m from the Growth Deal fund and Housing Infrastructure Fund respectively. Further S106 contributions from forthcoming developments amount to approximately £2.8m and The Council is exploring mechanisms for addressing the residual funding gap.</i>
Legal Implications:	<i>None as a consequence of this report</i>
Equality/Diversity Implications	<i>None as a consequence of this report</i>
Sustainability Implications	<i>The delivery of the schemes will be required to meet current policy in relation to sustainability.</i>
Carbon Reduction	<i>The delivery of the schemes will be required to meet current policy in relation to carbon reduction.</i>
Resource Implications e.g. Staffing / ICT / Assets	<i>Existing resources have been identified to support the delivery of the schemes and related activity across all the partners.</i>
Risk Management Implications	<i>The delivery of the schemes will be supported by a risk plan setting out the key risks to delivery and proposed mitigation measures.</i>
Health & Wellbeing Implications	<i>The Carrington Relief Road will include new active travel infrastructure on the route, as well as the existing A6144 encouraging residents to make healthier choices in life and thereby improving the health and wellbeing of Trafford's residents.</i>
Health and Safety Implications	<i>None as a consequence of this report.</i>

1.0 Background

- 1.1 The improvement of transport in and around Carrington has been a key component of Council Policy since the adoption of the 2012 Core Strategy. This recognised that the opening up of the former Shell petrochemical site and related areas for development was dependent on improving access for all road users. A principal component of this is the Carrington Relief Road that is intended to take traffic away from the narrow A6144 Carrington Lane and Manchester Road – thus alleviating existing congestion, improving overall capacity and providing a safe and more effective route for cycling and public transport.
- 1.2 The local highway network within the Carrington area and specifically the A6144 Manchester Road is operating well above capacity and is subject to severe congestion and significant queueing of traffic at peak times. The proposed new road will address this capacity issue and open up large areas of land for development in accordance with Council's aspirations for the Carrington Strategic Location as set out in the adopted development plan – namely Policy SL5 of the Trafford Core Strategy.

- 1.3 Core Strategy Policy SL5 requires new road infrastructure to make development acceptable in the Strategic Location. Policy SL5.2 of the Core Strategy states that the Strategic Location can deliver new road infrastructure to serve the development area to relieve congestion on the existing A6144 and Policy SL5.4 states that in order for development to be acceptable 'contributions towards schemes to mitigate the impact of traffic... includ[ing] highway infrastructure schemes' will be required. A new 'link road' is identified in both Paras 8.66 and 8.73 of the Core Strategy and the evidence base that underpinned the Core Strategy identified that 'significant schemes' were required (Para 8.74). This 'link road' is what is now known as the Carrington Relief Road.
- 1.4 The delivery of new highway and sustainable transport infrastructure including the relief road is key to unlocking the development potential of the strategic allocation and without this new highway infrastructure the individual and cumulative impact of new development in the area would result in a 'severe' impact on the local road network (in accordance with advice in the National Planning Policy Framework, paragraph 111) and therefore prevent development from coming forward. In this regard a number of existing planning consents in the Carrington / Partington area are already constrained by restrictive 'Grampian' planning conditions that are dependent on the relief road.
- 1.5 In addition to this, the 'Places for Everyone' plan, approved by the Council and submitted to Government in February 2022 includes the 'New Carrington' allocation for up to 5,000 homes & 350,000 sqm of employment space. The Plan assumes that the Relief Road is in place or is programmed (as it was a requirement of the Core Strategy) – but the additional development reinforces the need for the road as part of a wider package of transport measures.
- 1.6 In this respect, the road should not be viewed in isolation from other planned improvements. Whilst the road is necessary to facilitate existing access and planned development, it is being planned alongside significant sustainable transport improvements to mitigate the impact of the New Carrington development at Carrington / Partington, as well as on the wider network – particularly M60 J8 and A56 junctions. The Road will 'enable' the delivery of several of the proposed sustainable transport measures – such as improved bus routes / priority junctions.
- 1.7 Accordingly over a number of years the Council has been gearing up to plan and deliver the new road, with significant preliminary and feasibility work undertaken. On 18th December 2020, following the completion of a Preliminary Options Appraisal Report, approval was given to undertake a public engagement exercise and carry out further work to identify a preferred option from the two shortlisted route options for the Carrington Relief Road (CRR).
- 1.8 On the 27th September 2021, the Executive considered the results of the public engagement exercise and a range of technical considerations of the two shortlisted route options. After careful consideration of the options, the Executive recommended that Option F: Creating a newly built link between the Banky Lane junction and Route A1 at Isherwood Road would be taken forward as the preferred route.
- 1.9 In taking forward Route F, it has been necessary to engage external resources to assist in implementing the preparations and investigations for the relief road, including a range of professional consultants with specialisms to undertake the significant work attached to the scheme.

