

Public Document Pack



TRAFFORD COUNCIL

Tuesday, 15 March 2022

Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Dear Councillor,

Your attendance is requested at a meeting of the Council of the Borough of Trafford on **WEDNESDAY, 23 MARCH 2022, at 7.00 P.M. (OR AT THE RISING OF THE EXTRAORDINARY MEETING)** in the **COUNCIL CHAMBER, TRAFFORD TOWN HALL, TALBOT ROAD, STRETFORD**, for the transaction of the business set out below:

NOTE: PRIOR TO THIS MEETING OF THE COUNCIL
MEMBERS OF THE COUNCIL ARE ALSO INVITED TO THE FOLLOWING
MEETINGS IN THE COUNCIL CHAMBER:

- (i) 5.30 P.M. GREATER MANCHESTER POLICE BRIEFING ON
NEIGHBOURHOOD POLICING
- (ii) 6.30 P.M. EXTRAORDINARY MEETING OF THE COUNCIL

	Pages
1. Minutes	
To approve as a correct record the Minutes of the Meeting of the Council held on 16 February 2022 for signature by the Mayor as Chair of the Council.	1 - 12
2. Announcements	
To receive any announcements from the Mayor, Leader of the Council, Members of the Executive, Chairs of Scrutiny Committees and the Head of Paid Service.	
3. Questions By Members	
This is an opportunity for Members of Council to ask the Mayor, Members of the Executive or the Chairs of any Committee or Sub-Committee a question on notice under Procedure Rule 10.2.	

4. **High Speed 2 Phase 2b Western Leg (Crewe-Manchester) Hybrid Bill Petitioning**
- To consider a report of the Leader of the Council. 13 - 30
5. **Trafford Council's Pay Policy Statement 2022/23**
- To consider a report of the Corporate Director of Strategy and Resources following a recommendation by Employment Committee on 28 February 2022. 31 - 42
6. **Councillor Code of Conduct**
- To consider a report of the Monitoring Officer recommended by the Executive on 28 February 2022. 43 - 64
7. **Contract Procedure Rules**
- To consider a report of the Executive Member for Finance and Governance which is anticipated to be recommended to Council by the Executive on 21 March 2022. 65 - 124
8. **Scrutiny Review Outcomes Report**
- To consider a report of the Scrutiny Committee. 125 - 156
9. **Draft Timetable of Council and Committee Meetings - 2022/23**
- To consider a report of the Corporate Director of Governance and Community Strategy. 157 - 160
10. **Motions**
- To consider the following motions submitted in accordance with Procedure Rule 11:
- (a) **Motion Submitted by the Conservative Group - Russian Invasion of Ukraine**
- This Council wholeheartedly condemns the barbaric and illegal invasion of Ukraine by Russian forces. As a democratic chamber, we are appalled by what we have seen unfold over recent weeks – horrors which we all hoped we would never see on our continent again. All our thoughts are for the men, women and children who are currently suffering immeasurably, whether it be in the cities under bombardment, those occupied by Russian forces, or those who have fled their homes.

Continued ...

There is no justification for the actions of the Russian Government, and we offer our backing to the Ukrainian people, Ukrainian Government and President Zelenskyy as they continue to fight for Ukrainian freedom, democracy and independence.

We applaud countries across the world who have come out to condemn and sanction the Russian regime and President Putin's leadership.

We are proud that our country has been one of the leaders in condemning Russia and has implemented the most severe economic sanctions in history. We are also proud of the millions of pounds the UK has sent to Ukraine in humanitarian aid, both from the government and ordinary people.

We welcome the government's plans to offer sanctuary to Ukrainians fleeing danger and are ready to help support those who comes to live in Trafford.

We recognise these actions are not the actions of the Russian people, but the Russian Government. We reject any attacks on Russian people in the UK, and offer our moral support to the Russian opposition groups bravely opposing the Putin regime.

Finally, this Council extends its thoughts and prayers to members of the Trafford Ukrainian community and pays tribute to the incredible generosity the people of Trafford have shown in their personal efforts to support the humanitarian response to this crisis.

(b) Motion Submitted by the Labour Group - Situation in Ukraine

This Council asks the Leader and Chief Executive to express the following sentiments on behalf of the Council and the people of Trafford urgently and in writing:

- To the Russian Ambassador in the UK, asking that he requests his Government to withdraw troops from Ukraine immediately.
- To the Ukrainian Ambassador in the UK, expressing the Council's support and solidarity, and respect for his nation's sovereignty and freedom.
- To the Prime Minister of the UK, asking that all efforts are made to welcome refugees coming from Ukraine to the UK without the need for a visa, and advise of our willingness to help in any way we can as a council to settle individuals and families whose lives have so sadly and suddenly been affected by the military action in Ukraine.

Continued ...

- To Ukrainians - and those of Ukrainian heritage - living in Trafford, that we stand with you and the people of Ukraine and offer our support in these unsettling times.
- To Russians living in Trafford, that whilst we profoundly condemn the actions of the Russian President we know this is Putin's war and that Russophobia has no place in Trafford.

(c) Motion Submitted by the Labour Group - Procurement Linked to Human Rights Abuses

This Council notes:

1. The evidence collected and verified by a range of international non-governmental organisations that the People's Republic of China (PRC) is carrying out alleged crimes of Genocide and crimes against Humanity with regards to Uyghur, Kazakh and other Turkic Muslim populations.
2. On 9th of December 2021, Sir Geoffrey Nice QC delivered in London an independent tribunal's judgement that:
 - "Crimes against humanity attributable to the PRC is established beyond reasonable doubt by acts of: deportation or forcible transfer; imprisonment or other severe deprivation of physical liberty; torture; rape and other sexual violence; enforced sterilisation; persecution; enforced disappearance; and other inhumane acts."
 - "As to genocide ... all elements of an intended genocide to be accomplished by a Convention-listed act imposing measures to prevent births within the group are established"

This Council believes:

It has a responsibility to act when crimes against humanity take place anywhere in the world. This responsibility extends to using all legal, political and economic powers it has at its disposal to challenge, disrupt and ultimately contribute to ending these crimes.

This Council agrees to:

1. Ask our procurement managers to develop, as quickly as possible, a revised procurement policy establishing a boycott of any product or service that has links to companies, individuals or bodies that are directly or indirectly involved in the crimes of humanity currently taking place in China.

Continued ...

2. To ask the Leader of the Council to write to the Chair of the Local Government Association and the Secretary of State for Levelling Up, Housing and Communities asking that binding procurement rules are brought forward introducing this position across local government as soon as possible.
3. To share this motion with our fellow Greater Manchester councils and the Greater Manchester Mayor inviting them to adopt the same approach at forthcoming council meetings.

(d) **Motion Submitted by the Conservative Group - Queen's Platinum Jubilee**

1. This Council notes that the Queen's Platinum Jubilee will take place in 2022;
2. This Council notes that the 2022 May Bank Holiday Weekend will be moved to Thursday 2 June and an additional Bank Holiday on Friday 3 June will see a four-day weekend to celebrate the Jubilee - the first time any British monarch has reached this historic milestone; and
3. This Council recognises the esteem in which the Queen is held by the British public and considers it highly likely that residents in Trafford would wish to see the authority mark the Jubilee in a significant way.

Council therefore:

4. Requests that the Chief Executive of the Council takes steps to explore the feasibility of renaming a road, property asset or landmark in Trafford after Queen Elizabeth II to mark the Platinum Jubilee.

Yours sincerely,



SARA TODD
Chief Executive

Membership of the Council

Councillors L. Walsh (Mayor), C. Boyes (Deputy Mayor), D. Acton, S. Adshead, A. Akinola, J.M. Axford, J. Bennett, Miss L. Blackburn, J. E. Brophy, B. Brotherton, D. Bunting, D. Butt, T. Carey, Dr. S. Carr, G. Carter, K.G. Carter, D.N. Chalkin, R. Chilton, G. Coggins, M. Cordingley, L. Dagnall, J. Dillon, N. Evans, M. Freeman, S.J. Gilbert, J. Harding, B. Hartley, W. Hassan, S. J. Haughey, J. Holden, C. Hynes, D. Jarman, D. Jerrome, J. Lamb, J. Lloyd, S. Longden, S. Maitland, M. Minnis, M. Mirza, A. Mitchell, D. Morgan, P. Myers, A. New, J.D. Newgrosh, D.C. O'Sullivan, E. Patel, K. Procter, T. Ross, J. Slater, S. Taylor, S. Thomas, R. Thompson, M.J. Welton, A. Western, D. Western, M.P. Whetton, G. Whitham, A.M. Whyte, A.J. Williams, B.G. Winstanley, J.A. Wright and Mrs. P. Young.

Further Information

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

Ian Cockill, Governance Officer
Tel: 0161 912 1387
Email: ian.cockill@trafford.gov.uk

This Summons was issued on **Tuesday, 15 March 2022** by the Governance Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH

Please note that the meeting will also be streamed live via the following link: <https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg> in line with the principles of openness and transparency in local government.

1.

TRAFFORD BOROUGH COUNCIL

16 FEBRUARY 2022

PRESENT

The Worshipful the Mayor (Councillor Laurence Walsh), in the Chair.

C. Boyes (Deputy Mayor)	M. Freeman	D.C. O'Sullivan
D. Acton	S.J. Gilbert	E. Patel
S. Adshead	J. Harding	T. Ross
J.M. Axford	B. Hartley	J. Slater
J. Bennett	W. Hassan	S. Taylor
Miss L. Blackburn	S. J. Haughey	S. Thomas
J. E. Brophy	J. Holden	R. Thompson
B. Brotherton	C. Hynes	M.J. Welton
D. Butt	D. Jerrome	A. Western
T. Carey	J. Lamb	D. Western
G. Carter	S. Longden	M.P. Whetton
K.G. Carter	S. Maitland	G. Whitham
D.N. Chalkin	M. Mirza	A.M. Whyte
G. Coggins	D. Morgan	A.J. Williams
M. Cordingley	P. Myers	B.G. Winstanley
J. Dillon	A. New	Mrs. P. Young
N. Evans	J.D. Newgrosh	

In attendance

Chief Executive	S. Todd
Director of Finance and Systems	G. Bentley
Head of Governance and Deputy Monitoring Officer	D. Sykes
Head of Financial Management	D. Muggerridge
Governance Manager	J. Addison
Business Support Officer	E. Gorman
Senior Governance Officer	I. Cockill

APOLOGIES

Apologies for absence were received from Councillors A. Akinola, D. Bunting, Dr. S. Carr, R. Chilton, L. Dagnall, D. Jarman, J. Lloyd, M. Minnis, A. Mitchell, K. Procter and J.A. Wright.

67. MINUTES

That the Minutes of the Meeting of the Council held on 26 January 2022, be approved as a correct record and signed by the Chair.

**Meeting of the Council
16 February 2022**

68. BUDGET 2022/23

(Note: PROCEDURAL ARRANGEMENTS - In respect of the main item of business on the agenda, the Mayor announced that the Leader of the Council (or his nominee) would have a maximum of 15 minutes to make the initial speech and a further maximum of 15 minutes to summarise the debate. The Leader of the Main Opposition Group (or his nominee) would have a maximum of 15 minutes, whereas, the Leaders of the Minority Opposition Groups (or their respective nominees) would each have a maximum of 10 minutes to make their initial speeches. Each Opposition Group Leader (or their respective nominees) would each have a further maximum of 5 minutes to summarise on behalf of their respective Groups.

The Mayor also outlined the approach for dealing with amendments, indicating that notice should be given during the initial speeches. Should any amendments be made to the main motion, they were to be dealt with in the order in which notice was given and when called upon were to be moved without further comment. Time for seconders of amendments and for all other speeches would be restricted to a maximum of 3 minutes.)

The Executive Member for Finance and Governance presented a number of reports setting out the proposed budget for the forthcoming year which had been recommended by the Executive at its meeting held earlier that evening.

It was moved and seconded that the Executive's recommendations set out in each of the following reports:

- (a) Executive's Revenue Budget Proposals 2022/23 and Medium Term Financial Strategy 2023/24 – 2024/25, including the revised precept figures as circulated and set out the updated Annex J to the report.
- (b) Capital Strategy, Asset Investment Strategy, Capital Programme and Prudential and Local Indicators 2022-2025;
- (c) Treasury Management Strategy 2022/23 – 2024/25; and
- (d) Fees, Charges and Allowances 2022/23,

and that the Council sets and approves the amounts as the amounts of the Council Tax for the year 2022/2023, in accordance with the Local Government Finance Act 1992, as amended, for each of the categories of dwellings included in the respective valuation bands A to H.

Councillor Morgan responded to the Motion on behalf of the Conservative Group. Councillor Newgrosh responded to the Motion on behalf of the Liberal Democrats Group and gave notice of an amendment and Councillor Jerrome responded to the Motion on behalf of the Green Party Group.

**Meeting of the Council
16 February 2022**

Dealing with the amendment signified, it was moved and seconded as an amendment that:

“This Council agrees to reduce the upper limit for borrowing in its Asset Investment Strategy from £500 million to £400 million over the next 3 financial years.

This Council recognises that a phased reduction in borrowing is in line with the longer term aims of the Asset Investment Strategy.”

Following a debate on the matter, the amendment was put to the vote and declared lost.

The Council proceeded to debate the substantive Motion.

(Note: During the debate on the substantive Motion, the time being 8:03 p.m., the Mayor indicated that speeches would now be limited to a maximum of two minutes per speaker.)

In accordance with procedures agreed at the outset of the debate, the Political Group Leaders summarised the essential views of their respective group and responded to some of the issues that had arisen from the debate.

The Substantive Motion was then put to a recorded vote, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014. The result was as follows:

Those in favour of the substantive Motion: Councillors Acton, Adshead, Bennett, Brotherton, G. Carter, K. Carter, Coggins, Cordingley, Dillon, Freeman, Gilbert, Harding, Hartley, Hassan, Haughey, Hynes, Jerrome, Longden, Maitland, New, O’Sullivan, Patel, Ross, Slater, Taylor, Thomas, Thompson, Walsh, Welton, A. Western, D. Western, Whitham, Whyte, Williams and Winstanley.

Those against the substantive Motion: Councillors Miss Blackburn, Boyes, Butt, Carey, Chalkin, Evans, Holden, Lamb, Mirza, Morgan, Myers, Whetton and Mrs. Young.

Those choosing to abstain: Councillors Brophy and Newgrosh.

With the result of the vote being 35 in favour and 13 against, with 2 abstentions, the Substantive Motion was declared carried.

RESOLVED:

- (1) That the Council:
 - a) Approves the 2022/23 net Revenue Budget of £192.57 million.
 - b) Approves the 2023/24 to 2024/25 Medium Term Financial Strategy (MTFS) including the income and savings proposals.

**Meeting of the Council
16 February 2022**

- c) Notes the arrangements proposed in relation to an enhanced Finance and Change Programme and the establishment of a Finance and Change Board which will work with the Executive on the development of sustainable budget plans to support the Council in meeting the financial challenges from 2023/24 onwards.
- d) Approves the calculation of the Council Tax Requirement, as summarised in Section 9.1 of the Revenue Budget Proposals report and the formal Council Tax Resolution set out at (2) below.
- e) Approves the proposal to increase Council Tax by 2.99% in 2022/23:
- 1.99% general increase in the 'relevant basic amount' in 2022/23, 2023/24 and 2024/25, and
 - 1% for the 'Adult Social Care' precept in 2022/23.
- f) Approves the planned application of earmarked reserves as detailed in Section 7 of the Revenue Budget Proposals report.
- g) Approves the Fees and Charges for 2022/23 and those relating to Registration of Births, Death and Marriages and Allotments also shown for 2023/24, as set out in the Fees and Charges booklet.
- h) Delegates authority jointly to each Corporate Director in consultation with the Director of Finance and Systems to amend fees and charges which are within their respective delegated powers during 2022/23 in the event of any change in VAT rate, as appropriate.
- i) Delegates authority jointly to each Corporate Director in consultation with the Director of Finance and Systems to amend fees and charges during 2022/23 which are within their respective delegated powers where the economics of the charge levels have changed (e.g. costs have risen unexpectedly), or for commercial reasons.
- j) Approves the proposal to increase the minimum level of General Reserve for 2022/23 at £9.5 million, an increase of £1.5 million from 2021/22 (Section 7.5 of the Revenue Budget Proposals report).
- k) Approves the Capital Strategy, Prudential and Local Indicators and overall level of the Capital Programme and Asset Investment Fund of £417.38 million (as detailed in the Capital Strategy, Capital Programme and Prudential Indicators 2022-25) of which £209.71 million relates to 2022/23; including the proposal in relation to £50.52 million of new prudential borrowing.
- l) Approves the Treasury Management Strategy 2022/23 to 2024/25, including the debt strategy (Section 3 of the Treasury Management Strategy Report), the Treasury Investment Strategy (Section 5 of the Treasury Management Strategy Report) and the Prudential Indicators, including the Authorised Limit (as required by Section 3(1) of the Local Government Act 2003, Operational

**Meeting of the Council
16 February 2022**

Boundary, Minimum Revenue Provision and investment criteria, as set out in Appendix 3 of the Treasury Management Strategy Report.

- m) Approves the flexible use of capital receipts of up to £0.27 million to support the cost of the Modernisation Team in developing the Council's Finance and Change Programme.
- n) Approves the proposed distribution of Dedicated Schools Grant as recommended by the School Funding Forum and Executive, as summarised in Section 8 and detailed in Annex I of the Revenue Budget Proposals report.
- o) Due to the late publication of the Final Local Government Finance Settlement, delegates authority to the Director of Finance and Systems to vary the level of Budget Support Reserve needed to balance the 2022/23 revenue budget in the event of any change at final settlement.
- p) Delegate to the Director of Finance and Systems, in consultation with the Executive Member for Finance and Governance, to administer the energy related discretionary schemes, as announced on 3 February 2022, in accordance with the guidance, which will be fully funded by a Section 31 grant.

That in recommending approval of the above, the Council confirms that it has taken into consideration:

- q) The objective assessment by the Director of Finance and Systems of the robustness of budget estimates and adequacy of the financial reserves (Sections 1 and 7 of the Revenue Budget Proposals report).
- r) The Executive's response to the Scrutiny Committee's recommendations to the budget proposals as included in a separate report considered at the Executive meeting held on 16 February 2022.
- s) The Council's Public Sector Equality duty.
- t) The results of the consultation on the budget proposals where required.
- u) The changes to the Council Tax Scheme 2022/23 and Council Tax Hardship Fund as detailed in a separate report to the Executive on 24 January 2022.

That in addition, the Council notes the following:

- v) The approval on 11 January 2022 under delegated powers by the Director of Finance and Systems of the Council Tax Base for 2022/23 at 77,601 Band D equivalents.
- w) the estimated Council Tax surplus for 2021/22 has been calculated at £1.89 million, sufficient to release £1.55 million to support the Council's budget plans and a distribution of £240,000 and £100,000 representing the

**Meeting of the Council
16 February 2022**

respective shares of the Mayoral Police and Crime Commissioner Precept and Mayoral General Precept (including Fire Services).

- x) The base budget assumptions as set out in the Medium Term Financial Strategy (MTFS) as detailed in Annex A of the Revenue Budget Proposals report.
 - y) The budget gap for the two years 2023/24, £15.7 million and 2024/25, £2.7 million.
 - z) The recurrent budget gap caused by the COVID-19 pandemic is expected to continue into 2022/23 and is estimated that £7.1 million will be met from reserves.
 - aa) That the Capital Programme for 2022/23, 2023/24 and 2024/25 is to be set at an indicative £209.71 million, £143.6 million and £64.09 million respectively (indicative at this stage as a number of capital grants not yet known).
 - bb) That the Council Tax figures included in the report for the Mayoral Police and Crime Commissioner Precept and Mayoral General Precept (including Fire Services) are the recommended provisional amounts pending their formal approval.
- (2) That, as referred to in d) above, the Council calculates the formal Council Tax Resolution as follows:

1. It be noted that on 11 January 2022 the Council calculated
 - (a) the Council Tax Base 2022/23 for the whole Council area as 77,601 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")] and;
 - (b) 1,669 for dwellings in the Parish of **Partington**;
 - (c) 144 for dwellings in the Parish of **Carrington**;
 - (d) 163 for dwellings in the Parish of **Warburton**;

to which Parish Precepts relate.
2. That the Council approve the Council Tax Requirement for the Council's own purposes for 2022/23 (excluding Parish precepts) as £112,755,029.
3. That the Council agrees the calculation of the Aggregate Amounts for the year 2022/23 in accordance with Sections 31 to 36 of the Act:
 - (a) £572,749,064 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.

**Meeting of the Council
16 February 2022**

- (b) £459,894,710 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £112,854,354 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31A(4) of the Act).
- (d) £1,454.29 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £99,325 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
- (f) £1,453.01 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (g) £1,505.05 **Parish of Partington**
being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned at 3(e) above divided by the amount at 1(b) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (h) £1,483.01 **Parish of Carrington**
being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned at 3(e) above divided by the amount at 1(c) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (i) £1,503.01 **Parish of Warburton**
being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned at 3(e) above divided by the amount at 1(c) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
4. The council tax set by Trafford Council includes a 1.0% increase to be spent exclusively on supporting the delivery of adult social care services.

**Meeting of the Council
16 February 2022**

5. That it be noted that for the year 2022/23 the Mayoral Police and Crime Commissioner and the Mayoral General (including Fire Services) have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated in the table below.
6. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate shown in the tables below as the amounts of Council Tax for 2022/23 for each part of its area and for each of the categories of dwellings.

Valuation Bands

Council Tax Schedule 2021/22	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Trafford Council (including Adult Social Care Precept)	968.67	1,130.12	1,291.56	1,453.01	1,775.90	2,098.79	2,421.68	2,906.02
Mayoral Police and Crime Commissioner Precept	152.20	177.56	202.93	228.30	279.03	329.76	380.50	456.60
Mayoral General Precept (including Fire Services)	68.63	80.07	91.51	102.95	125.82	148.70	171.58	205.90
Sub total	1,189.50	1,387.75	1,586.00	1,784.26	2,180.75	2,577.25	2,973.76	3,568.52

Partington								
Parish only	34.69	40.48	46.26	52.04	63.60	75.17	86.73	104.08
Parish & District only	1,003.36	1,170.60	1,337.82	1,505.05	1,839.50	2,173.96	2,508.41	3,010.10
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,224.19	1,428.23	1,632.26	1,836.30	2,244.35	2,652.42	3,060.49	3,672.60

Carrington								
Parish only	20.00	23.33	26.67	30.00	36.67	43.33	50.00	60.00
Parish & District only	988.67	1,153.45	1,318.23	1,483.01	1,812.57	2,142.12	2,471.68	2,966.02
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,209.50	1,411.08	1,612.67	1,814.26	2,217.42	2,620.58	3,023.76	3,628.52

**Meeting of the Council
16 February 2022**

Warbuton									
Parish only	33.33	38.89	44.44	50.00	61.11	72.22	83.33	100.00	
Parish & District only	1,002.00	1,169.01	1,336.00	1,503.01	1,837.01	2,171.01	2,505.01	3,006.02	
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,222.83	1,426.64	1,630.44	1,834.26	2,241.86	2,649.47	3,057.09	3,668.52	

PARISH COUNCIL PRECEPTS

Parish/Town Council	2021/22			2022/23			C Tax Increase
	Tax Base	Precepts £	Council Tax Band D (£)	Tax Base	Precepts £	Council Tax Band D (£)	
Partington	1,578	82,119	52.04	1,669	86,855	52.04	0.0%
Carrington	126	3,780	30.00	144	4,320	30.00	0.0%
Warbuton	165	8,250		163	8,150		0.0%
TOTAL	1,869	94,149		1,976	99,325		

69. MOTION SUBMITTED BY THE CONSERVATIVE GROUP - GREATER MANCHESTER CLEAN AIR PLAN (PROPOSED ALTERATION OF THE MOTION DEFERRED FROM COUNCIL ON 26 JANUARY 2022)

Further to the adjournment at the previous meeting of the Council held on 26 January 2022, the Mayor sought the meeting's acceptance of the Motion, as altered and set out on the Summons, to which the Council signified consent for the altered Motion to be put.

It was moved and seconded that:

“This Council is deeply concerned by the Greater Manchester Clean Air Final Plan report, presented to the Greater Manchester Combined Authority (GMCA), on 25 June 2021 by Transport for Greater Manchester (TfGM).

The Council Notes:

- The Greater Manchester Clean Air Zone (CAZ) is 493sqm which includes every district in GM.
- TfGM in July 2021 stated a database sourced from the Society of Motor Manufacturers and Traders (SMMT) estimated that approximately at present 90% of non-compliant LGV's in Greater Manchester, are not retrofittable.
- TfGM estimates that in 2023 there will be 75,000 non-compliant LGV's based in GM out of a total fleet of 136,000 LGV's.

**Meeting of the Council
16 February 2022**

- The Greater Manchester Clean Air Final Plan report was approved by all GM districts and the Greater Manchester Combined Authority to support the Mayor of Greater Manchester's plan for Clean Air during July 2021.
- The Greater Manchester Clean Air Final Plan impacts tens of thousands of small businesses and charities within GM in addition to thousands who are based outside of the GM region but operate within the GM region contributing to the £62 billion economy.
- The 9 GM Conservative MPs wrote to the Secretary of State for Environment and Rural Affairs urging a delay to the rollout of the CAZ for further consultation.

The Council resolves:

- That the Chief Executive of the Council to write to the GMCA Chief Executive requesting that a joint scrutiny committee be established to initiate an independent investigation into GM Clean Air Final Plan.
- That the findings of the investigation must be scrutinised by the newly formed GMCA Committee prior to recommendations being submitted to the GMCA and GM districts.
- That each of the GM districts will review the findings of the report via their internal scrutiny mechanisms i.e. Executive/Cabinet, Council and the relevant scrutiny panels."

It was moved and seconded as an amendment that:

"This Council is deeply concerned that the Greater Manchester Clean Air Plan as presented by the Greater Manchester Clean Air Final Plan report, presented to the Greater Manchester Combined Authority (GMCA), on 25 June 2021 by Transport for Greater Manchester (TfGM) has become unworkable due to issues in the global supply chain exacerbated by the pandemic.

~~The Council Notes:~~

- ~~— The Greater Manchester Clean Air Zone (CAZ) is 493sqm which includes every district in GM.~~
- ~~— TfGM in July 2021 stated a database sourced from the Society of Motor Manufacturers and Traders (SMMT) estimated that approximately at present 90% of non-compliant LGV's in Greater Manchester, are not retrofittable.~~
- ~~— TfGM estimates that in 2023 there will be 75,000 non-compliant LGV's based in GM out of a total fleet of 136,000 LGV's.~~
- ~~— The Greater Manchester Clean Air Final Plan report was approved by all GM districts and the Greater Manchester Combined Authority to support the Mayor of Greater Manchester's plan for Clean Air during July 2021.~~
- ~~— The Greater Manchester Clean Air Final Plan impacts tens of thousands of small businesses and charities within GM in addition to~~

**Meeting of the Council
16 February 2022**

~~thousands who are based outside of the GM region but operate within the GM region contributing to the £62 billion economy.~~

- ~~- The 9 GM Conservative MPs wrote to the Secretary of State for Environment and Rural Affairs urging a delay to the rollout of the CAZ for further consultation.~~

The Council resolves:

- That the Chief Executive of the Council ~~to~~ write to the GMCA Chief Executive **and - as development of a Clean Air Plan for the 10 boroughs is a district function - the 9 other GM Chief Executives proposing** requesting that a joint scrutiny committee be established ~~to initiate an independent investigation into GM Clean Air Final Plan to enable effective scrutiny of work undertaken towards development of a Clean Air Plan for Greater Manchester. This Committee may choose to request that an independent investigation is undertaken into previous versions of the Clean Air Plan, but we recognise this would be a decision for the Committee itself.~~
- ~~- That the findings of the investigation must be scrutinised by the newly formed GMCA Committee prior to recommendations being submitted to the GMCA and GM districts.~~
- ~~- That each of the GM districts will review the findings of the report via their internal scrutiny mechanisms i.e. Executive/Cabinet, Council and the relevant scrutiny panels."~~

Following a debate on the matter, the amendment was put to the vote and declared carried. The Council continued to debate the substantive Motion before it was put to the vote and declared carried.

RESOLVED: This Council is deeply concerned that the Greater Manchester Clean Air Plan as presented on 25 June 2021 has become unworkable due to issues in the global supply chain exacerbated by the pandemic.

The Council resolves:

- That the Chief Executive of the Council write to the GMCA Chief Executive and - as development of a Clean Air Plan for the 10 boroughs is a district function - the 9 other GM Chief Executives proposing that a joint scrutiny committee be established to enable effective scrutiny of work undertaken towards development of a Clean Air Plan for Greater Manchester. This Committee may choose to request that an independent investigation is undertaken into previous versions of the Clean Air Plan, but we recognise this would be a decision for the Committee itself.

The meeting commenced at 7.00 p.m. and finished at 9.16 p.m.

**Meeting of the Council
16 February 2022**

(Note: At the conclusion of the formal meeting of the Council, an informal meeting was held to extend an invitation to:

Councillor Chris Boyes to be the Mayor of the Borough of Trafford for 2022/23;

and

Councillor Dolores O'Sullivan to be the Deputy Mayor of the Borough of Trafford for 2022/23.

Sara Todd, Chief Executive

Drawing the evening to a close the Mayor expressed his happiness that the Chief Executive was back with Members that evening and the Council welcomed Sara back with a round of applause.

The informal meeting concluded at 9.18 p.m.)

TRAFFORD COUNCIL

Report to: Council
Date: 23rd March 2022
Report for: Decision
Report of: Leader of Trafford Council

Report Title

HS2 Phase 2b Western Leg (Crewe-Manchester) hybrid Bill Petitioning

Summary

This report seeks approval for the Council to object to elements of the HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill, deposited in Parliament on 24th January 2022.

This report also seeks approval to delegate authority to negotiate directly with HS2 Ltd and the government to agree such measures as may be appropriate to secure the best outcome possible for Trafford and GM as necessary.

Recommendation(s)

It is recommended that the Council:

- (i) Agrees that it is expedient for Trafford Council to oppose elements of the HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill.
- (ii) Approves the framework and general direction of the Council's Petition outlined in the report.
- (iii) Delegates authority to the Corporate Director of Place, in consultation with the Corporate Director of Governance and Community Strategy and the Leader of the Council or the Executive Member for Regeneration and Housing, to take all such steps as may be necessary to produce a Petition, including steps required to submit a Petition and thereafter to maintain it, and if considered appropriate, withdraw the whole or parts of the Petition in respect of the HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill.
- (iv) Delegates authority to the Corporate Director of Place, in consultation with the Corporate Director of Governance and Community Strategy and the Leader of the Council or the Executive Member for Regeneration and Housing, to negotiate and seek such assurances/undertaking/agreements to the HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill as necessary.
- (v) Delegates authority to the Corporate Director of Governance and

Community Strategy to sign or seal any such documents as are required to give effect to any decisions made pursuant to this Council decision.

Contact person for access to background papers and further information:

Caroline Wright (Strategic Planning and Growth Manager)
 Stephen James (Head of Growth, Communities and Housing)

Background Papers: None.

Implications:

<p>Relationship to Policy Framework/Corporate Priorities</p>	<p>HS2 will assist in ‘Supporting people out of poverty’ due to the provision of significant job opportunities, both during the construction and operational phases. Further long-term employment opportunities will be brought about through the regeneration and development of the areas surrounding each station, where HS2 and NPR can act as a major catalyst for growth. This growth will provide a major opportunity to the local business community.</p> <p>HS2 will also facilitate the Council in ‘Addressing our climate crisis’ by removing lorries and vehicles from the road, reducing traffic, carbon emissions and improving air quality.</p>
<p>Relationship to GM Policy or Strategy Framework</p>	<p>HS2 will support many of the policy objectives identified in the Greater Manchester Strategy (GMS), as well as Places for Everyone (PfE) and the draft Trafford Local Plan. It will improve transport connectivity to Greater Manchester and deliver major travel hubs at Piccadilly and Manchester Airport – both strategically important locations. The Greater Manchester HS2 and NPR Growth Strategy also identifies opportunities for economic growth and development associated with HS2.</p>
<p>Financial</p>	<p>Specialist consultants have been appointed to support and inform the Councils [Environmental Statement] response totalling circa £31,000. Additional costs have been incurred to publicise the consultation period to residents and businesses of Trafford totalling circa £3,000.</p> <p>Other committed costs relating to HS2 will be incurred from specialist legal advice from Queens Counsel and experienced Parliamentary Agents. This is estimated to cost approximately £30,000 in 21/22, however additional costs are likely.</p> <p>The above costs can be funded from previously</p>

	<p>earmarked reserves.</p> <p>Wherever possible, requests will be made to HS2 Ltd and its undertakers/ sub-contractors to contribute towards and/or cover directly related incurred costs</p>
<p>Legal Implications:</p>	<p>Support from the Council’s Legal team will be required in preparing and submitting any petition.</p> <p>Advice and support will also be sought from Queens Counsel and Parliamentary Agents jointly appointed to represent GM Partners.</p> <p>Trafford Council has the power to petition against a hybrid Bill under Section 239, Local Government Act 1972 where they are satisfied that it is expedient to oppose the Bill.</p> <p>Under section 239 a resolution of the Council to oppose a Bill must be passed by a majority of the whole number of the members of the Council after giving 10 clear days’ notice of the meeting and its purpose in one or more local newspapers, in addition to the normal notice required to convene that meeting.</p>
<p>Equality/Diversity Implications</p>	<p>HS2 and NPR, and the development of the areas surrounding the stations, are anticipated to provide additional job opportunities available to local residents (both during construction and operation) and improved transport connections to those opportunities.</p> <p>An Equalities Impact Assessment has been deposited by HS2 Ltd as part of the hybrid Bill deposition.</p>
<p>Sustainability Implications</p>	<p>The proposed HS2 station at Manchester Airport will be integrated with Metrolink and Northern Powerhouse Rail (NPR); this will provide significant accessibility improvements to Manchester city centre and surrounding town centres, as well as enhancing links to other cities across the north.</p> <p>HS2 will be vital in relieving pressure across Greater Manchester, which has seen a 26% increase in rail traffic since 2010-11. HS2 will also play a crucial role delivering Northern Powerhouse Rail – the backbone for an integrated northern rail network. The capacity released by HS2 could more than double evening peak seats from Manchester Piccadilly on the Crewe and Stoke-On-Trent corridors.</p>

	<p>Once the full network is operational it is expected that HS2 trains will carry over 300,000 passengers a day, creating space for more, new, local and regional train journeys.</p> <p>HS2 is future proofed too, by making sure the network can grow with increased demand.</p>
Carbon Reduction	<p>HS2 together with the wider Northern Rail Powerhouse (NPR) plans, has the potential to significantly reduce carbon emissions from both passenger travel and rail freight, by removing vehicles from the highway network.</p> <p>With more space for freight trains, hundreds of thousands of lorries will be taken off the road every year, with an extra freight train removing up to 76 lorries from our roads – which will reduce traffic, carbon emissions and improve air quality.</p> <p>HS2’s Environmental Sustainability Vision January 2022 includes targets for overall operations to be net zero from 2035. This covers all construction, the running of high-speed services and the maintenance needed to make sure travel is comfortable, reliable and safe. Passengers will enjoy zero carbon journeys on HS2 from day one of service because the electricity powering the trains will come from zero emission sources</p>
Resource Implications e.g. Staffing / ICT / Assets	<p>Significant resource implications for the Council across most services and teams.</p> <p>It should be noted that, while the response to the ES will require substantial officer time, we are working with and coordinating our response with other GM authorities and TfGM as well as statutory bodies where possible and necessary. Furthermore, laying the foundations to secure avoidance, mitigation and/or compensation now, will save the Council and its partners significant resource and financial burdens in the long-term.</p>
Risk Management Implications	<p>The Council will work closely with Government, Transport for the North, TfGM, Manchester Trafford Council and other partners to minimise risks arising from the design and delivery of HS2.</p>
Health & Wellbeing Implications	None.
Health and Safety Implications	None.