- 1.10 As part of the preparations for the relief road, it is essential to ensure that the route is clear of petro-chemical infrastructure. Accordingly the Council has worked alongside one of the major land holders on the Carrington site to ensure that planned rationalisation of the existing infrastructure associated with its former uses is able to proceed on schedule. This will also enable the wider site to be brought back in to productive uses such as for housing and employment.
- 1.11 The first phase of rationalisation was completed in October 2020, and the second phase is currently being designed. Subject to the necessary approvals and funding being in place, it is intended that work will start on site in the summer of 2022 and be completed within 12 months.
- 1.12 Once the rationalisation works have been completed, all the relevant industrial infrastructure associated with the Lyondell Basell plant will have been reconfigured and removed from the areas needed for the development and the road.

2.0 Revised Programme

- 2.1 Following approval to take the scheme forward to a planning application, the Council successfully negotiated an early drawdown of funds from the Housing Infrastructure Grant (provided by Homes England) to support the ongoing design and survey work.
- 2.2 Using the Amey Consulting under the One Trafford Partnership, a project team was formed which undertook a range of detailed reviews on:
- Estimated construction cost
 - Key design issues
 - Project risk
 - Funding availability and requirements
- 2.3 Following this detailed review the delivery programme has been updated and the key milestones in the project are:

Summer 2022	Ongoing Design Work
Autumn/Winter 2022	Formal public consultation
Spring/Summer 2023	Submission of a planning application
Winter 2023	Determination of Planning Application

Should the planning application be approved:

Spring 2024	Full business case
Autumn/Winter 2024	Start of work on site
Spring 2027	Completion of construction

- 2.4 The programme remains under review as the project develops and further updates will be provided in the case of any potential significant changes.

3.0 Budget and Funding

- 3.1 The Council has pursued a range of external funding opportunities to support the project to date and is continuing to explore further funding sources. The support that has been received so far is summarised in Table 1 below:

Table 1

Funding Source	Value	Terms
Growth Deal 3 (TfGM)(GD3)	£6.0m	Conditionally awarded based on an Outline Business Case. Full Business Case to be submitted post planning consent
Housing Infrastructure Fund (Homes England)(HIF)	£8.4m	Conditionally awarded based on a Marginal Viability Appraisal supporting the Relief Road or Enabling Works
Evergreen Fund	£100k	Supports design development work
S106	£2.8m	Identified to date from forthcoming developments – each separate agreement details when the funding can be drawn down from the individual developers
Total To Date	£17.3m	

- 3.2 In terms of satisfying the conditions of the grants, The Council has been required to engage in monitoring processes set by each funding body to ensure that the grants achieve final approval.
- 3.3 The GD3 award is subject to a monthly reporting regime which tracks progress of the scheme development, and this will lead to the submission of a Full Business Case once the scheme acquires planning consent and a tendered price from a contractor.
- 3.4 In the case of the HIF award, there was originally a funding availability window that ended in March 2022. The Council has worked closely with Homes England to obtain an extension to this by 12 months to accommodate various delays which have been encountered.
- 3.5 To address the issue of the funding shortfall for the main works, The Council anticipates further s106 monies from future private developments which would benefit from the scheme as planning applications come forward. The Council is also developing proposals to attract funding from other central government sources and is preparing submissions accordingly which includes the City Region Sustainable Transport Fund.
- 3.6 As part of ensuring the Council has an up to date valuation of various parts of the scheme, the Council is in the process of appointing an external surveying firm to undertake various detailed costings of the various parcels of land which make up the site with a view to understanding the current market value of these land holdings. The specialists will also be tasked with ascertaining the likely market value costs of existing infrastructure on the route which may require purchasing to ensure the relief road can be delivered.
- 3.7 It should be noted that major Transport Infrastructure works invariably have a significant cost attached to their development and construction. The 10km A6/Airport Relief Road completed in 2018 cost an estimated £290M, the 3km Poynton Relief Road now nearing completion has an estimated cost of £53M and the 5.5km extension of Metrolink into Trafford Park cost around £350M. These schemes illustrate that there are significant cost challenges with all forms of transport improvements.
- 3.8 Once a planning application for the road has been prepared, a formal decision of the Council will be necessary before the project progresses – should planning consent be granted. This decision needs to be underpinned by a full funding strategy, which is currently under development.