1.0 Background

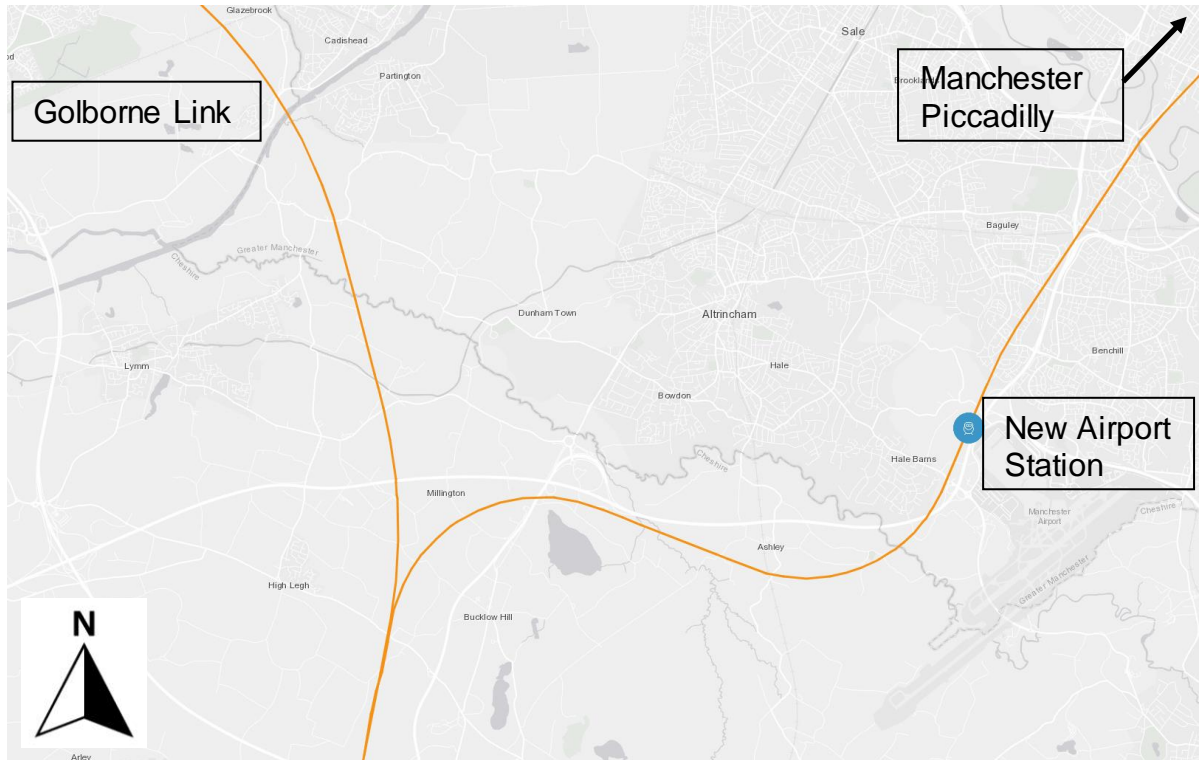
- 1.1 High Speed Two (HS2) will be a new high speed rail route linking London, Birmingham, the East Midlands and Manchester. The construction of the route has been split into the following phases:
 - Phase 1 – London to Birmingham
 - Phase 2a – Birmingham to Crewe
 - Phase 2b – Crewe to Greater Manchester
- 1.2 Phase 1 and Phase 2a have both received Royal Assent and are now under construction.
- 1.3 The HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill includes provision for new high-speed rail stations (providing for HS2 and Northern Powerhouse Rail¹ services) at Manchester Airport and Manchester Piccadilly,, along with a tunnelled section of railway that will connect the respective stations. It also covers the provision of other related infrastructure, including new highways layouts and car parking and Metrolink services at the two stations. The proposed high speed station at Manchester Airport is in Trafford borough.
- 1.4 A second high-speed line is also proposed through the borough, providing a connection to Wigan and the West-Coast Mainline. This is known as the Golborne Link.
- 1.5 The HS2 Phase 2b hybrid Bill was laid before Parliament on 24th January 2022. On 25th January 2022 the consultation on the accompanying Environmental Statement began, with responses required by 23:45 hrs on 31st March 2022. The Environmental Statement (ES) is an assessment of the likely significant environmental effects of the proposed HS2 railway and identifies the effects of construction and operation.
- 1.6 HS2 Phase 2b from Crewe to Manchester is being delivered via a hybrid Bill, which will culminate in an Act of Parliament passing into law, upon receipt of Royal Assent. It is currently anticipated that Royal Assent will be achieved in 2024/2025. Once granted and written into law, the Act will grant HS2 Phase 2b a form of outline planning permission and therefore Trafford's ability to influence or negotiate betterments will be significantly reduced.

2.0 HS2 Phase 2b route in Trafford and HS2 Manchester Airport Station

- 2.1 Figure 1 below illustrates the indicative route of the proposed HS2 lines that will affect Trafford.

Figure 1: Indicative HS2 Phase 2b Routes in Trafford

¹ Northern Powerhouse Rail (NPR) is a proposal to deliver a high speed rail network between Manchester, Liverpool, Leeds, Newcastle, Sheffield and Hull. The Government's preferred plans for NPR are included in the recently published Integrated Rail Plan.



- 2.2 The proposed Manchester Airport station is located in Trafford, directly to the west of the M56, between Junctions 5 and 6. A new Metrolink Stop is proposed at the station which will be part of the Metrolink Western Leg. This Metrolink route branches off the existing Manchester Airport line at Roundthorne and connects to Davenport Green, the HS2 Airport Station and then across the M56 to Manchester Airport.
- 2.3 The HS2 Phase 2b route will enter Trafford in a cutting under the M56 and will pass under Hale Road before reaching the Airport Station. The Airport Station platforms will be below ground level and the station entrance / ticket purchase area will be located above this. The Metrolink stop will be located on a bridge above the Airport Station, providing integrated sustainable transport access.
- 2.4 In addition, forecourts will be located to the east and west of the station providing bus connectivity and drop-off points. A significant amount of car parking is also proposed at the Airport Station. The Manchester Airport Station will therefore be a significant structure in the landscape.
- 2.5 To the north of the HS2 Airport Station the route enters a tunnel which runs under South Manchester to Ardwick in the City Centre. The tunnel entrance will be located on the Manchester / Trafford boundary.
- 2.6 In addition to the Airport / Piccadilly line, a further HS2 route is also proposed to run through the borough connecting to the West Coast Mainline at Wigan, known as the Golborne Link. The route branches off the main HS2 line to the south of Trafford, it then travels over the River Bollin, through Warburton Parish and over the Manchester Ship Canal, south west of Partington.
- 2.7 The current proposal contained in the hybrid Bill is for the bridge over the Manchester Ship Canal (River Mersey) to span circa 90 metres, with a headway (height to base) of 24.60m² (67.5 feet). To enable trains to safely travel at high speed

² See Drawing No. 2DE01-MWJ-HY-PLN-M000-000090 Rev HB01

(top speed of 250 mph), will require the line to be raised up to 24.60m (67.5 feet) over a substantial distance either side of the ship canal.

3.0 Benefits of HS2 Phase 2b to GM and Trafford

- 3.1 The construction of HS2 is already supporting over 20,000 jobs across the UK. 17,500 roles are forecast to deliver the Crewe to Manchester section, with apprenticeships and skilled employment opportunities for local people to benefit from. Moreover, HS2 has the potential to double the economic output of Greater Manchester to £132bn by 2050, delivering 96,000 jobs and 16,800 homes.
- 3.2 The Greater Manchester HS2 and Northern Powerhouse Rail Growth Strategy (GMGS) was prepared in 2017 and sets out the importance of HS2 and Northern Powerhouse Rail (NPR) to the city region, highlighting the significant growth and jobs benefits that it can bring. It notes that the city region is well-placed to capitalise on the opportunities that will arise, due to the long-term strategic plans that have been developed, including the Greater Manchester Strategy (GMS), Places for Everyone (PfE) and the 2040 Transport Strategy. The GMGS identified four 'pillars' which provide a framework for understanding how the economic growth potential of HS2 and NPR can be captured. The pillars are:
 - Regeneration around the stations
 - Station design and infrastructure requirements
 - Wider connectivity to ensure that the benefits are shared beyond the immediate station areas
 - People, skills and employability
- 3.3 Both HS2 and NPR will deliver significantly improved connectivity across the north of England and will be a key part of the strategy for the North of England to play a greater role in delivering a more balanced national economy as part of the 'Levelling Up' agenda.
- 3.4 High speed rail will provide significant job opportunities, both during the construction and operational phases. Further long-term employment opportunities will be brought about through the regeneration and development of the areas surrounding each station, where HS2 and NPR can act as a major catalyst for growth. This growth will provide a major opportunity to the local business community. Greater Manchester is well placed to take advantage of these benefits, as a result of the city region's existing strengths in the key high value growth sectors, and those related to the construction and operation of major transport infrastructure.
- 3.5 There is significant development potential around the proposed Manchester Airport high speed station. The station is located adjacent to the proposed Places for Everyone (PfE) Timperley Wedge allocation which is proposed for approx. 2,500 residential units and 60,000 sqm employment office space overall. Around the station and as part of the Timperley Wedge allocation a new suburban centre is envisaged that will create a strong sense of place, together with a new residential-led mixed use neighbourhood.
- 3.6 In addition, as part of the Growth Strategy, a GM Skills Strategy is being developed that identifies key areas of intervention to help align the skills of local residents to the jobs created. This work is being led by the GMCA and is already underway.
- 3.7 HS2 Phase 2b will therefore bring real benefits to the borough and GM as a whole. The investment and delivery of HS2 Phase 2b confirm Trafford and Greater

Manchester as the most connected city region in the UK and will support existing businesses, inward investment and job creation in and around the borough.

4.0 Hybrid Bill for HS2 Phase 2b Crewe - Manchester

4.1 The hybrid Bill for Phase 2b Crewe-Manchester will secure powers to implement the Phase 2b Western Leg of the HS2 network. More specifically the Bill includes powers to:

- Build and maintain the railway and associated works, securing planning permission.
- Compulsorily acquire interests in the land required.
- Affect or change rights of way.
- Modify infrastructure (e.g. utilities).
- Carry out work on listed buildings and demolish buildings in Conservation Areas.
- Carry out protective works to buildings and third-party infrastructure.
- Make changes to existing legislation facilitating implementation of the railway.

4.2 The principal stages of the hybrid Bill are as follows:

- There is currently a period for representations on the formal Environmental Statement (ES) setting out the design and impacts of the railway, which ends on 31st March 2022;
- The first reading of the hybrid Bill has been completed and was a formality;
- The second reading in the House of Commons will approve the principle of the hybrid Bill and thereby the railway, and will set out the timetable for petitions against the hybrid Bill (see below).
- Thereafter, the hybrid Bill proceeds to a Select Committee which would present the first opportunity for petitioners to seek amendments to the Bill;
- The hybrid Bill is then re-committed to a Public Bill committee of the House of Commons followed by Report stage and Third Reading; and
- The hybrid Bill is sent to the House of Lords where the process is repeated with a further opportunity for petitioning.
- When both Houses have approved the hybrid Bill, it receives Royal Assent.

5.0 Petitioning

5.1 Petitioning allows any individual, group of individuals or organisation directly and specially affected to petition against the hybrid Bill. A petition is a summary of objections to particular aspects of a hybrid Bill, to be heard before a Select Committee of MPs, and can be submitted if petitioners' concerns are not addressed in advance of the Bill's petitioning stage. Parliamentary Agents and Queens Counsel have been appointed to act on Trafford's behalf in advising on negotiations with HS2 Ltd and the DfT, and in the preparation of any petition.

- 5.2 Trafford Council has the power to petition against a hybrid Bill under Section 239, Local Government Act 1972 where it is satisfied that it is expedient to oppose the Bill.
- 5.3 Under section 239 a resolution of the Council to oppose a Bill must be passed by a majority of the whole number of the members of the Council after giving 10 clear days' notice of the meeting and its purpose in one or more local newspapers, in addition to the normal notice required to convene that meeting.

6.0 Trafford Response

- 6.1 Notwithstanding Trafford's overall support for High Speed 2, the Council will need to ensure that any necessary provisions are included in the hybrid Bill and/or seek assurances/undertakings from HS2 Ltd to maximise benefits and minimise negative impacts of HS2 Phase 2b on the borough.
- 6.2 Officers continue to work closely with HS2 Ltd, representatives from the Department of Transport (DfT) and other GM Partners to ensure that necessary provisions are made and will seek to negotiate agreements accordingly. If agreement cannot be reached on specific matters, it may be necessary to petition the hybrid Bill during a specific window.
- 6.3 A number of areas have been identified that are critical to maximising benefits and minimising negative impacts of HS2 on the borough. However, given the length and complexity of the hybrid Bill, together with uncertain petitioning period and available resources; it is not possible to provide Council with a developed and detailed draft petition.
- 6.4 Therefore, an overview of these key topics and areas where the Council have concerns is set out below in tables 1 and 2.

Table 1: Summary of issues relevant to MA04 Broomedge – Glazebrook (Warburton and Partington) and MA06 Hulsehealth – Manchester Airport (Hale Barns) by Environmental Statement Topic Area

Topic Area	Description of Issue/ Concern
Agriculture, Forestry and Soils	<p>Most of the agricultural land in MA04 is of high quality (grade 2 on average). HS2 have concluded that the effect on land quality is moderately adverse because such land is abundant in the area. While this is factually accurate, it is somewhat self-fulfilling: land adjoining a linear route is very likely to be of the same quality, and therefore there is a risk these impacts are downplayed as a whole.</p> <p>In MA06 the land is generally lower quality (3b or 4) with better quality land in patches.</p> <p>Effects on rural and agricultural/ livery businesses and the associated mitigation and composition measures.</p>
Air Quality	<p>Modelled concentrations of particulate matter (PM) including PM10 and PM2.5 have not been subject to model verification and adjustment. Where modelled concentration are not subject to model verification this potentially may lead to under predicting of concentrations at sensitive receptors.</p>

Topic Area	Description of Issue/ Concern
	<p>Consequently, there are significant concerns around the affects of poor air quality, arising from the construction of HS2, including the significant number of vehicle movements anticipated.</p>
Climate Change	<p>The net carbon emissions from the scheme appear to be positive up to 2050 and over its life-time. This fails to support the national target of Net zero by 2050 as required under the Climate Change act 2008.</p> <p>No consideration for the Trafford Climate Emergency and carbon budget(s) (Net Zero date of 2038) with a 13.4% year on year reduction rate from 2020 has been included within the assessment.</p> <p>HS2 Ltd do not appear to consider the use of 100% green energy during the operational phase of the scheme.</p> <p>No/limited information has been provided outlining the strategy for the proposed carbon sequestration.</p> <p>Insufficient mitigation measures have been identified at a local level to combat the potential effects of the scheme on climate change adaptation and resilience</p>
Community	<p>Severance of local communities and the likely adverse impact on the mental health of those affected and access to local services and facilities.</p> <p>Temporary or permanent loss of community facilities to enable the construction and/or operation of HS2 and the associated engagement and compensation process.</p>
Cultural Heritage	<p>Significant concern regarding the impact of the construction and operation phases on Warburton Village, its associated manorial site and deer park. In heritage terms this is an exceptionally sensitive area incorporating a Grade I listed Church, 20 Grade II listed buildings, Warburton Conservation Area and over 12 NDHAs.</p> <p>Significant concerns regarding the impact of construction compounds and material stockpile along Brooks Drive & Roaring Gate Lane on Davenport Green Hall, Grade II and Davenport Green Farmhouse, barn & Paddys Hut all Grade II.</p> <p>Permanent effects of the proposed scheme including Manchester Airport High Speed Station & Metrolink provision; reinforced soil retaining wall and cutting retaining wall north; access roads; realignment of historic lanes; Manchester Tunnel South Portal & building will also have a major impact on the rural setting to listed buildings and NDHAs at Davenport Green.</p>
Ecology and Biodiversity	<p>Loss of Ancient Woodland in both community areas, to be compensated through the creation of new woodlands is not acceptable.</p>

Topic Area	Description of Issue/ Concern
	<p>Lack of detailed ecological survey information which needs to inform decision making, avoidance, mitigation and compensation measures.</p> <p>HS2 expected to deliver smarter and bolder in relation to ecological mitigation and Biodiversity Net Gain.</p> <p>Key concerns around habitat loss, fragmentation, and isolation, both spatially and temporally, as a result of the long period of construction.</p>
Health	<p>Increased stress caused by construction and operation. HS2 proposes to mitigate this by engaging and consulting with communities.</p> <p>Concerns about the adverse concentrations of NO₂ and PM₁₀ / PM_{2.5} which are likely to impact on health. Proposed mitigation measures during the construction phase may result in inadequate controls affecting air quality and health, particularly for the boroughs' most vulnerable such as children, older people, and people with underlying health conditions.</p> <p>Lack of strong evidence to support traffic modelling and inadequate mitigations may give rise to increased congestion and journey times and increased exposure to poor air quality. These issues have adverse effects on both physical and mental health.</p>
Land Quality	<p>Potentially contaminated areas of land have been identified that could affect, or be affected by, the construction of the proposed scheme.</p>
Landscape and visual impacts	<p>Concern regarding the landscape and visual impact of the Golborne Link which will be very visible in the landscape. The route is elevated for much of this section and the proposed viaduct over the Manchester Ship Canal would be a significant structure and very visible in the surrounding area.</p> <p>GM Partners want to work with HS2 to develop alternative solutions and to mitigate the impact of the Golborne Link on local communities in Trafford.</p> <p>Concern about the landscape and visual impact of the HS2 Airport Station building in MA06, as well as the Metrolink route to the station which will require supporting structures to elevate the route to the Airport Metrolink Stop located above the Station.</p> <p>Work is underway with GM Partners to bring the Metrolink route to ground level as quickly as possible, whilst meeting the operational requirements of the Metrolink infrastructure.</p>
Major Accidents and Natural Disasters	<p>Overall, there a number of concerns with the approach to baseline data collection, the scope of the risks identified and that the assessment has a fundamental dependency on a range of high-level mitigation measures which are yet to be determined.</p>

Topic Area	Description of Issue/ Concern
	<p>However, it is considered that a significant number of the issues raised can be appropriately addressed through direct consultation and agreement with the Council and relevant local stakeholders.</p>
Socioeconomics	<p>Concerns around the assumptions used to determine that businesses will be able to continue to operate 'as normal' particularly during the construction phase.</p> <p>There is a risk that the scale of the potential effects on these businesses will lead to some businesses not being able to operate during the relevant periods, leading to job losses, business closures and/relocation to other areas of Trafford and/or GM.</p> <p>Lack of clarity around local employment and business opportunities available during the construction and operational phases of HS2.</p>
Sound, Noise and Vibration	<p>Concerns regarding the baseline noise level modelling, particularly in terms of the assessment of traffic noise.</p> <p>Concerns around the assumptions used to undertake the airborne construction noise or ground-borne construction vibration assessments.</p> <p>Lack of understanding in the HS2 assessment of the existing noise and vibration context in MA04, specifically in and around Warburton.</p>
Traffic and Transport	<p>Concern regarding the proposed highways delivery approach relating to construction of route wide infrastructure, the stations and increased traffic demand as a result of HS2 & NPR. In particular: cumulative HGV numbers, congestion, road closures, temporary diversion routes and worker travel plans.</p> <p>Traffic concerns for Trafford relate to the baseline modelling position used to inform the scheme designs, the road layouts proposed by HS2 and the need for any scheme to prioritise sustainable travel modes, as well as the amount of potential additional vehicles on the roads in both the MA04 (Golborne Link) and MA06 (Manchester Airport) community areas. In this regard, the ES estimates the following typical vehicle trips generated to/from the various construction site compounds in each of the community areas:</p> <ul style="list-style-type: none"> • MA04 (Golborne Link)³ <ul style="list-style-type: none"> ○ Between 600 and 900 daily two-way car/LGV trips ○ Between 400 and 500 daily two-way HGV trips • MA06 (Manchester Airport Station)⁴

³ Data from the [Traffic and transport MA04: Broomedge to Glazebrook - Transport Assessment Part 3](#)

Topic Area	Description of Issue/ Concern
	<ul style="list-style-type: none"> ○ Between 1,300 and 1,800 daily two– way car/LGV trips ○ Between 1,100 and 1,300 daily two–way HGV trips <p>The construction period of HS2 in each of the community areas above is anticipated to be between 3 years and 9 years.</p> <p>Consequently, the impact of the prolonged cumulative impact is a key concern for the Council and one that will require a significant response, to ensure that the interests of Trafford’s residents, businesses and environment are identified and protected and/or mitigated wherever possible.</p>
Waste and Material Resources	<p>There are six Mineral Safeguarding Areas (MSAs) for sand and gravel in the study area, three of which are crossed by the Proposed Scheme. Concerns around the appropriateness of using a 'Medium Sensitivity' value for all MSAs when the need and demand of different minerals will not be the same. There is currently for instance, a regional shortage in sand and gravel supplies in the North-West of England.</p>
Water Resource and Flood Risk	<p>Concerns around the potential for flooding issues around Timperley Brook and other areas in MA06 will be exacerbated by the construction and operation of HS2.</p> <p>Limited assessment on the route wide effects on water quality for ordinary watercourses. Further assessment will be required at a later stage to demonstrate how this has been considered.</p> <p>There are several locations where invert syphons are proposed. Consideration into fish migration has not been given in these locations, and the introduction of these will inhibit fish passage. This must be addressed in the detailed design.</p> <p>The surface water assessment has not been fully considered at this stage. Detailed assessment will be required to understand and manage existing flow routes of survey water as well as an assessment of new surface water risks following implementation of the Proposed Scheme.</p>
Electromagnetic Interference	<p>Desktop survey undertaken within a 50m corridor of the proposed rail line identified no potentially sensitive receptors in Community Area MA04 Broomedge to Glazebrook, while a number of potentially sensitive receptors were identified within Community Area MA06 Hulseheath to Manchester Airport.</p>
Equalities Impact Assessment	<p>Concern that groups whom Local Authorities have due regard duties to have not been sufficiently assessed within the EqIA.</p> <p>Limited information on the mechanisms to be secured for ongoing</p>

⁴ Data from the [Traffic and Transport MA06: Hulseheath to Manchester Airport – Transport Assessment Part 3 – Report 1 of 4](#)

Topic Area	Description of Issue/ Concern
	<p>equalities analysis, equality stakeholder engagement and the need to refresh the data based on Census 2021 release and revisit the disproportionate data analysis model.</p> <p>Concerns that the potential cumulative impact arising from a combination of sources has not been sufficiently assessed in the EqIA.</p> <p>Unclear how stakeholder engagement has taken place and how the PCGs may be affected.</p>

Table 2: Summary of other issues in relation to the proposed HS2 Manchester Airport Station (*Hale Barns*)

Key Issue	Description of Concern
Airport Station funding	<p>There is currently uncertainty around the funding position for the Airport Station, with government previously stating that it is subject to the agreement of a local funding contribution.</p> <p>The funding model for the Airport Station therefore requires discussion and agreement with HS2 / DfT / GM Partners with regards to a local funding contribution and /or commercial investment. Any funding decisions must consider the national interest in a manner that is fair and consistent with other UK infrastructure funding decisions.</p>
Highways Design and Operation	<p>Concern that the approach adopted to develop access to the High-Speed Station is likely to result in sub-optimal highways arrangements; particularly with regards to inadequate highway only design solution for Hale Road gyratory and impacts upon associated properties.</p> <p>A 'build it once' approach should be adopted which takes account of HS2 / NPR demand and also accounts for overall development and network growth, including key development sites in the area such as Timperley Wedge.</p>
Urban integration	<p>The HS2 Airport Station is located adjacent to the proposed PfE Timperley Wedge allocation for approximately 2,500 homes and 60,000 sqm office floorspace in total. Critical to the future success of this area will be the integration of the HS2 Station with the development at Timperley Wedge, which will be a new 'place' in South Manchester with excellent sustainable transport connections and a new local centre.</p> <p>There are a number of integration challenges in the Airport Station area, including changing ground levels and ensuring transport infrastructure is designed in a way that complements the 'place', rather than creating movement barriers.</p>
Construction Planning	<p>Concern about the impacts of construction traffic on strategic routes (M56, Junctions 5 & 6) and local highways.</p> <p>To date GM partners believe that insufficient emphasis has been put on the use of alternative options for removing spoil from the cutting and tunnel construction.</p>

Additional Measures Likely to be Sought within the Petition

6.5 Consequently, and arising from the issues and concerns outlined in tables 1 and 2 it is envisaged a petition against the hybrid Bill will be prepared, to include and address the following:

- The design of the Airport Station and integration into the future urban area of the proposed PfE Timperley Wedge, particularly the challenges relating to the changing ground levels to the west of the station.
- The landscape and visual impact of the Airport Station – particularly regarding shallow vs deep cutting options.
- The prolonged and permanent landscape and visual impact of the proposed Golborne Link and viaduct.
- An inappropriate design for highways access to the Manchester Airport Station at Junctions 5 and 6 of the M56, which does not take into account future demand from NPR services, planned development, Airport growth or encourage active travel.
- Inadequate highway only design solution for Hale Road gyratory and impacts upon associated properties.
- Funding for the Airport Station.
- Inadequate integration of, and powers for, Metrolink at both Manchester Airport and Manchester Piccadilly.
- The need for HS2 to be constructed and operated in as low carbon way as possible.
- Additional mitigation and protection measures for residents and businesses from the likely sound, noise and vibration effects arising from the construction and operational phases of HS2.
- Additional mitigation and protection measures for residents and businesses from the level of construction traffic envisaged and the associated impacts on the local road network and air quality across the borough.
- The need for consideration of measures to enable materials to be removed using rail at Manchester Airport.
- The levels of environmental mitigation, which will be set out in more detail in Trafford's consultation response on the hybrid Bill's Environmental Statement.
- Sufficient financial resources for the Council to manage the construction and operational impacts of the scheme
- Advanced planting and landscape mitigation measures to minimise impact of the scheme, allowing sufficient establishment of vegetation and habitats prior to construction and/or operation taking place
- Any other such avoidance, mitigation and/or compensation measures commensurate with the likely impacts and affects arising from the Proposed Scheme

7.0 Next Steps

- 7.1 Parliament is expected to publish timescales for the stages of the hybrid Bill, however it is currently understood that those petitioning the hybrid Bill may be able to do so during late May/early June 2022. The government is aiming for the hybrid Bill to receive Royal Assent after November 2024 with construction commencing from 2027 onwards. Phase 2b of the HS2 railway is expected to be open between 2036 and 2041 – depending on the timeframes for the hybrid Bill, construction and testing.
- 7.2 Table 3 sets out the anticipated high-level timetable based on the latest information available.

Table 3: HS2 Phase 2b hybrid Bill programme (estimated dates)

Key Activities	Timelines
hybrid Bill deposit (including Environmental Statement)	24 th January 2022
Environmental Statement Consultation	25 th January – 31 st March 2022
Second Reading/ Petitioning Period (inc. preparation time)	1 st April – Summer 2022
Negotiations with HS2 Ltd	Summer - Autumn 2022
Select Committee Hearings	Autumn - Winter 2022
Overall hybrid Bill parliamentary process	2022 – 2024/25
Royal Assent	Late 2024 / Early 2025
Construction	2025 – 2035
Testing and Commissioning	2035 – 2040
Operation	2040/2041

- 7.3 Trafford Council, with GM Partners, will continue to work with HS2 and DfT on the HS2 Phase 2b hybrid Bill to ensure that it delivers the maximum benefit to Trafford and GM.

Other Options

There are no reasonable alternative options. Petitioning the HS2 Phase 2b Western Leg (Crewe- Manchester) hybrid Bill is the only mechanism available for securing improvements to the proposed scheme and/or agreeing further mitigation and/or compensation measures.

Not petitioning will result in Trafford having to manage and accommodate HS2 phase 2b's construction and operation without any enhanced mitigation and/or compensation measures.

Consultation

Legally, it is the responsibility of HS2 Ltd to carry out appropriate consultation with communities and directly affected persons.

However, it is fully recognised that affected communities in the borough must be informed of the information contained on HS2 Ltd's website and the process for them to make representations to HS2. Therefore relevant information on HS2 Phase 2b Western Leg (Crewe- Manchester) will be publicised via the dedicated webpage on the Council's

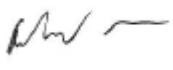
website, and through social media posts, press releases and newspaper adverts as appropriate.

Reasons for Recommendation

To ensure that Trafford's petition against the HS2 Phase 2b Western Leg (Crewe-Manchester) hybrid Bill can meet the deadlines set by government so that the interests of Trafford's residents, businesses and environment can be protected and/or mitigated wherever possible.

Finance Officer Clearance PC
Legal Officer Clearance TR

[CORPORATE] DIRECTOR'S SIGNATURE

(electronic) 

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Council
Date: 23rd March 2022
Report for: Approval
Report of: Angela Beadsworth, interim Director of HR

Report Title

Trafford Council's Pay Policy Statement for 2022/23

Summary

This paper provides Council with information relating to Trafford's pay policy for 2022/23 in line with the requirements for the Localism Act 2011.

Recommendations

To note and approve the 2022/23 Pay Policy statement as set out in the attached report as recommended by Employment Committee on 28th February 2022.

Contact person for access to background papers and further information:

Name: Angela Beadsworth
Extension: 1291

Background Papers:

The Code of Recommended Practice for Local Authorities on Data Transparency - Department for Communities and Local Government.

Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011 – Department for Communities and Local Government.

Local Government Transparency Code 2015.

Relationship to Corporate Priorities	The information provided within the report aligns with the council's Corporate Priorities.
Relationship to GM Policy or Strategy Framework	None
Financial	The report information ensures that we comply with financial regulations in respect of data transparency and accounts and audit regulations.
Legal Implications:	Compliance with all relevant employment

	legislation is a critical and a key component of this strategy to ensure that our legal governance structure is robust and can defend employment claims should the need arise.
Equality/Diversity Implications	The pay policy will ensure that we remunerate our employees fairly and with due respect to all equality policies and strategies.
Sustainability Implications	Not applicable
Carbon Reduction	Not applicable
Staffing/E-Government/Asset Management Implications	Not applicable
Risk Management Implications	Not applicable
Health & Wellbeing Implications	Not applicable
Health and Safety Implications	Not applicable

1. Background

The Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

The requirements of the Localism Act in respect of transparency about senior pay builds on the Accounts and Audit Regulations 2015 with which the Council is also compliant; published details of the Council's remuneration of its Chief Executive and Corporate Directors can be found on the Council's public website www.Trafford.gov.uk.

The Pay Policy Statement articulates the Council's own policies towards a range of issues relating to the pay of its workforce, in particular its senior staff (Chief Officers, as defined by the Local Government and Housing Act 1989) and to its lowest paid employees. The purpose of the Pay Policy Statement is to increase accountability in relation to pay.

As specified in the Act, this requirement does not extend to schools and this Statement does not therefore include employees directly employed by schools.

The statement also incorporates the Council's Gender Pay Gap (GPG) information as the Council is required to publish this on an annual basis under the GPG reporting requirements.

In summary, the Pay Policy Statement identifies:

- ❖ The method by which salaries and severance payments are determined;
- ❖ The detail and level of remuneration of the Council's most senior managers i.e. Chief Executive, Corporate Leadership Team, Service Directors;

- ❖ The committee responsible for ensuring that the Pay Policy Statement is applied consistently, the Employment Committee, which has delegated powers in relation to senior manager employment;
- ❖ The detail and level of remuneration for the lowest level of post/employee;
- ❖ The ratio of pay of the top earner and that of the median earner.

2. Recommendation

Council is recommended to note and approve the 2022/23 Pay Policy statement as detailed below.

TRAFFORD PAY POLICY STATEMENT 2022/23

1. Introduction

- 1.1 The purpose of the Pay Policy Statement is to ensure transparency and accountability with regard to the Council's approach to setting pay.
- 1.2 The Pay Policy Statement will be approved by Council and is published on the Council's website in accordance with the requirements of the Localism Act 2011.
- 1.3 The Pay Policy Statement identifies:
- The methods by which salaries of all employees are determined;
 - The detail and level of remuneration of the most senior staff i.e. Head of Paid Service, 'Chief Officers', the Monitoring Officer, and Deputy Chief Officers as defined by the relevant legislation;
 - The remuneration of its lowest paid employees;
 - The relationship between the remuneration levels of the most senior employees and that of other employees;
 - The Committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and making recommendations on any amendments to Full Council.
- 1.3 Once approved by Full Council, this policy statement will come into immediate effect and will be subject to review as a minimum on an annual basis.

2. Scope

- 2.1 The Council's Pay Policy Statement relates to employees of Trafford Council whose remuneration, including rate of pay and terms and conditions are determined by and within the control of the authority. It does not apply to the following.
- All employees working in schools.
 - Employees on secondment where their rates of pay or terms and conditions are not set by the authority.
 - Individuals employed by a third party contracted to work for the authority, i.e. agency workers.
 - Individuals employed through the authority on behalf of a third party where their rates of pay or terms and conditions are not set by the authority.
 - Volunteers or those on work experience placements.

3. Legislation Relevant to Pay and Remuneration

- 3.1. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the National Minimum Wage (Amendment) Regulations 2018, Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 3.2 The Council ensures there is no discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

4. Accountability and Decision Making

- 4.1 In accordance with the Constitution of the Council, the Employment Committee is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council.
- 4.2 Decisions relating to salary packages for new posts above £100k are subject to full Council approval. In addition, any severance arrangements agreed in line with the relevant policies that exceed £100k are subject to full Council approval.

5. Context

- 5.1 Trafford Council serves local residents, with bold ambitions, re-thinking the traditional problems faced by local authorities to respond positively to the latest challenges faced. The Council serves a population of 236,179 (ONS population estimates 2018). The Council's Refreshed Corporate Plan for 2021 to 2024 details the vision and outlines the 3 new corporate priorities: Reducing health inequalities; Supporting people out of poverty, and; Addressing our Climate Crisis - which are key to the delivery of that vision.
- 5.2 As at January 2022 the Council had an employee headcount of 2447 excluding schools, casuals and apprentices, covering 2552 positions across our 6 directorates. With 49.18% of staff being part-time and 50.82% of staff being full-time, the full time equivalent (FTE) employee figure is 1949.

6. Pay Structure

- 6.1 The Council's pay strategy must be one of balance between securing and retaining high-quality employees whilst maintaining pay equality and avoiding excessive pay rates.

- 6.2 The Council uses the nationally negotiated pay spine(s) (i.e. a defined list of salary points) as the basis for its local pay structure, which determines the salaries of the large majority of its (non-teaching) workforce together with the use of locally determined rates where these do not apply.
- 6.3 All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time further to collective bargaining.
- 6.4. In determining its grading structure and setting remuneration levels for any posts, which fall outside its scope, the Council takes account of the need to ensure value for money in respect of the use of public expenditure. However this has to be balanced against the need to recruit and retain employees who are able to provide high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
- 6.5 New appointments will normally be made at the minimum of the relevant pay scale for the grade, although from time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capability. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.
- 6.6 To meet specific operational requirements, it may be necessary for an individual to temporarily take on extra duties, which are in addition to their normal role. The Council's arrangements for authorising any additional remuneration relating to temporary additional duties are set out in the Acting-up and Additional Responsibility Payments Policy.
- 6.7 Any temporary supplement to the salary scale for the grade is approved in accordance with the Council's Market Supplement Policy.

7. Senior Management Pay Arrangements

- 7.1 For the purposes of this statement, senior management means 'Chief Officers' as defined within the Localism Act. The posts falling within the statutory definition are set out in the data published for the Local Government Transparency Code 2015 and the Accounts and Audit Regulations 2015. Within the Council Chief Officers are those on grades SM2 and SM3.
- 7.2 The Chief Executive and Chief Officers receive minimal additions to salary. The Chief Executive and Chief Officers who act as Returning Officer and Deputy Returning Officers receive fees for local and other elections as they arise from time to time. The level of these fees depends on the type of election. These are published annually in the Council's annual Statement of Accounts.

- 7.3 The Chief Officer car allowance scheme was deleted as part of the 2014/15 budget proposals along with the general essential car user scheme which was replaced by a critical car user scheme. The Chief Executive and Chief Officers do not qualify for the scheme and so do not receive critical car user allowance.
- 7.4 The Council does not pay bonuses to Senior Managers or any other employee group.
- 7.5 We will continue to consider how we can introduce more transparent performance arrangements at a senior management level. Salary progression within the range is linked to attainment of pre-determined objectives and targets as set out in the appraisal check-in process.
- 7.6 An organisation chart covering staff in the top three levels provides information on the senior salary pay structure for the Council. This is produced in line with the requirements of the Transparency Code 2015 and is on the Council's website.

8. Recruitment of Chief Officers

- 8.1 The Council's policy and procedures with regard to recruitment of Chief Officers is set out within the Council Constitution Part 4 Officer Employment procedure rules.
- 8.2 When recruiting to all posts, the Council will take full and proper account of all provisions of relevant employment law and its own Equality, Recruitment and Redeployment Policies as approved by Council.
- 8.3 Decisions relating to the remuneration of any newly appointed Chief Officer will be in accordance with relevant job evaluation methodology, market factors and recruitment policies in place at the time. For new posts, with recommended salary packages in excess of £100k, approval of Full Council is required.
- 8.4 Where the Council is unable to recruit Chief Officer posts, or there is a need for interim support to provide cover for a substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money benefits, from competition, in securing the relevant service.
- 8.5 It should be noted that when these engagements are established, the Council is not required to make either pension or national insurance contributions for such individuals.