4.0 Carbon Considerations

- 4.0 One of the concerns raised in the public engagement exercise related to the potential disturbance of peat with the offline option (Option F). From the detailed invasive ground investigation work that has taken place along this alignment, peat has been encountered at one isolated location. This was a small occurrence approximately 50mm thick at a depth of around 1.2m. It should be noted that whilst the area is generally known as 'Carrington Moss' the main area of historic moss land was located to the south of the proposed route alignment.
- 4.1 Having found peat, albeit in a small and isolated instance, the project will commission the necessary further ground investigation work to better understand its extent. From information available at the present time, however, it is unlikely to be disturbed as the excavation for the road construction is unlikely to reach the depth of the peat.
- 4.2 In terms of route choices, as the report to the Executive in September 2021 set out, no single route perfectly aligns with all of the project stated objectives. It is inevitable that certain trade-offs need to be made between transport efficiency, cost, land usage, carbon and other objectives. Whilst Route F performed better overall in terms of carbon, it does however involve a greater loss of agricultural land as a result of its construction.
- 4.3 In terms of wider carbon-related objectives, the relief road needs to be viewed in the context of Transport For Greater Manchester's Transport 2040 strategy. This seeks to encourage a 'right mix' of transport modes through to the middle of the century. It acknowledges however that road transport will continue to be vital in future decades – with selective improvements necessary alongside other transport interventions. In future decades, vehicles using our roads will be powered via electricity and other renewable sources – with corresponding reductions in carbon emissions. The optimum position over time, will still be to promote more public transport and use of rail and water for freight – but a full transition will take many decades to accomplish.
- 4.4 In respect of the more immediate carbon implications the road will achieve, a significant enhancement will be generated for the local area by creating an environment to encourage modal shift to various means of active travel such as cycling and walking and reduce dependence on motor vehicles. Concern over safety and ease of use is one of the principal barriers to wider take up of cycling. The creation of a new segregated 3.5km route linking the edge of Partington with Ashton on Mersey has the potential to markedly improve the safety and environment for cyclists. The project will provide significant relief to the A6144 through Carrington Village, where there are long-standing concerns from local residents about large polluting vehicles/HGV's, traffic speed and congestion which restrict opportunity for safe active travel.
- 4.5 Carrington Lane similarly experiences significant traffic related issues which severely impede opportunities for walking, cycling and horse-riding.
- 4.6 In the recent analysis, a suite of potential improvements has been identified to facilities for walking, cycling, public transport and for calming traffic generally. These measures

represent a value of approximately £1m which it is proposed to incorporate into the overall CRR project budget, with an opportunity for a further £400k of improvements. These would present significant steps towards the Council's stated objectives of reducing carbon use.

- 4.7 Feedback from residents in Partington has described significant frustration that the current road network effectively isolates the area due to poor road conditions, congestion, lack of sustainable public transport and safe cycling opportunities. The relief road will create a significant opportunity for the Partington community to benefit from improved sustainable transport access, and to embrace new and improved active travel modes linking to the wider area.