8.6 The Council has had 1 interim appointment in place at Chief Officer level throughout 2021/22 to lead the successful delivery of Trafford's COVID-19 Outbreak Management programme and recovery planning.

9. Pension Contributions

9.1 Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee.

9.2 The rate of contribution is set by Actuaries advising the Greater Manchester Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The current rate is set at 20.4%.

10. Payments on Termination

10.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and the Local Government Pension Scheme Regulations 2007.

10.2 Any payments falling outside of these provisions or the relevant period of notice within the contract of employment, shall be subject to a formal decision made by the Employment Committee. Payments on termination in relation to the policy set out above that exceed £100k are subject to approval of Full Council.

11. Lowest Paid Employees

11.1 The lowest paid employees employed under a contract of employment with the Council are employed on full time (36.25 hours) equivalent salaries in accordance with the minimum spinal column point (scp) currently in use within the Council's grading structure.

11.2 National pay negotiations for the NJC 2021/22 pay award concluded on the 28th February 2022 and the salary for those on scp1 will increase to £18,332, which is an hourly rate of £9.70 and is therefore above the national living wage rate of £9.50 which comes into effect on 1st April.

11.3 We track the current national and local initiatives regarding low paid staff, benchmarking with our regional counterparts to ensure pay parity.

11.4 The Council employs Apprentices who receive the National Living Wage, which is based on age. The National Living Wage rates by age are detailed below.

National Living Wage rates April 2022

Age	23 plus	21 to 22	18 to 20	Under 18	Apprentice (under 19 or in first year)
Hourly rate	£9.50	£9.18	£6.83	£4.81	£4.81

12. Pay Ratio

12.1 The following information is provided to assist with understanding the ratio calculation and based on salary levels as at 2020/21.

The Chief Executive Salary level used for comparative purposes is £169,538

The lowest paid Council job has a maximum salary level of £17,842

The Median (middle) of the salary range is £24,491

12.2 The ratio of pay of the top earner i.e. Chief Executive and that of the median earner is 6.92:1 and is within the 20:1 ratio recommended by the Hutton Review. In other words for every £1 earned by the median earner the Chief Executive earns £6.92. This is the same ratio as last year.

12.3 The ratio between the lowest paid employee and average Chief Officer is 5.55:1 so for every £1 earned for the lowest paid member of staff the Chief Officer earns £5.55. This is a positive change from last year when it was £5.76.

12.4 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmarking information as appropriate. In addition, upon the annual review of this statement, it will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable Local Authorities.

13. Equality and Inclusion

13.1 Chief Officers are responsible for ensuring that they operate within the Council's Equality & Diversity in Employment Policy to provide equality of opportunity for all employees.

13.2 The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly based on age; disability; gender reassignment; race, religion or belief; sex; sexual orientation; marriage and civil partnership and pregnancy and maternity. This policy will be applied equally to all employees irrespective of their background or membership of a particular group.

- 13.3 In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULCRA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.
- 13.4 The Council will regularly review this policy's impact on any equality and diversity issues, and will identify any inequalities by monitoring and will take appropriate action where necessary.

14 Gender Pay Gap

- 14.1 2021 is the fourth year of statutory Gender Pay Gap (GPG) reporting for the public sector. Public Authorities including government departments, the armed forces, local authorities and NHS bodies and most schools with 250 employees or more, must publish and report specific figures about their gender pay gap.
- 14.2 The information which must be published is the mean gender pay gap in hourly pay, the median gender pay gap in hourly pay, the mean bonus gender pay gap, the median bonus gender pay gap: proportion of males and females receiving a bonus payment and the proportion of males and females in each pay quartile. A point to note is that Trafford Council does not have any pay bonus schemes and so we do not report on this aspect.
- 14.3 The figures are based on pay received in March 2021, and the Council will publish on the National Gender Pay Gap Reporting website before the deadline of 30th March 2022.
- 14.4 Trafford Council's overall mean pay gap is 8.14% and the median is 10.77%, both in favour of male employees. There are a number of influencing factors which are the same as in previous years.
- Our GPG is significantly affected by the gender composition of our workforce which is 76% female and 24% male.
 - We employ a lot of part time roles in Trafford (49% of posts) which attract females and evidence shows that part-time roles pay less than full time roles.
 - When part-time roles are looked at the gender pay gap is positive for women as the mean is -1.12% and the median gap is -4.02%. For full-time employees the gender pay gap is 1.47% (mean) and 8.59% (median).
 - We have some large in-house services with lower paid bands which traditionally attract more females – catering, cleaning, passenger assistants, care assistants and support workers; If we remove these groups the gap reduces to 3.43% (mean) and 8.33% (median);
 - Some services such as highways and street cleaning services that predominantly attract male workers are not employed in house; this affects our GPG as associated posts tended to be on the lower pay bands;
 - We have an ageing workforce and evidence shows that the gender pay gap widens above age 40;

14.5 The figures for 2020, as submitted in March 2021, were a mean pay gap of 9.75% and a median pay gap of 15.46%. So this year we have seen a positive change in our pay gap and particularly so in terms of the median figure. We will be exploring our gap further to consider what measures we can put in place with the aim of reducing it further.

15. Trade Unions

15.1 The Council recognises two trade unions – UNISON and GMB, for collective bargaining purposes and there are currently two full time equivalent UNISON officials in employment.

16. Publication

16.1 Upon approval by the Full Council, this statement will be published on the Council's Website.

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Executive
Date: 28th February 2022
Report for: For Decision
Report of: Monitoring Officer

Report Title

Councillor Code of Conduct

Summary

This report provides members with details on the development of a new Councillor Code of Conduct for Trafford.

This report recommends a Councillor Code of Conduct for Trafford.

In accordance with the approval process set out in the Council's constitution:

- At the meeting of the Standards Committee held on the 15th December 2021 and at a meeting of the of the Scrutiny Committee on 7 February 2022, a report recommending a new Councillor Code of Conduct for Trafford was presented. Members considered and subsequently endorsed the proposed Trafford Councillor Code of Conduct for adoption by the Council; and
- In line with the Council's constitution, the Standard Committee and Scrutiny Committee considered the proposed Councillor Code of Conduct and subsequently agreed to recommend the Trafford Councillor Code of Conduct for adoption by the Council.

Recommendation(s)

It is RECOMMENDED that Executive:

- a) Note the content of the report;
- b) Approves the Councillor Code of Conduct for Trafford; and
- c) Recommends the adoption of the Councillor Code of Conduct to the Council.

Contact person for access to background papers and further information:

Name: Dominique Sykes

Implications:

Relationship to Policy Framework/Corporate Priorities	None
Relationship to GM Policy or Strategy Framework	None
Financial	None
Legal Implications:	<i>The legal implications are set out in the report</i>
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Resource Implications e.g. Staffing / ICT / Assets	None
Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

1.0 Executive Summary

- 1.1 All councils are required to have a local Councillor Code of Conduct. The Standards Committee is responsible for monitoring the Councillor Code of Conduct and for making recommendations to Full Council on any changes to the code
- 1.2 On 22 September 2021, the Standards Committee received a report which provided information regarding the LGA the Model Code of Conduct (“Model Code”) and associated guidance document and the report contained proposals to consult with interested parties in order to progress the development of a new code of conduct for Trafford, based on the Model Code.
- 1.3 In line with LGA guidance and the proposals set out in a further report to Standards Committee dated 25 March 2021, the Council undertook steps to consult with interested parties on the proposed adoption of the Model Code.
- 1.4 This report provides Members with an update following conclusion of the consultation exercise, details how the Model Code has been amended to include feedback received and proposes a Councillor Code of Conduct for Trafford (Appendix 1).
- 1.5 In accordance with the approval process set out in the Council’s constitution:
 - At the meeting of the Standards Committee held on the 15th December 2021 and at a meeting of the of the Scrutiny Committee on 7 February 2022, a report recommending a new Councillor Code of Conduct for Trafford was presented. Members considered and subsequently endorsed the proposed Trafford Councillor Code of Conduct for adoption by the Council; and

- In line with the Council's constitution, the Standard Committee and Scrutiny Committee considered the proposed Councillor Code of Conduct and subsequently agreed to recommend the Trafford Councillor Code of Conduct for adoption by the Council.

2.0 Trafford Council's current code of conduct

- 2.1 Trafford Council's current Code of Conduct for Members was adopted by the Council on 19th September 2012 (and amended 25 November 2020). The code of conduct sets out the conduct expected of Members of the Council, both elected and co-opted.
- 2.2 At the time the Council's current Code of Conduct was developed Trafford took the lead for all GM authorities in drawing up the baseline Code of Conduct which was subsequently adopted across GM with some minor local variations.
- 2.3 The Council's current Code of Conduct was largely based on the Model Code of Conduct which was proposed by the LGA following the passing of the Localism Act in 2011.
- 2.4 The publication of the new Model Code and subsequent guidance by the LGA this year provided an excellent opportunity carry out an in-depth review of Trafford's current code of conduct.
- 2.5 A review of the Council's current code of conduct was necessary to ensure that the Council's code of conduct is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations. It was also important to ensure that the code of conduct reflects advances in technology, social media, case law and changes in legislation. In accordance with the Localism Act 2011, the Council has now reviewed its current code of conduct.

3.0 Consultation

- 3.1 Area of Best Practice 3 from the Committee of Standards in Public Life suggests that authorities in reviewing their code of conduct should, where possible, seek the views of interested parties and members.
- 3.2 In terms of a GM position, there has been a varied response to the Model Code by the Greater Manchester authorities with none of the ten authorities having adopted the model code. Three (including Trafford) are progressing towards adoption with local amendments, two are awaiting the government's response to the CSPL recommendations prior to moving forwards, and the other five authorities are either in the early stages of considering the code or are yet to consider it.
- 3.3 In November 2021, Members, Parish Councillors and Standard Committee Members were invited to consider a draft Councillor Code of Conduct and provide feedback on whether it should be adopted as drafted or provide suggestions for amendments.
- 3.4 The responses received during the consultation exercise have been incorporated in to the table below alongside the Councils response to such feedback. The table also includes a summary of the amendments suggested by the LGA in their September 2021 review of the Model Code.

<u>Relevant Section from Draft Code of Conduct</u>	<u>Suggested Amendment/Proposed Solution</u>	<u>Response</u>
7.2b - use of Council resources	I am happy with the content, but perhaps add something specific about the purdah period during elections	Code amended at 7.2 to include pre-election reference.
9.1 - Register and disclosure of interests	I think that the draft covers this well and agree with the 28 day notification period. Would be a good idea however to have an annual requirement to declare interests	An annual requirement is not necessary as there is a 28 day requirement for all new/changes to interests – which is explained in the code. The introduction of an annual requirement may be misleading. No amendments proposed.
10 - I am happy with the whole of this section 10.2 Gifts and Hospitality over £50	I think that the estimated figure of £50 or over for the declaration of gifts and hospitality is about right	The code already contains a £50 value. Drafting to remain as is - This will result in a reduction from the current limit of £100.
4. Confidentiality and access to information	Make it clear that 4 i-v apply to both section 4 A and B.	Code amended at 4.1.1 to clarify wording application.
8.2 of the Guidance (not the Draft Code)	Albeit not in the code, the guidance will be a public document. In today's society I think threatening, someone's silence or none cooperation could provide an inference of guilt in an investigation feels overbearing/wrong!	Comments noted. Given that this wording is contained in the LGA's guidance document and not in the proposed Code, there are no steps to be taken. The LGA Guidance is out of scope but the Council will feed back the comment to the LGA at the next review opportunity presented by the LGA.
8. Protecting your reputation and the reputation of Trafford Council	Feels the word 'protection' looks to deceive rather than be open and fair	This relates to the section heading prior to section 9 of the code. Wording amended to replace the word 'Protecting' with the word 'Preserving'
N/A	Include a section on Dispensations relating to declaration of Interests in line with the current Trafford Council Code of Conduct	Text added to Appendix B Paragraph 11 to confirm dispensations will be published on the Council website
<u>Amendments proposed by the LGA following and initial review of Model Code</u>		
Appendix B 7.2	The word 'authority' was missing	Already amended in draft code
Appendix B 8.2 c	Original wording c. a body included in those you need to disclose under Other Registrable Interests as set out in Table 2	Amended to - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

Appendix B 9	Original wording Where a matter <i>affects your</i> financial interest or well-being:	Removal of the word 'your' to make it clear it is any of the interests that apply.
Other Local Amendments		
Introduction	Wording has been included to link the development of the code to Best Practice recommendations and detail on those recommendations which are attached at Appendix C of the code	
Appendix B.11	Wording added to confirm that dispensations will be published on the Council's website.	

4.0 Proposed Councillor Code of Conduct

- 4.1 The proposed Councillor Code of Conduct is based on the LGA's Model Code and has been developed to include the local amendments detailed in section 3 of this report.
- 4.2 The proposed Councillor Code of Conduct is attached at Appendix 1 to the report.

5.0 Proposed Next Steps

- 5.1 If the proposed Councillor Code of Conduct is endorsed by the Executive the following steps are proposed to progress the adoption and implementation of the Councillor Code of Conduct for Trafford:
- the Councillor Code of Conduct will be submitted to Council on 23 Mar 2022 for final approval and adoption;
 - Once agreed by full Council, the Council's constitution will be amended to reflect the new Councillor Code of Conduct;
 - A training programme will be developed and delivered for all Councillors with a focus upon Executive Members and Councillors on decision making Committees receiving training before their first meetings after the new Code of Conduct is agreed by Council; and
 - Member induction training to be updated to reflect the new Code of Conduct.

6.0 Other Options

- 6.1 Retain our current Code of Conduct – but commence our own review and update any associated documents. This option is not seen as the best use of resources that the LGA has again taken a lead on this, consistent with the recommendations from the Committee for Standards in Public Life and the LGA have also indicated they will annually review the Code and provide guidance on interpretation

7.0 Reasons for Recommendation

7.1 To ensure that the final adopted Code of Conduct for Councillors is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations

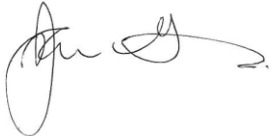
Key Decision (as defined in the Constitution): No
If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance GB

Legal Officer Clearance DS

CORPORATE DIRECTOR'S SIGNATURE

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.



TRAFFORD COUNCIL
COUNCILLOR CODE OF CONDUCT

Introduction

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role.

Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been developed in line with the Best Practice recommendations made by the Committee on Standards in Public Life in their report on the Local Government Ethical Standards (see Appendix C) and is designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of Trafford Council or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities,

economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Council encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#) (See Appendix A), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would reasonably give the impression to a member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Protocol on Member/Officer Relations.

2. Bullying, harassment and

discrimination As a

councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, Trafford Council.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature,**

4.1.1 Where information is received in accordance with (a) or (b), it shall not be disclosed unless:

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by Trafford Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or Trafford Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/the Council and may lower the public's confidence in you or the Councils ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources

and facilities As a councillor:

7.1 I do not misuse council resources and/or facilities.

7.2 I will, when using the resources and/or facilities of the local authority or authorising their use by others:

- a. **act in accordance with Trafford Council’s requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**
- c. **ensure that I am aware of restrictions around the use of Council facilities and resources and act accordingly during the pre-election period.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council’s own policies regarding their use.

8. Complying with the Code of

Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by Trafford Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not

understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

Upholding your reputation and the reputation of Trafford Council

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1 of Appendix B**, is a criminal offence under the Localism Act 2011.

10. Gifts and

hospitality As

a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

CODE OF CONDUCT APPENDICES

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or well-being of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or well-being of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a member of the public knowing all the facts would reasonably believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- 10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as an executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensations

- 11. In limited circumstances a dispensation may be granted to allow you to continue in discussions and vote on a matter provided the interest has been declared and where it is deemed to be in the public interest that you be allowed to do so. Where a dispensation is granted notice of such will be placed on the Council's website.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <ul style="list-style-type: none">) the landlord is the council; and) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>) either—</p> <p>) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>
-------------------	---

* *'director' includes a member of the committee of management of an industrial and provident society.*

* *'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <p>a) any unpaid directorships</p> <p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</p> <p>c) any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes or</p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>
--

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

TRAFFORD COUNCIL

Report to: Council
Date: 23 March 2022
Report for: Decision
Report of: Executive Member for Finance & Governance

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 Authorities.

Recommendation(s)

It is recommended that the Executive:

- **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 held on the 14 March 2022, Members considered the proposed new CPRs. In line with the Council’s constitution, Standards Committee approved the amended CPRs and recommend them to Council for adoption;**
 - **At a meeting of the Scrutiny Committee to be held on 16 March 2022, a report recommending the amended CPRs will be presented;**
 - **In line with the Council’s constitution, Scrutiny Committee will consider the amended CPRs and if approved, will recommend them for adoption by the Council; and**
- **Subject to approval from Scrutiny Committee, recommends the proposed CPRs to Council for adoption.**

Contact person for access to background papers and further information:

Name: Caroline Myers
Extension: 4292

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	None
Relationship to GM Policy or Strategy Framework	None
Financial	None – as a direct result of this report
Legal Implications:	Outlined in the report
Equality/Diversity Implications	None
Sustainability Implications	None
Resource Implications e.g. Staffing / ICT / Assets	None
Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

1.0 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 Officers 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.
- 2.3 In 2018, Tameside Council joined the STAR Procurement collaboration and subsequently adopted the harmonised CPRs.
- 2.4 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.
- 2.5 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:
 - 2.5.1 The proposed new CPRs have been agreed by the legal teams at each of the STAR Authorities;
 - 2.5.2 All STAR authorities have confirmed that they will be progressing them through their governance procedures to adopt the amended CPRs into their constitutions.
- 2.6 The CPR amendments are summarised in the report and are:
 - 2.6.1 condensed into a table of proposed amendments that are provided in Appendix 1; and
 - 2.6.2 Reflected in the text of the proposed new CPRs which are attached at Appendix 2
- 2.7 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.

- 2.8 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.
- 2.9 In accordance with the approval process for constitutional amendments as set out in the Council's constitution:
- At the meeting of the Standards Committee held on the 14 March 2022, Members considered the proposed new CPRs. In line with the Council's constitution, Standards Committee approved the amended CPRs and recommend them to Council for adoption;
 - At a meeting of the Scrutiny Committee to be held on 16 March 2022, a report recommending the amended CPRs will be presented;
 - In line with the Council's constitution, Scrutiny Committee will consider the amended CPRs and if approved, will recommend them for adoption by the Council.

3. Key Proposed CPR Amendments

3.1 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.

3.2 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.

3.3 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 to 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 they provide clear requirements which help to achieve consistent, transparent and reasonable practices and ensure 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.

4. Governance Framework

- 4.1 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.
- 4.2 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.
- 4.3 For Trafford, the CPRs has been 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
CLT	02/03/2022
Executive Briefing	08/03/2022
Standards	14/03/2022
Scrutiny	16/03/2022
Executive	21/03/2022
Council	23/03/2022

- 4.4 The proposed amendments will need to be incorporated into the Constitution of each Council.
- 4.5 STAR Procurement will undertake a programme of updating the Procurement Handbook to provide additional guidance as necessary.
- 4.6 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.

5. Other Options

5.1 There is no other viable option. The Council could retain the current set of Contract procedure Rules but this would mean that the Council's CPRs would not be harmonised with those of the other STAR Authorities and as such would need to operate differently to those STAR Authorities which would be counterproductive to the shared service objectives and inefficient. The CPRs would not also not reflect recent legislative changes and advancements in procurement practices.

6. Consultation

6.1 There are no public consultation requirements in respect of this report.

7. Reasons for Recommendation

7.1 A revised set of Contract Procedure Rules is necessary to ensure that the STAR Authorities continue to have an agreed set of harmonised CPRs in order to support STAR Procurement as a shared service vehicle; to incorporate legislative changes following the UK's exit from the European Union; and to promote efficiencies and quality across developing procurement processes.

4 Recommendations

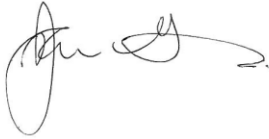
It is recommended that the Executive:

1. Notes the content of the report;
2. 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 held on the 14 March 2022, Members considered the proposed new CPRs. In line with the Council's constitution, Standards Committee approved the amended CPRs and recommend them to Council for adoption;
 - At a meeting of the Scrutiny Committee to be held on 16 March 2022, a report recommending the amended CPRs will be presented;
 - In line with the Council's constitution, Scrutiny Committee will consider the amended CPRs and if approved, will recommend them for adoption by the Council; and
3. Subject to approval from Scrutiny Committee, recommends the proposed CPRs to Council for adoption.

Finance Officer Clearance *(type in initials)*.....GB.....

Legal Officer Clearance *(type in initials)*.....DS.....

CORPORATE DIRECTOR'S SIGNATURE *(electronic)*.....

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke extending to the right.

.....
To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Report Appendices

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

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
--------------------	-----------	--------	--------------------

<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>
---	-------------------------------	--------------------	--

			<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>
--	--	--	--

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:</p> <p>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.</p> <p>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>
---	---	---	---

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: 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</p>
--	-----------------------------------	------------------------------	--

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> <p>a)the Council in compliance with these Rules; or</p> <p>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.</p>

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 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	Amended 5.54 to read as follows 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.

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: 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; the decision to award the extension may be taken by the SRO for the</p>
--	--	---	---

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.

This page is intentionally left blank

CPRs including local rules listed under Schedule One

Contents

1. Introduction	3
2. Interpretations and Definitions	4
3. Basic Principles and Responsibilities	4
4. Contracts to which these Rules do not apply	5
5. Preparation Steps	6
5.1 Governance Requirements: Approval Process	6
5.2 Appraisal of the Procurement Options	6
5.3 Framework Agreements and DPS	7
5.4 Market Research, Engagement and Consultation	7
5.5 Estimating the Total Value of a Contract	7
5.6 Standards and Award Criteria	10
6. Quotes	10
6.1 Requests for Quotes	10
6.2 Submission and Receipt of Quotes	10
6.3 Amendments to Quotes	11
6.4 Evaluation of Quotes	11
6.5 Contract Award – through a Quotation Process	11
7. Tenders	12
7.1 Invitations to Tender	12
7.3 Submission and Receipt of Tenders	13
7.4 Verifying and Opening Tenders	13
7.5 Amendments to Tenders	13
7.6 Evaluation of Tenders	13
7.7 Contract Award – through a Tender process	13

7.8	Enquiries about the Tender process.....	14
8.	Contract Provisions and Contract Formalities	14
8.1	Contract Provisions.....	14
8.2	Contract Formalities	15
8.3	Contracts under Seal.....	15
8.4	Transfer of Contracts	16
9.	Exemptions and Modifications	16
9.1	Exemptions.....	16
9.2	Procedure for Exemptions.....	17
9.3	Modifications to a Contract or Framework Agreement.....	17
9.4	Procedure for Modifications.....	19
10.	Declarations of Interest and Anti-Bribery and Corruption.....	19
11.	Contract Management	20
12.	Retaining Relevant Documents.....	20
SCHEDULE 1	22

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. proportionalityAdvice 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 value 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;

- (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
--	---

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.

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Council
Date: 23rd March 2022
Report for: Approval
Report of: The Scrutiny Committee

Report Title:

Scrutiny Review Outcomes Report

Summary:

This report provides a summary of the work undertaken by the Scrutiny Review Panel including: areas reviewed; areas of success and areas of potential improvement; and details of proposed improvements which are currently being considered by Members.

It should be noted that the scrutiny function review undertaken by the Scrutiny Review Panel and of the Centre for Governance and Scrutiny, has highlighted that Scrutiny function at Trafford is effective and that proposed changes are around process and procedure, rather than fundamental changes.

Recommendations:

That Council is requested to approve the work of the Scrutiny Review Panel, the recommended improvements in section 6 of the report.

Contact person for access to background papers and further information:

Name: John Addison
Background Papers: N/A

Relationship to Policy Framework/Corporate Priorities	The purpose of scrutiny is ultimately to improve the lives of local people through improved public services. To justify the resources allocated to scrutiny it is important to be able to demonstrate that scrutiny work adds value and makes a difference to local people. Effective scrutiny can be demonstrated if it fulfils one or more of the following conditions:
---	--

	<ul style="list-style-type: none"> • it meets the objectives set out by the scrutiny committee • feedback from the public shows that they think there has been the service improvement they desired • the work has helped to achieve corporate or partnership priorities • there is a return on investment, demonstrating scrutiny's impact and outcomes in financial terms.
Relationship to GM Policy or Strategy Framework	N/A
Financial	Note potential financial implications detailed in section 7 of the report.
Legal Implications:	<p>In accordance with the Local Government Act 2000 and Localism Act 2011, authorities are required to have a mechanism by which the Executive can be held to account via a transparent and robust scrutiny function.</p> <p>The review of the Council's scrutiny function was important to ensure that we have an effective scrutiny framework which adds value to the Council's outputs.</p>
Equality/Diversity Implications	N/A
Sustainability Implications	N/A
Carbon Reduction	N/A
Resource Implications e.g. Staffing / ICT / Assets	The resource implications are detailed in the report.
Risk Management Implications	N/A
Health & Wellbeing Implications	N/A
Health and Safety Implications	N/A

1.0 Background

In November 2018, following the submission of a report from the cross-party constitutional working group, Full Council agreed changes to the Constitution in order to increase openness, transparency and public engagement in a number

of governance areas. This work included recommendations to review the Council's Scrutiny function with a view to identifying any areas for improvement.

In July 2021 a cross party scrutiny review panel was established for the purpose of: reviewing the Council's current scrutiny arrangements; considering evidence gathered; and to make recommendations as to how the scrutiny arrangements could be improved. In addition to the internal review the Council engaged the Centre for Governance and Scrutiny to provide an external viewpoint on scrutiny in Trafford.

The review took place over the course of the 2021/22 municipal year with an intention that recommendations are made to annual Council in May 2022 to be implemented for the 2022/23 municipal year.

2.0 The Review Panel

The Review Panel consists of 11 members, including at least one representative from each of the Council's four political groups. The members of the panel are;

Councillor Acton
Councillor Chilton
Councillor D Western
Councillor Dillon
Councillor Axford
Councillor Dagnall
Councillor Hartley
Councillor Jerrome
Councillor Barclay
Councillor Blackburn
Councillor Newgrosh

3.0 Areas of success and areas of potential improvement

The first part of the review consisted of the Review Panel Members completing the Centre for Governance and Scrutiny self-assessment tool and the creation of a survey on the effectiveness of Scrutiny in Trafford for Members, Executive Members, and Officers. The feedback from this exercise highlighted areas where Scrutiny performed well and potential areas for improvement within the current process.

The potential areas for improvement identified fell into five themes detailed below:

Information – Issues were identified around the information provided to Scrutiny. This included: Scrutiny Members feeling they lacked knowledge to scrutinise topics successfully; a lack of general information on how the Council functioned and Scrutiny's role within the governance structure; and a lack of information made available to Councillors on the work and priorities of the Executive. It was also felt that there was a lack of information made available to Scrutiny from

objective external viewpoints, which made Committee's reliant upon Officer reports and views.

Communication – Issues were raised around both internal and external communications. With regards to internal communications Members and Officers reported a disconnect between Scrutiny and the other areas of Council business. Communications were also felt to be poor between the Executive and Scrutiny and vice-versa with Councillors from both groups stating that they often were unaware of the work of the other. External communication issues were identified around a lack of public engagement.

Work programming – Issues related to the current work programming of the Committee's included: Members not feeling they had opportunity to influence the work programme; Members not knowing how the agenda setting for meetings was conducted; and a lack of involvement of Executive Members and Senior Officers in the creation of the work programme.

Methodology – The feedback received showed that: there were issues around the frequency and length of meetings; there was a lack of opportunity for pre-decision scrutiny; and whilst task and finish groups were seen as a good tool for scrutiny to utilise but it was felt that there was no standardised process in place to ensure they added value. Members also felt that there was not enough accountability built within the Scrutiny function with recommendations often being made, but little or no feedback received on the impact of the recommendations.

Resources – Many of the issues raised, such as the lack of meetings, tied directly to the limited resources available to support the Scrutiny function. This was also felt with regards to the information Scrutiny received and training offered to Scrutiny Members.

4.0 Centre for Governance and Scrutiny Review

The Centre for Governance and Scrutiny conducted an in-depth review of Trafford's Scrutiny function. The review included the appraisal of Scrutiny agendas, minutes, reports, and meetings available through webcasting. In addition to this documentation the Centre for Governance and Scrutiny met with elected Members and Officers including; the Council Leader and Executive Members, Group Leaders, Scrutiny Chairs, Members of the Scrutiny Committees, the Council's Senior Leadership Team, and Officers supporting scrutiny to ascertain their views of Scrutiny and how Trafford's Scrutiny function performed.

At the beginning of the review, Members in the main were happy with Scrutiny at Trafford. They felt support by CLT, engaged by the Executive and supported by Officers.

Following the conclusion of the review the Centre for Governance and Scrutiny produced a detailed report (Appendix 1) identifying the strengths and weaknesses in Trafford's Scrutiny Function. The report contains a list of recommendations of how Scrutiny can be improved within Trafford. Ian Parry

who was the lead author presented the report, its findings, and recommendations to Trafford's Corporate Leadership Team on the 5th January and the Scrutiny Review Panel on the 17th January.

Radically changing Scrutiny was not something Members felt was required, but that scrutiny needed to continually evolve. The work of the Review Panel has focused on improving Scrutiny in the near term to deliver effective change within appropriate resources.

However, the Review Panel did consider issues such as increased Scrutiny work resulting from an augmentation in scrutiny committees, task and finish groups and collaborative working.

5.0 Outcomes

The Review Panel was pleased that the areas it considered needing improvement correlated with what the Centre for Governance and Scrutiny also identified. To aid with the creation of recommendations, suggestions from Members and CFGS have been broken down into themes for improvement and aligned as outlined in the table below.

Review panel suggestions	CFGS suggestions
Have a more strategic focus on topic selection;	A clearer focus on democratic accountability - Scrutiny of Executive Members should form a key part of the work plan, and Executive Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, we also recommend inviting the Leader to attend scrutiny on a quarterly basis to present an integrated finance and performance report.
More planning of work programme linking with the forward plan and deciding in advance which decisions will have follow up review after implementation;	
Greater involvement of Executive Members in the work programming process;	
Review panel suggestions	CFGS suggestions
Large support for pre-decision Scrutiny	More emphasis on scrutiny as a vital part of Council business and governance - With clear council-wide ownership and understanding of its important role in improving policy and holding to account.
Have a more clearly defined purpose;	
Have clear mechanisms for monitoring actions and achievements;	

Review panel suggestions	CFGS suggestions
Clearer work programming;	Review the process for developing work plans for each scrutiny committee - Engaging Members, Officers, partners and the public to prioritise the topics for review. This process should be led by Members of the Committees and could include a selection criterion to identify appropriate topics for the work plan. We would recommend bringing discussion of the work plan to the beginning of meetings, so emerging or changing priorities can benefit from considered discussion.
Look to influence rather than asking for information;	
Have more Scrutiny with focused Committees able to challenge Executive Decisions;	
Review agendas and ensure they meet corporate priorities;	
For Agenda setting to be done in advance for the year;	
Review panel suggestions	CFGS suggestions
More focused remit of Committees to enable them to drill down into areas;	Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Executive decision making. This could be achieved through holding triangulation meetings between Scrutiny Chairs, Executive Members and relevant Directors to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.
Scrutiny should be more responsive and results orientated;	
To have a document which covers all Scrutiny's processes	
Review panel suggestions	CFGS suggestions
To have more focused agendas;	Changing the way that information is provided to scrutiny Members for oversight - Cut back on the number of items coming to scrutiny solely for information, and consider how information on the following matters could be shared with councillors on a monthly basis outside of committee:
To have less presentations that are more focused.	
Need to have access to information from a wide variety of sources	
More cross working with other organisations;	

<p>Should review relationship with other groups and boards to see how they can work together to achieve their aims. For Committees to receive briefings and to be made aware of what is being considered by other Committees and Boards (e.g.: Health Scrutiny and Health and Wellbeing Board).</p>	<ol style="list-style-type: none"> 1) Performance, finance and risk information for council services and those operated by partners; 2) Information about complaints handling; 3) The schedule of key decisions; 4) Details of any major council consultation carried out and their results, and consultations proposed to be carried out; 5) Information on external oversight – data produced by the external auditor and any form of inspection to which council services might be subject.
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>Wider Membership so all Political Groups represented, perhaps as non-voting co-optees.</p>	<p>Cross-party working could be further strengthened at Trafford. There was a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared</p>
<p>More collaboration among Councillors in choosing what to Scrutinise;</p>	

<p>Scrutiny Members to expect to have extra work as part of being on the Committee;</p>	<p>goal in their committee. Members should consider what further work is necessary to address working relationships.</p>
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>Scrutiny to have a role in the Council's Public Consultation Process – Perhaps through a sub-Committee;</p>	<p>Scrutiny should explore and experiment with ways to allow greater access, openness and involvement with the public. This could include scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.</p>
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>All different types of Scrutiny should be utilised with the right style being picked depending on the topic to be scrutinised.</p>	<p>Consider extending the use of task and finish group work – or alternative scrutiny arrangements – To ensure the</p>

<p>The amount of time required by Members for Task and Finish work is clear from the outset;</p>	<p>most effective use of time and resources and to deliver maximum impact.</p>
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>To have records of issues discussed to be held along with a brief summary of;</p> <ul style="list-style-type: none"> a) who proposed each topic for consideration b) evidence for and speakers heard c) decision to proceed or not briefly justified d) who was the report presented to and what was the immediate outcome e) some test cases returned to and reviewed to consider short term and long-term impact 	<p>Reviewing how the recommendations are made and how impact is measured – This could include putting a ‘recommendations monitoring report’ at the beginning of agendas to orientate scrutiny towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Executive as improvement or challenge proposals.</p>
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>Provide improved training for members;</p>	<p>Consider mandatory scrutiny development and training for all committee members - To develop a common understanding of what “good” scrutiny practice looks like.</p>
<p>Review panel suggestions</p>	<p>CFGS suggestions</p>
<p>Handbook for Scrutiny Members to give them a good basic level of understanding of how the Council operates;</p>	<p>Providing additional briefing or expert involvement as required - To assist scrutiny members in becoming more capable to develop questioning strategies that will deliver high impact and value-adding scrutiny.</p>

Review panel suggestions	CFGS suggestions
Meet more often but have shorter meetings;	Cross-party pre-meetings for scrutiny committees should be established - With a specific focus on identifying priorities and Members working together to develop lines of enquiry so that recommendations are more likely.
Conducting deep dives into fewer areas rather than shallow review of many topics;	
Review panel suggestions	CFGS suggestions
More specialised officer support;	That additional dedicated, specialist officer support would provide greater capacity for scrutiny to develop and would recommend that this is considered further. Our view is that scrutiny could grow and deliver greater value if this specialist scrutiny support was available. An officer with specific knowledge and experience could be a real advantage.
Have additional resources so officers can provide stronger support to Scrutiny Members;	
Review panel suggestions	CFGS suggestions
More Training for Scrutiny Members	More skills development support is offered for the key roles of Chair and Vice-Chair.
Review panel suggestions	CFGS suggestions
	A review of the current approach to financial scrutiny, MTFS/ budget scrutiny and the scrutiny of commercial arrangements. We have produced guidance on financial scrutiny with CIPFA1, setting out scrutiny activity to complement the Council's annual financial cycle. The guide suggests ways to move budget and finance

	scrutiny beyond set-piece scrutiny 'events and quarterly financial performance scorecards being reported to committee.
--	--

6.0 Recommendation to improve Scrutiny at Trafford

The following table: lists recommendations to address the areas for improvement identified in the table above; links to the themes Members felt required attention; and provides an outline for when changes should be made.