5.0 Next Steps in Delivering the Relief Road

5.0 The work undertaken to date on the scheme has been based on a level of design development sufficient to conduct an analysis of route options. The recommended next stage requires the development and refinement of the design on a pathway towards submitting a planning application, funded by the grant outlined above. In summary the stages of this process are:

- Resolving residual engineering issues to achieve a fixed alignment and a red line boundary – this work is currently underway with the objective of having the most significant engineering issues resolved in the summer of this year.
- Undertaking further traffic modelling work to enable junction layout design – a methodology has been agreed between The Highway Authority and partners including TfGM, and interim traffic data is expected to be ready in the summer of this year.
- Carrying out formal public consultation – the project team is currently updating the communications strategy, however, formal consultation is planned to be undertaken between October and December 2022.
- Preparing an Environmental Impact Statement – This is a complex piece of work which will take approximately 12 months to complete, commencing with various ecological surveys which are currently being arranged.
- The submission of Planning Application – the target date for this is April 2023.
- Preparation of a Full Business Case for the Growth Deal grant – this will be submitted only when the scheme has received planning consent and has been developed in sufficient detail to obtain a firm price from a contractor. The target date for this is the summer of 2024.

6.1 The Involvement of Scrutiny Committee

6.1 The Committee have asked how it can be involved in the ongoing development of the Carrington Relief Road Project

6.2 In this regard the Committee may wish to consider the stages set out in paragraphs 2 and 5 in terms of the key project milestones and the next steps - and how Scrutiny Members may wish to be involved.

6.3 There is the potential opportunity for Scrutiny Members to be engaged prior to the formal public consultation which is an essential step prior to the submission of the planning application. In this way, Members will be able to guide officers on the approach to public consultation – including its scope and the methods employed. This will help ensure the consultation is appropriate and is as effective as possible.

6.4 The Executive Decision of September 2021 commits the Council to progressing the project through the planning process, but reserves additional stages for further decision making. Should the project receive planning consent the Committee could be involved in the consideration of any draft business case for the scheme, as part of that later decision making process.

Consultation

This report provides background as to how the public have been engaged so far and considers how the Committee could guide future consultation.

Reasons for Recommendation

The recommendation of this report is to ensure Scrutiny Members are kept up to date and informed of key activities taking place with the Carrington Relief Road project and they are aware of the updated programme and where they may be able to input.



Scrutiny Committee Update 16th March 2022

Coverage

- Estimated Outturn 2021/22
- Estimated Reserves balance March 2022
- Key Budget Risks
- Finance and Change Board

Period 10 Estimated Outturn 2021/2022

Budget Monitoring results by Service	2021/22 Budget (£000's)	Forecast Outturn (£000's)	Forecast Variance (£000's)
Children's Services	42,784	43,965	1,181
Adult Services	52,750	52,332	(418)
Public Health	12,505	11,076	(1,429)
Place	31,565	32,904	1,339
Strategy & Resources	5,685	5,295	(390)
Finance & Systems	7,818	7,857	39
Governance & Community Strategy	6,328	6,513	185
Total Directorate Budgets	159,435	159,942	507
Council-wide budgets	20,037	19,524	(513)
Net Service Expenditure variance	179,472	179,466	(6)
Funding			
Business Rates	(62,459)	(62,459)	0
Council Tax	(105,869)	(105,869)	0
Reserves Budget Support	(2,803)	(2,803)	0
Reserves to Support COVID-19	(8,341)	(8,341)	0
Funding variance	(179,472)	(179,472)	0
Net Revenue Outturn variance	0	(6)	(6)

Period by Period Service Estimated Outturn

Budget Monitoring results by Service	Forecast Variance P6 (£000's)	Forecast Variance P8 (£000's)	Forecast Variance P10 (£000's)
Children's Services	339	879	1,181
Adult Services	1,291	467	(418)
Public Health	(875)	(882)	(1,429)
Place	1,748	1,189	1,339
Strategy & Resources	(163)	(341)	(390)
Finance & Systems	227	184	39
Governance & Community Strategy	146	233	185
Total Directorate Budgets	2,713	1,729	507
Council-wide budgets	(292)	(292)	(513)
Net Service Expenditure variance	2,421	1,437	(6)