Recommendation to improve	Theme area of improvement	When
That the Leader be invited to the first meeting of the main Scrutiny Committee at the beginning of each municipal year.	<ul style="list-style-type: none"> • Information • Communication • Work programming 	Municipal Year 2022-23
<p>That an informal meeting between each Scrutiny Committee and the relevant Executive Members take place between Annual Council and 10 days before the first meeting of the respective Scrutiny meeting to:</p> <ul style="list-style-type: none"> • Speak to the Executive Member(s) and Officers about their priorities for the coming municipal year, • Discuss the current Forward Plan and Council Risk Register, • Provide details of any major Council consultation to be carried out and their results, as well as consultations proposed to be carried out; <p>Hear any suggestions for topics from the Executive and Officers.</p>	<ul style="list-style-type: none"> • Information • Communication • Work programming • Methodology 	Municipal Year 2022-23
That the relevant Executive Members be given a standing invite to each Scrutiny Meeting to either seek Scrutiny views on a matter or raise areas of potential scrutiny.	<ul style="list-style-type: none"> • Information • Communication • Work programming • Methodology 	Municipal Year 2022-23
That each Scrutiny Committee select between 3 and 5 work programme items per municipal year	<ul style="list-style-type: none"> • Communication 	Municipal Year 2022-23

<p>depending on resources required for each topic from the selection form/criteria.</p> <p>This will be done at the start of the municipal year (before late July). With additional space available within the work programme to handle hot topics that arise during the course of the year.</p>	<ul style="list-style-type: none"> • Work programming • Methodology 	
<p>Each topic suggestion for inclusion on a committee's work Programme is to be considered against a topic selection form/criteria (Example attached as Appendix 2), with the results presented to the Chair and Vice Chair for sign off.</p>	<ul style="list-style-type: none"> • Communication • Work programming • Methodology 	Municipal Year 2022-23
<p>That each topic selected for Scrutiny will have a topic resource identifier form filled in. This form will outline the terms of reference for the topic, identify what resource/method of scrutiny is required and key stake holders etc.</p>	<ul style="list-style-type: none"> • Communication • Work programming • Methodology 	Municipal Year 2022-23.
<p>That Scrutiny will work with the Executive Members and Officers at the start of the municipal year to identify areas for improvement or where Scrutiny can add value through pre-decision Scrutiny.</p>	<ul style="list-style-type: none"> • Communication • Work programming • Methodology 	Municipal Year 2022-23
<p>That a report should be provided to CLT and the Executive once scrutiny work programmes have been agreed at the start of each municipal year, highlighting a timeframe for items, and any resources/assistance required from the wider council to assist Scrutiny.</p>	<ul style="list-style-type: none"> • Communication • Work programming 	Municipal Year 2022-23
<p>That Scrutiny topics relevant to each portfolio should be tracked by DMT's.</p>	<ul style="list-style-type: none"> • Communication • Work programming 	Municipal Year 2022-23
<p>That all topics/work programme items proposed for scrutiny are to have a clear purpose and not to just seek information or receive an update. But be based on community concern, known issues or improvement required. (These will be in the topic selection form/Criteria)</p>	<ul style="list-style-type: none"> • Work programming • Methodology 	Municipal Year 2022-23

<p>That relevant Officers and/or Executive Members be invited to Agenda setting meetings to discuss with the Chair and Vice Chair requests for information and how it will be presented to the Scrutiny Committee.</p> <p>Agenda setting meetings for Scrutiny Meetings should be set at the start of the municipal year and shared with relevant partners if they will be required to attend.</p>	<ul style="list-style-type: none"> • Communication • Work programming 	<p>Municipal Year 2022-23</p>
<p>That at the conclusion of a scrutiny topic, recommendations are submitted to the Executive in a reasonable time period (not to wait to the end of the municipal year) and;</p> <p>At the time recommendations are submitted to the Executive, a date when the Committee wishes to receive a response by should also be included. This should be no more than 6 months after being considered by the Executive.</p>	<ul style="list-style-type: none"> • Communication • Methodology 	<p>Municipal Year 2022-23</p>
<p>That at the conclusion of the municipal year but before purdah (if applicable that year), a Scrutiny Review will be held by the Chair of the main Scrutiny Committee and the Statutory Scrutiny Officer. This review will be held in the evening and open to all Members and Chief Officers, to review the effectiveness of the scrutiny year, highlight its achievements/good practices, success of recommendations and consider areas for continued improvement.</p> <p>This meeting will be included on the Committee timetable agreed by Annual Council.</p>	<ul style="list-style-type: none"> • Communication • Methodology 	<p>Municipal Year 2022-23</p>
<p>That a Scrutiny Toolkit be written and provided to all Members and Chief officers that outlines the role, remit and powers of Scrutiny.</p>	<ul style="list-style-type: none"> • Information • Communication • Work programming • Methodology • Resources 	<p>Municipal Year 2023-24</p>

That the Council's website for Scrutiny be refreshed, encourage public participation and that it updates monthly with an overview of the work the Committees are undertaking and progress that is being made. Also, greater use of the Council's social media to obtain resident input and communicating the progress and impact of scrutiny work.	<ul style="list-style-type: none"> • Information • Communication • Work programming • Methodology 	Late Summer 2022.
That all Scrutiny Committees have political representation from all parties on the Council and if any Committee due to Proportionality does not, then an invitation from the relevant chair to the Group Leader be made offering a place of one non-voting Member.	<ul style="list-style-type: none"> • Methodology 	Municipal Year 2022-23.
That each topic selected for Scrutiny will have a topic resource identifier form filled in. This form will outline the terms of reference for the topic, identify what resources are required and key stakeholders etc.	<ul style="list-style-type: none"> • Communication • Work programming • Methodology 	Municipal Year 2022-23.
That each meeting of Scrutiny should have a work programme report as part of its Agenda. This report should outline the work of the committee for the municipal year, timeframes, method of scrutiny etc.	<ul style="list-style-type: none"> • Information • Communication • Work programming • Methodology 	Municipal Year 2022-23.

If the above suggestions are approved by Members, the process for Scrutiny would be as outlined in Appendix 3.

7.0 More Scrutiny and Support

The review identified that some Members were not clear on the support available to them in order to conduct Scrutiny Topics within the Council. The Governance Team currently supports the Council's Scrutiny function with two Officers offering a third of their time.

In supporting the Scrutiny function, the Governance Team currently:

- Work with the Chair and Vice Chair to manage the annual work programme;
- Provide support for Scrutiny Members, including providing advice on scrutiny in line with statutory guidance and best practice, and producing briefing papers, background materials, key lines of enquiry, arranging seminars etc.;

- Carry out and commission qualitative and quantitative research to support topics including data gathering and analysis, case studies and examples of good practice to inform the scrutiny process;
- Source external experts to contribute information to agenda items at formal meetings and to working groups;
- Support working groups, including managing the project plan; drafting terms of reference; providing advice on virtual and remote techniques to gather evidence and engage with stakeholders during the health emergency, and drafting reports in consultation with the chair;
- Promote Scrutiny across the Council and externally, including production of reports and publicity to show what has changed as a result.
- Co-ordinate and administer agenda planning meetings with the Chair, Vice Chair, Scrutiny and Senior Officers in advance of committee meetings. This will include advising Officers and partner agencies of the information required;
- Administer the committee meetings including sending out agenda papers to Councillors;
- Produce the minutes of the meeting and update the action and recommendations trackers;
- Provide governance support to working groups and conferences including arranging venues and providing administrative support.

The review identified that there is currently limited support for the scrutiny function due to limited officer resource. An increase in resources to increase officer support made available to scrutiny was recommended by both the Review Panel and the Centre for Governance and Scrutiny as being necessary to help improve the Scrutiny function within the Council.

It was identified that additional dedicated, specialist officer support would provide greater capacity for scrutiny to develop and would recommend that this is considered further. The view being that scrutiny could grow and deliver greater value if this specialist scrutiny support was available and that an officer with specific knowledge and experience could be a real advantage.

Notwithstanding the resource recommendations, it is proposed that the changes detailed in section 6 of the report would be supported by the existing resource in the Governance Team.

Both the review by Members and from the Centre for Governance and Scrutiny identified that task and finish groups at Trafford had been successful. Members recognised that more scrutiny was required, be it through more Task and Finish groups, or through the identification of more Scrutiny Committees to support the existing three meetings.

Whilst the proposed changes detailed in section 6 will be supported by existing resources within the Governance Team, those resources will need to be kept under review throughout 2022/23 to ensure that the improvements

can be successfully progressed as proposed. In accordance with the review recommendations, any additional growth or development of or support for the scrutiny function, above what is proposed in section 6, would likely result in a requirement to increase officer resource made available to support scrutiny. In such an instance, a budget to increase resource levels would need to be secured.

8.0 Evolving Scrutiny

The Review Panel will meet in the new municipal year towards the end of 2022 to consider how Scrutiny is progressing, see if the changes have made the perceived impact and if future changes to Scrutiny are required. The Review Panel will make any suggested changes to the first Annual Review of Scrutiny in 2023.

Mrs Sara Todd
Chief Executive
Trafford Council

Dear Mrs Todd,

Short Scrutiny Improvement Review – CfGS consultancy support

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of Trafford Council's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this feedback stage, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement.

Background

Trafford Council commissioned CfGS to advise and support a Member Review Panel, and Members and Officers, in the review of the Council's scrutiny function. The aim is to ensure that scrutiny is effective in delivering accountability, improving policy and decision making, and makes a quality contribution in the delivery of Council plans and overall improvement.

The Council has not undertaken a comprehensive review of its scrutiny arrangements for some time and wants to check and test that scrutiny meets the Council's high expectations of democratic accountability, and that decision-making and scrutiny is effective and impactful.

Trafford's current scrutiny arrangement consists of an overarching Scrutiny Committee, plus a Children and Young People Scrutiny Committee and a Health Scrutiny Committee.

CfGS undertook a review of these scrutiny arrangements, involving evidence gathering online through conversations with Members and Officers during November 2021. In addition, we observed recordings of scrutiny meetings and reviewed key documents on the Council's website.

CfGS met with elected Members and Officers, including the Council Leader and Executive Members, Group Leaders, Scrutiny Chairs, Members of the Scrutiny Committees, the Council's senior leadership team and officers supporting scrutiny.

The review was conducted by:

- Ian Parry – Head of Consultancy, Centre for Governance and Scrutiny
- Kate Grigg – Senior Research Officer, Centre for Governance and Scrutiny

The findings and recommendations presented in this letter are intended to advise the Council and the Member Review Panel on strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members to develop a strong and shared understanding of the role and capability of the scrutiny function.

Summary of findings

1. Scrutiny has the conditions for success

The conditions for successful scrutiny are clearly present at Trafford; there is a shared understanding from Members and Officers that good governance involves scrutiny, and when used effectively scrutiny can add value to decision-making. All of those interviewed believed that improvements are needed to make scrutiny more effective and to add greater value.

Given that Members recognise the benefits of change and improvement, this presents a good opportunity for the Council to refresh the way in which scrutiny operates. Change could aim to elevate scrutiny so that it is recognised as a strategic function and is used as a resource for corporate improvement.

Our review identified a number of positive indicators for scrutiny, most notably; the positive attitude and commitment of Members and Officers, the mature cross-party working in the scrutiny context, the overall capacity and range of experience of Members as well as the strong belief that more could be achieved. There were other positive behaviours and practices which this report will also highlight. We therefore commend the Council and its Members for their professional approach to scrutiny.

2. Officer support and organisational culture

We were assured that the Council's senior leadership team are committed to supporting scrutiny. Through our conversations, Members were very positive about the assistance they received from Officers who support scrutiny and were highly complimentary about the quality of Officer support within the Council's resource constraints.

Organisational culture was also identified as foundational in improving the quality of scrutiny, and it was noted that scrutiny mainly operated in space that was generally free from adversarial political activity and was largely collegiate. The Council's ability to effectively carry out day to day business, as well as to confidently plan for the future, rests on the strength of organisational culture. This includes but is not limited to:

- Mutual respect between Members – within the context of robust political debate and disagreement, and Members respecting Officers as professionals;
- Members and Officers understanding their mutual roles and responsibilities – in the most basic sense, that Councillors lead on strategy and overall direction, while Officers lead on delivery and implementation.

These cultural aspects above are present at Trafford, but more could be done to engage earlier with Executive members to help shape and improve through early constructive challenge. Furthermore, there is a real opportunity for Scrutiny to be better aligned with core corporate plans of the council.

We would also like to note that we felt that additional dedicated, specialist officer support would provide greater capacity for scrutiny to develop and would recommend that this is considered further. Our view is that scrutiny could grow and deliver greater value if this specialist scrutiny support was available. An officer with specific knowledge and experience could be a real advantage. We acknowledge that the ongoing review of the Governance Services' structure may offer an opportunity to explore this further.

3. Clarity on scrutiny's role and responsibilities

Scrutiny's overall role is to hold the Executive to account, to carry out policy development, contribute to improved decision-making, and channel the voice of the public. A good scrutiny function is one that provides not only effective challenge but is recognised and valued as a body that positively influences policy development.

Through our evidence gathering, Members involved in scrutiny could articulate the role that scrutiny should play in being an integral part of the council's governance structure and contributing to the council's budgetary and policy making function. However, some Members seemed to be unclear on how exactly scrutiny should be holding the Executive to account. We heard that meetings could spend a lot of time focusing on officer presentations and less time in discussion and scrutiny mode.

In practice the strategic challenge of Executive Members needs to be strengthened. Within meetings we found that scrutiny tends to focus on Officers and Officer reports - where Executive Members are involved in scrutiny meetings this can be light touch rather than an exploration of current policy, or decisions where Scrutiny can play a valuable role in shaping and improving.

Scrutiny needs to recognise its role and responsibility in holding Executive Members to account, ensuring questions are directed to the relevant portfolio holder and are linked to clear priorities. Scrutiny's success is measured by the impact it has on positively shaping and improving policy and key decisions.

The Executive and Scrutiny both want more emphasis on shaping policy, challenging and holding to account. Therefore Scrutiny will need earlier access to and involvement with the core policy and decision-making activities of the Executive. Our discussions concluded that the Leader, Executive Members and Scrutiny all recognise and agree that greater collaboration and engagement would be strongly beneficial.

We recommend:

- **A clearer focus on democratic accountability** - Scrutiny of Executive Members should form a key part of the work plan, and Executive Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, we also recommend inviting the Leader to attend scrutiny on a quarterly basis to present an integrated finance and performance report.
- **More emphasis on scrutiny as a vital part of Council business and governance** - With clear council-wide ownership and understanding of its important role in improving policy and holding to account.

4. Collaborative approach to scrutiny

Scrutiny is the forum for the evidence-based discussion about issues affecting local people where challenge is welcomed and encouraged. Members told us that they felt that politics was not a strong feature of Scrutiny, although there are instances of where politics can feature.

In any democratic institution, there will be differences of opinion and disagreement about policy and decisions - this should be accepted. However, if Scrutiny encounters become too politically charged or adversarial this can diminish mutual trust and respect and lead to defensive and negative outcomes, rather than resulting in creative and useful exchanges.

We heard that proactive engagement between Scrutiny and the Executive could be improved both before and during Scrutiny meetings.

There is also mixed level of engagement from those who sit on Scrutiny, with some Members showing minimal levels of involvement within committee meetings. Engagement, contributions and challenge from all Members of Scrutiny is essential if individuals Members wish to have an influence on shaping decisions, and if Scrutiny is to fulfil its role in being a space for cross-party inquiry. This not only requires attendance, but background preparation for the meeting.

We recommend:

- **Developing regular communication and information sharing so that Scrutiny can be a resource that can inform Executive decision making.** This could be achieved through holding triangulation meetings between Scrutiny Chairs, Executive Members and relevant Directors to consider future issues and the part which scrutiny could play in testing and shaping these forward plans. It would also present an opportunity to share and discuss opportunities to involve scrutiny as an improvement asset.
- **Cross-party working could be further strengthened at Trafford.** There was a broad agreement that all Members have a duty to uphold their responsibilities as a scrutineer, attend meetings and work towards a shared goal in their committee. Members should consider what further work is necessary to address working relationships.

5. Scrutiny's focus and workplan

There is a recognition that Scrutiny at Trafford needs to focus on more strategic issues, where it can have influence, and that Scrutiny should input into the decision-making process at an earlier stage than it does currently.

Scrutiny has a tendency to be more retrospective, rather than forward looking. It is important that scrutiny carries out reviews and assess performance, but there is a missed opportunity for it to add value to council policy and strategy through greater emphasis on the big challenges and opportunities ahead for the Borough.

The Council's corporate plan should direct Scrutiny's focus, but business does not always seem to be aligned with either the Council's overall priorities, the 3-month rolling programme of Executive decisions or with pressing performance or risks - when topics are reviewed the focus tends to be operational rather than strategic or outcome focused.

There is also an opportunity to hold the Council Leader to account for the delivery of the Council plan and integrated performance and financial position of the council. We believe this would also be welcomed by the Leader as part of his duties to the council.

Task and finish style working was cited as some of the most successful examples of scrutiny by Members, where it has selected key issues to scrutinise and to explore. These could be further improved if Scrutiny focused on making compelling, quality recommendations based on its activity.

There is also some good work by Scrutiny in advance of the budget. Through 3 structured sessions it is able to explore budget issues in greater detail. This can be further built upon for greater impact if Members are able to construct more probing and challenging lines of enquiry. This will take further pre-planning and Officer input to assist Members in building core knowledge.

Finance scrutiny also tends to spend time looking at reviewing budgets rather than future, emerging and potential future risk issues. It may need to refocus its attention on the future challenges and operating environment of the council.

Work planning is key to ensuring Scrutiny stays focussed on strategic issues where it can make an impact, whilst making the best use of time and resources. From our conversations we noted that many Members felt that they have little opportunity to influence work plans, and the way that issues are prioritised. Trafford's Scrutiny function may need to consider how it organises its work plans in a way that is led by all Members of the committees in order to have ownership over committee activity.

It is important to emphasise that work planning is an ongoing process and not just a one-off event. Whilst a workshop will help identify priorities and provide structure to work for the months ahead, there will need to be flexibility in the work plan and time set aside to regularly revisit the relevance of topics in meetings as the local context changes.

We recommend:

- **Review the process for developing work plans for each scrutiny committee -** Engaging Members, Officers, partners and the public to prioritise the topics for review. This process should be led by Members of the Committees and could include a selection criteria to identify appropriate topics for the work plan. We would recommend bringing discussion of the work plan to the beginning of meetings, so emerging or changing priorities can benefit from considered discussion.
- **A review of the current approach to financial scrutiny, MTFS/ budget scrutiny and the scrutiny of commercial arrangements.** We have produced guidance on financial scrutiny with CIPFA¹, setting out scrutiny activity to complement the Council's annual financial cycle. The guide suggests ways to move budget and finance scrutiny beyond set-piece scrutiny 'events' and quarterly financial performance scorecards being reported to committee.

6. Scrutiny committee structure and scheduling

We found no major Member concerns about the current structure of Scrutiny, although we heard comments about an additional committee. Our view is that more committees would not necessarily generate more quality output or offer additional value, although it would potentially increase activity and need for more resources.