Movements across the periods

- Vacancy Management protocols introduced in summer -£1.0m (non social care services)
- Public Health Contract Inflation savings -£0.4m
- Additional Income from CCG re Hospital Discharge Programme -£0.7m
- Income from THT re VAT Sharing Agreement (Windfall) -£0.2M
- Staffing in social care difficulties in filling vacancies -£0.5m
- Home to School Transport +£0.3m
- COVID pressures +£0.1m

Underlying Pressures

- Children's placements £1.116m increase in cases and complexity during the year
- Home to School Transport pressures are now £589k due to increase in demand, fuel and staff cover
- Strategic Investment Programme pressures £1.51m largely COVID related delay in developer loans, delays in pipeline, lower rental income
- COVID-19 related pressures in Place and central services directorates of £813k – income from traded services (further lockdowns)
- Pay Award – £980k pressure as assumed pay freeze, met from entire contingency budget

Savings Programme

- Period 6 - £2.86m below target
- Period 8 - £2.37m below target
- Period 10 - £2.43m below target

Strategic Investment Programme makes up largest shortfall £1.5m Period 10.

Some savings not likely to be achieved have been removed in final budget 2022/23, £606k Adults and £323k Place

Estimated Reserves Balances

<i>Usable Reserves</i>	Opening Balance 1/4/2021 £m	Estimated Balance 1/4/2022 £m	Estimated Balance 1/4/2023 £m	Estimated Balance 1/4/2024 £m
Earmarked Reserves				
MTFP Budget Resilience, Innovation and Change Reserve	6.35	11.16	12.17	12.67
Smoothing and Business Risk Reserves	15.64	14.03	14.00	12.65
Strategic Priority	13.76	9.38	4.97	4.75
Corporate	(2.94)	0.50	1.07	0.00
General Reserve	8.00	9.50	9.50	9.50
Service Area Priorities	11.10	5.08	1.56	0.87
Total Earmarked Reserves	51.91	49.65	43.27	40.44
Other Reserves (Ring-fenced and Accounting)				
COVID-19 Reserves (*)	114.27	10.39	1.59	0.00
Capital Related Reserves	18.99	11.44	4.48	4.48
School Related Reserves	15.17	15.17	15.17	15.17
Total Earmarked Reserves	148.43	37.00	21.24	19.65

(*) The COVID-19 Reserves mainly relate to compensation grants received from the Government making good the shortfall in Business Rates and Council Tax income as a result of the Government's various rate and council tax relief schemes. These reserves are therefore fully used to compensate the Collection Fund for the accumulated shortfall and cannot be used for any other purposes.

Review of reserves as part of final budget 2022/23 has enabled the Council to develop sufficient resource within an MTFP Budget Resilience Innovation and Change Reserve to provide capacity to meet the budget gap in the medium term whilst the Council develops a suitable innovation and change programme to deliver a balanced budget

Key Budget Risks

MTFS - Score in strategic risk register at 25 (no other risk is as high)

Key Budget Risks :-

- National Reset of Business Rates Reset and Fair Funding Review 2023/2024
- Delivery of Savings Programme
- Maintaining income levels/Recycling of the Council's Investment Portfolio
- Fair Price for Care and Market Sustainability
- Charging Reforms in health and social care (unknown and large impact)
- Pressure in Schools High Needs Budget
- Increases in inflation/energy
- Use of Budget Support Reserves 2021/2023 at nearly £23m is not sustainable

Finance and Change Board

The medium term budget strategy has incorporated the requirement to embark on a programme of innovative change to make permanent reductions in net expenditure.

The programme will be supported by a Finance and Change Board to provide strategic direction and proactive governance.

Initial Milestones

Pre - Mobilisation

Share presentation and discussion with CLT

9 February

Leader update

11 February

Exec Briefing update

14 February

Virtual Leaders sessions to explain F&C Programme and financials

23 February, 1 & 24 March

Mobilisation

F&C Board meeting #1 – Vision, scope, programme framework and initial ideas

8 March

F&C Board meeting #2 – Developing the programme and resources aligned

29 March

Agree target development / support for F&C Board

31 March

Implementation

April 2022 onwards

Build on the framework in the coming months - develop processes, monitoring etc



Questions ?

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