Instead, we would like to raise the opportunity to obtain greater value from task and finish groups or alternative formats of scrutiny.

We were told about several successful examples of task and finish group work. Scrutiny could benefit from further use of task and finish groups or spotlight events where single issues of major importance to the Council or community can be considered and explored in greater detail. This can add significant impact and quality to scrutiny activity. But T&F must be clearly scoped, resourced, time-limited and with clear objectives to be useful and effective.

¹ CfGS & CIPFA (2020) 'Financial scrutiny, practice guide' - https://www.cfgs.org.uk/wp-content/uploads/Financial-scrutiny-practice-guide_proof3.pdf

Task and finish style working is often where scrutiny can do its best work by focussing on a single issue and drilling down to provide clear analysis to inform policy making. Trafford councillors get this, but in practice the scoping and delivery of task and finish can suffer from unclear objective setting and 'mission drift'.

We suggest that additional thought and planning is given to scoping, objective setting, inclusion of the Executive and timescales. Other forms of specific, single-issue scrutiny can be considered as useful to the way Trafford focuses on key issues. These can include; Spotlight Sessions (1 item scrutiny meetings) and Inquiry days (1day longer scrutiny to involve interest groups and evidence providers).

We recommend:

- **Consider extending the use of task and finish group work – or alternative scrutiny arrangements** – To ensure the most effective use of time and resources and to deliver maximum impact.

7. Scrutiny's output and impact

Overall, the general view is that Scrutiny does a good job. However when asked more specifically about Scrutiny's output and impact most Members and Officers found it difficult to point to consistent work that has made a real difference, or tracking recommendations that have been accepted and implemented.

Substantive items considered by Scrutiny committees the conclusion of the discussion did not always have an articulated outcome or recommendation. Otherwise, Scrutiny business could be seen as solely for the purpose of obtaining information or to obtain updates. The practice of reports being presented 'to note', or inviting speakers only to share information, should be avoided.

Scrutiny must be clear in its purpose and to add value no value to the issue or subject being considered. If scrutiny can't add value, then arguably the subject should not reach the agenda. As a matter of general principle, items for information or updates could be shared with Members as briefing notes outside of committee, leaving more capacity for constructive activity.

An effective scrutiny function should be able to review recommendations in 6- or 12-months' time to see that the outcomes have made a difference or added value. Improving systems to monitor the Executive's response and implementation of recommendations that have been accepted will help track scrutiny's outcomes and Councillors' perceptions on the effectiveness of work.

When members of the Executive and senior Officers are asked to attend, Scrutiny Committees would benefit from being clear about what the aims and objectives are of the session (including clarity over the content of any reports and presentations). Through our recommendation of establishing pre-meetings in the next section, this can also improve Scrutiny's impact by allowing the space to create a shared understanding and trying to discuss beforehand what recommendations the committee might make on the day, and how the Executive might respond to them.

In carrying out 'external' scrutiny work, it is important to ensure that scrutiny has a clear focus on objectives and is able to influence outcomes concerning the topic discussed.

We recommend:

- **Changing the way that information is provided to scrutiny Members for oversight -** Cut back on the number of items coming to scrutiny solely for information, and consider how information on the following matters could be shared with councillors on a monthly basis outside of committee:
 - Performance, finance and risk information for council services and those operated by partners;
 - Information about complaints handling;
 - The schedule of key decisions;
 - Details of any major council consultation carried out and their results, and consultations proposed to be carried out;
 - Information on external oversight – data produced by the external auditor and any form of inspection to which council services might be subject.

- **Reviewing how the recommendations are made and how impact is measured** – This could include putting a ‘recommendations monitoring report’ at the beginning of agendas to orientate scrutiny towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Executive as improvement or challenge proposals.

8. Chairing, member development and meeting preparation

Scrutiny’s success is dependent on the right Members, with the right capabilities and attributes, leading and managing the scrutiny function. Scrutiny Chairs have a vital task in leading the committee, ensuring that it builds and maintains strong relationships with the Executive, Officers and relevant external partners.

Chairs can also lead on setting the working culture of scrutiny, helping it to set and uphold high standards of behaviour, engagement and debate, ensuring good cross-party working. The lack of opposition Members involved in scrutiny chairing roles was raised as an issue in our evidence gathering. Although there is no single ‘right’ approach to selecting chairs - the emphasis ought to be on selecting chairs based on skill set and capability and providing ongoing training and support.

Scrutiny provides an excellent opportunity to support Members in getting an in-depth understanding of issues across the Council’s services. To get the most out of scrutiny, Members need a clear sense of what is required of them as committee Members and the work involved which allows good scrutiny to happen.

Many Members were unsure of how to achieve impactful scrutiny, some were also open about a lack of understanding about the specific areas they are asked to scrutinise. Members felt that more briefings to provide them with core knowledge, especially on more complex or technical issues would be welcome and equip them better as scrutineers.

We heard that the quality of questioning in scrutiny varies; in some instances, it is forensic and probing, but it is often more general and exploratory and sometimes superficial. Trafford is clearly committed to Member development, and training was raised by some Members who were clearly aware of the gaps in their knowledge and understanding.

From the recordings of committee meetings there is little evidence of co-ordinated questions or Members acting as a team with clear lines of inquiry. Pre-meetings could allow Members to give voice to their objectives for meetings and allow mutual motivations to be understood and questioning strategies to be agreed. It is likely that differences will remain and will in some cases

be significant, but the airing of these differences will make it easier for Members to understand where consensus is possible.

We recommend:

- **More skills development support is offered for the key roles of Chair and Vice-Chair** – To provide them with the confidence they need in leading the scrutiny function.
- **Consider mandatory scrutiny development and training for all committee members** - To develop a common understanding of what “good” scrutiny practice looks like.
- **Providing additional briefing or expert involvement as required** - To assist scrutiny members in becoming more capable to develop questioning strategies that will deliver high-impact and value-adding scrutiny.
- **Cross-party pre-meetings for scrutiny committees should be established** - With a specific focus on identifying priorities and Members working together to develop lines of enquiry so that recommendations are more likely.

9. Public engagement

Scrutiny should explore and experiment with ways to allow greater access, openness and involvement with the public. This could include scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

Thank you and acknowledgements

We would like to thank the Chairs, Members of the Scrutiny Committees, Executive Members and Officers who took part in interviews for their time, insights and open views.

Yours sincerely,

Ian Parry,
Head of Consultancy

Centre for Governance and Scrutiny | 77 Mansell Street | London | E1 8AN

Tel: 020 7543 5627 / Mob: 07831 510381 (preferred)

Visit us at www.cfgs.org.uk

Follow [@cfgscrutiny](https://twitter.com/cfgscrutiny)

CfGS is a registered charity: number 1136243

[Click here](#) to subscribe to regular news and updates from CfGS

DRAFT Trafford SCRUTINY TOPIC ASSESSMENT - SELECTION CRITERIA

1.0 Defining Scrutiny Topics

For every item on the work programme / new referral, it should be clear:

- What is the issue / activity / project under consideration?
 1. A brief outline of the matter being referred / the question being asked - What is Scrutiny being asked to do?
 2. e.g. undertake a full review of the subject? Investigate / interrogate different policy options? Be consulted on final proposals before decision making? Monitor outcomes / implementation?
- What are the reasons for / expected benefits of involving Scrutiny in this matter?
- Is there a specific deadline for this piece of work?

1.1 Topic Selection Criteria

The topic should meet at least one of the following:

- Improvements for local people likely.
- Community/Corporate priority area.
- Key issue for the public.
- Poor performing service.
- High level of dissatisfaction.

2.0 Topic Rejection Criteria

The topic should not meet any of the following:

- The issue is already being addressed / being examined elsewhere and change is imminent
- The topic would be better addressed elsewhere (and will be referred there)
- Scrutiny involvement would have limited / no impact upon outcomes
- The topic may be sub-judice or prejudicial to the Council's interest
- The topic is too broad to make a review realistic
- New legislation or guidance relating to the topic is expected within the next year
- The topic area is currently subject to inspection or has recently undergone substantial change
- Simply for information.

3.0 Scoring

Each topic is scored for Importance and Impact on a scale of 1-4 using a scoring guide. (Scoring Topic Assessment Template attached for information).

Importance – how well a topic fits with the Council’s key aims and priorities.

Impact – likely potential impact of outcomes from a scrutiny investigation of the topic in terms of community benefit.

4.0 **Scoring Guide**

Importance

- 1 Some evidence that the topic is linked to the Council’s key aims and priorities but only indirectly.
- 2 Good evidence linking topic to Council’s aims but not to Council’s current priorities.
- 3 Good evidence linking topic to Council’s key aims and priorities.
- 4 Strong evidence linking topic to Council’s key aims and priorities.

DRAFT

Impact

- 1 Minor potential benefits or benefits affecting only one ward/customer/client group
- 2 Minor potential benefits affecting two or more wards/customer/client groups or, moderate potential benefits affecting only one ward/customer/client group.
- 3 Moderate potential benefits affecting more than one ward/customer/client group, or Substantial potential benefits affecting one or more ward/customer/client group.
- 4 Substantial potential benefits community wide or for a significant proportion or section of the community.

Appendix

- 2 Scrutiny Topic Assessment Template

DRAFT



SCRUTINY TOPIC

ASSESSMENT TEMPLATE

SCRUTINY TOPIC SELECTION ASSESSMENT

TOPIC:	
SUGGESTED BY:	DATE:

STEP 1: REJECTION CRITERIA MUST NOT MEET ANY OF THESE:		STEP 2: SELECTION CRITERIA MUST MEET ONE OF THESE:	
<input type="checkbox"/> Already being addressed		<input type="checkbox"/> Improvements for local people likely	
<input type="checkbox"/> Matter subjudice or prejudicial to Council's interests		<input type="checkbox"/> Community Strategy/Corporate priority area	
<input type="checkbox"/> Specific case falling within complaints procedure		<input type="checkbox"/> Key issue for public	
<input type="checkbox"/> Individual disciplinary or grievance matter		<input type="checkbox"/> Poor performing service	
<input type="checkbox"/> Unlikely to result in improvements for local people		<input type="checkbox"/> High level of dissatisfaction	
Select	Reject	Select	Reject

STEP 3: PRIORITISE

SCORING GUIDE

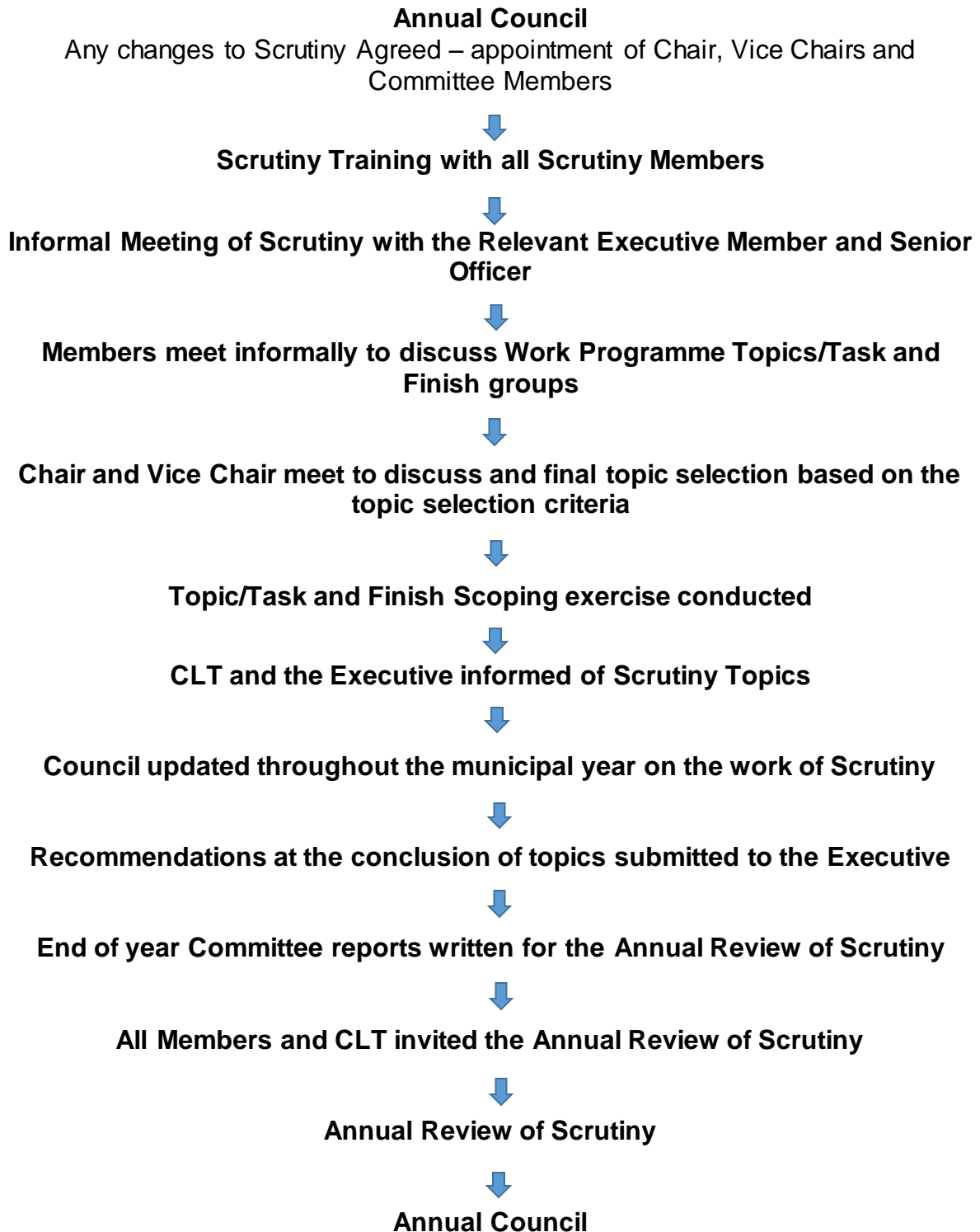
IMPORTANCE SCORE INDICATOR		IMPACT SCORE INDICATOR	
Score 0	No evidence that topic is related to the Council's key aims and priorities. Reject	Score 0	No potential benefits likely to result. Reject
1	Some evidence that topic linked to the Council's key aims and priorities but only indirectly.	1	Minor potential benefits or benefits affecting only one ward/customer/client group
2	Good evidence linking topic to Council's key aims but not to Council's current priorities	2	Minor potential benefits affecting two or more wards/customer/client groups or, Moderate potential benefits affecting one ward/customer/client group.
3	Good evidence linking topic to Council's key aims and priorities	3	Moderate potential benefits affecting more than one ward/customer/client group or, Substantial potential benefits affecting one or more ward/customer/client groups
4	Strong evidence linking topic to Council's key aims and priorities	4	Substantial potential benefits community wide or for a significant proportion or section of the community.
See attached for Council's key aims and priorities			

Outcome:
Date:

Topic priority guide			
Score 1-4	Reject topic		
Score 5-6	Possible topic for scrutiny		
Score 7-8	Priority topic for scrutiny		
Outcome:	<input type="checkbox"/> Select	<input type="checkbox"/> Reserve List	<input type="checkbox"/> Reject

DRAFT

Scrutiny Work Flow



This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Council
Date: 23 March 2022
Report for: Decision
Report of: Corporate Director of Governance and Community Strategy

Report Title

Draft Timetable of Council and Committee Meetings – 2022/23

Summary

To adopt a provisional timetable of Council and Committee meetings for the 2022/23 municipal year.

Recommendation(s)

That the provisional timetable of Council and Committee meetings for the 2022/23 municipal year be approved, as set out in Appendix 1 to this report and recommended to the Annual Meeting of the Council on 25 May 2022.

Contact person for access to background papers and further information:

Name: Ian Cockill
 Extension: 1387

Background Papers:

None

Implications

Relationship to Policy Framework/Corporate Priorities	Adoption of a timetable of meetings will enable key decisions to be programmed that will assist in the delivery of the Policy Framework and the Council’s Corporate Priorities.
Financial	There are no significant financial implications arising from this report.
Legal Implications:	In accordance with the Local Government Act 1972 (as amended), the Council is required to give public notice of meetings of the Council and its committees.
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset	None

Management Implications	
Risk Management Implications	None
Health and Safety Implications	None

1. Background

- 1.1 The current timetable of meetings expires with the Annual Meeting on 25 May 2022. Members are required, therefore, to consider a draft timetable for the following municipal year, in advance of a decision being made at the Annual Meeting of the Council in May.

2. Purpose of Report

- 2.1 To adopt a provisional timetable of Council and Committee meetings for the 2022-23 municipal year. The timetable is broadly consistent with the pattern and frequency of meetings in 2021/2022 and is set out at Appendix 1 to the report.
- 2.2 Adoption of a calendar for the next municipal year will assist with the preparation of individual committee work programmes following the local elections in May 2022. A timetable of meetings will enable Members and officers to plan accordingly and ensure that the Council's decision-making processes continue to operate on a planned basis.

3. Recommendation

- 3.1 The Council is requested to consider a provisional programme of meetings for the 2022/2023 municipal year, for recommendation to the Annual Meeting of the Council on 25 May 2022.

<u>Key:</u>	<u>Full Name & Additional Information</u>
A&A	= Accounts and Audit Committee (6.30 p.m.)
CPB	= Corporate Parenting Board (4.00 p.m. - 6.00 p.m.)
CYPS	= Children and Young Peoples Scrutiny Committee (6.30 p.m.)
Council	= Council (7.00 p.m.)
Executive	= Executive (6.30 p.m.)
Health	= Health Scrutiny Committee (6.30 p.m.)
JCP/Employ	= Joint Consultative Panel / Employment Committee (following on from JCP at 4.30 p.m.)
One Trafford	= One Trafford Partnership Board (5.00 p.m.)
Partnership (inc. HWB)	= Trafford Partnership Day (which includes Health & Wellbeing Board/Strong Communities Board/Inclusive Growth Board/Trafford Partnership Board) - 2021/22 dates to be confirmed Health & Wellbeing Board (9.30 a.m. - 12.00 p.m.) Trafford Partnership Board (1.30 p.m. - 3.30 p.m.)
Planning	= Planning & Development Management Committee (6.30 p.m.)
PP Sub	= Public Protection Sub-Committee (6.30 p.m.)
Scrutiny	= Scrutiny Committee (6.30 p.m.)
Standards	= Standards Committee (6.30 p.m.)
STAR	= STAR Joint Committee (10.00 a.m. - 11.30 a.m.)
ASR	= Annual Review of Scrutiny (6pm)
(IR)	= If Required